

Justice Letts Refuses To Disqualify Self In Viereck Trial

5/29/42
Motion to Delay Case
Or Change Venue Taken
Under Advisement

District Court Justice F. Dickinson Letts today refused a request by defense counsel that he disqualify himself from presiding at the trial of George Sylvester Viereck.

At the same time, he took under advisement defense motions to delay the trial of the reputed Nazi agent or have it moved elsewhere because of alleged inflamed public sentiment against the defendant here.

Attorney Emil Morosini, jr., of New York, appearing for Mr. Viereck, who is charged with failing to make a complete disclosure of his activities to the State Department, earlier had told the court that while the case was pending before Justice T. Alan Goldsborough, the defense retained Attorney O. R. McGuire as associate counsel. Mr. McGuire's son is married to Justice Letts' niece, whom the jurist reared, he said.

Mr. Morosini added that columnist Walter Winchell charged recently that the defendant was trying to use some of his influential friends here to deprive the Government of a fair trial.

"Won't Be Tried for Papers."
Justice Letts said "we should not be concerned with any inferences in this case except those to be drawn by the jury. The case will not be tried for the newspapers."

Regarding the request for a change of venue, Justice Letts said "it will be necessary for me to determine what effect the newspaper publicity has had on the community."

Mr. Morosini produced for the record a stack of Washington newspapers which, he contended, "have distorted the defendant, his personality and the crime for which he is indicted."

Pointing out that Mr. Viereck was indicted before war was declared with Germany, Mr. Morosini declared the trial should be delayed because of "hysteria" caused by the press. The defense counsel suggested the trial, if not delayed, should be held in Baltimore, or before either of two Federal courts in Virginia.

Pleas Held "Frivolous."

On the other hand, the prosecution pointed out that the defense will have adequate opportunity to examine prospective jurors as to whether or not they were prejudiced by the newspapers.

The Government attorney insisted the attempts to delay or transfer the trial were "frivolous" and that no evidence had been produced to show the defendant could not get a fair trial here.

The Government agreed to return to Mr. Viereck a property allegedly seized by F. B. I. agents from his New York apartment. Accordingly, defense motion to suppress this evidence was withdrawn.