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Hill Seeks Acquittal on Ground Testimony Didn't Mislead Jury

By Dillard Stokes
Post Staff Writer

Representative Hamilton Fish's secretary, George Hill, yesterday asked the District Court for acquittal on the two perjury charges against him, on the ground that his testimony—true or false—did not mislead the special grand jury on Axis agents, which indicted him.

Hill is on trial on charges that he falsely testified that he did not order eight mailbags placed in a storeroom used by Fish and falsely denied acquaintance with the German propaganda agent, George Sylvester Viereck.

Special Prosecutors William Power Maloney and Edward J. Hickey, jr., late yesterday closed nearly five

days of evidence. Hill's lawyer, former Representative John O'Connor, then asked Justice F. Dickinson Letts to direct the jury to acquit Hill.

Hill recalled that false testimony, in the eyes of the law, is not perjury unless it relates to a material matter.

The mailbags, which were spirited out of Prescott Dennett's propaganda mailing base and found later in Fish's storeroom, were in court yesterday. O'Connor pointed at them and argued that no falsehood of Hill's had hampered the grand jury, because eventually—when

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threatened with contempt of court action—Hill gave up the mailbags. Thus, said O'Connor, falsehood or no falsehood, the grand jury got the evidence it wanted.

Similarly, O'Connor claimed that Hill's statement about knowing Viereck had not hampered the jury, because Viereck was indicted, and now is awaiting trial, on charges of concealing his Capitol Hill propaganda activities when he registered with the State Department as a Nazi agent.

Special Prosecutor Hickey will answer O'Connor when court resumes at 10 o'clock this morning.

District Law Governs

Justice Letts ruled yesterday that if Hill is convicted he will face sentence under the District law, which provides a two to ten year prison term, without the alternative of a fine. O'Connor claimed when the trial began last Wednesday that Hill's crime came under the Federal law, which punishes perjury with a \$2000 fine and up to five years in prison.

O'Connor obtained a three-and-a-half-hour recess yesterday, so he could study Dennett's testimony about Hill. Later he questioned John S. Gorrell, grand jury foreman and telephone engineer, about Dennett's appearance.

O'Connor told reporters he hoped the case would end today with a directed verdict. Failing this, O'Connor said, Hill's defense probably will require about two days.