

# Jury to Study Refusal of Rep. Fish to Testify

Rep. J. Hamilton Fish (R., N. Y.) may find tomorrow he's grabbed the business end of a hornet by ignoring the demand of the special Federal grand jury on subversive propaganda to appear before it.

Just what action the grand jury will take, or can take, remains to be determined, says William P. Maloney, Assistant Attorney General in charge of the inquisitorial group and who is among those who'd like to see Mr. Fish before him.



Rep. Fish

Only one thing is certain today: the matter of Mr. Fish and the subpoena served on him will come up when the grand jurors reconvene tomorrow morning. The next step will be up to the jurymen.

## RECENT INCIDENT RECALLED

An indication of how they feel has just been given in a somewhat similar case: Bessy Feagin, sales promotion manager for Scribner's Commentator magazine, became very vague under questioning and was yanked right into Justice Morris' court and told to jog her ailing memory. Otherwise, she'd be held in contempt of court.

But, Miss Feagin was just an ordinary citizen, like you and I. She didn't have the cloak of congressional privilege or immunity to arrest. Nor did she have the House of Representatives telling her to tell the grand jury to go fly a kite.

The subpoena was served Saturday. When the House met yesterday Rep. Fish sent the subpoena to the chair, under a point of personal privilege, and Majority Leader McCormack (D. Mass.) introduced a resolution instructing Mr. Fish not to respond to the summons until the House Judiciary Committee has determined whether the rights and privileges of the House have been invaded. The resolution was adopted by a scattering of "ayes;" no "noes" were heard.

## OTHERS TO APPEAR

Legally, the investigators argue that Mr. Fish is not immune to subpoena for questioning. They further insist this to be doubly true because the subpoena was served in New York and on him as a private citizen and not within

the sacred purlieus of Capitol Hill.

George T. Eggleston, editor, and Douglas Stewart, publisher of Scribner's Commentator, will go before the jury tomorrow. Mr. Maloney expects Ralph Townsend, a writer for the publication, also to be in for questioning.

Mr. Maloney contends that hundreds of thousands of names on the magazine's mailing list were supplied by Messrs. Fish, Wheeler, Father Coughlin, Rush Holt, Charles A. Lindbergh and others. That's among the things on which he wanted to talk with Rep. Fish.

George Hill, one of Fish's office clerks, is under indictment on two counts of perjury in connection with his testimony before the jury. His demurrer to the indictment and motion to compel the grand jury to turn over to his counsel a copy of its hearing record, will come up in District courts Thursday or Friday.