

Key Witness In Viereck Case Refuses to Talk

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**Dennett, Now in Army,
Says He Would Be
Violating His Oath**

Prescott Dennett, key Government witness now in the Army, refused today to testify in the District Court trial of George Sylvester Viereck and the prosecution immediately announced it would appeal to the Judge Advocate General's Office for a ruling.

Making a surprise appearance, Mr. Dennett, who has been linked with prewar isolationist groups, told the court:

"I wish to be excused from appearing as a witness in this case because I have discovered my very presence here under the present peculiar circumstances puts me in the strange position of violating or tending to violate in wartime my own oath as a soldier.

"As I understand my oath and the Articles of War, I don't have the right under military law to criticize or tend to criticize or to allow myself to be used as a willing party to criticism of any National or State elected public official. And so, your honor, I must support my soldier's oath and obey the Articles of War."

Details of Group Told.

His refusal to testify prompted an immediate conference between Justice Department agents and the Government prosecutors, who said they would make an appeal to the Judge Advocate General's Office.

Earlier, it developed it had been suggested that an outstanding national hero be considered for the chairmanship of the prewar Make Europe Pay War Debts Committee to succeed the late Ernest J. Lundeen, isolationist Senator from Minnesota.

The disclosure came from Joel Frank Webber, one time associate of the isolationist organization with which Viereck has been linked. Viereck is on trial for alleged violations of the Foreign Agents Registration Act.

Mr. Webber told of a meeting with Viereck in New York in October, 1940—nearly two months after Senator Lundeen's death in a plane crash—during which they discussed a new chairman.

Mrs. Lundeen Appears.

"Some national hero like Sergt.

Alvin C. York came under discussion," he told the jury of three women and nine men.

The witness did not say whether Mr. York ever was approached on the proposition.

Prior to Mr. Webber's testimony, Mrs. Lundeen made a surprise appearance, in answer to a Government subpoena calling for certain correspondence and speeches from the Senator's files. She stressed that following her husband's death nothing in his files was destroyed, but she recalled that her home here subsequently was entered and files stored in an attic disturbed.

Asks Return of Papers.

Mrs. Lundeen insisted that the papers, which the prosecution said pertained to correspondence between her husband and the defendant, be returned to her. Justice Bolitha J. Laws assured her they would be given back. The jurors were ordered from the courtroom during Mrs. Lundeen's brief appearance.

Mr. Webber, who admitted that his connection with the committee "wasn't very remunerative," said the committee changed its name "as the political scene changed." Following the transfer of 50 American destroyers to Great Britain in exchange for island bases, the committee became known as Islands for War Debts Committee, the witness explained.

Questioned by Prosecutor Albert E. Arent as to activities of the original committee, the witness said that "most of the time we sent out speeches from the Congressional Record." This included mailing out speeches by Senators Nye, Holt and Reynolds. The committee compiled a mailing list from Who's Who in Medicine, Law and Business and special lists from Boards of Trade in various cities, Mr. Webber said.

Says Viereck Formed Group.

During a meeting in Viereck's apartment, when Mr. York's name arose, Mr. Webber said that Viereck told him that he himself was the originator of the idea for the committee. Meeting with the two were Mrs. Webber and Dennett, one time associate of the committee and publicity man for a subsequent isolationist group.

Viereck and Dennett are among 33 persons indicted early this year on charges of conspiracy to undermine the morale of the armed forces.

Most of the afternoon yesterday was taken up by Dr. Werner Bruno Ellinger, language authority attached to the Library of Congress, who identified a long list of Flanders Hall and German publications. Under questioning by Mr. Arent, the witness asserted that many books and pamphlets bearing the imprint of the New Jersey publishing house were similar in content to official German Information Office publications, of which he had made a study.

He further testified that, in some instances, a different author's name had been used in the Flanders Hall books. Other books, he added, had left out anti-Semitic references as well as mention of national socialism.