

Prout Court-Martial To Continue Tonight

DW 11/22/40

Confessed Associate of Christian Front Terrorists Who First Stole Guard Ammunition Is Also Facing Retrial in U. S. Court

By John Meldon

Eight witnesses appeared before a nine-man court martial of the New York National Guard sitting at the 102nd Coast Artillery Armory, Madison Avenue and 94th Street, Wednesday night as Capt. T. Prout, Jr., appeared on charges of having stolen 1,800 rounds of ammunition which he gave to William G. Bishop, Christian Front terrorist leader.

Capt. Prout was arrested Jan. 14 by agents of the Federal Bureau of Investigation and subsequently tried in a Brooklyn Federal Court on charges of conspiracy to overthrow the government, and theft of government property. The federal trial, conducted in an atmosphere of extreme friendliness between the defense and the prosecution, resulted in mistrial for Prout and four other Christian Front terrorists. They come up for retrial on Nov. 26.

After a long delay, it was announced that Capt. Prout would be court-martialed by the New York National Guard on the theft charge.

The serious matter of a National Guard officer consorting and actually plotting with bomb-making terrorists, as Capt. Prout's signed confession obtained by agents of the Federal Bureau of Investigation revealed in the federal trial did not concern the court-martial as the charges against Capt. Prout are confined to the accusation that he stole government property—nothing more.

However, despite the fact that Capt. Prout is being court-martialed on this relatively minor charge, as compared with more serious conspiracy charges brought against

(Continued on Page 2)

(Continued from Page 1)

him previously in the criminal case, the trial judge advocate (the army's prosecution), in order to bolster its case against the defendant, was compelled Wednesday night to refer to the fascist Christian Front throughout the presentation of his charges.

The nine-man court, sitting in the case, is headed by Colonel H. Robert Browne. The prosecution is being conducted by Lieut. Alfred J. Mungo, trial judge advocate. Capt. Prout is being defended by civilian counsel Farnell J. T. Callahan, who is actively conducting the defense, and Capt. Alfred E. Smith, Jr., son of former Governor Alfred E. Smith, military aide to Gov. Lehman, and a reserve officer. Capt. Smith's position in the trial is a formality adhered to in court-martial proceedings, wherein a defendant is represented by an officer but is permitted civilian counsel.

The full text of Capt. Prout's signed confession obtained by FBI agents after his arrest, was read to the nine-man court. In the confession, the defendant admitted having given the ammunition to the Christian Front terrorist Bishop, and also admitted that in the course of one of the several meetings with Bishop and other terrorists, he took part in discussions on the technique of bomb-making.

Capt. Prout admitted advising Bishop and his cohorts that their plans for making bombs out of tin cans, loaded with explosives, could be improved upon by "using pipe." He admitted in his confession this suggestion was given so that the bombs could be "made more effective."

Defense counsel Callahan fought stubbornly to have the confession struck from the records, charging that it had been obtained "under duress" during Capt. Prout's questioning by FBI agents. His objection was overruled.

While the ten-page typewritten confession, which took 15 minutes to read, was permeated with Capt. Prout's admissions of a close tieup with the fascist Christian Front, discussions by Bishop and Capt. Prout of terrorist tactics, the "need for a military dictatorship," and

highly provocative anti-Semitic utterances, the court, because of the technical limits of the charges, concerned itself only with that part of the confession which related to the theft of Guard ammunition.

A second attempt by the defense to block the charges against the defendant, temporarily at least, was successful when the judges ruled that testimony by FBI agent Robert J. Lynch, relating to his examination of the ammunition vault records of Capt. Prout's 165th Infantry Regiment, showing that the ammunition was missing, be withheld until the records were made available to the defense.

Witnesses, all called by the trial judge advocate, included FBI agents and officers of the New York National Guard and one Guard private. The FBI agents who testified against Capt. Prout were Glenn A. Paulson, who served the original government arrest warrant on the defendant; Thomas B. Wade, who testified as to witnessing Prout's signing of the confession, and Raymond F. Newkirk, who told the court he had found some of the stolen ammunition in Bishop's apartment.

Guard officers called to testify were Col. Arden Sweeny, Capt. Louis Henry Mussler and Capt. James Bidwell. The latter two officers told the court that Capt. Prout had discussed his case with them following the federal trial. The court admitted Capt. Bidwell's testimony as constituting an admission by the defendant that he "gave away ammunition."

Another witness called by the prosecution was Private Alfred J. Quinlan, who had been in charge of ammunition stores in Capt. Prout's regiment at the time of the theft. Quinlan himself faces charges, in a separate trial to be held by the National Guard, in connection with the theft of the ammunition.

During the course of Wednesday's court-martial proceedings, Capt. Prout did not take the witness chair, remaining seated at the defense table. He was wearing his captain's uniform.

At midnight, Col. Drowne recessed the trial, and announced that it would be resumed in the same armory tonight at 8 o'clock.