

To Free Jailed Communists

Amnesty Asked for Winston and Green, Convicted Under Smith Act

TO THE EDITOR OF THE NEW YORK TIMES:

Would it be ungrateful for me to suggest in comment on your editorial of Sept. 11 about my resignation from The Daily Worker and Communist party, that there are others in greater need than I am of "an amnesty from public opinion" and who are in a far more "difficult personal and material situation" than I am?

It was a striving for justice that impelled me and others to join the Communist party. It was a revolution against the injustices of Stalinist communism which impelled so many of us to leave. Nothing appalled me more about the Soviet Union than the suppression of "dangerous" books and ideas. Nothing made me more ashamed than learning that the trials of Trotzky, Zinoviev, Bukharin and other Bolsheviki leaders were dastardly frame-ups, as were the Rajk, Kostov and Slansky trials.

But in our own country there are men in jail whose "crime" is political association and connection with "dangerous" books and thoughts. I have in mind, especially, two old personal friends, Gilbert Green and Henry Winston. (I do not wish to infer that they are sympathetic to my present views.) Both are serving five-year sentences under the Smith Act and, additionally, three-year sentences for contempt of court.

Acts of Violence Denied

Both Green and Winston were convicted for teaching and advocating the need for violent overthrow of the Government. But the record of their trial, and of all other Smith Act trials, will show no connection with any deeds of violence or of any appeals for violent overthrow. "Dangerous" books by Marx, Lenin and others were brought in evidence against Winston and Green. Their three-year contempt sentences were imposed for failing to appear in court to begin serving their Smith Act terms. The Supreme Court is now considering this issue. But it rarely have actual criminals sentenced for contempt received such harsh terms; usually there is a one-year maximum.

Recent court rulings give ground for confidence that Justice Hugo Black was right when he said in his dissent in the case involving Green and Winston that the time will come when passions subside and the whole of the Smith Act will be repudiated because it violates the First Amendment.

Meanwhile it could only help our country if Winston and Green received amnesty not only from public opinion—I don't think the public has been given the facts in their case—but amnesty from those who can open prison doors and allow them to rejoin their families.

JOSEPH CLARK.

New York, Sept. 11, 1957.