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Mobilizers Say U. S. Conducts Illegal Inquiry

200 Coughlinites in Court
Hear Walsh Argue Anti-
Semitism Is a Local Issue

Justice Louis A. Valente reserved decision yesterday in Supreme Court on a motion by Joseph E. McWilliams, commander of the Christian Mobilizers, seeking to enjoin Attorney General Frank Murphy and John T. Cahill, United States Attorney for the Southern District of New York, from conducting an investigation here of alleged anti-Semitic groups. The motion specified Mr. Murphy by name, although he has since been nominated to become a United States Supreme Court justice.

The Christian Mobilizers, a group sympathetic to the principles advocated by the Rev. Charles E. Coughlin, Detroit radio priest, obtained a show cause order in Supreme Court last Friday in an effort to halt an inquiry into its activities which it contends Mr. Murphy ordered on Dec. 29, a day after he had announced in Washington that anti-Semitic organizations would be investigated by the Department of Justice "from coast to coast." Mr. Cahill's office has neither denied nor confirmed the receipt of such an order, and has repeatedly refused to state whether the inquiry is in progress.

Two hundred members of the Christian Mobilizers were present in the courtroom yesterday, while Frank J. Walsh, attorney for the organization, argued for nearly an hour that the Federal authorities, and Mr. Murphy in particular, had no right to attack individuals or organizations through allegations of income tax, passport or foreign agents law violations. Mr. Murphy was exceeding his authority, Mr. Walsh contended, and was assuming powers never granted his office by Congress in undertaking investigations of anti-Semitic activities.

Mr. Walsh told Justice Valente that the Christian Mobilizers organization was an "offshot" of the Christian Front movement, which grew out of Father Coughlin's activities, and was organized in June, 1939, as a group "which sought to enlighten people in certain theories of social, economic and political significance." He denied that it was anti-Semitic, asserting that its motive is purely to promote pro-Christianism.

Mr. Walsh said Mr. McWilliams and other leaders of the group had learned that the Attorney General had sent directions to Mr. Cahill to investigate the accounts and finances of the Christian Mobilizers. Mr. Cahill, he said, was instructed to institute proceedings against "certain personalities," by accusing them of violations of the income tax, passport and foreign agents laws.

He argued that even in the case of Al Capone, the Chicago racketeer, the government had no legal right to base its prosecution on income tax invasion, after the local authorities had been unable to convict Capone of other crimes. The investigation of anti-Semitic activities was a matter for local authorities, Mr. Walsh insisted, and he accused Mr. Murphy and Mr. Cahill of invading the rights of the state authorities in instituting the Federal inquiry.

Mathias Correa, Chief Assistant United States Attorney, appeared for the government to contest the jurisdiction of the state courts in such matters. He said the Christian Mobilizers were attempting to enjoin Mr. Murphy and Mr. Cahill "from performing statutory duties of their offices," and held that the state court had no right to rule on the question.