Prosecution Dodged Record—Ariyoshi People Will End Smith Act—Kimoto

Statement made by Editor Koji Ariyoshi and RECORD Staff Member Jack D. Kimoto upon being sentenced last Friday by Judge Jon Wigg are here published in their entirety. A further story of the Smith Act trial is on page three. For further comment on the trial, see page eight.


RIOKAN BARRED BY U. S.

Gov. King's New HHC Appointee Is C-C Employe, Too

ayo who were being lifted in circles familiar with the Hawaii News Commission over Gov. King's appointment of Miss Ellen Chyhy, first assistant to C-C Clerk Low Shearring, to succeed Mrs. Harriet Magee on the commission.

Gov. King, it is revealed, had it known some months ago that he lacked with disfavor on the part of a large number of persons who hold responsible jobs. The comment at the time was taken as being aimed at Mrs. Magee, who is in charge of Army women's clubs in Honolulu and who was one of the first to be appointed by the same time.

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A fishing expedition" by Special Correspondent John O. Walsh Monday failed to draw out the names of those who contributed to the defense in the recent Smith Act case.

But the result of the above effort to subject such contributors to the sort of smear used against the defendants was that Attorney Myer C. Symonds refused to give any evidence on the stand at the hearing to seke a reduction of the $1,890,000 fine for which he was convicted.

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Supervisors May Have Cost Nye $800; Miller, Kum Vindicated After 5 Years

BY EDWARD ROEBOROUGH

Faulty comprehension of civil service, its functions and its purposes, by the C-C board of supervisors is seen in the creation of a new position for Henry A. Nye and an improper classification by the board of assistant, a higher grade than that Nye previously held in the department of the C-C controller.

Certain members of the board, apparently trying to do Nye favor, designated GB-1 as the classification of a new job of "deputy" to Controller Paul Keppler.

But the board exceeded its authority, Mrs. Nesta Gallas, C-C personnel director, has pointed out. The law provides that all positions, even those outside civil service, shall be classified by the civil service.

Fact-Finders "Clarity" Words In Manner To Suit Rapid Transit Co.

There are three fundamental requirements for a golfer. They are:

First—General confidence.

Second—General ego.

Third—General conceit.

If you don't think so, you should acquaint yourself with "90-90 Degree Power Swing," written by Fred Stan. General Millicent Conolly

McCarran Act Is Block To Star Of War Bride Movie

Japanese screen star Shirley Takahiko Yamaguchi, popularly known as "Rikoran," has been banned entry into the U.S. while she was

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Six Defendants Find No "Derelicts" In C-C Jail; Attitude Recalls Eugene Debs

"Derelicts," the word chosen by the Star-Bulletin to headline its story about the inmates of the C-C jail at Wailuku with whom the Smith Act defendants are confused—"derelicts"—is a word that would never occur to the six in speaking of their fellow-convicts.

So say relatives and friends of the six who have visited them since they went to jail July 4th.

Among the most friendly are two men who, according to a killing and who have been assigned from time to time to cleaning corridors. One who first got acquainted with her in jail was Mrs. Putnam who, because of

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The opinion of Justice Hugo Black supports the stay of execution of the Rosenberg case by Justice Douglas. Excerpts from Justice Black’s opinion clearly set forth that the Rosenbergs did not receive a judicial review of their case in the same manner as any other defendant and that Mr. Justice Douglas . . .

I do not believe that Government counsel or this court has had time or an adequate opportunity to investigate and decide the very serious question raised in this case, and which has been granted by Mr. Justice Douglas . . .

The following are some of the reasons why I dissented in July 1, this time upon the considered ruling of Judge Justice Douglas:

"FIRST, the Government argues that this court has power to set aside the stay granted by Mr. Justice Douglas. I think this is completely without basis, for I have no statute or rule of court which permits the full court to set aside a temporary stay entered by a justice in obedience to his state's obligations under the Constitution . . . So far as I can tell, the court's action here is unprecedented.

"... The court is not here establishing a precedent which will require it to set aside such actions of the state in every time a federal or state official has to enforce the death penalty of the defendants without affirmative proof of its constitutionality for exploration and study of serious legal questions . . ."

"SECOND, the stay of Mr. Justice Douglas was based on the submerged contumacy that there were substantial grounds to believe the death sentence was not imposed on the right of the district judge in violation of the law. I agree with Mr. Justice Douglas . . .

"Judicial haste is peculiar to a place of where the death penalty has been imposed for conduct, part of which took place in this country. I have tried my best to avoid the imposition of that death penalty by judges acting without a jury's recommendation . . ."

"THIRD, I am aware also of the arguments that Mr. Justice Douglas should not have considered and that we should not now consider the point here involved because the Rosenbergs had not been in the Army, had not been in the Navy, and had not been in the Merchant Marine. But this is not true, as the court would allow that citizens to be executed without any legal basis. The prosecution, on the other hand, would be valid.

"It is not AMISS to point out that this court has never reviewed this record and has not reached the same point of view as the trial court. Without an affirmation of the trial by the highest court of the land, there may always be questions as to whether these executions were legal and rightfully carried out. I would still grant certiorari and let this court approve or disapprove the factors of these trials."

"Execution Smears With Blood a Whole Nation"

PARIS (AP) — In a searing article written the day after the execution of Julius and Ethel Rosenberg, author Jean Paul Sartre took his readers very far. "You are collectively responsible for the death of the Rosenbergs, some for having sponsored this murder, the rest for having authorized it, or, at least, it permitted the U.S. to become the child of a new family."

Published in the newspaper Liberation June 20, the article by the well-known anti-Communist Sartre described the executions as "a tragic moment in the history of our epoch with blood a whole nation and which brings us to a new beginning and for all unques-

"The day of the Rosenberg's execution was the day that brought us to a new beginning. It was the day when France had not stood by England, it was the day when it was brought into a battlefield that so many of us had been fighting for in order to save our lives and to save humanity."

"Not Asking for Dollars . . ."

"There were the sinister bonfires of MacArthur, the bombings of the Yalu, McCarran’s camps: Each time you double-crossed Europe and Asia. And yet, your friends kept a small hope: ‘The de-

"We were not asking for your dollars, we were not asking for your support, we were simply asking for the protection of two lives, two innocent lives."

"How Can We Believe . . ."

"You have only understood the scope of this extraordinary event: Class warfare no longer existed, the oldest series were not set aside. The Rosenbergs heralded a new European unity. One word from you and you would have respect, you too, the benefi-

"You are asking too much of us, we are here to serve your interests. The world is as it is, we are here to serve your interests."

"Won’t Die for McCarthy . . ."

"When the Rosenbergs sat on the electric chair, the whole world was in favor of McCarthy."

"Do you believe we are going to die for McCarthy? Do you believe we are going to die for an American army? Do you believe we are going to die for an American president? Do you believe we are going to die for an American military?"

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"Wall St. Uneasy Over East German Unrest"

(Revised Press)

Sober second thoughts are giving way to uneasiness over East German anti-American demonstrations and tension in the East Germany. At first it was all turmoil and protests but now the tension is being replaced by the Soviet power. Now the effects on prosperity and fortunes are becoming evident.

The analysis is not altogether negative for the West. The United States is pushing for a new policy on Germany. When the United States Administration changed in Germany is now under discussion, according to Business Week, de-

"A new policy on Germany is now under discussion, according to Business Week, de-

"No one in Europe was duped.

"Speaking directly to the U.S., Sartre wrote: "Do you understand now why we have not begged you to grant them a new lease? When we asked for justice for the Rosenbergs, we were asking for justice from the grave to the grave."

"We were not asking for your dollars, we were not asking for your support, we were simply asking for the preservation of two lives, two innocent lives."

"You say you are the masters of the world; this offered you the opportunity to prove that you were masters of your own souls. But if you gave in to you common wants, you permitted the U.S. to become the child of a new family."

"The Rosenbergs have heralded a new European unity. One word from you and you would have respect, you too, the benefits of this unity. The whole of Europe would have honored you. You answered, ‘I can face with Europe. Okay. But don’t talk to us of an alliance any longer. Allies consult one another, talk matters, sit down and sign a treaty of alliance. If you answer ‘No’ then you are not going to bring us to a common understanding in no purpose, how can we believe that you will allow us to speak out when great issues will be at stake?"

"Your influence comes from our government today, our government today is not the same as it was. Your influence comes from our government today, our government today is not the same as it was. Your influence comes from our government today, our government today is not the same as it was."

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Rockwell Kent Charges Sen. McCarthy
With Conspiring To Overthrow Govt.

WASHINGTON (June 26) — The American painter and sculptor, Rockwell Kent, has charged Senator Joseph R. McCarthy (R., Wisc.) with conspiring to overthrow the United States government.

Kent told the Senate committee investigating the charges, "I charge Senator McCarthy with conspiring to overthrow the government."

"I have proof of this," Kent added.

Kent also accused Senator McCarthy of using his influence to mob the Senate chamber and prevent him from testifying.

Kent said McCarthy had "used his influence to prevent me from testifying on the charges of conspiring to overthrow the government."

The charges come as McCarthy's Senate hearings continue.

McCarthy, in response, called Kent a "liar" and a "phony." He said Kent had been "convicted of perjury and had served time in prison."

Kent, however, said he was "not a convicted perjurer." He said he had been "convicted of perjury and served time in prison."

Kent said he had been "convicted of perjury and served time in prison."

Kent added, "I have proof of this."
Six Jailed In Smith Act Recall Gone Debs

(from page 1)

Six leftist leaders of the Communist party, all members of the John L. Lewis Civil Rights Congress, were today sentenced to 10 years in the federal penitentiary here by Judge Julian Van Deusen Jr. of the U.S. District Court.

The leaders were convicted last month by a federal jury which found them guilty of violating the Smith Act by conspiring to promote the doctrine of violent overthrow of the government by force and violence.

The leaders convicted were: Lee Pressman, 36, of New York City; William D. Van Meter, 63, of Baltimore; Michael L. London, 45, of Chicago; John W. D. LaFalce, 34, of New York City; John F. Lederer, 45, of Washington; and A. S. Lawrence, 45, of New York City.

The government had argued that the leaders were guilty of sedition and treason.

The leaders appealed to the Supreme Court, but the court refused to hear the case.

The leaders were sentenced to 10 years each, on a charge of conspiracy to promote the overthrow of the government by force and violence.

Musician Has 360-Degree Swing

(from page 1)

The recent Pli-American Tournaments on July 4th and gave away lots had a total swing of 360 degrees.

According to the golfers, the boost in their scores was due to a new putting technique.

They claimed that their putting stroke had improved significantly since they started using the 360-degree technique.

This technique involves a full rotation of the body during the putting stroke, allowing for greater accuracy and distance.

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Go to Hawaii for a summer job---I’ll show you what to do.

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Prosecution Dodge-Rodded Army-Ariyoshi People Will End Smith Act-Kimoto

KOJI ARIYOSHI

KOJI ARIYOSHI: "I am at fault, it is not for the com-"
**Sports World**

By Wilfred Oka

**SPORTS TIDBITS FROM HERE AND THERE**

The Parks and Recreation Commission has plans for the future of Ala Moana Park. This is a section which is an excellent spot for swimming. Because of the present use by boat owners, the construction of a bridge or a boardwalk will be a major item unless, of course, the boats can be diverted through a channel in the inner harbor. A new footbridge and sidewalk projects have been planned for the section adjacent to Ala Moana. If this project is completed, the existing condition of the park will be improved.

**Aloha Motors, AmCan Victors In Opening of ILWU Volleyball Loop**

The Oahu ILWU Volleyball loop got under way at the ILWU Memorial Auditorium Building Monday morning with a double header.

- The first four game scores were: Aloha-Murphy Motors defeated Regionals 15-11, 16-8; AmCan Club 1-0 beat Longshoremen 15-9, 16-15, 16-19.
- The Hawaiian Pine and CFC loop 2-0 of games was postponed and will be played at a later date.
- The next game is against the ILWU court - Aloha-Murphy Motors vs. AmCan Men.

**Oahu Has 45 Auto Accidents On 4th of July Weekend**

There were two more accidents this past 4th of July weekend than on last year's 4th of total being 45 as against 43.

There were no fatalities either this year or last year on the first weekend holiday in July, and one less injured this year, the total being 20 as against 21 last year.

The whole week in the total of urban incidents was 110, one more than the week before. Total of injuries was up 15 over the total of the previous year, the figures being 51 against 36. One person was killed and one woman lost her life in an accident the week before.

Property damage was, however, $2,175 less than the week before, the total being $13,201.

The property damage claims filed against three, one more than the week before. The total claims being reported was 22 of the 110 accidents, or five more than the week before.

Thirty-one of the accidents involved service personnel, eight more than the week before.
Riffe Denies CIO Unions Plan To Join AFL; Dave Beck Makes Merger Offer

WASHINGTON (AP)-Executive Vice President John J. Riffe June 25 flatly denied newspaper reports that he is planning to leave the CIO and join AFL unions in his fields.

"We are not considering leaving the CIO unions," he said, "and have never entertained the idea of joining AFL unions in any of the unions we represent."

Riffe also denied that his partial control of CIO unions in his fields were the result of personal animosity between CIO and AFL leaders.

The denials of the CIO unions, he said, "are based on the fact that there have been no negotiations for a national AFL-CIO merger, and that the CIO has always been opposed to such a merger."

The Right To Say 'No!'

The current attack by Sen. Joe McCarthy on labor unions is "a deliberate attempt to intimidate individuals," says labor leader William Green of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

Green, speaking at a news conference in New York City, said the Senate committee's investigation of alleged subversive activities in labor unions is "a gross violation of the First Amendment freedoms of speech and association."

"This is an attempt to silence the voice of the people," he said. "It is an attempt to control the thoughts and actions of the American people."

The AFL-CIO's statement on the issue was issued at the urging of the federation's executive council, which has been disturbed by the committee's tactics.

"The Right To Say 'No!' is a basic human right," Green said. "It is a right that should be protected by the law."

A Shady Affair

Mrs. Mildred McAfee Horton, 64, of Farmington, Conn., and former first lady, has been denounced by Sen. Joseph McCarthy, R-Wisc., for allegedly assisting the Red Cross during World War II.

McAfee, who served as first lady under President Calvin Coolidge, was married to the late former President Dwight D. Eisenhower.

McAfee was presented with a bouquet of flowers by Mrs. Eisenhower at a White House tea in 1943.

"Look back at the history of the Red Cross," Mrs. Eisenhower said. "It has been a shining example of American patriotism and dedication to the cause of humanity."

Looking Backward

The constant struggle between "loyal" and "disloyal" Japanese elements continues in the United States. The government is still trying to help harvest the rice in the West, and how he and others had pushed the fight for Nisei to be allowed to join the U.S. Army.

The former sergeant general had already helped conduct against the Japanese Empire in America.

The Japanese were known as the most Supply officers. Because of his reports, he had been sent to China in to report personally to General Waiden and was commanded in the field. Promoted to General in the decorated in the field.

In Shanghai, after V-J Day, I saw the sergeant again; he was a man of great courage and a man of great energy. The use of his extra knowledge of the Japanese language and his ability to understand their culture was very useful.

Much later, in Honolulu, I heard another part of the Camp X story. An American soldier, who had been held as a prisoner of war in Japan, had told me how an AEA group here in Honolulu had heard rumors that the pro-Japanese group in Manzanar had threatened the life of the American soldier who had been held at Camp Manzanar.

The group had considered trying to get the young man out of Camp Manzanar on his own account.

"The maximum sentence imposed on any director was eight years, the average three. All of the prisoners are now free, most of them being in the book reveals much about the men's real experiences and the stories of some of the prisoners, and also of American judges."

-From a review by T. H. Rill in International Affairs, London, April 1955.
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PRIMER FOR THE S-B
July 4th, in the same edition which reported the jailing of six Smith Act de-
renants, the Star-Bulletin published a full-page spread listing American rights
that had been suspended during the war, and pointed out that the Constitution, and the
duties and responsibilities of Americans, conceived by one Sigurd Larson and Thomas Lapham,
It was a fine page, listing things like the Right of Freedom of Speech and press,
the Right of every American to Start His Own Business, the idea that Every Man
is Free to Achieve as Much as He Can, and many others.

But many of the daily's readers must have pondered over the contrast between
the laudatory list and the story of the jailing. Koji Ariyoshi and Jack Kimoto
had exercised their right to freedom of speech. Charles Fujimoto had exercised his
right (listed as No. 15 by the S-B) to Join and Belong To an Organization.

Eileen Fujimoto, who has given her services to a labor union for years, James Fujimoto, a veteran of any picket line as well as of World War II, and Jack Hall,
who didn't go in jail but who faces the same conviction, all had devoted their
energies outside the law—up to a point—towards the same—
that every man has the Right to a Fair Share of the Results of his Work and Ability.
Few have worked harder toward this end than Dr. Reischauer.

The S-B also defines responsibilities, including that of every person to obey the
laws. The Hawaiian Seven and done that so well that as the Smith Act, the Smith Act,
passed in 1940 and unused for years, had to be brought against them. And even then,
no one has ever named the specific evi-
dence that they are supposed to have
broken that law.

The Star-Bulletin's list is laudable, but every editor of the daily knows that any
time that an American fights for the fullest
realization of his civil rights, he risks persecution and prosecution and jail. The poorer
the American and the less privileged for
his lack of status, the more likely he is to
offend the law and thereby risk the risk. A
militant labor leader is certain to encoun-
ter all three. Consider, for instance, the present harassment of A. A. Rutledge, born
by the law, reminiscent of the Star-Bulletin.

They are fine rights, these American
rights guaranteed by the Constitution.
Americans have fought for them before and
will do so again. Americans have gone
to jail for them, and will go to jail again.

Americans of the laboring classes will
certainly one day fight for the fullest
realization of the right to organize, regardless of the jails—regardless of or-
gan's privilege like the Star-Bulletin.

THE VOICE OF CONSCIENCE
A June in the Smith Act trial suffered an emotional breakdown a few hours after the
return of a guilty verdict against seven defendants. The conscience-striker David P. Fuller Jr., was found by his
wife on his knees prostrated and had forthenavcnges because he had participated in a frame-up verdict. He asked his chil-
dren to keep away from him because he had lost the battle. His guilt is
crushed by the verdict the seven he believed innocent.

Trial Judge Jon Wig brushed aside
defense affidavits that set forth Fuller's
declarations to his family, a defense at-
torney and a defendant. The judge ob-
iously wanted to get on with the con-
sidering of the seven.

Affidavits radical that intimida-
RCONIALDOM
ne in the manner of the

Looking Backward

The Sergeant Didn't Change

Nine years ago looking three or four weeks, I met a Nisei sergeant in a shabby office on a hot, muggy night at the Chungking summer,
I left him because he was spending long hours of overtime at his job, and it was obvious he was being pushed beyond his
allowance for the Office of War Information, and we met because we were the only two knockin' around in the building.

In the interests between the work—of which
was directed toward soothing the U. S. government by force and
violence—the sergeant told me about his home in Hawaii. He had
tried to work out on the evils of the Kama, where he was born. He told how plantation families received so little that
they were forced to steal coffee comestibles, to make the mark
of marginal living.

The sergeant had worked on the waterfront as a longshoreman, and
told stories of the dark markets that sounded strange in war-
time Chungking. Yet the sergeant's face lit up when he talked of
the stevedores. They were his brothers throughout his thinking, I
described, maybe because among them he had learned something of
how men can strive for better wages and better conditions. The stevedores had learned something the coffee workers hadn't known—organization.

The sergeant told, too, of what concentration camps for Nisei
and alien Japanese were like. He had volunteered to go into Camp
Manzanar, I discovered, while working as a longshoreman on the
West Coast, "to see how they were treating my people.
He didn't like what he saw—aliens and citizens who had committed
no offense disenchanted and housed together like criminals, behind
barbed wire, under the constant threat of bayoneted rifles.

ORGANIZED PRO-AMERICANS

But the usual man's faith in America never flared. He told me
(more on page 5)

Frankly Speaking

BY FRANK MARSHALL DAVIS

WENT TO JAIL

Five local men and one woman went to jail
on Independence Day pending appeal after being
arrested and sentenced for conspiring to teach and
advocate the doctrine of self-determination in our
own Declaration of Independence upon which this
nation was founded.

We who are Americans need to refresh our minds on the
words contained in this historic document which says:

"Prudence, indeed, will dictate that govern-
ments long established should not be changed
for light and transient causes; and—accord-
ingly, all experience has taught, that they
are more disposed to suffer, while evils are
sufferable, than to right themselves by
abandoning forms to which they are ac-
customed.

But when a long train of abuses and
usurpations, pursuing invariably the same
and no other object, than to reduce them under
absolute despotism, it is their right, it is their
duty, to throw off such government and to provide
new guards for their future security.

That is the bedrock of America. That was
signed by patriots whose memories we all profes
to revered and preserved. It is one of the bases of
that one shred of testimony that any of the five men
and one woman had ever uttered words similar to
those we need to lay to the facts of the
Independent Day.

The trial was that on July 4 we were
placed in the cockeyed position of honoring Thom-
as Jefferson and the others who signed their names
on the Declaration of Independence while calling contemporaries
on the charge they sought to teach and advocate
idealistic and patriotic ideals.

"Startlingly confirmed"

Mr. Davis makes a take it at something else. It is
an editorial called "Wind and Whirlwind":

"The unprecedented outbreak of terror and ter-
rorism in this country is not in itself...in the fact
that there is an organization which the Depart-
ment of Justice has put under the ban, or who
expresses sympathy with the men and women,
who have been denounced, puts personal
liberty in danger if his sympathies be known.

The American is an idealist and a romantic, not
an icebox character. He believes that he is
entitled to make his life as he sees fit, and to
enjoy every sober-minded citizen knows... The
belief, startlingly confirmed only the other day
by the report of General Culver, that "terrorists" have
received their main support from the foreign
counties, that there is, in this country an
organization which the Department of Justice has put
under the ban, is a step further in that dire
situation, and the alien, are rights to be enjoyed
only by such as they sanction the acts of terrorism
and powerful business interests approves.

"We shall not safeguard liberty by ignoring it; we shall not
survive as American prestige abroad by condoning archaeological
and uncontrolled.
The only way to end dangerous dis-
lethargy is to make it clear that the Star-Bulletin's
purposes are non-violent. Unless that is done, those who today
are searching the wind will be forced back into the whirlwind."

The foregoing was not written a few weeks ago. It appeared in The Nation's January 17,
more than 33 years ago. Now rerun it. Sounds like 1953, doesn't it?

World Events

In the last weeks of World War II, we had
the infamous Panama raids and wholesale
raids by the thought police. That was the reason
for the Smith Act and the conviction of the
seven—seven American citizens who had been
and was ashamed. Then we became bigger and
smarter.

Since the end of World War II, we have
again turned to the practice of arrests and
judgments to make our country safe. We have
increased the policing, and we have more terror
shaking the land, with people afraid to speak
their minds.

In 1949 now again, you see a man with a
conscience, a man who openly resists injustice.
Such a man is David P. Fuller, a juror in
the Smith Act case, who can find no con-
science with his Oath until he tried to right the
wrong he had helped commit. So say the affidavits
filed with the court.

According to the affidavits, Fuller was afraid to
(more on page 7)