

# Biddle Issues New Warning On Seditious

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Publications Barred  
From Mails May Not  
Be Circulated at All

By Dillard Stokes  
Post Staff Writer

Attorney General Biddle said yesterday that seditious publications barred from the mails will not be allowed to circulate by truck, freight or express.

When a publication is barred from the mails under the Seditious Act, the Attorney General said the Trading with the Enemy Act forbids its circulation at all, with penalties as high as \$10,000 fine and ten years in jail for violation.

Biddle cleared up this point while the special grand jury on Axis agents started analyzing two bulky cases of documents produced by E. Perrin Schwartz, editor of *Chaffee*. E. Coughlin's weekly magazine, *Social Justice*.

## Hearing Set for Wednesday

The mails were closed to Social Justice last week, after Biddle declared that it followed the German propaganda line and was "clearly seditious." Postmaster General Frank C. Walker will determine whether the magazine is permanently outlawed after a hearing, originally set for next Wednesday, but postponed for one week at the request of counsel.

Lieut. Edward J. Hickey, jr., U. S. N., questioned Schwartz for several hours yesterday and ordered him to return to the grand jury chambers this morning. A member of the propaganda squad which smashed two rings of Nazi agents, Hickey was loaned to the Department of Justice for the Social Justice inquiry.

With Special Prosecutors William Power Maloney and John T. M. Reddan, Hickey is conducting the grand jury investigation under the command of the chief of the criminal division, Assistant Attorney General Wendell Berge.

In addition to digging into the financial support and the contro-

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of Social Justice, the grand jurors yesterday apparently turned further attention to David Baxter, leader in the secret, ~~affiliated~~ revolutionist Social Republic Society, which plans to seize control of an American revolt. Baxter and others of the "Soci" hidden leadership say that their chance will come soon, although they claim they themselves do not advocate violence.

## Four Reporters Called

Called in by Foreman John S. Gorrell and his colleagues were four newspaper reporters to whom Baxter explained his plans and his philosophy at a press conference Tuesday. They were Adele Burstein, Bill Hickey, Betsy Jager and Dillard Stokes.

The grand jury also examined Representative Clare E. Hoffman for a third time. Hoffman was first called when The Post disclosed that copies of his "Roosevelt Is a Judas" speech had been mailed in the same envelope with a seditious postcard and in the same wrapper with the "buy arms" bulletin sent by the "Soci" leaders to their followers.

Hoffman had 145,000 copies of the "Roosevelt Is a Judas" speech produced by the Government Printing

Office and sent them to people who distributed them and sold them wholesale. When first summoned he called Prosecutor Maloney a "smear artist." But yesterday Hoffman had nothing to say.

Meanwhile, two Senators issued statements concerning their indorsement of the magazine *The Cross and the Flag*, started recently by ~~Gerard L. Nye~~ Smith, once a henchman of Huey P. Long, later a collaborator of William Dudley Pelley, who is now "in jail" on a charge of sedition, and afterward the head of an isolationist "committee of one million."

## Nye Offers No Apologies

Said Senator ~~Gerard L. Nye~~ (Republican), of North Dakota, who declared Smith's first issue was "excellently done."

"I haven't any apologies to offer at all for having written these lines."

The first issue of *The Cross and the Flag* plugged Nye for Secretary of State in a new cabinet.

Said Senator Robert R. Reynolds (Democrat) of North Carolina, chairman of the Military Affairs Committee:

"He (Smith) is against communism, nazism and fascism, is

against 'union now' with Britain . . . I have no apologies to offer for indorsing the program of any individual or group standing for the things I have stood for for many years."

Reynolds did not mention *The Cross and the Flag's* slurs of Winston Churchill and President Roosevelt, or Smith's agitation to have the United States call home its fleet, to fight a defensive war, leaving the seas clear for Japanese and Nazi submarines.