

# Colonel Permits Soldier to Testify

## Dennett Sullenly Admits Viereck's \$5000 Gift to Group

A representative of the Judge Advocate General's office had to appear in District Court yesterday before Private Prescott Dennett would testify in the trial of George Sylvester Viereck, accused of failing to register fully with the State Department his activities as an agent of the Reich.

Dennett, a member of prewar anti-interventionist cliques, when brought before Justice Bolitha J. Laws, said:

"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.

### Cites Military Law

"As I understand my oath and the Articles of War, I don't have the right under military law to criticize or to allow myself to be used as a willing party to any 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."

Dennett, who for months has been in a military prison while under indictment on charges of conspiring to undermine the morale of the armed forces, then sat down. A conference of attorneys was called after which Col. Archibald King was brought into court. Colonel King stated there was no reason why Dennett shouldn't testify.

When Dennett did testify, he was sullen and had to be cautioned by Justice Laws several times not to argue with George McNulty, special assistant to the Attorney General and who is prosecuting the case.

Before Dennett was brought into

court, a Government witness testified that the now-defunct Make Europe Pay War Debts Committee, composed of isolationists, at one time sought to have Sergt. Alvin C. York, hero of World War I, as head of the committee. There was no indication Sergeant York was approached, however. The witness giving this testimony was Joel F. Webber, who was once a member of the committee. Webber informed the court the late Senator Lundeen of Minnesota was once chairman of the committee.

### Mrs. Lundeen in Court

Mrs. Lundeen came into court as a surprise witness, answering a subpoena requesting certain correspondence and speeches of her late husband. She said most of the files containing this matter had been destroyed in a fire. She said the rest had been taken from her, presumably by agents of the Justice Department and insisted these be returned to her. The jury was not allowed in the courtroom during Mrs. Lundeen's appearance.

Dennett, in his testimony, repeatedly answered questions with the answer, "My memory is hazy on that point."

Then, he would be given grand jury minutes to refresh his memory. Then, he would reply but still insisted he was "hazy." He listed the founders of the Make Europe Pay War Debts Committee, saying they were himself, Lynn E. Gale, Gen. Smedley D. Butler, and Senator Lundeen.

Dennett said Viereck had given the organization approximately \$5000, much of which he said was used to pay expenses in mailing speeches of isolationist Representatives.