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November 25, 1955

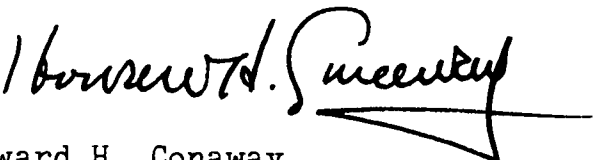
J. Lloyd Young, Esq., Chief Deputy,
Court of Appeals of Maryland,
Annapolis, Maryland

Re: Braverman vs. Bar Association of
Baltimore City
Case No. 108

Dear Mr. Young:

Enclosed herewith please find a Stipulation to
Extend Time for Filing of Brief by Appellee in the above
case, signed by attorneys for both parties.

Very truly yours,



Howard H. Conaway

HHC:EG
Enc.

No. 108 - Oct. T. 1955

GENERAL MAIL BOX

DEPARTMENT OF JUSTICE

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
NEW YORK, N.Y.

Plaintiff
vs.
Defendant

Stipulation

December 2, 1955 and shall be filed January 2, 1956.

price may be extended for a period of thirty-one days from
November 1st to the time the bill of the appellee is
paid, by and between counsel for the appellee and for the
appellant. It is stipulated and agreed that on the 2nd day of November,

NO. 108
October Term, 1955

Appellee
Appellant

Filed: Nov. 28 - 1955

MAURICE BRAVERMAN,
Appellant

vs.

THE BAR ASSOCIATION
OF BALTIMORE CITY,
Appellee

*

IN THE

*

COURT OF APPEALS

*

OF

*

MARYLAND

*

October Term, 1955

*

No. 108

STIPULATION TO EXTEND TIME FOR
FILING OF BRIEF BY APPELLEE

It is stipulated and agreed this 25th day of November, 1955, by and between counsel for the Appellant and for the Appellee that the time for the filing of the Appellee's Brief may be extended for a period of thirty-one days from December 5, 1955 and shall be filed January 5, 1956.

✓ Harold Buchman
Harold Buchman,
Attorney for Maurice Braverman,
Appellant

✓ Howard H. Conaway
Howard H. Conaway

Charles E. Orth, Jr.
Charles E. Orth, Jr.,
Attorneys for The Bar Association
of Baltimore City, Appellee

O.K.
11/28/55
C.B.
W.S.

January 5, 1956

Miss Jessica Davidson
Secretary
National Lawyers Guild
40 Exchange Place
New York 5, N. Y.

Dear Miss Davidson:

I am enclosing herewith a brief filed today on behalf of the Bar Association of Baltimore City, appellee in No. 108, October Term, 1955, in which appeal the National Lawyers Guild has been given permission to file a brief as amicus curiae. We have noted that these said briefs are due to be filed on January 20th, 1956.

This case will be set for argument in this Court either on Tuesday, January 31st, or Wednesday, February 1st.

Very truly yours,

Chief Deputy

JLY/ojr

Enclosure

cc: Harold Buchman, Esq.
Morton P. Fisher, Esq.
Charles E. Orth, Jr., Esq.
Howard H. Conaway, Esq.

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December 7, 1955

Miss Jessica Davidson
Secretary
National Lawyers Guild
40 Exchange Place
New York 5, N. Y.

Dear Miss Davidson:

Your petition in the matter of Maurice Braverman vs. Bar Association of Baltimore City, No. 108, October Term, 1955, has been received and considered by the Court and for your information Chief Judge Brune has filed the following order:

"Leave to file a brief herein as amicus curiae is hereby granted by the Court of Appeals of Maryland.

December 7th, 1955

Frederick W. Brune,
Chief Judge."

It appears at this time that this case will be in the assignment for argument about January 31st, therefore, 40 copies of this printed brief should be filed in this office before January 20th, 1956.

Very truly yours,

Chief Deputy

JLY/ojr

cc: Harold Buchman, Esq.
Morton P. Fisher, Esq.
Charles E. Orth, Jr., Esq.
Howard H. Conaway, Esq.

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NATIONAL LAWYERS GUILD

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Secretary
JESSICA DAVIDSON

Treasurer
JOSEPH H. CROWN

40 Exchange Place,
New York 5, N. Y.
HANover 2-5971

December 6, 1955.

J. L. Young, Esq.
Chief Deputy
Court of Appeals of Maryland
Annapolis, Md.

Dear Sir:

Pursuant to your letter of November 16, 1955 concerning the proper method for seeking leave on behalf of the National Lawyers Guild to file a brief, amicus curiae, in Maurice Braverman vs. Bar Association of Baltimore City, I enclose a petition addressed to the Court.

Please advise me when the Court acts upon it and, if leave to file is granted, by what date our brief must be filed and on whom, under the rules of the Court, it must be served.

Thank you for your cooperation.

Very truly yours,

Jessie Davids

Jessica Davidson
Secretary

JD: ps

November 16, 1955

David M. Freedman, Esq.
Attorney at Law
11 Park Place
New York City 7, N. Y.

Dear Mr. Freedman:

Replying to your letter of November 15th, this is to state that the appeal of Maurice Braverman vs. Bar Association of Baltimore City appears on our docket as No. 108, October Term, 1955.

Harold Buchman, Esq., counsel for Braverman, the appellant, filed his briefs (40 copies) on November 14th, 1955, and the briefs for the appellee are due to be filed on or before December 5th, 1955.

It appears at this time that this case will be argued during the week of January 30th, 1956.

Under our Rules, all briefs must be filed here at least ten days before the case is assigned for argument.

If it is desired to file a brief as amicus curiae in this case, I would suggest that you file a petition addressed to the Court to do so, and if granted, it will be necessary to file 40 printed copies of said brief conforming with our Rules and I will then set the due date for filing same.

Under separate cover I am mailing you a copy of the appellant's brief filed as previously stated.

Very truly yours,

Chief Deputy

JLY/ojr

FREEDMAN & UNGER
ATTORNEYS

DAVID M. FREEDMAN
ABRAHAM UNGER

11 PARK PLACE
NEW YORK CITY, 7
CORTLANDT 7-3111

November 15th, 1955.

Clerk,
Court of Appeals,
Annapolis, Maryland.

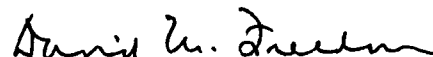
Dear Sir:

I have been requested by the National Lawyers Guild, a national bar association, to communicate with you with reference to the appeal pending in your Court in the matter of disbarment proceedings of Maurice Braverman.

The National Lawyers Guild is interested in applying to the Court for leave to file brief as amicus curiae. In examining the rules of your Court in our law library, I have not seen any provision with respect to the filing of such brief. I would, therefore, appreciate it if you would advise me what rule or procedure is adopted by your Court for such appeals so that we may comply therewith. I would also appreciate it if you would advise me what the time table is in this matter and when such a brief would have to be filed.

I thank you for the courtesy of a reply to this inquiry.

Very truly yours,



David M. Freedman

DMF:fc

No. 108
October Term, 1955

In The
COURT OF APPEALS OF MARYLAND

MAURICE BRAVERMAN

Appellant

-vs-

BAR ASSOCIATION OF BALTIMORE CITY

Appellee

Petition for Leave to File
Brief Amicus Curiae

NATIONAL LAWYERS GUILD

By Jessica Davidson, Secretary

40 Exchange Place
New York City 5

Filed: Dec. 7-1955

IN THE
COURT OF APPEALS OF MARYLAND

----- X

MAURICE BRAVERMAN, :

Appellant, :

-against- :

BAR ASSOCIATION OF BALTIMORE
CITY, :

Appellee. :

----- X

OCTOBER TERM 1955

No. 108

To the Judges of the Court of Appeals of Maryland:

The National Lawyers Guild, by Jessica Davidson, its Secretary, hereby respectfully petitions this Court for permission to file a brief as Amicus Curiae in the above entitled appeal.

1. The National Lawyers Guild is a bar association having national membership and local chapters in various parts of the country.

2. As a bar association, one of its primary interests is to protect and defend the legitimate rights of attorneys. In this connection, it is naturally greatly concerned with any decision that involves fixing or applying new or novel standards as qualifications for admission to the Bar or for the right to continue to practice at the Bar.

3. The action of the court below in disbaring appellant without opinion or explanation was in itself highly unusual and disquieting. This was especially so in view of the fact that appellee's original petition makes no specific charge against appellant and the facts recited therein do not appear to require disciplinary action per se. The National Lawyers Guild therefore feels that the decision of this court on the pending appeal will be of great concern not only to members of the Maryland bar but to the bar generally throughout the country.

4. The National Lawyers Guild believes that the action of the lower court was not warranted by the petition before it. In the interest of serving the bar on the important questions raised by the appeal, it, therefore, respectfully requests permission to file a brief herein as Amicus Curiae.

This application has been authorized by the Board of Directors of the National Lawyers Guild.

Dated, New York, New York,
December 5th, 1955.

THE NATIONAL LAWYERS GUILD

By: Jessica Daide
Jessica Davidson, Secretary

State of New York)
County of New York) ss:

JESSICA DAVIDSON, being duly sworn, deposes and says: That she is the Secretary of the National Lawyers Guild, the petitioner herein; that she has read the foregoing petition and knows the contents thereof, and that the same is true to her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters she believes it to be true.

Deponent makes this verification in behalf of the petitioner by authorization and instruction of the Board of Directors thereof.

Ami Schachter
Sworn to before me, this
6th day of December, 1955.

Jessica Daide

SIMON SCHACHTER
NOTARY PUBLIC, STATE OF NEW YORK
No. 31-3472935
Qualified in New York County
Cert. filed with New York County Register
Term expires March 30, 1957

Leave to file a brief herein as amicus curiae, is hereby granted by the Court of Appeals of Maryland.
December 7th, 1955.

Fredrick W. Brown,
Chief Judge.

No. 108 - Oct. 7, 1955

Order denying
postponement of
argument

Filed: July 2, 1956

MAURICE BRAVERMAN,
Appellant,

v.

BAR ASSOCIATION OF
BALTIMORE CITY,
Appellee

* IN THE
* COURT OF APPEALS
* OF MARYLAND
* No. 108, October Term, 1955
*
*
* *

The appellant's Motion for Postponement of Argument and the appellee's Answer thereto herein having been considered, it is ORDERED this 1st day of February, 1956, by the Court of Appeals of Maryland, that the said Motion for Postponement of Argument be and the same is hereby denied.

Frederick W. Hume
Chief Judge

Copies mailed to:

Harold Buchman, Esq.
Howard H. Conaway, Esq.
Charles E. Orth, Jr., Esq.

January 24, 1956

Honorable Edward S. Delaplaine
Stephen R. Collins
William L. Henderson
Hall Hammond

Re: Braverman v. Bar Ass'n etc.
No. 108, Oct. Term, 1955

Gentlemen:

Enclosed is a petition on behalf of Maurice Braverman, requesting a postponement of the above case, apparently to await the decision of the Supreme Court in sundry cases in which it has recently granted certiorari. I am not personally in favor of granting the petition, but since it is a matter which concerns the entire Court I am sending you copies of the petition and will appreciate it if you will let me have the benefit of your views.

Sincerely,

FWE/IB
Encl-

FREDERICK W. BRONE

MAURICE BRAVERMAN

*

IN THE

Appellant

COURT OF APPEALS OF MARYLAND

*

vs.

October Term 1955

BAR ASSOCIATION OF BALTIMORE
CITY

*

No. 108

Appellee

*

* * * * *

ANSWER TO APPELLANT'S MOTION FOR
POSTPONEMENT OF ARGUMENT

FILED JAN 25 1956
MAURICE OGLE, CLERK

Now comes the Bar Association of Baltimore City, Appellee herein, by Howard H. Conaway and Charles E. Orth, Jr., its attorneys, and for Answer to the Appellant's Motion for Postponement of Argument of the above-entitled case says:

The Appellant was convicted of unlawfully, wilfully, and knowingly conspiring with others to commit offenses against the United States prohibited by Section 2 of the Smith Act (18 U.S.C.A. Section 2385) by:

"(1) unlawfully, wilfully, and knowingly advocating and teaching the duty and necessity of overthrowing the Government of the United States by force and violence, with the intent of causing the aforesaid overthrow and destruction of the Government of the United States by force and violence as speedily as circumstances would permit; and by (2) unlawfully, wilfully, and knowingly organizing, and helping to organize, as the Communist Party of the United States of America a society, group, and assembly of persons who teach and advocate the overthrow and destruction of the Government of the United States by force and violence, with the intent of causing the aforesaid overthrow and destruction of the Government of the United States by force and violence as speedily as circumstances would permit." (App. 4-9).

His conviction was affirmed by the Court of Appeals for the Fourth Circuit (198 Fed. (2d) 679). His Petition to the Supreme Court of the United States for the issuance of a writ of certiorari was denied (344 U.S. 922, 97 L.Ed. 710). His petition to the Supreme Court of the United States for a rehearing was denied (345 U.S. 913, 97 L.Ed. 1348).

It is the position and contention of the Appellee that the Appellant's conviction, as above set forth, is conclusive upon him and

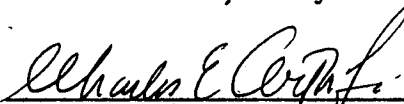
upon this Court and that this Court may not, in these proceedings, inquire into the guilt or innocence of the Appellant of the crime of which he was convicted. Under these circumstances, we respectfully submit that the ultimate decision of the Supreme Court of the United States in the cases referred to in Appellant's Motion could not, in any way, have a bearing upon or effect the issues before this Court.

The granting of the Appellant's motion, as we understand it, would delay the argument in this case until all four of the cases referred to in the Motion are finally decided by the Supreme Court of the United States and, if any of said cases is referred back to the trial court for further proceedings, presumably until such case has again taken its course to the Supreme Court of the United States and there has been finally decided.

While we would not object to a short postponement of argument in this case for any personal accommodation of Appellant's counsel, we cannot consent to a postponement of argument for the reasons or upon the grounds stated in the Motion.




Howard H. Conaway
Attorney for Appellee
1508 First National Bank Bldg.
Baltimore 2, Maryland

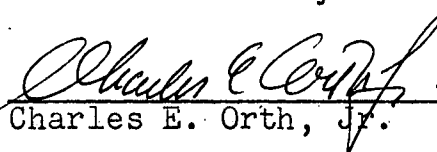


Charles E. Orth, Jr.
Attorney for Appellee
9 E. Franklin Street
Baltimore 2, Maryland

I HEREBY CERTIFY that a copy of the foregoing Answer to Appellant's Motion for Postponement of Argument was mailed to Harold Buchman, Esq., Attorney for Appellant, at 205 Tower Building, Baltimore 2, Maryland, this 24 day of January, 1956.



Howard H. Conaway



Charles E. Orth, Jr.

No. 108 - Oct. T. 1955

Motion for Postponement
of argument

Answer to above

Order of Court
denying same

MAURICE BRAVERMAN : IN THE
Appellant : COURT OF APPEALS OF MARYLAND
vs. : October Term 1955
BAR ASSOCIATION OF BALTIMORE CITY : No. 108
Appellee :
:

MOTION FOR POSTPONEMENT OF ARGUMENT

Maurice Braverman, Appellant, by Harold Buchman, his attorney, moves for postponement of the argument herein on the following grounds:

1. The Supreme Court has now granted certiorari in several Smith Act cases which present some of the same points involved in the Appellant's case.- including the constitutional limits on application of the Smith Act, the legality of admitting inflammatory testimony of the events not known to the Defendant, and the applicability of Section 4 (f) of the Internal Security Act of 1950, 50 U. S. C. Sec. 783 (f). Yates vs. United States; Schneiderman vs. United States; Richmond vs. United States, Nos. 308-310, October Term, 1955, cert. granted October 11, 1955; Mesarosh vs. United States, No. 295 Misc. October Term, 1955. cert. granted December 12, 1955, renumbered No. 566, October Term, 1955. It is entirely possible that the Supreme Court's decision of those cases, accepted for review under more favorable enviromental conditions that existed when certiorari was denied in Appellant's case, will demonstrate that Appellant was wrongfully convicted. Such a demonstration will not automatically vacate Appellant's conviction, nor will it compensate him for the imprisonment and fine that he has suffered. But it will establish the Appellant is right in his contention that he is a victim of a miscarriage of justice.

FILED JAN 20 1956
MAURICE OGLE, CLERK

2. It is therefore respectfully suggested that under the circumstances this Court should postpone argument in this case until the Supreme Court has acted in the Smith Act cases now before it. This course is indicated even under Appellee's view that the evidence and record in the criminal case are relevant for purposes of mitigation.

Harold Buchman

Harold Buchman
Attorney for Appellant
205 Tower Building
Baltimore 2, Maryland

I HEREBY CERTIFY that a copy of the foregoing motion for postponement of argument was mailed to Howard H. Conaway, and Charles E. Orth, Jr., attorneys for Appellee, on this ~~19~~ day of January, 1956.

Harold Buchman

Harold Buchman
Attorney for Appellant