THE NATION

Employe Tells What Went On in Merwin Hart's Office

Witness at John Eoghan Kelly's Trial **Discloses** That Economic Council Employes **Did Pro-Franco Work**

ith many people throughout the country in n attempt to enlarge his <u>New York State</u> <u>Sconomic Council</u>, Inc., into a nationwide

And with Hart there stands on trial at the And with Hart there stands on trial at the ime bar a very large segment of the red-aiting, pro-Franco "movement" in this jourtry which, during the closing year of he Spanish Civil War, won thousands of upporters on a platform of peace and "100 er cent Americanism."

Spread on Record

Spread on Record The Kelly trial spread on the court record widence showing that, to an amazing ex-tent, the so-called nationwide pro-Franco "movement" was the work of two men, the upper-patriots Hart and Kelly. These men may no reason why they shouldn't work for the good of their country hand-in-hand with mbassador Juan de Cardenas, Franco's of-ficial representative here, who naturally has other lovalties than to the U. S. A. The Hart-Kelly tie-up, the link between he American Union for Nationalist Spain-thich was the name of their pro-Franco's ourt cared to have her say. At one point hich was the name of their pro-Franco's ourt cared to have her say. At one point hich was the name of their pro-Franco's ourt cared to have her say. At one point had hese notes in her pocket and brought waizations. But now it is spread on the our record that the address of the two or-mizzitions. But now it is spread on the out record that the address of the two or-mizzitions was the same, that Hah leaded oth, that Kelly was secretary in both, and other the was the for the pro-Franco's out record that the course of the two or-mizzitions. But now it is spread on the out record that the course of the two or-mizzitions was the same, that Hat headed oth, that Kelly was secretary in both, and other work bit Evergorin Coursel of the two or-mizzitions was the same, that Hat headed oth, that Kelly was secretary in both, and the work is frequencies on the course of the secretary in both, and the secretary in both, and the mout. The secretary in both, and the work is frequencies of the two or the secretary in both, and the work is frequencies on the prosecutor Matlack in the secretary in both, and the work is frequencies on the prosecutor would want these ontes read, "special prosecutor and when

oth, that Kelly was secretary in both, and hat Hart used his Economic Council per-onnel to do some of the work of the Amercan Union.

In Hart's Office

These facts were brought out piccemeal the Kelly trial by several witnesses, but jost clearly and completely by Gladys owntree, who worked for Hart during the Ymfer of 1938-39, at Friday's session. The nak of Miss Rowntree's direct testimony printed in adjoining columns. This testi-

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By Victora H. BERNSTERS PM's Forment 5 D.5 42 WASHINGTON, May 22. - Coincident by defense counsel James V. Haves. In one vith the trial here of John Eoglam Kelly important respect it was strengthened. At harged by the U. S. Government with be-ing an unregistered agent of the Franco egime, some of the defendant's former as some of the defendant's former as coitates are also on trial at the bar of public done at the office of the New York State pinion-the same bar to which the Kerr Committee recently paid eloquent homage. Notable among these associates is Mervin Retrief of the secretarial staff to answer it." The council, which Hart Jounded and of

The council, which Hart founded and of

The council, which Hart founded and of which he is president, is ostensibly aimed (1) to keep down the cost of government and (2) to prevent too great encroachment of government upon private business. Miss Rowntree made an excellent witness. She spoke deliberately and with much fore-thought, and so quietly that several times the court had to ask her to lift her voice a little. Defense counsel Hayes, an able lawyer who left some of the other Govern-ment witnesses shaken by his cross-examina-tion, had no luck with her. The fact that Miss Rowntree at no point

There was a bench conference, and when Hayes resumed his cross-examination, he made no further reference to the notes.

Most Damaging Evidence Most damaging to Kelly of Miss Rown

Most damaging to Kelly of Miss Rown-tree's evidence was perhaps the following: ¶That Kelly referred to the <u>Peningular</u>, News Service, Franco propaganda agency in New York City which later became the Spanish Library of <u>Information</u>, as simply "the office" (the implication being, of course, that Kelly referred to the news serv-ice as any man would normally refer to the place where he worked regularly.) ¶That Kelly was in frequent, if not regu-lar, communication with Ambassador Car-denas.

atenas. ¶ That Kelly made frequent trips to talk on Spain, and that he helped to arrange pro-Franco meetings and—in Miss Rown-tree's phrase—to "bring pressure on" public officials on behalf of Nationalist Spain. denas

officials on behalf of Nationalist Spain. At one point in her testimony, Miss Rown-tree emphasized that, although she had originally been employed by Hart to help research a book on Spain, the book as it finally appeared was none of her handwork and did not present the facts as she saw them.



John Eoghan Kelly, avowed Franco admirer, stands for the photog-rapher during a recess at his trial. He is flanked by defense counsel, Robert Wall, left, and James V. Hayes, right.

Miss Rowntree's Testimony

Here is a partial text of the testimony of Gladys Rowntree, prosecution witness in the trial of John E. Kelly. Special Prosecutor Isaigh Matlack conducted the questioning; Jamès V. Hayes is defense counsel. Judge Morris is on the bench.

Q. Will you state your full name please, Miss Rowntree? A. Gladys Rowntree. Q. Where do you live? A. I live in New York.

Q. Directing your attention to the latter part of 1938, what was your employment? A. I worked for Mr. Merwin Hart in the latter part of 1938.

Q. And how long did you continue to work for Mr. Hart? A. Until shortly after

New Years, 1941. Q. What was your position with Mr. Hart, beginning in 1938? A. I went there to work on a book that he was writing, that

to work on a book that he was writing, that he was going to write. Q. Now in connection with your work for Mr. Hart, did you meet Mr. John E. Kelly? A. Yes, I met Mr. Kelly. Q. Can you state the general circum-stances under which you met Mr. Kelly? A. Yes, Mr. Hart had me do research work and originally I was supposed to do part of the writing of the book about Spain, and for that reason I had to gather material about it and had to spend a month or so in getof it and had to spend a month or so in get-ting information, and Mr. Hart referred me the to Mr. Kelly and to Mr. Echegaray, of the Peninsular News Service. ga-[The Peninsular News Service uses at that

time a registered agency of the Franco government.-Ed.]

goocrimment—Ed.J Q. Do I understand you to mean that he referred you to the Peninsular News Serv-ice, where you met Mr. Kelly and Mr. Echegaray? A. Well, that is the same thing. Q. Did you ask Mr. Kelly to give you or obtain for you information for use in that bool? A. Occasionally. I was originally told to see Mr. Kelly, because-to see Mr. Kelly or Mr. Echegaray. I was told they were the head men—

Mr. Hayes: (Interposing) Who told you to give directions to this?

The Witness: Mr. Hart. Mr. Hayes: I move to strike it out, if

Your Honor please. Mr. Matlack: I think what Mr. Hart said will have to be struck out.

will have to be struck out. The Court: I think so. I will grant the motion to strike. Q. Did you see Mr. Kelly, that is what I am trying to get to? A. I saw Mr. Kelly in the office numerous times. Q. What office? A. In Mr. Hart's office, of the New York State Economic Council. Q. When, Mr. Kelly was in the office did you, on any of those occasions, ask him for information for this book? A. Occasionally, ves.

Q. What did Mr. Kelly say, did he fur-nish the information? A. As a rule, the con-versations were very brief, because he was usually on his way in or out, and when I asked him for information he usually re-ferred me to the office. Q. What office? A. To the Peninsular

News Service.

Q. Now when you say he referred you to the office, are those the exact words that Mr. Kelly used? A. Yes, he referred me to the office

Kelly Visited Hart

Almost Every Day

Q. Can you recall, on the half a dozen Q. Can you recail, on the half a dozen occasions that you were there, whether you saw Mr. Kelly at the Poninsular News Serv-ice office? A. I recall definitely one time, I may have seen him oftener, I don't recall about that. I do remember one time particularly that I saw him there.

Q. Do you know what he was doing there at the time you saw him there, did you observe? A. Well, he was leaving.

Q. That is what I want to know, what he was doing. You saw him leaving the office? A. I was sitting in the anteroom of the office . . . and I remember he stopped

MORE



board about where to find him if calls ca in for him while he was out of the office or if anything urgent came upp and to tell her when he would be back.

Q. Do you recall whether Mr. Kelly came to Mr. Hart's office, during the period when you were there, from the latter part of 1938 to the early part of 1939? A. Oh, use all the time

yes, all the time. Q. Do you know what the occasion for Mr. Kelly's coming to Mr. Hart's office was?

Mr. Kelly's coming to Mr. Hart's once was A. To do propaganda work for Spain. Q. You say that—now what do you mean by "propaganda work for Spain," what did Mr. Kelly do? A. Well, he was probably the most active figure conferring with Mr. Hart about the activities of the American United for the American That about the activities of the American Union for Nationalist Spain, which was or-ganized there to represent, to publicize, carry on propaganda generally in this coun-try for Franco and Nationalist Spain.

try for Franco and Nationalist Spain. Q. How often did Mr. Kelly come to Mr. Hart's office during that period? A. I don't know the exact number of times, but he was in and out all the time. Q. Can you state the period of time dur-ing which the American Union for National-ist Spain was most active? A. In the winter of 1938-1939.

Q. Do you remember a mass meeting held in the Seventh Regiment Armory in

held in the Seventh Regiment Armory in New York? A. Yes. Q. During February, 1939? A. Yes. Q. Did Mr. Kelly, to your knowledge, have anything to do with that mass meet-ing? A. Yes. Q. What did Mr. Kelly have to do with it? A. Oh, he arranged for the hall, for the Armory he made the arrangements for the-Mr. Hence.

Mr. Hayes: (Interposing) Were you present when these things took place? The Witness: I was sitting in Mr. Hart's room a good part of the time, and Theard the conversation about it. . . I heard the conversation about Mr. Kelly's arranging conversation about Mr. Kelly's arranging for the film made in Spain. I was in the office when Mr. Kelly's came in to get the money for stamps to send out the letters-he sent out the letters to people all over the country, announcing the mass meeting and asking for the use of their name, and asking for money to distribute the handbills around that vicinity. I rode in the taxi with Mr. Hart to the Armory, and he---Q. (Interposing) Don't tell me anything about what Mr. Hart said. A. All right. Q. Do you know what organization spon-sored this mass meeting in the Seventh Regiment Armory in New York? A. As it says there it was a group of people that

Regiment Armory in New York: A. As it says there it was a group of people that were called a Mass Meeting Committee. The real backing came from the group, Amer-ican Union for Nationalist Spain, it was organized as a Pro-Franco Mass Meeting, but at the last minute when protests were made to the Governor and they tried to stop the meeting, we changed the name to "Pro-American.

Hart Spreads the Good Word About Fascist Spain

Q. You mentioned, in one of your answers, that Mr. Kelly made speeches; do you know of speeches that Mr. Kelly made? The Witness: Well, I heard him once,

and then I heard Mr. Kelly mention in the office a number of times to Mr. Hart that he was leaving to make a speech, either to some partriotic group or some other group,



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This handbill links Merwin K. Hart and John Eoghan Kelly to a pro-Franco rally held in New York City in February, 1939. First printed in PM more than a year ago, it now is part of the record in Kelly's current trial in the District Court in Washington.

briefly, and Mr. Hart made the main speech. was a tremendous amount, a great amount

briefly, and Mr. Hart made the main speech. It was a meeting to acquaint key people, the heads of organizations all over the country, with the merits of Nationalist-so-called-Spain. Q. Do you know whether Mr. Kelly was in touch with Mr. de Cardenas [Juan de Cardenas, Spanish Ambassador to the U.S. A.-Ed] while he was in the office of the Economic Council? A. Yes, he called him numerous times. him numerous times.

Q. How do you know that Mr. Kelly was in touch with Mr. de Cardenas? A. He used to call him from the office and used to rush to cail nm from the office and used to rush out and say that he had to meet Mr, de Cardenas at the Ritz, and that he was late. I could hear a good part of the conversa-tions. I worked frequently at a long table on one side of Mr. Hart's private office, and when Mr. Kelly would come in and out-al-though I groups to him and unt-alwhen Mr. Kelly would come in and out-al-though I spoke to him not very often I heard a good many of the conversations. Q. How were the members obtained for the American Union for Nationalist Spain, do you know? A. Well —

Q. (Interposing): Do you or do you not

know? Your answer can be yes or no. A. Yes, I do know, but as defense attorney has pointed out I wasn't in the room and heard it said.

How Hart-Kelly Group Worked on U. S. Officials

Q. What did the American Union for Nationalist Spain do in the way of propaganda? Mr. Hayes: Wait a second. I object to this, if Your Honor please, I object to the

haracterization. The Court: Well, the witness used the term in her answer to some question and I think she later used another expression, such as "acquaint the public with the merits of the Nationalists"—

The Witness (interposing): Not the nerits."

The Court: You use the terms inter-nangeably, do you not, is that what you

meantr meantr The Witness: I would hardly call it "merits," but from the Fascist point of view it was to acquaint them with the viewpoint i+

some partriotic group or some other group, always about Spain. Q. Do you recall where you heard Mr. Kelly and Mr. Zoll, who presided, all spoke

was a tremendous amount, a great amount of correspondence with people all over the United States, a constant getting in touch with what were said to be key figures. There was the organizing of mass meetings. There was the organizing of private meet-ings. They wrote letters to Mr. Summer Welles, the Secretary of Statel they wrote Letters to the Dresident and then they would letters to the President and then they would have reprints of the letters which were sent have reprints of the letters which were sent to Sumner Welles-Mr. Kelly brought in a list of names of the Congressment to whom those should go, and they were sent to them, and when the answers came back they turned over the answers to Mr. Kelly. There was pressure brought to bear on pub-

Y REY

There was pressure brought to bear on pub-lic officials in that manner. *Mr. Hayes:* I object to "pressure brought to bear on public officials." If the witness can tell us what was done, I have no objec-

The Court: What do you mean by that

The Court: What do you mean by that expression? The Witness: By "pressure brought to bear" I mean to write a letter or a number of letters, get them published in the news-papers, write to public officials, get them printed in pamphlet form and then send it to the members of Congress, get prominent names attached to it-the great objective being to prevent the lifting of the embargo, to prevent the republic being able to buy arms to defend itself against the other side, and to prevent wheat being sent to Spain. Q. I show you a paper and ask you if Q. I show you a paper and ask you if that is one of the matters to which you have just referred in the form of a release? A. Yes, this is one of the reprints of a letter to Mr. Sumner Welles.

60 Mr. Summer Weiles. Q. Was this released to the press? A. This was signed by Mr. Hart as President of the New York State Economic Council, but it was a part of that activity. ...Q. Who was the Secretary of the Amer-ican Union for Nationalist Spain? A. Mr. Folly was the accentary.

Kelly was the secretary. Q. Was this put out by the American Union for Nationalist Spain or by the New York State Economic Council? A. By "put out" do you mean who paid the actual bill for it?

UIVII LIDERTIES Win a Round

Oklahoma Book Trials Near End With Dismissal of Charges

Special Correspondence OKLAHOMA CITY, Okla., May 22 .-One of the Nation's major civil liberties cases, the so-called Oklahoma book trial. has come to a virtual close with the dismissal of criminal syndicalism charges against three of the four principal defendints.

ants. The charges-based on accusations that the defendants possessed "dangerous" books, and were members of the Communist Party -were dropped by County Attorney George Miskovsy after the Criminal Court of Ap-peals refused a rehearing on its decision re-versing the convictions. The action cleared Mire Ton Wood wife a Pachet Wood Cathe Mrs. Ina Wood, wife of Robert Wood, State Communist Party secretary; Alan Shaw, Ok-lahoma City Communist Party secretary, and Eli Jaffe, organizer for the Young Communist League

No Action on Wood

No action was taken in the case of Robert Wood, whose appeal is still undecided, although there were indications that the end of this prosecution would be the same.

end of this prosecution would be the same. The case dates back to Aug. 17, 1940, when ratis were made on a bookshop and several homes with the arrest of 17 persons and the seizure of 10,000 books, including Communist literature and such classics as Karl Marx's Das Copital.

Bail for those held totalled \$485,000, but Bail for those held totalled \$455,000, but, the International Labor Defense, of which Rep. Vito Marcantonio (ALP, N. Y.) is president, got the total reduced to \$42,500and posted the security. The four principal defendants each were sentenced to 10 years' imprisonment an-fined \$500 each, although no charge was much the curr areat on area to a sentence.

made that any overt act was committed.

Atmosphere of Hysteria

During the trials, which were strung out During the trials, which were strong our over a year, the prosecution cited book that had been seized to prove that the de-fendants advocated violence and the com-mission of crimes "against the peace and dignity of the state of Oklahoma."

In the appeal, the defense charged that the prosecution deliberately attempted to create an atmosphere of emotion and hys teria, disregarding completely the guaran tees of personal liberty.

The appeals court, in a decision writter y Judge Bert Jones and concurred in by by Judge Bert Jones and c Judge B. B. Barefoot, held:

"The Bill of Rights belongs to all of the people and not merely to Communists and other popular minorities. . . If we let down the bars to make it easier to convict Com munists, then the bars will be down to al other citizens. All people benefit when courts insist on the maintenance of free speech and other Constitutional liberties for nen we dislike. . .

"If we should adopt a construction of the statutes in question which is insisted upon by counsel for the State, it is conceivable by control to the black in a bound of the black of the bl