

Prosecutor's Plea To Take Stand in Hill Case Refused

Maloney Seeks Chance To Disprove Charge of 'Planting' Evidence

(Picture on Page B-1.)

William Power Maloney, special assistant to the Attorney General, offered today to take the witness stand and testify in the perjury case he is prosecuting against George Hill, second secretary to Representative Hamilton Fish—but was turned down after a conference of attorneys with Justice F. Dickinson Letts.

Prosecutor Maloney, who expects to close the Government's case today, declared he wanted to disprove the charge shouted out in District Court yesterday by Defense Counsel John J. O'Connor—that evidence had been "planted" to prejudice Mr. Hill's case.

Hill is charged with falsely telling a grand jury investigating Nazi activities that he did not order certain filled mail bags placed in the storeroom of the New York Representative.

The bags in question have been lying in the courtroom during each trial session. Yesterday, Mr. Maloney reached in one and pulled out an envelope franked by former Representative Thorkelson of Montana—then read to the jury of its contents, a purported interview with Hitler.

Mr. Hill's attorney was on his feet in a flash, shouting:

"I'm willing to say that the Thorkelson speech was planted

there. The bag has been in the Department of Justice."

Today he declared he had searched the sack overnight and did not find another Thorkelson speech.

At this point, Mr. Maloney told Justice Letts he wanted to take the stand and tell for the first time how in September, 1941, within a week after the bags allegedly were put in the House members' storeroom, he himself went to the storage space on the sixth floor of the new House Office Building.

Attorneys Called to Bench.

When Mr. Maloney had said this much, Justice Letts called up attorneys to the bench out of earshot of the jury and Mr. Maloney told the courtroom no more of the incident.

Previously, however, he told reporters that he went to the storeroom with a witness and examined the bags there. He said he found a Thorkelson speech identical with the one read yesterday and placed it with others in an envelope which he signed and placed in the Department of Justice. It was not until later that the eight bags went before the grand jury under a subpoena issued to Mr. Hill.

These sacks allegedly came from the office of Prescott Dennett, secretary-treasurer of the Islands for War Debts Committee, which the Government contends was subsidized by George Sylvester Viereck, registered German agent.

Witnesses have testified that Mr. Hill ordered "a rush pickup" of material from Mr. Dennett's office on Rhode Island avenue N.W. on the morning of September 19, shortly after Mr. Dennett was subpoenaed to appear before the grand jury for the first time.

Dennett Testimony Released.

Defense Counsel O'Connor has repeatedly demanded to see the grand jury testimony of Mr. Dennett concerning Mr. Hill. Prosecutor Edward J. Hickey, jr., gave it to him at 11 a.m. today and Justice Letts recessed court until 1:30 p.m. to give the defense attorney time to read this testimony.

Mr. O'Connor said he intends to recall to the stand Mrs. Henry Grattan Doyle, president of the District Board of Education and secretary of the grand jury, and John S. Gorrell, grand jury foreman, to question them again about Mr. Dennett's testimony.

Mr. O'Connor predicted he might then reach his opening statement in the defense case today.

Five men and women who took the witness stand yesterday contradicted alleged grand jury statements by Mr. Hill.

Charles Wilson, Irving Quinn, jr., and Michael O'Gorman, employes of the House Post Office, testified they heard Mr. Hill give emphatic and repeated instructions for eight filled mailbags to be placed in a storeroom assigned to Representative Fish. The first count of the indictment against Mr. Hill claims he falsely told the grand jury—which was investigating Nazi propaganda—that he did not so order.

Tell of Talking With Viereck.

Miss Harriet Johnson and Mrs. Phyllis Posivio Spielman, secretaries to the late Senator Ernest Lundeen, testified they heard telephone conversations between Mr. Hill and Viereck. The second perjury count claims Mr. Hill untruthfully told the grand jury he never knew Viereck. Miss Johnson said she remembered Viereck's coming into Senator Lundeen's office and phoning Mr. Hill in Mr. Fish's office.

"Hello, George, I'll be over in a few minutes," she quoted Viereck as saying.

Earlier, Charles B. Boland, special agent of the F. B. I. for 16 years, was called to relate what he told the grand jury about Mr. Hill's orders of reprints of material from the Congressional Record. In all, he said, Mr. Hill ordered 378,000 reprints by the Government Printing Office during 1941 and paid \$1,258.07 for them. The frank was authorized by offices of various Senators and Representatives, he testified, so the printed material might pass through the mails without postage.