

### Sergeant Claims Major Thwarted His Escape Plans

FT. SILL, Okla. — Sgt. Marvin Talbert of Albemarle, N.C., first prosecution witness in the general court martial of Maj. Ambrose H. Nugent, testified Wednesday that the 44-year-old officer thwarted his escape plans shortly after their capture in the Korean War.

A motion to dismiss the last of 13 collaboration charges against Nugent was denied by Lt. Col. Donald L. Manes Jr., the law officer, as the third day of the Army court martial opened.

Talbert said that he met Nugent a couple of hours after he was captured on July 5, 1950. He said

Nugent identified himself to him in a building which also housed two other prisoners of war—both enlisted men.

Talbert identified these men only as "Dubois" and "King." Talbert said that a North Korean officer threatened each by putting a gun at their head but that Nugent was the only one who offered a protest.

The witness quoted Nugent as saying "No, no, no," and that he was a personnel officer and could help them out. Talbert said Nugent repeated five or six times that he had a "wife and kids."

Talbert said the plan to escape came after the four were marched up a dirt road toward another village about 35 miles south of Seoul. The North Carolina sergeant said they had been tied together for the march and that one guard was along.

He explained that the guard sometimes lagged behind because of traffic. He said he and the two other enlisted men decided to try to make a run for it after the guard dropped behind about 100 yards and was out of their sight because of a curve.

Talbert said that Nugent told them he couldn't make it. The sergeant said they told Nugent "We'll take you with us," and that Nugent replied: "If you do, I'll call the guard."



**ONE-MAN AUTO**—Carroll Lewis, 280-pound London Impresario, fills German Messerschmitt scooter built for top speed of 35 M.P.H. and gas consumption of 123 miles to gallon.

### Supreme Court Reverses Ruling

SALEM — The Oregon Supreme Court, reversing a ruling by Atty. Gen. Robert Y. Thornton, held Friday that attorneys who are members of the Legislature can represent claimants before the State Industrial Accident Commission.

The decision involves State Rep. Ben Anderson, Portland Democrat, member of a firm handling cases against the accident commission. However, it affects several other members of the Legislature, too.

The Supreme Court, whose decision was by Justice Hall S. Lusk, held that such actions are not actions against the state, because the state has no interest in the accident fund, which is set aside solely for injured workmen.

In another case, the Supreme Court held that the Coos Bay Lumber Co. is required to withhold pay deductions to finance an insurance program.

The court, in a decision by Justice George Rossman, reversed Circuit Judge Dal M. King. Justice Rossman wrote that the insurance program is required by a bargaining agreement with Local 7-116, International Woodworkers of America, CIO.

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### Communist Guilty In Test Of Law Under Smith Act

CHICAGO — Communist Claude Lightfoot was convicted Wednesday in a test of a law holding that membership in the Communist Party, while knowing its aims, is a crime.

The verdict of a jury in the widely watched, precedent-setting case was read in federal court. The 44-year-old Negro's trial was the first test of a provision of the Smith act which says mere mem-

bership in an organization knowing that it advocates violent overthrow of the U.S. government is a crime.

Lightfoot, secretary of the Communist Party of Illinois, is the first individual to be tried under the Smith act. Heretofore, prosecutions based on the act have been against groups of Communists charged with conspiracy against the government.

A defense motion for a new trial was set for hearing Feb. 15. The court also withheld a ruling until that date on a defense motion for a directed verdict of acquittal based on claims the government had failed to prove the Communists advocated overthrow of the U.S. government by violence.

The jury reached agreement late Tuesday night after deliberating about eight hours but under direction of Judge Philip L. Sullivan of U.S. District Court the verdict was sealed until the court convened Wednesday.

Chief Prosecutor James Parsons told the jury in his closing argument that the evidence provided the Communist Party advocates violent overthrow of the U.S. government and that Lightfoot, a party worker for some 20 years, sought to further that aim.

### Sheppard Case Not Closed, Says Criminal Expert

CLEVELAND — Dr. Paul L. Kirk, University of California criminologist, declared "The Sheppard case is not closed," as he prepared to return to the West Coast Wednesday after spending three days investigating the July 4 murder of Marilyn Sheppard.

He said his private investigation was "going along satisfactorily," and added:

"I found a few things." Dr. Kirk, who declined to elaborate, was hired by defense attorneys to make the investigation. He spent an hour at county jail with Dr. Samuel H. Sheppard, convicted of second-degree murder and sentenced to life in prison.

Dr. Kirk said he had conducted extensive scientific tests in the comfortable lakefront home where the 31-year-old pregnant woman was clubbed to death. Much of his work, he said, was in the Bay Village socialite's blood-spattered second floor bedroom.

### Hope Seems Dim For 17 Fliers Held In China

UNITED NATIONS, N. Y. — This week's developments regarding Formosa have dealt a blow to hopes at the United Nations for the early release of 17 Americans held in Red China.

They also have lessened chances that the Security Council can act effectively to bring about a cease-fire order in the Formosa area, or that the 60-nation General Assembly might act in the dispute.

This appraisal came from fully informed quarters who, declining to be identified, made no secret of their discouragement. They said the tasks of obtaining release of the prisoners and of trying to get a cease-fire have been made more difficult by both the United States and Red China.

Stumbling blocks were mentioned as including President Eisenhower's message, congressional action and Premier Chou En-lai's unyielding statement Monday in relation to Formosa.

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### Senator Eastland Uncertain About Continuing Probe

WASHINGTON — Sen. Eastland (D-Miss.) said Wednesday he would be "glad to listen" to any senators who want the senate internal security subcommittee to pursue an inquiry into "possible subversion" in the conduct of the Korean War.

But at this time, Eastland said, he has formed no opinion on whether the inquiry should be pressed.

Eastland is the senior Democrat on the subcommittee and is expected to become its chairman, succeeding Sen. Jenner (R-Ind.) when a pending reorganization is completed.

The subcommittee said in a report Tuesday that testimony it took from five senior military commanders in Korea showed they believed victory against the Communist forces there could have been won without starting a third world war.

The retired Army, Air Force and Navy officers believed, the subcommittee said, that "possible subversion, wishful thinking, European orientation and Allied pressure denied them victory."

The officers who testified at subcommittee hearings starting last August were Gen. Mark Clark, Lt. Gen. George E. Stratemeyer, Gen. James A. Van Fleet, Lt. Gen. Edmond Almond and Adm. Charles T. Jov.



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### House Committee Votes Approval For Memorial

SALEM — By a vote of 4 to 2, the House State and Federal Affairs Committee Wednesday recommended passage of the Republican-sponsored memorial asking Congress to build John Day Dam on the Columbia River.

The memorial asked for construction either by the government, or in partnership between the government and local agencies. A Democratic memorial calls for construction solely by the government.

Voting against the memorial were Democrats Maurine Neuberger and Walter J. Pearson, both of Portland.

Four of the five Republican members voted favorably. They were Reps. William W. Bradeen, Burns, Al Loucks, Salem; George Layman, Newberg; and Loran L. Stewart, Cottage Grove.

Rep. W. W. Chadwick, Salem, was absent. Pearson failed in an effort to strike language which said some agencies already had offered to put up funds to get the project started. Pearson said the memorial's author, Rep. Charles A. Tom, Rufus, had agreed at a previous committee hearing to its elimination.

The committee also recommended passage of bills to create a state historical board, and to set up an advisory committee for state institutions for delinquent children.

It shewed a bill to give the state a bigger share of state racing receipts, announcing that a substitute is being written at the request of the State Racing Commission.

### Blackout Decried For Movement Of U.S. 7th Fleet

(Editors Note: Forrest Edwards, a member of the Associated Press staff in Tokyo, has been with the U. S. 7th Fleet in Formosan waters. He has just arrived in Taipei, Formosa.)

By FORREST EDWARDS  
TAIPEI, Formosa — The U. S. 7th Fleet is operating in Formosan waters under a virtually complete news blackout and there is no indication of an immediate relaxation.

Despite the absence of formal censorship, Navy officials are asking correspondents to submit their copy for "security review" and possible "deletion or retention by reviewing authority."

Subject to review and so far held up are fleet components' movements, operations and plans for any eventuality in case the Tachen Islands 200 miles north of Formosa are evacuated.

The clampdown is so tight in some instances that correspondents are unable to file from ships such things as service messages to home offices, their general location and personal itineraries.

The blackout works both ways. This correspondent did not hear of President Eisenhower's message on Formosa policy until I arrived Wednesday although the message was sent to Congress Monday.

### STUDENTS INJURED

DALLAS — Two students at South Oak Cliff High School were injured when a homemade bomb exploded in the boy's washroom. A 16-year-old admitted he set it off "just for the noise."

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