

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

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WASHINGTON, May 22. — Coincident with the trial here of John Eoghan Kelly, charged by the U. S. Government with being an unregistered agent of the Franco regime, some of the defendant's former associates are also on trial at the bar of public opinion—the same bar to which the Kerr Committee recently paid eloquent homage.

Notable among these associates is Merwin K. Hart, Franco apologist and defender of democracy, who is even today in contact with many people throughout the country in an attempt to enlarge his New York State Economic Council, Inc., into a nationwide organization.

And with Hart there stands on trial at the same bar a very large segment of the red-baiting, pro-Franco "movement" in this country which, during the closing year of the Spanish Civil War, won thousands of supporters on a platform of peace and "100 per cent Americanism."

Spread on Record

The Kelly trial spread on the court record evidence showing that, to an amazing extent, the so-called nationwide pro-Franco "movement" was the work of two men, the super-patriots Hart and Kelly. These men saw no reason why they shouldn't work for the good of their country hand-in-hand with Ambassador Juan de Cardenas, Franco's official representative here, who naturally has other loyalties than to the U. S. A.

The Hart-Kelly tie-up, the link between the American Union for Nationalist Spain—which was the name of their pro-Franco organization—and Hart's New York State Economic Council was revealed more than a year ago by PM and by anti-Fascist organizations. But now it is spread on the court record that the address of the two organizations was the same, that Hart headed both, that Kelly was secretary in both, and that Hart used his Economic Council personnel to do some of the work of the American Union.

In Hart's Office

These facts were brought out piecemeal at the Kelly trial by several witnesses, but most clearly and completely by Gladys Rowntree, who worked for Hart during the winter of 1938-39, at Friday's session. The bulk of Miss Rowntree's direct testimony is printed in adjoining columns. This testimony was not shaken in cross-examination

by defense counsel James V. Hayes. In one important respect it was strengthened. At one point Miss Rowntree said:

"During the winter of '38-'39, I should say that at least 80 per cent of the work done at the office of the New York State Economic Council was for Spain. . . . Correspondence in connection with this Spanish activity was handled by Mr. Hart, who used his regular office secretarial staff to answer it."

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 forethought, 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 Government witnesses shaken by his cross-examination, had no luck with her.

The fact that Miss Rowntree at no point showed any personal animosity toward the defendant—on the contrary at one point she called him "courteous"—made her testimony all the more impressive.

She Kept Notes

It was evident, in the course of her testimony, that she knew a great deal more than either the prosecution, the defense or the court cared to have her say. At one point Hayes elicited the information from her that she had kept notes on many things that had happened while she worked for Hart. She had these notes in her pocket and brought them out.

"I don't think the court would want these notes read," special prosecutor Matlack interposed at this point. "They are dangerous."

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 Rowntree's evidence was perhaps the following:

"That Kelly referred to the Peninsular News Service, Franco propaganda agency in New York City which later became the Spanish Library of Information, as simply 'the office' (the implication being, of course, that Kelly referred to the news service as any man would normally refer to the place where he worked regularly.)

"That Kelly was in frequent, if not regular, communication with Ambassador Cardenas.

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

At one point in her testimony, Miss Rowntree 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 photographer during a recess at his trial. He is flanked by defense counsel, Robert H. 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 Isaiah Matlack conducted the questioning; James 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 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 circumstances 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 getting information, and Mr. Hart referred me to Mr. Kelly and to Mr. Echeagaray, of the Peninsular News Service.

[The Peninsular News Service was at that time a registered agency of the Franco government.—Ed.]

Q. Do I understand you to mean that he referred you to the Peninsular News Service, where you met Mr. Kelly and Mr. Echeagaray? 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 book? A. Occasionally. I was originally told to see Mr. Kelly, because—to see Mr. Kelly or Mr. Echeagaray. I was told they were the head men.

Mr. Hayes: (Interposing) Who told you 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.

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, yes.

Q. What did Mr. Kelly say, did he furnish the information? A. As a rule, the conversations were very brief, because he was usually on his way in or out, and when I asked him for information he usually referred 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 occasions that you were there, whether you saw Mr. Kelly at the Peninsular News Service 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 to give directions to the girl at the switch-

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