

UPHOLDS SENTENCE OF RUSSIAN 'REDS'

Supreme Court Decides Against Four Who Threw Pamphlets From Rooftops.

WASHINGTON, Nov. 10.—Upholding the convictions in New York of Jacob Abrams and three other Russians for spreading radical propaganda, the Supreme Court, in a majority opinion written by Justice Clarke, declared today that the pamphlets prepared by the Russians, and scattered broadcast from rooftops in the lower east side, New York City, were "clearly an appeal to the workers to arise and put down by force the Government of the United States."

Justices Holmes and Brandeis dissented, and the former declared in a minority opinion that the circulation of the leaflets, which protested against sending American troops to Russia, was not in violation of the Espionage act. The right of the Russians to publish the pamphlets, Justice Holmes said, was as clear as was the right of the Federal Government to publish the Constitution of the United States.

The majority opinion pointed out that the Russians, who received sentences of from three to twenty years, had taken no steps toward naturalization although they had lived in this country from five to ten years.

"Four of them testified in their own behalf," said Justice Clarke, "and of these, three frankly avowed that they were 'rebels,' 'revolutionists,' 'anarchists'; that they did not believe in Government in any form, and they declared they had no interest whatever in the Government of the United States. The fourth defendant testified he was a 'Socialist' and believed in 'a proper kind of Government not capitalistic,' but in his classification the Government of the United States was 'capitalistic.'"

Declaring that it was argued "somewhat faintly" that the acts charged against the defendants were not unlawful because within the right of freedom of speech and of the press guaranteed in the Constitution, the court said this contention had been "definitely negated" in several cases previously decided by it.

Justice Holmes in his opinion said Congress could not forbid all efforts to change the mind of the country.

"I think," he said, "that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country."

Hyman Lackowsky, Hyman Rozansky and Mille Stimer were the other defendants, also from New York. Abrams and Lackowsky were sentenced to twenty years. Mille Stimer to fifteen years and Rozansky to three years.

Conviction in Philadelphia of Joseph V. Stilson and Joseph Shukys, of the Lithuanian Socialist Federation, on charges of violating the Espionage act through articles printed in *The Kova*, a Socialist newspaper, also was upheld. Justices Holmes and Brandeis also dissented in this case.