

U.S. DROPS CHARGE AGAINST BROWDER

Justice Department Action in Perjury Case Seen as Change in Fight on Reds

By EDWARD RANZAL

The Government yesterday dropped its seven-year-old perjury case against Earl Browder, former head of the Communist party in the United States.

The Government said it could no longer hope to prosecute successfully because its two principal witnesses were no longer available.

The action was considered a change in the Justice Department's adamant policy of refusing to drop charges against present or former Communists even though there was little likelihood of prosecution at any time.

In 1952 a Federal grand jury indicted Browder and his late wife, Raissa, for perjury. Both were said to have lied to an Immigration board in denying that Mrs. Browder, who was born in Russia, had been a member of the Communist party.

Two years later Mrs. Browder received a trial severance because she was suffering from cancer. The case against Browder was marked off the calendar. In 1955 Mrs. Browder died.

Last week, O. John Rogge, Browder's lawyer, moved in Federal Court to dismiss the indictment for lack of prosecution. The motion was to be argued yesterday before Judge Edmund L. Palmieri.

Court Gets Petition

When the motion was called United States Attorney S. Hazard Gillespie Jr. handed up to Judge Palmieri the Government's petition for nolle prosequi—no prosecution. The petition said:

"To establish his knowledge of Raissa Irene Browder's membership in the Communist party of the United States, the Government had been relying principally on expected testimony from two witnesses. However, since the indictment was filed, one of the said witnesses has died and the other is unavailable to testify.

"Under the circumstances, the evidence now available against the defendant Earl Browder is not sufficient to establish his guilt beyond a reasonable doubt."

Mr. Gillespie explained later that he had been urging the Justice Department for some time to permit him to drop "deadwood" cases in his files. The Justice Department agreed to the Browder action late Tuesday afternoon.

After Judge Palmieri had signed the petition, Mr. Rogge went to the clerk's office to recover a \$1,000 cash bond put up by Browder.

Later, the 68-year-old general secretary of the Communist party from 1930 through 1945 talked with reporters, sometimes bitingly. The one-time revisionist was expelled by the party in 1946. He has earned a living by writing since then.

Browder said he hoped the dismissal of the indictment would end Government "harassment of my family." He refused to elaborate except to say he was speaking of his brother, an accountant, and his sister, who heads a department in a private hospital.

Sets Rule for Silence

"If the Government still continues to harass my relations," he said, "I will have more to say to the newspapers. If it ceases, I will have nothing further to say. They know what I am talking about."

Asked about his present feelings toward the Communist party in this country, Browder, puffing a pipe, said:

"It's long been politically dead. There is no hope of it ever being revived."

He explained the last sentence by saying:

"It cut its roots in America on the whole Socialist tradition borrowed from Europe, but it never fit the realities of America."

The party's downfall here, he declared, was caused by Stalin, who intervened in American Communist affairs, placed "stupid" leadership in charge and hastened the "wrecking" of the Communist movement.

Then chuckling, Browder said that in the last fourteen years "I have had no contact with anyone on good terms with the Communist party."

He said his three sons were mathematics teachers in American universities.



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Earl Browder