

Viereck Lawyer Ousted; Called Judge Biased

**Morosini Screams
Accusation at Justice,
Who Reprimands Him**

(Pictures on Page 4.)

By Dillard Stokes
Post Staff Writer 3/4/42

Accused by the court of obstructing justice, Emil Morosini, jr., defense counsel, yesterday was put out of the trial of the case of the German agent, George Sylvester Viereck.

Justice F. Dickinson Letts indicated that he would deal with Morosini later, after Viereck's trial under the Foreign Agents Act. It may end tomorrow.

Morosini suddenly stopped his defense of Viereck yesterday, screamed out a charge that Justice Letts was not fair and rested his case, without the German agent having taken the stand.

Viereck registered several times as an agent of the Nazi propaganda agency, German Library of Information, and of a Munich newspaper and its officials. But Viereck has been charged with neglecting to tell of his anti-British publishing house or of his using Congressmen and their franks for his Nazi propaganda machine.

As a defense, Morosini and his co-counsel tried to show that other persons used like channels for anti-Nazi propaganda. Special Prosecutors William Power Maloney and Edward J. Hickey, jr., objected every time evidence of this kind was offered.

Justice Letts upheld the prosecutors, saying, in effect, that what others might have done, for other causes, made Viereck no less guilty or innocent, if he did not report what he did for Germany.

Morosini's protests got louder and stronger with every ruling yesterday. Shortly before the luncheon recess, the justice refused to allow Leonard H. Price, a former State Department official, interpret the Foreign Agents Act. That was a question for the court and not for a witness, said the justice.

Morosini asked the question again, and shouted, "the Government has been given wide latitude of proof here and we come in here with a defense and we do not have an opportunity of putting in any testimony."

"The objection has been sustained," 66-year-old Justice Letts said quietly. He has been a justice here for a decade and he was a judge in his native Iowa for 13 years.

"Now, if the court please," Morosini roared, "I think your honor has foreclosed us from a very important line of inquiry into this case. I think in view of your honor's rulings throughout the Government's testimony and throughout the defendant's testimony, I charge that your honor is biased in favor of the Government and prejudiced against this defendant."

"I say that this defendant has no alternative but to rest his case." Justice Letts was impassive. "Any further questions?" he asked.

Witness Excused

"No," said Morosini, "we have no further questions at this time."

"You may be excused, Mr. Witness," Justice Letts told Price. After the witness had gone, the justice asked, "Has the defendant rested his case?"

Morosini said yes, and the judge asked whether the prosecutors wished to offer rebuttal testimony. They did not. The court recessed, until 1:30 p. m.

After lunch, before the jurors came in, Justice Letts called the lawyers to the bench. Beside Morosini were his associate, Daniel F. Cohan, jr., and Col. O. R. McGuire, of

Judge Letts Bars Viereck's Lawyer



JUSTICE LETTS



EMIL MOROSINI

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The Court: No, indeed; not at this time. I will hear you later.

With this matter disposed of, Justice Letts called in the jury and let them go for the day, with orders to be in their box at 10 o'clock this morning.

It was recalled that when Morosini was defending the Nazi propaganda service, Transocean, last summer, Federal Judge T. Whitfield Davidson was so annoyed by his courtroom manner that he fined him \$10 for contempt of court. Morosini apologized and got his money back. The sudden and angry termination of the defense case came on the heels of new disclosures about the German agent's activities, which were made by one of the witnesses his lawyers had called to his defense.

Sheppard Butler, executive editor of Liberty magazine, identified two suitcases full of his company's records. Both Government and defense summoned them, but they were turned over to the prosecutors who kept them until Morosini called for the main court. He complained of this.

By these records, Morosini showed that Viereck wrote many articles for Liberty in the last 15 years and was paid with a stack of checks 2 inches thick. The checks and a list of the articles were placed in evidence.

Among Viereck's work was "re-writing" of two articles by President Roosevelt in 1933.

Line of Questioning Denounced

Maloney denounced this evidence as an effort to "link Viereck to the President," and on cross examination brought out that the articles were two of 15 Mr. Roosevelt wrote for the magazine when he was Governor of New York. The Liberty editor explained that Viereck, at the time, was one of a number of persons who "polished the language" of articles by busy public men, without changing the sense of what the authors had said.

From the Liberty records, Butler identified a memorandum dated November 26, 1937, from Viereck to Fulton Oursler, then the editor, which said:

"I had a long talk with Hamilton Fish about the proposed war referendum . . . Fish would be very glad to write an article with me on the necessity of a war referendum . . . An article in Liberty might be the means of putting it over."

Butler identified another Viereck memorandum, in which the German agent protested against an article purporting to expose the secrets of Hitler's mountain retreat near Berchtesgaden.

Expressing admiration for Hitler's dynamic qualities, but not for his ideology, Viereck recalled that as far back as 1923 he predicted a historic career for the Nazi leader. Viereck said he was sure the "expose" could not be true because the German Embassy in Washington had assured him it was false.

Oursler's reply was that he would be glad to publish any statement Viereck wanted to make as Hitler's official representative.

The invitation, it appeared from the records, was not accepted.

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The Court: Mr. Morosini is here in this court as a matter of privilege and this court expects courtesy under these circumstances.

The Court thinks that the remarks made by Mr. Morosini were entirely out of line, when he rested the defendant's case. Accordingly the privilege extended to him is withdrawn and he will not participate further in the trial of this case.

Fortunately Mr. Cohalan is here, and he has able counsel with him, Col. McGuire. They will proceed with the trial of the case to its conclusion.

Cohalan: May I state this in answer to Your Honor's statement . . .

The Court: Yes.

Cohalan: As cocounsel in this case we have to a certain extent divided up the work, do you see? Amongst the other things that Mr. Morosini has prepared and is prepared to deliver to the court are motions for a dismissal, the renewal of the motion to dismiss, and a motion for a directed verdict at the conclusion of the case . . .

The Court: Yes. I would have to look at that a little different if Mr. Morosini were the only attorney, but you are here, Mr. Cohalan—you are an able lawyer and Col. McGuire is here. There is no better gentleman and no better student of the law than he.

Now it may be that I should extend you sufficient time to organize the work that you expected Mr. Morosini to do. If it suits your convenience I will permit you to take until tomorrow morning.

Lawyers Confer

(The defense counsel went back to their table to confer, then.)

Cohalan: I do not think in justice to my client that I can in a short time prepare an adequate presentation of the motions addressed to the law of this case, and that therefore the ruling by his honor, to my mind, is imperiling to the rights of the defendant here.

The Court: In answer to that I may say this—that it is my opinion that the remarks made by Mr. Morosini in submitting his case and resting were delivered for the purpose of encouraging this jury to believe that there is no use in