

Gale Loses Fight On Habeas Corpus

Linn A. E. Gale, former editor and publisher of Gale's Magazine, a communist monthly magazine, published at Mexico City, Mexico, has lost his fight on an application for a writ of habeas corpus to transfer his case from the military to the civil courts.

Judge West, of San Antonio, Texas, before whom the hearing was held, ruled that evidence tended to show that the Albany, New York draft board had mailed a notice of induction into the army to Gale on March 28, 1918, and that Gale had received proper notice.

He also held that according to the evidence, Gale was, to all intents, a soldier after April 4, 1918, and therefore subject to military laws, and that evidence showed he willfully absented himself from the United States to escape the draft.

Gale was arrested at Laredo in April, after he had been expelled from Mexico by President Obregon.

The Toiler correspondent states that Gale and his attorney, Samuel Castleton of Atlanta, Ga., made a strong fight for the writ. It is thought that Gale will now be tried by court martial for desertion. His defense is being backed by friends in this country and by workers' organizations in Mexico where he has many friends.