

# Guffey and Phillips Blocked as Viereck Trial Witnesses

8/12/42  
Senator, Ex-Envoy's  
Testimony Is Held  
To Be Irrelevant

By CARTER BROOKE JONES.

Senator Guffey, Democrat, of Pennsylvania, and William Phillips, former Ambassador to Italy, were called to testify by the defense this afternoon at the German propaganda trial of George Sylvester Viereck, but the Government blocked their scheduled testimony, on the ground that it had nothing to do with the case, and they left the stand after identifying themselves and giving preliminary evidence.

The defense had planned to bring out from the ex-envoy a conversation with Viereck in 1933, when Mr. Phillips was in the State Department. Special Prosecutors William Power Maloney and Edward J. Hickey, jr., contended that this not

only occurred before the indictment but before enactment of the foreign agents' registration law, which Viereck is charged with violating. Justice F. Dickinson Letts upheld the objection.

#### Questioned About Speech.

Daniel F. Cohalan, jr., one of the defense attorneys, asked Senator Guffey about a speech which William C. Bullitt, then Ambassador to France, made at Independence Hall, Philadelphia, August 18, 1940.

"Was that speech printed in the Congressional Record?" the witness was asked.

"It was," said Senator Guffey.

At this point Prosecutor Maloney asked the purpose of the inquiry and Justice Letts summoned the attorneys to the bench. The defense then excused the Senator without further questions.

The apparent purpose had been to show that if, as the Government charged, Viereck had been instrumental in having anti-war speeches made in Congress and printed in the Congressional Record, he was doing no more than many others were doing at the time.

The defense also lost an attempt to place in the record a sheaf of correspondence brought under subpoena from the State Department. This included a letter from Viereck to President Roosevelt in 1933. In the letter the publicist and author said he had returned from a tour of Europe and had information which he believed of value to this country. He suggested a conference with the President. The letter was referred to the State Department. Another letter, about the same period, was addressed to Secretary Hull.

Although Defense Attorney Emil Morosini contended that this correspondence bore directly on Viereck's motives and good faith, the court upheld the Government's argument that it had no bearing on the indictment, since it was written long before the charge was brought.

Justice Letts, however, admitted all correspondence in the files of the State Department relating directly to Viereck's registration as a German agent. He is accused of failing to report his propaganda activities for the Reich in supplementary registration statements.

#### Pleads for Husband.

Earlier Mrs. Norma Ward Lundeen, widow of the Senator, made a dramatic plea for "justice" to her husband's memory as court procedure shut off what she wanted to say as she testified for the defense.

"People are thinking my husband is on trial," she exclaimed, after she had tried repeatedly to "make a statement," as she expressed it, and Justice Letts had instructed her to confine herself to answering questions. Again the court warned her not to volunteer remarks.

"I'm entitled to a little justice," Mrs. Lundeen retorted, almost hysterically.

"Quiet down," said Justice Letts gently, "and answer the questions."

#### Witness Agitated.

Senator Lundeen

right of the Treasury to refuse the letters. But he did allow Mrs. Lundeen to testify to her recollection of one of the letters, which she said she had read.

This letter purportedly was from Mrs. Gordon Spielman, then Miss Phyllis Posivio, an employe of Senator Lundeen. Mrs. Spielman testified for the Government that she was forced to pay back a portion of the salary which she was paid by the Government. Mrs. Lundeen said the letter to the Internal Revenue Department stated that the Senator had a "reserve fund" for research work and that Mrs. Spielman had understood exactly what her salary was to be.

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But I can't see original letter can't be produced, Lundeen added.

Justice Letts waved the witness to silence and her remark was stricken from the record.

Mrs. Lundeen testified that Edward Corneaby, formerly secretary to Senator Lundeen, had threatened to "run her out of the State" if she were a candidate for any office after her husband was killed in a plane accident in the late summer of 1940. Mr. Corneaby testified for the Government, asserting that Viereck and Senator Lundeen had collaborated on speeches and Viereck had prepared some of them.

Directly contradicting one statement which Mr. Corneaby made on the witness stand, Mrs. Lundeen said the Senator's former secretary had caused to be inserted in a memorial sermon for her husband at St. Paul a "boost" for Mr. Corneaby's candidacy for Congress.

"And I objected to it," the widow added.

Mrs. Lundeen finally completed the testimony she began last Wednesday. The trial had been in recess the last three days of the week. The Senator's widow was not cross-examined by the Government.

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Senator Lundeen was linked closely in Government testimony to the propaganda activities of Viereck. Mrs. Lundeen was highly agitated as she sought futilely to answer questions which were ruled out and she often made comments before the court could stop her.

Opposing counsel got into the sharpest wrangle of the long trial when Defense Attorney Morosini charged that the refusal of Treasury officials to produce certain records for which Justice Letts had signed a subpoena savored of "a conspiracy to obstruct justice."

"That's outrageous," replied Prosecutor Maloney. "It's the most irresponsible statement I ever heard."

Justice Letts intervened as the attorneys shouted at each other, saying he did not like the reference to a conspiracy and instructed the jury to disregard it.

The flareup grew out of the refusal of Forrest D. Neal of the Federal Revenue Bureau to produce three letters filed with information concerning Senator Lundeen's income. These letters, according to Mrs. Lundeen, tended to refute the charge of two former employes of the Senator that he forced them to "kick back" portions of their salaries. Mr. Neal, called to the stand, produced a letter signed, he said, by the Acting Secretary of the Treasury, instructing him not to bring