

GERALD SMITH SUES OVER 'LIBEL' IN FILM

Asks \$5,000,000 Damages
From March of Time for Call-
ing Him 'Rabble Rouser'

DENIES RACE BIAS CHARGE

March 1939
Ex-Aide of Huey Long Asserts
Linking Him With Hitler
Hurt His Reputation

NY Times
The Rev. Gerald L. K. Smith, who organized the Committee of One Million to war on radicalism after Huey Long's share-the-wealth movement collapsed, asked \$5,000,000 damages yesterday for being described as a rabble-rouser and a leader of the lunatic fringe in a March of Time film.

In a complaint filed in the Supreme Court here Mr. Smith named as defendants March of Time, Inc.; Time, Inc., owner of the former corporation; Westbrook K. Van Norris, commentator; R. K. O. Radio Pictures, Inc.; Radio-Keith-Orpheum Corporation, R. K. O. Booking Corporation, R. K. O. Distributing Corporation, Roy K. Larsen, editor and director of March of Time; Jack Glenn, photographer; the Newsreel Theatres, Inc., and Rockefeller Center, Inc.

Mr. Smith complained that he was accused by a commentator's voice in the film of having been the first to introduce the fascist salute in this country and that he was associated in the newsreel with Father Divine, Harlem cult leader, as well as with Hitler and Mussolini.

Resents "Jew-Baiter" Role

He added that the defendants had manufactured, distributed and exhibited a newsreel that distorted his character and made him appear as a "Jew-baiter," a denier of religious liberties and as a person who was "insane, crazy, a crackpot, a lunatic, mentally unbalanced," and as one who was "dangerous to the political institutions of the United States of America." Shortly after the film appeared

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Mr. Smith said he was attacked as a Fascist at a Jewish war veterans' convention; the Staten Island Rotary Club canceled an invitation to have him speak at a meeting, and he suffered "substantial embarrassment, shame and annoyance by constant requests of leaders of the German Bund and various Hitlerite organizations and sponsors of Hitlerism and Jew-baiting that plaintiff support their platforms."

Mr. Smith also complained that access to a prominent hotel here was denied him after exhibition of the film. He charged also that the words emanating from the sound track were "false, libelous and defamatory." He alleged the pictures made him appear to be an uncouth person who annoyed fellow-passengers on a train and in public places.

Film Comment Is Quoted

The complaint quotes the "Voice of Time" comment in the film as follows:

"Barnstorming up and down the nation today are the self-appointed messiahs of several minorities—the so-called lunatic fringe of the United States electorate. Almost forgotten by these eager millions is the man who might have made the lunatic fringe into a real political army, the late Huey P. Long.

"Exhorting the lunatic fringe today is one of Huey Long's henchmen, who, little more than a year ago, was unknown outside the red clay parishes of Louisiana. Today this churchless clergyman is determined that Gerald Smith shall be ready, as men have been ready in other lands, when the chaos, when the communism he believes inevitable for the United States, engulfs this country.

"With Huey Long in his grave, Gerald Smith proclaims himself political and spiritual heir to the dead dictator. But in New Orleans Huey Long's newspaper denounces the political parson."

Mr. Smith declares his civil rights were violated and that he was libeled and slandered, and he asks "compensatory, exemplary, punitive and aggravated damages."

The defendants, answering the complaint, argue that Mr. Smith is a nationally known citizen and subject to news comment. They plead justification and consent by Mr. Smith to have his picture taken by March of Time. Supreme Court Justice Peter Schmuck has under advisement an application by the defense to vacate or modify notices served on them by plaintiff's counsel, who seeks to examine the defendants before trial and require them to produce their records for pre-trial inspection by the plaintiff.

Mr. Smith is represented by David P. Siegel. Counsel for the defendants are Cravath, De Gersdorff, Swaine & Wood.