

Hill's Secret Evidence Issue In Nazi Quiz

T-4 11/19/41
Prosecutors Call

Grand Jury Record

Vital Information

By JAMES CULLINANE

Fighting to protect "vital information" uncovered in the special Grand Jury investigation of Nazi propagandists, Government prosecutors yesterday pleaded with Justice James W. Morris not to force them to make public the testimony of George Hill, a clerk in the office of Representative Hamilton Fish (R.), of New York.

"This is still America," shouted John O'Connor, former chairman of the House Rules Committee and attorney for Hill, as he denounced tactics employed in the inquiry and demanded to see the full transcript of testimony given before the Grand Jury by his client.

Indicted for Perjury

Hill was indicted for perjury after he is alleged to have told the grand jury he did not know George Sylvester Viereck, registered Nazi agent, and did not know how eight mail bags containing antiwar material prepared by members of Congress which the grand jury had been seeking happened to reach Fish's storeroom in the House Office Building.

Earlier, attorneys for Viereck, indicted for not disclosing the full scope of his activities as a Nazi agent, appeared before Justice Morris to ask that trial of their client be slated before Justice T. Alan Goldsborough instead of Justice F. Dickinson Letts, as originally scheduled. Justice Morris told them to take the matter up with Justice Goldsborough.

Contends for Review

Contending Hill had the right to review every word he uttered before the Grand Jury, O'Connor said he had heard vague references to \$12,000 his client is supposed to have received; that 20 Congressmen have been implicated in the Grand Jury probe and "the whole idea is to send this small fish to jail."

O'Connor pointed out the \$12,000 is not mentioned in the indictment; and also that the fact Hill said he did not know Viereck is immaterial, because Viereck is already under indictment. Likewise the testimony about the mail sacks is immaterial, O'Connor said.

"Fishing Expedition"

William Power Maloney and Edward Hickey jr., special assistants to the Attorney General, contended O'Connor was engaged in a "fishing expedition" intended to disclose all of the evidence the Government has uncovered.

"I have listened with bewilderment to Mr. O'Connor's argument," said Maloney, "and I can't make fish or fowl out of it. It must be a red herring."

Maloney argued that Hill, more than anyone else, is familiar with what the transcript of his testimony before the Grand Jury contains.

"But if we release the transcript," Maloney added, "we would turn over other vital matters not connected with the perjury count, which would greatly impede the Grand Jury. We don't know into whose hands the testimony might fall."

"All Face Prosecution"

Maloney said he resented O'Connor's charges of persecution of "small fish," and added:

"We don't care about the size of the fish. Big or small, they all face prosecution."

No direct reference was made to Representative Fish, whom the Grand Jury has been attempting to question for more than two weeks. Fish is now on active duty as an Army Reserve Corps colonel and is not expected back in Washington until November 27.

Since the Grand Jury, now in recess, does not meet again until November 24, it was predicted no attempt will be made to call Representative Fish back from maneuvers in the Carolinas. The House on Monday authorized Fish to appear before the Grand Jury when Congress is not in session.

Justice Morris said he saw merit in O'Connor's contention that Hill is entitled to know everything in the Grand Jury record pertaining to the perjury indictment. He took the case under advisement for two days.