

U.S. Attorney in Front Trial Shares In the Acquittals

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No Criticism Could be Extended Prosecutor, Defense Boasted—Laxity of Government Gives Terrorists 'Go Ahead' Signal Now

By Lawrence Emery

Nine of 14 members of the Christian Front have been acquitted in a Brooklyn federal court of charges of "conspiring to overthrow and destroy the Government of the United States, to oppose by force of arms the authority of the United States Government, and to seize and take possession of the United States."

The jury could not agree on a verdict for the other five—and there is every indication now that the government will decide to drop further prosecution against them.

Evidence against the plotters included some 18 cans of cordite, a powerful explosive, and 3,500 rounds of rifle ammunition. This material admittedly came from a National Guard armory, via a captain of the National Guard—one of the plotters.

It was admitted on the stand by defendants that their aim was to "eradicate Jews in the United States" and to "destroy Communism."

One of the defendants confessed that he had constructed home-made bombs, and had drawn floor-plans of the Daily Worker office, which was to be blown up.

The Daily Worker office has since been bombed, yet the Christian Front plotters are freed under circumstances which are an invitation to every anti-democratic terrorist gang in the country to go full speed, ahead.

A clue to the outcome of the trial may be found in a significant remark by defense attorney Leo Healy, ex-magistrate. In summing up his case before the jury, he went out of his way to make this point: "No criticism could be extended to Harold M. Kennedy (United States Attorney in charge of the prosecution)." He vigorously praised what he called Kennedy's "fairness."

A "FRIENDLY" TRIAL

And the New York Times, reporting on the prosecution's summation to the jury, had this to say: Kennedy's address was "more in the manner of a school teacher . . . than of a prosecutor seeking a conviction."

The prosecution proceeded against the defendants weakly and without vigor because the defendants today are doing no more than follow the line laid down by the govern-

shortly after the arrests of the plotters and actively supported by the Brooklyn Tablet.

CONCEAL REAL ISSUES

The jury as finally chosen included an employee of a Wall Street brokerage firm, a certified public accountant employed by Price, Waterhouse and Co., a retired business man, an employee in the department of the Superintendent of Insurance, a departmental assistant of the National City Bank, and a representative of the Equitable Life Insurance Co.

After the jury had announced its verdict, and each of its members polled, Judge Marcus B. Campbell thanked it for its "very careful, painstaking consideration."

When the jury had been dismissed, it was revealed that the final ballot had stood eleven to one for acquittal, and that the first ballot cast had shown nine jurors in favor of acquittal of all defendants on both counts of the indictment. It was revealed that the jury, in all the five days of its deliberations, had never at any time recorded a majority for conviction on any count.

Throughout the trial the Brooklyn Tablet and other supporters of the defendants charged that the "innocent Christians" on trial were being "persecuted for their religion" and sought industriously to conceal the real issue of terrorism and violence.

This atmosphere was heightened by the fact that defense attorneys were high-priced and prominent Catholic laymen—Martin Conboy, for instance, has thrice been decorated by the Pope. The prosecution itself made little effort to overcome this studied air of religious martyrdom thrown about the defendants.

"BURIED" BY PRESS

Both the prosecution and the defense stood on the same ground in their summation to the jury.

U. S. Attorney Kennedy declared that the main case against the terrorists was that they plotted to stir up fear of an imminent "Communist revolution" and that their plans hinged upon inciting the Jews and Communists to riot.

Defense lawyers made no effort to challenge this: they gloried in it, and their "defense" was a fiery and rabid attack on "Communism." The whole thing, said Attorney Healy, was "a plot to smear and destroy the Christian Front." The defendants, he declared, were "a solid front of American citizens opposing Communism." They wound up with praise of the prosecutors.

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DW 6/26/40

The metropolitan press was a party to this studied atmosphere of friendliness created in the courtroom. Most of New York's daily papers did not "cover" the trial. The two or three that did relegated its reports to positions deep within the paper.

COUGHLIN SHELLED

Only the first "sensational" disclosures made by J. Edgar Hoover at the time of the arrests rated front page space—and it is to be recalled that in that same week Hoover had made a governmental request for a large FBI appropriation.

Even more significant than all of this is the role of Father Coughlin in relation to the Christian Front in general, to this trial in particular.

When the arrests were first announced, the radio priest had one moment of temporary terror and rushed into print to "roundly disavow" the defendants.

He quickly got over his panic, however, and the Sunday following proclaimed to the world that he took "his stand with the Christian Front."

"I do not dissociate myself from that movement," he said. "I reaffirm every word I have said in advocating its formation. I encourage the Christians of America to carry on in this crisis for the preservation of Christianity and Americanism more vigorously than ever despite the thinly veiled campaign launched by certain publicists and their controllers to vilify both the name and the principles of this pro-American, pro-Christian, anti-Communist and anti-Nazi group." He concluded his address with a call for prayers for the defendants.

Before that Coughlin had co-

sistently praised the Christian Front and its leader, John F. Cassidy, now acquitted. He carried glowing reports of the organization in Social Justice, and boasted that "hosts battle Communism in New York" at a time when the Christian Front was instigating street riots throughout the city.

He described himself as "a friend and counsellor" of the movement "whose privilege it is to address you in your homes each Sunday."

In one of these talks (July 30, 1939) he made it clear that he was speaking directly to and of the Christian Front, and demanded: "Does that mean anything to you Bolsheviks?" In that talk he said: "The Christian way is the peaceful way, until—until—until all argument having failed, all civil authority having failed, there is left no other way but the way of defending ourselves against the invaders of our spiritual and national rights—the Franco way."

"INVESTIGATIONS" DROPPED

When the arrests were made, innumerable public figures and progressive organizations demanded an investigation of Coughlin's relation to the plotters.

Attorney General Jackson announced that he was assigning his assistant O. John Rogge, head of the criminal division of the Department of Justice, to conduct a probe "of any individual, wherever located, who may have aided, abetted, directed, financed or incited these particular defendants." No more has ever been heard from that investigation.

Representative Jerry Voorhis, of the Dies Committee, rushed into print declaring that the Christian Front should be probed, even if it

led straight to Coughlin. No more has ever been heard from him or the Dies Committee on that subject.

Governor Lehman promptly announced that he was launching an investigation of the National Guard (eight of the defendants belonged to it) but no more has ever been heard of that investigation.

At the time of the arrests, it was announced that no less than 40, possibly many more, members of the New York Police Department, were members of the Front. Commissioner Valentine and Mayor LaGuardia were going to look into the matter, but no more has ever been heard of that either.

Testimony of government witnesses in the trial showed that, in addition to bombing the Daily Worker and "eradicating Jews," the defendants plotted to blast bridges, to seize power plants, telegraph and telephone networks, docks and railway terminals, the United States Custom House, the General Post Office and the Federal Reserve Bank.

John F. Cassidy was quoted as saying: "We have tried the pen and now we must try the sword."

He was likewise quoted as advocating that bombs would be used to "blow up the whole God damn police department."

He was further quoted as saying "cating going to Washington to kill twelve Congressmen in order to show that the 'Christian Front means business.'"

A government witness testified that he had been urged to steal dynamite to blow up the Daily Worker, and had been promised that police would be stationed nearby to aid him in his escape.

William Gerald Bishop was

quoted as boasting that he would blow up the Daily Worker and would easily escape without detection.

Violence and terror was their trade-mark and they made defense against it at the trial.

Instead they were painted as loyal Americans and the only active force "defending" the country from Communism.

The prosecution itself pictured them in that light.

When he was first arrested, John F. Cassidy was asked to make a statement. He shouted this: "I'll tell you what I have to say. It's this and it goes for the Christian Front. Get it right: Long Live Christ the King! Down with Communism! That's my message and get it right!"

The court got it right, the defense got it right, the prosecution got it right, the FBI got it right—and among the lot of them, the jury got it right.

The terrorists have been freed, and the signal is out to every anti-democratic terrorist band in the land; GO AHEAD!