

Fish Fails To Appear Before Jury

Busy on Capitol Hill
As Name Is Called
At Nazi Agent Probe

By Dillard Stokes
Post Staff Writer

From the door of the closed hearing room of the special grand jury on German agents this summons was shouted yesterday morning:

"Congressman Fish!"

Hamilton Fish, jr., of New York, did not answer. He was busy on Capitol Hill in another closed session, where he put in 15 minutes before the Judiciary Committee, which is considering whether the privilege of the House was violated when Fish was subpoenaed to give testimony "in behalf of the United States."

"You can just say he was talking," said the committee chairman, Representative Hatton W. Sumners (Democrat), of Texas. Fish would say nothing of what he told the committee.

Other members of the group declared Fish wanted the committee to hear his lawyer, former Representative John O'Connor, of New York. O'Connor also is attorney for George Hill, 45, Fish's secretary, who is under indictment on two charges of corrupt perjury. The committee declined, but agreed to let O'Connor hand in a brief.

After Fish disregarded an invitation last week to appear voluntarily
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the grand jurors ordered him summoned. It was O'Connor who then advanced the idea that Fish did not have to go before the grand jurors because he is a Congressman. O'Connor claimed the subpoena affronted the dignity of the House and pressed his point in a telegram to the Speaker, in which he said he once was chairman of the Rules Committee, but neglected to say that he is the lawyer for one witness under indictment and another who appears unwilling to appear.

Chairman Sumners said the Judiciary Committee will meet again this morning to consider a report dealing strictly with the law of privilege and leaving the decision of the Fish matter up to the House.

Until the committee acts, Fish will be able to take advantage of the House Resolution directing the privilege inquiry. The resolution said he was to "refrain from responding" to the subpoena until a report was made.

Fish's failure to appear having been noted "for the record," Special Prosecutor William Power Maloney and Edward J. Hickey, jr., proceeded yesterday with the questioning of two other witnesses, George T. Eggleston, editor, and Douglas M. Stewart, publisher of Scribner's Commentator.

The men were summoned last week after Prosecutor Maloney accused them in open court of attempting to obstruct the German agent investigation by coming here with Beattie Feagin, their promotion manager, and talking to her about her testimony.

Stewart has been ordered to return for questioning at 1 p. m. today.