

Counsel Begin Final Arguments in Trial Of Bioff, Browne

Month-Long Testimony Ends in Case Involving Movie Extortion Charge

NEW YORK, Nov. 5.—Testimony was completed today in the month-long trial of George E. Bioff and William Browne, theatrical labor leaders accused by the Government of extorting \$550,000 from major motion-picture producers on threat of shutting down theaters all over the country.

Defense Attorney George M. Breslin immediately began summing up his case for Bioff, personal representative of Browne, president of the A. P. L. International Alliance of Theatrical and Stage Employees.

For four weeks a parade of witnesses testified to relationships between the industry and the labor leaders. Among them were many of Hollywood's biggest industrialists, who testified for the Government.

"Peace" Price Cited.

Initial prosecution witnesses testified Bioff originally demanded \$2,000,000 from four major producers as the price for peace in the industry. Later, it was testified, Bioff reduced this demand to \$500,000 a year from each of the four—Twentieth Century-Fox, Paramount, Warner Bros. and Loews, Inc.—and \$25,000 a year each from smaller producers.

Executives of the four companies testified they gave Bioff money as a peace offering. Bioff took the stand and denied their assertions. Browne did not testify.

The final defense witness was Joseph H. Moskowitz, eastern representative of Twentieth Century-Fox Films, who was questioned relative to a 1937 stock purchase of \$20,837 by Joseph Schenck, former board chairman for Twentieth Century-Fox.

Jack Rabin, a broker, previously testified that Schenck purchased the stock and later transferred it to the accounts of Mr. Moskowitz and Murray Garsson, one-time investigator for the congressional committee which investigated the movie industry and receiverships within the industry from 1934 to 1937.

Loan Is Discussed.

Michael Luddy, Bioff's lawyer, showed Mr. Moskowitz entries in Schenck's New York account book, which the witness said he kept for Schenck. One entry, dated November 4, 1937, showed "Loan to M. and Garsson, \$20,837."

The witness explained that the firm represented a loan to himself and Garsson, under a collateral loan agreement, and that it represented stocks purchased by Schenck through Morris Ash & Co. stock brokers.

"Who is Mr. Garsson?" asked Mr. Luddy.

"A friend of Mr. Schenck," replied the witness.

"Do you know anything else about him?"

"Very little, sir."

Mr. Moskowitz said that Mr. Garsson's end of the loan transaction represented 5,000 shares of stock, costing \$130,000, which were delivered to Garsson, indorsed in blank by him and returned to Joseph Schenck.

Stock Sold at Loss.

He said the stock later was sold at a loss and the proceeds given to Schenck.

"Did he take a loss on his income tax return?" asked Mr. Luddy.

"No, sir," replied Mr. Moskowitz.

During further questioning, the witness testified that he had not read about Mr. Garsson in 1936 or 1937 in connection with the congressional inquiry and that he knew nothing about an inquiry into any subsidiary corporation of Fox Film in connection with the 1935 merger of 20th Century Corp. and Fox Film Co.



GROTON, CONN.—U. S. SUBMARINES GO INTO WAR DUTY—The British flag (left) and the Polish flag (right) fly over a pair of American submarines during a ceremony at the United States submarine base here yesterday as the undersea craft were turned over to the British and Polish navies. One craft was built in 1919, the other in 1923. —A. P. Wirephotos.

Boy, 6, Killed by Auto; Fatalities, Now 80, Equal 1940 Total

Marvin Marshall Struck By Hit-Run Driver; Found In Street by Mother

Marvin Marshall, 6, colored, was struck and fatally injured today by a hit-and-run driver while playing in front of his home at 70 Myrtle street N.E.

The boy was pronounced dead from a skull fracture on arrival at Freedmen's Hospital. Witnesses to the accident, which occurred at 10:15 a.m., said the driver was a white sedan in a 1940 black Packard sedan. Police were investigating several numbers given them as the tag numbers of the hit-and-run car.

The boy's mother, Ruth, rushed into the street and picked up her son. He was taken to the hospital by a passing motorist.

The death brought the District traffic toll to 80—equal to all of last year.

A coroner's jury late today ordered Charles J. Di Virgilio, 28, held for Police Court action under the negligence homicide and Denney traffic death of Allen Mitchell, Negro, 13, of 2434 Franklin street N.E.

The boy was killed, it was developed, when struck by an automobile which skidded, jumped the curb and drove rear-first into a telephone pole beside which he was standing on Bladensburg road near Eastern avenue. Dressed in a cow-boy costume, his body lay 19 hours unidentified at the morgue after the accident.

Dutch Skipper Refuses Food From Sub That Sank His Ship

NEW YORK, Nov. 5.—A Dutch skipper who said "I'd rather die" than accept food from a submarine that torpedoed and sank his ship without warning off the coast of Brazil arrived here on the liner Uruguay yesterday hoping to get another ship.

Capt. Antonie Kokke, 46, a pink-faced mariner from Rotterdam who has lost two ships in the war, told a tale of how the 5,719-ton liner Marken went down in five minutes about 360 miles off Pernambuco, Brazil, last September 10.

"We left Trinidad September 4 for Capetown with a general cargo," he said. "At 5:53 p.m. we were hit by a torpedo on the port side near the bridge. Our ship turned around like a silly beggar and we were hit again—this time on the starboard side."

The survivors were rescued by the tanker St. Anne, 54 hours after the Marken sank.

On February 18, 1940, Capt. Kokke told the Dutch freighter Ameland, 4,337 tons, out of Rotterdam at 2 a.m. The ship struck a mine and sank at 9 a.m. and the captain had dinner with his family at 8 p.m. the same day. His crew of 48 escaped.

His economic sacrifices to others and thus to encourage "inflationary trends from which all will suffer."

The board added at this point that "there is no justification for asking railway labor to become martyrs and that it is not fair to expect labor in one industry to make its sacrifice unless other groups are participating."

The board suggested that the rules dispute between the carriers and the employees of the 14 organizations should be resubmitted for further consideration under the Railway Labor Act.

With regard to minimum wages, the board recommended that a basic rate of 40 cents per hour should be established for employees of the so-called short lines and of 45 cents per hour for all other employees in the railroad industry.

In its letter of transmittal to President Roosevelt, the board concluded:

The board is pleased to report to you, Mr. President, that the conduct of the parties throughout this case has exemplified a most desirable way to be followed by American employees and employers in settling their differences over labor relations.

The hearings have demonstrated that the railroad industry is one in which reason reigns as contrasted with the procedures of economic force in which might seldom makes right.

Negotiations and controversies between the carriers and the unions began last February, when the carriers struck a ballot was circulated among the 14 non-operating organizations on the vacation issue.

The rules issue became part of the picture last spring and in June of this year the five operating brotherhoods initiated the question of wage increases.

A failure of the carriers and management to reach agreement by themselves or through the National Mediation Board brought a strike vote initially effective as of last September 11. The President then issued a proclamation creating the Emergency Board on September 10.

Designated by the President to make this effort to avert a nationwide tie-up of the railroad industry were Wayne L. Morse, as chairman of the Emergency Board, Thomas E. Powell, James C. Bonbright, Joseph H. Willis and Houston Thompson.

Night Glow Captures Feature at Pimlico And Pays \$37.20

Daily Double Winners Get \$242; Jockey Penrod Kicked After Fall

PIMLICO, Md., Nov. 5.—Night Glow, owned by Gustav Ring of Washington, came within one-fifth of a second of the 11-16-mile track record of 1:44 today in landing the fifth running of the Lady Baltimore Handicap, a feature of a program witnessed by 12,000.

The break found Devil's Girl rushing to the front. Night Glow and Pommya were second and third, running easily behind the pace-maker. In the meantime, George D. Wiggins's Rocketeer, winner last year, was a favorite today, was bounding back in fifth place.

Leaving the back-striff, both Night Glow and Pommya passed Devil's Girl. They raced heads apart around the elbow into the stretch and were still closely lapped at the eighth pole. Wendell Evans, who had been in the lead, was checked by Night Glow passing the 16th pole and the ultimate winner took a half-length lead, which she maintained to the end to enable her backers to collect \$37.20.

The Brooklands Stable's Pommya easily took the place from J. A. Bell, Jr.'s Dark Discovery.

Daily Double Pays \$242.

Cash Basis, trained by Preston M. Burch of Washington, won the three-quarter mile opener in 1:13. He paid \$3.50. Dusty Dunlin, who went into the homestretch, outgamed Incolan for the place.

Match Point stepped to the front at the break and racing a mile and one-eighth in 1:55, won the second to pay \$67.30. Canerbrun bested Way Bait for the third.

Daily double winners received \$242.20.

The two-mile steeplechase, won by Red Rain, saw Flying Falcon, favorite, fall. Jockey Jockey Penrod was kicked in the head and landed unconscious. He was rushed to the Bon Secour Hospital in Baltimore.

Jockey Kicked in Head.

Flying Falcon was leading by seven lengths at the mile and one-half mark. When he fell, Penrod attempted to rise, he was struck by Red Rain, who came up fast. Red Rain then went on to victory to pay \$710. Greenwich Time took second place from Paddy Twink.

The three-quarters of the fourth saw Halcyon Note outrun 11 other 2-year-olds from barrier to wire to pay \$730. Capt. Caution came with a rush to nail the place. One Link was third.

Star Copy, owned by Haughton P. Metcalf of Virginia, made it a double at the meeting when she raced three-quarters of a mile, to snare the Garrett. She took command early, but had to be ridden out to stave off the great rush of Big Doings. Last Sou, favorite, was third. Star Copy paid \$100.00.

Racing News

Rossvan's Comment

Selections for a Fast Track at Pimlico

FIRST RACE—SEAWAY, CAL-ATAN, HALF INCH.

SEAWAY has raced fairly well since shipping to Maryland and she races as if this route would be to her liking. A good ride may have her the winner. CAL-ATAN won his last in game fashion and right off that test he has to be accorded a real chance. HALF INCH has reached top condition.

SECOND RACE—CUTH, GAY CALL, POST HASTE.

CUTH has been finishing close up in many of his attempts and has a corking good chance of defeating this band of non-winners. GAY CALL took place honors in his last at Laurel and a bit of improvement would have him in the thick of the scramble. POST HASTE just failed in his last.

THIRD RACE—GINOBI, ADAM'S NEEDLE, CANDLE ENDS.

GINOBI has been with the leaders in practically every one of his recent tests and he has as good a chance as anything else in this wide-open number. ADAM'S NEEDLE has a clever Washington Park victory to suggest that he holds a real good chance. CANDLE ENDS should threaten with these.

FOURTH RACE—HAPPY HOME, BLUE TWINK, BOR-EALE.

HAPPY HOME copped her first at this point in swift running time and with speed in reserve. She meets slightly better opposition here, but could bring home the bacon. BLUE TWINK has good form to recommend him in a field of this caliber. BOR-EALE has worked well enough for top consideration.

FIFTH RACE—POMIVA, BE-COMLY, SEVENTH DAY.

POMIVA has been close up in every one of her recent showings and her record entries here to the not over this caliber of opposition. BE-COMLY has won two of her last three tests and she could be in the thick of the battle. SEVENTH DAY could improve and be hard to turn back.

SIXTH RACE—SUN LOVER, ARMY SONG, TRUE CALL.

SUN LOVER came from far back to just miss winning his recent Empire try and that test repeated here should be good enough to land him in the winner's circle. ARMY SONG has been winning regularly and he has a corking chance with these. TRUE CALL can better his recent bad showing.

SEVENTH RACE—BETTER HALF, CONNIE PLAUT, CLAPAIR.

BETTER HALF won her last at Laurel and her previous form was very satisfactory. The daughter of Mate should be able to distance this indifferent opposition. CONNIE PLAUT has consistent form to her credit and she may be hard to dispose of. CLAPAIR just missed in his last at Laurel.

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House Unit Plans Probe Of South's Power Shortage

With evidence before it that fuel shortages in New England have been remedied and that from a transportation standpoint there should be no reason for a petroleum shortage, a House subcommittee plans today to investigate alleged power shortages in the Southeast.

Chairman Hart of the Merchant Marine Subcommittee said it seemed advisable to inquire into the situation which caused the Federal Power Commission to order curtailment of power in the Southeast.

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Guffey and Meyers Back Bashore for W. P. A. Chief

HARRISBURG, Pa., Nov. 5.—Senator Guffey and House Minority Leader Meyers today backed W. P. A. Chief said the move was for "tougher" administration, without elaborating.

Mr. Bashore is a Schuylkill County attorney.

Mr. Meyers refused to confirm or deny the selection of Mr. Bashore, saying he and Senator Guffey had "decided on one man and agreed not to say anything publicly about the choice until the appointment is made."

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Miners Who Struck In Union Dues Protest Get Jobless Benefits

Pennsylvania Official Gives Award to 15,000 Anthracite Workers

HARRISBURG, Pa., Nov. 5.—Lewis G. Hines, Pennsylvania secretary of labor and industry, ruled today that 15,000 anthracite miners who left their jobs for four weeks to protest union assessments and increases are entitled to unemployment compensation benefits. Checks were drawn immediately.

Mr. Hines decided the walkout from September 9 to October 6 in district 7 of the C. I. O. United Mine Workers' Union set was an industrial dispute involving the operators and hence compensation should be awarded.

The district's 42 collieries employing 22,000 men were closed.

Union Chief John L. Lewis broke the strike with an appeal to the miners to return to work pending an investigation of their grievances by a union commission. He then took over administration of the district pending outcome of the inquiry.

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British Sailors Visit Embassy, White House

A group of about 90 sailors of the Royal Navy were received today at the British Embassy. They came to Washington on a sightseeing trip from Swift Creek Park near Richmond, Va., where they have been vacationing while their ship is undergoing repairs at Newport News.

Their schedule called for visits to the White House and the Tomb of the Unknown Soldier, where a wreath was to be placed.

Lt. A. Sylvester was in charge of the group.

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(Earlier Story on Page A-3)

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