

# Goldsborough Assailed in Viereck Case

T-H 1/2/42  
Prosecutor Brands  
Judge 'Prejudiced  
Against Government'

Open conflict between a Justice Department prosecutor and District Court Justice T. Alan Goldsborough in connection with the forthcoming trial of Nazi Agent George Sylvester Viereck broke yesterday when the court was served with an affidavit alleging Goldsborough to have "bias and prejudice against the United States Government."

The justice, ignoring the affidavit as "not in accord with the facts," and "not sufficient," in turn charged conduct of William Power Maloney, prosecuting attorney, has been "juvenile" and "immature."

## Trial Ordered Tomorrow

Upshot of the battle of words was that Goldsborough ordered the Government to be ready to try Viereck tomorrow, warning he would "take the proper steps" if they failed to do so.

In turn, Maloney replied that "the Government will not be ready," and that because Goldsborough failed to relinquish the case to another judge when served with the affidavit of bias, the Government will seek relief at the U. S. Court of Appeals today.

## Heated Words Quoted

It was revealed the clash over Viereck, who is free under \$7,500 bond and charged with having concealed his use of Congressional franks to spread German propaganda in this country, came to a head in Goldsborough's chambers Thursday, following conviction of George Hill, second secretary to Representative Hamilton Fish (R.), of New York, for having told a Grand Jury he did not know Viereck.

According to the affidavit, counsel for Viereck in the past had made strenuous representations that it preferred the case be tried before Goldsborough rather than Justice F. Dickinson Letts, who, Maloney contended, had agreed to try the case February 2.

Last Thursday, however, the affidavit asserted, as soon as the Hill case was concluded, Justice Goldsborough called the Government attorneys to his chambers and told them to prepare for the trial tomorrow. When the attorneys objected, it was charged, heated words ensued.

"Thereupon," the affidavit asserted, "Justice Goldsborough shouted:

"I don't give a — about the Government's position. This case goes to trial no later than Wednesday and I am going to try it. You might as well get it through your head once and for all that no other judge in this court can try this case except me, and the trial will start on Wednesday whether the Government is ready or not."

In ignoring the affidavit, Goldsborough replied the court had passed a rule giving him power to assign cases and their date, "because in the past it has been a custom for Department of Justice representatives to go from one judge to another in manipulating their cases. The court has no desire to embarrass the Department of Justice; it simply passed the order to make this practice impossible."