

# Counsel Asks Hill Acquittal Be Directed

T-17 1/14/42  
Justice Letts Rules

## Perjury Case Tried Under District Code

By JAMES J. CULLINANE

An appeal for a directed verdict of acquittal was laid before Justice F. Dickinson Letts yesterday after he ruled George Hill, second secretary to Representative Hamilton Fish (R.), of New York, will face mandatory imprisonment of from two to ten years on each of two counts for perjury if he is convicted by a jury.

Justice Letts ruled shortly after the Government had rested its case that Hill is being tried under the perjury provisions of the D. C. code rather than under the Federal statute.

### Ruling Sought by Counsel

John O'Connor, chief defense counsel, at the beginning of the trial last Wednesday asked Justice Letts to rule that the Federal statute governed the indictment of Hill on two counts for falsely testifying before the special grand jury investigating axis propagandists.

The Federal statute provides a penalty of from two to five years imprisonment and, or, a fine of \$5,000. The D.C. code contains no provision for a fine and calls for imprisonment of from two to 10 years.

O'Connor asked for a directed verdict of acquittal on the grounds that the Government had failed to prove Hill testified "wilfully and falsely" when he said he had had nothing to do with the storage of eight mail sacks sought by the grand jury in the House Office Building of Representative Fish.

### Sacks Held Immaterial

Even if the testimony had been false, O'Connor asserted, the Government failed to show that the mail sacks were "material" to the grand jury, or that the jury's delay in locating them impeded its investigation.

Likewise, O'Connor said, the Government failed to show that Hill's denial that he knew George Sylvester Viereck, registered Nazi agent, impeded the Grand Jury in its investigation.

The feud between O'Connor and Maloney which flared up Monday when the defense counsel contended the prosecutor had "planted" evidence against Hill threw off additional sparks yesterday.

Maloney at the opening of the day, told the court that O'Connor's charge was "entirely without foundation."

"It was not without foundation," O'Connor said. "I said not another envelope containing that newspaper interview with Hitler which former Representative Thorkelson had inserted in the Congressional Record could be found in the mail bag from which Maloney drew it yesterday. We examined that sack and not another one was found."