

Bring Bags, Court Tells Fish's Clerk

Required to Produce Evidence in Nazi Probe Before Noon Or Explain Failure

By Dillard Stokes
Post Staff Writer

Justice T. Alan Goldsborough yesterday gave George Hill, a secretary of Representative Hamilton Fish, until noon today to produce eight mailbags wanted by the special jury investigating German agents or to explain why not.

Hill was under subpoena to produce the mailbags yesterday, but did not obey. When he said Representative Fish told him to let them alone, Justice Goldsborough suggested that it might be proper to summon the Congressman himself.

The mail bags, which are filled with unaddressed franked envelopes, are in Storeroom 30 on the sixth floor of the House Office Building, in front of a bin used by Representative Fish. They were placed there on September 19, the day Hill sent a House truck which picked up 20 such bags at the headquarters of two anti-interventionist committees at 1430 Rhode Island Avenue Northwest.

Linked to Nazi Agent

When the grand jurors indicted George Sylvester Viereck, German propagandist, on Tuesday, they charged that Viereck financed these committees so he could use them to get his material sent through the mails under Congressional frank.

Special Assistant Attorney General William Power Maloney questioned Hill for an hour yesterday, after the secretary appeared without the mail bags he was ordered to bring. The grand jurors then went before Justice Goldsborough and asked the court to enforce the subpoena.

Asked what he had to say, Hill replied:

"Sir: Mr. Fish explained this whole thing on the floor better than I can, and of course I haven't had experience, like he has. This is the first time I have ever been brought into anything like this, the first time in my life. Those things were never in Mr. Fish's storeroom under lock and key. They have never been delivered to Mr. Fish's storeroom. . . ."

"Let me ask you this, Mr. Attorney General," Justice Goldsborough said after further explanation. "Mr. Hill may be in a tremendously embarrassing position. Supposing Congressman Fish told him not to meddle with that stuff?"

"That is my order," Hill interjected.

"It places this man in a pretty bad spot if his superior has told him not to interfere with that stuff," Justice Goldsborough resumed. "I do not know what he is going to do about it. I do not know that he has any authority to move them without Congressman Fish's authorization."

Subpena Deemed Authority

"He has the authority," Maloney pointed out, "of the grand jury subpoena which calls upon him to

him not to interfere with that stuff," Justice Goldsborough resumed. "I do not know what he is going to do about it. I do not know that he has any authority to move them without Congressman Fish's authorization."

Subpena Deemed Authority

"He has the authority," Maloney pointed out, "of the grand jury subpena which calls upon him to produce the mailsacks which were delivered to his office. It is his testimony that since being served with this subpena, which clearly calls for the production of eight mail sacks, he has made no effort whatever, according to his own testimony, he has made no effort to obey the mandate."

"He says Congressman Fish has told him not to do it," said Justice Goldsborough. "Is that correct?"

"That is right, honorable sir," Hill said, adding that Representative Fish asked the House postmaster

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and the House building superintendent to deliver the bags over "to the committee," apparently meaning the grand jury.

Hill said that if permitted to leave he would do everything in his power to comply with the subpena. Justice Goldsborough asked whether the bags were desired yesterday afternoon or today, and Maloney said that as it was so late, today would be agreeable.

"The court thinks," Justice Goldsborough concluded, "he ought to be given until tomorrow (Friday) noon to comply. If he cannot comply, he is then to report again to the court and state his reason why he cannot comply. But it may be that we can get access to them from some other man."

"We want either the sacks or a reasonable explanation of why they have not been produced," Maloney emphasized.

"Now, if everything is satisfactorily adjusted," said Justice Goldsborough, "that will end it as far as the court is concerned. Otherwise you will appear here at 2 o'clock tomorrow (Friday)."

Dennett Quiz Delayed

Taking Hill before the court took so long that the grand jury did not resume its questioning of Prescott Dennett, secretary-treasurer of the Make Europe Pay and the Islands for War Debts committees.

Summoned by the jurors the night of September 18, Dennett got rid of 20 mailbags full of unaddressed franked envelopes, using the truck sent by Hill. Twelve bags were taken to the America First Committee, 126 C Street Northeast, which surrendered ten to United States deputy marshals who had a subpena. The other eight were

taken to the House Office Building, where Hill directed them to be placed in the storeroom.

When a Post reporter examined the bags in the storeroom, at the invitation of Walter L. Reynolds, another of Representative Fish's secretariat, they were found to be full of the franked envelopes. One of them bore a tag, which said, "Cong. Fish. Attention Mr. Hill."

Dennett, as well as his committeees, was charged by the grand jurors in the Viereck indictment with being "used" by the German agent in his propaganda work.

Viereck, free under \$15,000 bond since his arrest in New York Wednesday, is scheduled to be arraigned in the District Court today, on the indictment charging him with violating the Foreign Agent Registration Act by concealing vital information about his activities.

The Viereck trial probably will begin in about a month.

Fish Says Hill Has No Right to Touch Bags

Reached by The Post last night for comment on the testimony of his secretary, George Hill, and the resulting proceedings before Justice Goldsborough, Representative Fish said:

"I advised Mr. Hill not take that bags down because he would be committing an illegal act; that the bags were not in his possession and never had been; that if he assumed to take possession of them, it would be an unlawful action and would amount to stealing mailbags containing alleged mail or envelopes belonging to other members of Congress.

"Neither Mr. Hill nor myself have had or have any right under the law to take possession or control of those bags. Furthermore, Hill has no way of identifying the bags. "Furthermore, I told this to Judge Adkins (Justice Jesse C. Adkins, another District Court jurist) and Mr. Maloney (Special Attorney General William P. Maloney) over the phone yesterday (Wednesday)."

"Mr. Maloney told me at that time it would be all right then for Hill to appear before the grand jury without the mailbags. No wonder then I was shocked to learn that Mr. Maloney sought a contempt verdict against Mr. Hill. However, Judge Goldsborough, a distinguished jurist whom I have known for 20 years, wouldn't order such an illegal action, since Mr. Hill can't legally deliver the mailbags.

"Doubtlessly, Mr. Hill will make every effort to have the truckman who put them there deliver the mailbags to the grand jury today. But he himself can't deliver them."