

# U. S. Acts for Early Trial of Viereck in Nazi Investigation

Span 11/7/41  
Rearrangement Slated for  
Monday as Counsel  
Files Demurrer

Attorney General Biddle is seeking early trial of George Sylvester Viereck, registered German agent, on charges of failing to disclose completely his activities in this country, it was learned today.

Another step in this direction was taken in District Court yesterday when Justice James W. Morris set 2 p.m. Monday for rearrangement of Viereck on three of the counts in the indictment returned against him by the special grand jury investigating Nazi activities in the United States.

Mr. Viereck, one of the most prominent figures taken in the Justice Department's Nazi probe, recently changed his plea from not guilty in order to file a demurrer to the indictment. Justice Morris sustained the demurrer on two counts and overruled it on three counts.

Edward J. Hickey, jr., special assistant to the Attorney General, yesterday requested Justice Morris to set the Viereck case for rearrangement on the three counts Monday. This procedure is a necessary preliminary to the Government's move for an early trial of the case. Viereck is charged with violating the Foreign Agents Registration Act.

#### Hill Files Demurrer

There was action also yesterday on two other fronts in the grand jury probe. George Hill, second secretary to Representative Fish, Republican, of New York, filed in District Court a demurrer to the indictment charging Mr. Hill with perjury, and moved to be permitted to inspect the grand jury records. The grand jury completed for the time being its questioning of Miss Bessie Feagin, magazine promotion manager, and adjourned until next Wednesday, when it probably will hear two of her superiors, the editor and publisher of Scribner's Commentator.

Mr. Hill, through his counsel, John O'Connor of New York and William F. Cusick of this city, told the court in his demurrer that the indictment charging him with perjury was "bad in substance." There was no showing in the indictment, the demurrer said, that the alleged perjured testimony related to "material matter" within the meaning of the statute. It was charged the indictment was "vague and indefinite, and so filled with conclusions and lacking in the allegation of ultimate facts as not properly to apprise the defendant of the nature and cause of the accusation against him."

Mr. Hill asked to see the complete transcript of his testimony before the grand jury. The indictment, he pointed out, quotes "only short, disconnected parts of his testimony, whereas, his entire testimony might well disclose facts contrary to the allegations in the indictment."

#### Indicted on Two Counts.

Mr. Hill requested to see the transcript also because he charged that "attorneys for the prosecution made a statement in open court that the defendant allegedly received and could not account for \$12,000, whereas no such allegation appears in the indictment, and," he added, "if such is the fact, the defendant should be permitted access to the record of the proceedings to prevent surprise at the trial." Mr. Hill was indicted on two counts of perjury. He is charged with denying he knew Mr. Viereck and denying he knew anything about certain mail bags containing material of alleged propaganda contained in Government franked envelopes.

The grand jury probe probably will go further into a master mailing list alleged to have been used for propaganda purposes. Prosecutors charge it was compiled by Scribner's Commentary, a magazine whose promotion manager, Miss Feagin, was before the grand jury again yesterday. It is understood that George T. Eggleston, editor, and Douglas M. Stewart, publisher of the magazine, may appear before the grand jury when it resumes sessions Wednesday.

#### Counsel Withdraws.

The magazine's connection with the probe was aired in open court yesterday and Wednesday, when William Power Maloney, special assistant to the Attorney General, brought Miss Feagin before Justice Morris charging her with being a recalcitrant witness before the grand jury. After three different appearances before Justice Morris—Wednesday afternoon, yesterday morning and yesterday afternoon—she went back to the grand jury and was with it for a two-hour afternoon session. Her counsel, Nicholas Chiascione, had withdrawn from her case at the morning session of court, and she reported in the afternoon she had been "unable" to find other counsel. Justice Morris told her to search her recollection to answer more questions propounded by the grand jury.