

## Analyst Gives Evidence at <sup>Part 2</sup> Viereck Trial

Dr. Werner B. Ellinger, propaganda analyst at the Library of Congress, testified in the District Court trial of George Sylvester Viereck yesterday that many Flanders Hall publications which Viereck backed were very similar in content to articles written originally in the German office of information in Berlin.

Viereck is charged with failing to register his activities as a foreign agent of the Nazi government fully with the State Department. A jury of three women and nine men is hearing the case, which is the third trial of Viereck. The first resulted in a conviction reversed by the United States Supreme Court. The second ended in a mistrial.

Among the books Dr. Ellinger found to be like those of the German office were "Polish Atrocities," "Children of Slaves," "100 Families that Rule the Empire," and "Britain's Stranglehold on India."

The main difference Dr. Ellinger noted was that on several occasions in the Flanders Hall publications, references of an anti-Semitic nature were excluded as well as those which dealt with Hitler and the National Socialist party in Germany.

Thomas H. Morgan, special agent for the FBI, earlier testified that the accounts of Flanders Hall, a New Jersey company, showed former Senator Bush D. Holt (Democrat) of West Virginia and Representative Stephen A. Day (Repub-

lican) of Illinois, had bought almost all the copies of books they had written and which had been published by the company.

Day, testimony showed, wrote, "We Must Save the Republic," Holt wrote, "We is Who Among the War Mongers." Holt was said to have paid \$1000 which took all the copies published. Day was said to have paid \$1164.

Mr. Morgan also disclosed that Viereck had a separate account with Flanders Hall. He said this was given the title, "Viereck Operations." Previously witnesses testified Viereck, paid \$22,500 to get control of the company. The Government charges Viereck used the firm to distribute German propaganda.

# Viereck Is Sentenced To 1 to 5 Years Under Foreign Agents Act

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**Propagandist Thanks  
Court for Fairness;  
Calls Law Obscure**

George Sylvester Viereck, German propagandist, was sentenced in District Court today to serve from one to five years in prison for violations of the Foreign Agents Registration Act prior to the United States' entrance into the war.

The sentence, imposed by Justice Bolitha J. Laws, followed Viereck's conviction July 16 by a jury which found him guilty on six counts of failing to inform the State Department that he was an agent of the German Reich and for "wilfully" concealing his activities from the Government. The conviction carried a maximum of 4 to 12 years' imprisonment and a \$6,000 fine.

#### Year Spent in Jail.

In imposing the sentence, Justice Laws said he had taken into consideration the year Viereck spent in District Jail after his first conviction in March of last year on similar charges. The Supreme Court reversed the first District Court conviction. Justice Laws pointed out that since Viereck had filed a pauper's plea in his most recent trial "there would be no purpose in imposing a fine."

Defense Attorneys Leo A. Rover and John J. Wilson, named by the court to represent the New York author and journalist, said they would appeal the case. Justice Laws earlier had overruled a motion by the defense for a new trial.

After Mr. Rover had requested the court to take into consideration the fact that the defendant was "a man of high intelligence," Justice Laws permitted Viereck to read a prepared statement in which he maintained that he was "guiltless of any willful violation of the law."

#### Thanks Court for Fairness.

"I wish to thank your honor for the fairness with which you have

(See VIERECK, Page A-2.)

## Viereck

(Continued From First Page.)

conducted my trial," Viereck said. "I wish to thank you especially for appointing as counsel for my defense two of Washington's most capable attorneys. In spite of all this, a jury has found me guilty, after debating for nearly nine hours."

The defendant added:

"The case was so complex, the line between the permissible and the nonpermissible so wavering and so thin that, in spite of the lucidity of your honor's charge, no jury, however intelligent and conscientious, could possibly ascertain the facts. The law itself is so obscure that it misled the Department of Justice and puzzled the courts no less than it mystified my attorneys and the Department of State.

"If I had worked for war as I have worked for peace I would not find myself indicted, much less convicted."