

Prosecutors Accused in Hill's Appeal T-H 1/2/44 'Disgraceful Conduct' At Trial Charged

"Disgraceful conduct" of Government prosecutors during the trial of George Hill, congressional secretary convicted of perjury in connection with the grand jury probe of axis agents' activities in this country, was basis of a petition for a new trial filed in District Court yesterday.

The document asserted action of William Power Maloney and Edward J. Hickey, Justice Department attorneys, in telling the trial jury that the special grand jury also might be investigating Representative Hamilton Fish (R.), of New York, Hill's employer, and John J. O'Connor, his chief defense counsel, was "highly prejudicial to the defendant."

"Amazing Spectacle"

Filed by William F. Cusick, O'Connor's aide during the trial, the petition charged the Federal attorneys with inducing an "amazing and unprecedented spectacle" in the open charge against the legislator and defense lawyer, concluding:

"Such disgraceful conduct in the presence of the jury, holding in the balance the liberty of an American citizen, pervaded the entire trial and is without parallel in the history of American jurisprudence."

The petition also declared the court erred in admitting certain evidence in the trial, including 18 mail bags of franked material seized by Government agents, eight of which were said to have been hidden in a House Office storeroom by Hill's order.

"Ridiculous," Says Maloney

Such evidence, it contended, showed no proof of Hill's connection with "enemy activity." It also contended no proof was made of Hill's perjury or that his actions "impeded" progress of the grand jury, as was charged during the trial.

Reached last night, Prosecutor Maloney dismissed the petition's allegations as "ridiculous," asserting the record shows he made no

such charge regarding Fish or O'Connor but declared the grand jury would get to the bottom of its investigation whether "big or little fish" were actually responsible for alleged concealment of activities.

Hill, now in District Jail, was convicted of having lied in saying he did not know George Sylvester Viereck, German agent now under indictment for allegedly violating the Alien Agents Registration Act.

Time for hearing of arguments on the motion will be set by Justice Letts.