

## Agent Fails to Take Stand

# Viereck Counsel's Questioning Of Guffey Ruled Irrelevant

By Dillard Stokes *3/3/42*  
Post Staff Writer

Although his counsel said they had no other witness to call yesterday, the German agent, George Sylvester Viereck, made no move to become a witness in his own defense in the District Court, where he is on trial under the Foreign Agent Act.

Viereck's silence provoked speculation in the crowded courtroom that he had given up the idea of taking the witness stand in order to deny or explain the Government's contention that he concealed his anti-British publishing operations and his use of Congressmen and their mailing privileges for Nazi propaganda.

With a few quiet syllables, Justice F. Dickinson Letts crushed Viereck's proposed defense strategy, which had been to show that while Viereck was operating for Germany a great deal of anti-Nazi propaganda flowed through the same channels.

The justice ruled, in effect, that this was not to the purpose, even if true. Viereck was the agent on trial and would be no less guilty or innocent because of what might have

been done by others for another cause.

Accordingly, the justice allowed no testimony to be given by Senator Joseph F. Guffey (Democrat), of Pennsylvania, or William Phillips, former Ambassador to Italy and former State Department official.

Called to the stand by Viereck's lawyers, Emil Morosini, jr., and Daniel F. Cohalen, jr., they identified themselves, waited patiently while Justice Letts heard and upheld the objections of Special Prosecutors William Power Maloney and Edward J. Hickey, jr., and then were excused.

Cohalen wanted to ask Guffey about franked mailing of a speech by William C. Bullitt, former Ambassador to Poland, who pointed out the hostility of the Axis and urged intervention in the war. He wanted to ask Phillips about a letter Viereck wrote President Roosevelt eight years ago, offering to confer about European affairs. Phillips talked with Viereck as a result.

Prosecutor Maloney said it was  
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## Senator's Widow At Viereck's Trial



Associated Press Photo  
MRS. ERNEST LUNDEEN, widow of the Farmer-Labor Senator from Minnesota, is shown yesterday as she arrived at District Court. Mrs. Lundeen concluded her testimony for George Sylvester Viereck. Several times she broke into the proceedings to make a statement, but the court asked her to confine herself to answering questions

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his opinion that even then Viereck was "following his trade of propagandist."

Of no more help to Viereck were two Treasury officials, who appeared when called, but refused to produce records which the German agent's lawyers wanted them to bring. They explained that their superiors ordered them not to disclose the records, on the ground that they were confidential and disclosure would be against the public welfare.

Justice Letts upheld the Treasury men, who were Ira Y. Bain and Forrest B. Neal.

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Protesting the ruling, Morosini declared that the executive departments seemed to be in a "conspiracy" to keep Viereck from getting evidence.

"That's an outrageous statement, an irresponsible statement," snorted Maloney. Justice Letts told the jury to pay no attention to what Morosini said about a conspiracy.

J. Wesley Adams, jr., of the State Department's foreign activity correlation unit, produced Viereck's registrations under the Foreign Agent Act, which the special grand jury on Axis agents said were incomplete.

Mrs. Ernest Lundeen, whose husband was the Farmer-Labor Senator from Minnesota, concluded her evidence for Viereck yesterday and the prosecutors let her go without cross-examination.

Mrs. Lundeen several times broke into the proceedings to ask leave to make a statement, but Justice Letts told her to be quiet and just answer the questions.

Summoned to testify for Viereck and waiting in the witness room, although his lawyers did not want to call them yesterday afternoon, were Fulton Oursler, former editor of the magazine *Liberty*; Sheppard Butler, present editor; Leonard H. Price, former State Department aide, now with the Board of Economic Welfare, and a witness who brought a large quantity of records from the Government Printing Office. This was where Viereck's Washington operatives—one of them a secretary of Representative Hamilton Fish—had several hundred thousand franked speeches printed with Viereck's money.

To the list of notables summoned by Viereck yesterday was added Gen. John F. O'Ryan, whose registration as a Japanese agent was cited by Representative Fish on the witness stand, as illustrating that an American might, with propriety, represent a foreign government.

The list of the prominent persons whom Viereck is bringing into his trial by means of court orders is not complete.

His lawyers are still sending out subpoenas.