

House Directs Fish Not to Answer Call Of Grand Jury

Committee Must Decide Whether He Can Answer Subpoena to Testify

BACKGROUND

11/10/41
Special District Court grand jury investigating Nazi propaganda activities in United States indicted George Hill, clerk of office of Representative Fish of New York, on two charges of perjury in connection with testimony before jury. Mr. Fish, one of most outspoken foes of administration's foreign policy, charged move was a part of efforts to "smear" him. Grand jury issued subpoena Friday to have Mr. Fish appear for questioning. Process was served on him in New York following day.

Representative Fish, Republican, of New York today was directed by the House to refrain from appearing before a Federal grand jury investigating Nazi propaganda activities until the House Judiciary Committee has determined whether the jury's subpoena served on Mr. Fish infringes on the constitutional privileges accorded members of Congress.

After Representative Fish had read the subpoena summoning him before the grand jury Wednesday, Representative McCormack, Democrat, of Massachusetts immediately offered a resolution directing the committee inquiry. It was adopted on a voice vote.

Mr. Fish, one of whose clerks has been indicted for perjury during the course of the grand jury's investigation, told the House that under House precedents he was unable to comply with the subpoena without permission of the House, as the "privilege of the House is involved." Mr. Fish was served with the process in New York Saturday after it had been issued at the direction of the grand jury.

Held "Fundamental Question."

Declaring that "a fundamental question" and "the integrity of the House itself" were involved, Mr. McCormack said the resolution was not intended as an effort to pass on the merits or demerits of "any individual matter." The Judiciary Committee should investigate whether "an individual can waive congressional privileges," he added.

The subpoena called for Mr. Fish's appearance before the grand jury at 10:20 a.m. Wednesday. He told reporters on his return from New York that he was leading opposition to the Neutrality Act revision bill amendment scheduled for debate in the House Wednesday, and was due to go on temporary active duty as a colonel in the Army Reserve Corps Thursday.

Charges "Smear" Efforts.

A consistent foe of administration foreign policy, Mr. Fish has charged efforts to "smear" him in connection with disclosures linking a clerk in his office with the removal of mail bags of isolationist material from the office of the Make Europe Pay War Debts Committee during the grand jury inquiry.

The clerk, George Hill, is under indictment on charges of giving false testimony regarding disposal of the mail sacks, and denying he knew George Sylvester Viereck, a registered German agent now under indictment on charges that he withheld information in registering with the State Department.

The Justice Department had extended Mr. Fish the privilege of appearing voluntarily before the grand jury, before the jury itself issued the subpoena, according to Wendell Berge, Assistant Attorney General in charge of the criminal division.