

Judge Busy, Viereck Trial Faces Delay

By Dillard Stokes
Post Staff Writer

Justice T. Alan Goldsborough yesterday discovered two important motions standing in the way of the early trial he has ordered in the District Court for George Sylvester Viereck, German agent accused of concealing his propaganda use of Congressmen and their franks.

The trial cannot proceed next Wednesday, as Goldsborough wished, unless the motions are disposed of first.

The Viereck trial was scheduled for February 2, until Thursday, when Goldsborough sent for Special Prosecutors William Power Maloney and Edward J. Hickey, jr., and ordered them to be ready next Monday. They had just finished another long case.

When they asked what the hurry was, the prosecutors said, Goldsborough replied that he did not want the trial interfering with an anti-trust case he plans to hear for several months, starting the first week of next month. When the prosecutors suggested that one of the ten other District justices might try Viereck, they said, Goldsborough answered that he was determined to hear the case himself.

Despite their protests that the interests of the Government might be injured, the prosecutors said, Goldsborough then gave them two more days and ordered them to open the case next Wednesday.

It developed yesterday that Viereck's counsel have moved both for a bill of particulars and to suppress evidence seized when Federal agents arrested Viereck in his luxurious New York apartment. Goldsborough suggested to the prosecutors that they argue these motions on Monday. Maloney replied that the motions were too important to be settled on such short notice. The discussion ended without agreement on any date for the motions to be heard.

The special grand jury on Axis agents, which indicted Viereck, will meet Monday to resume its questioning of Prescott Dennett, Viereck's aide here in the mailing of propaganda under Congressional frank.

Meanwhile, George Hill, 45, Representative Hamilton Fish's secretary, who was convicted of perjury before Justice F. Dickinson Letts Thursday, remained in the District Jail pending sentence, which will not be imposed until his application for a new trial is heard.