

6 NAZI CAMP HEADS QUICKLY CONVICTED; MUELLER IS JAILED

Jury on First Vote Finds They Failed to List Members of Oath-Bound Bund

LEAGUE IS FINED \$10,000 Chief Receives One-Year Term, 5 Get Suspended Sentences —All Six Are Fined

From a Staff Correspondent
RIVERHEAD, L. I., July 12.—On the first ballot, returned less than fifteen minutes after it had retired to deliberate, a Suffolk County Court jury this afternoon found the German-American Settlement League, Inc., operator of a camp at Yaphank, L. I., for American Nazi sympathizers, and the league's six incorporators, all guilty of violating the State Civil Rights Law.

Severely criticizing the Nazi theories aired in his court room during the four-day trial, County Judge L. Barron Hill immediately imposed fines totaling \$13,000, placed five defendants under suspended jail sentences and ordered the league president imprisoned for one year.

Declaring that "things went on in this court that I didn't believe could happen—or at least I hoped couldn't happen," Judge Hill further announced that he was ordering preparation of a copy of the record in the case to be forwarded to the "proper Federal authorities" for investigation.

Mueller Is Taken to Jail
The league was fined \$10,000—the maximum fine under the law—and the defendants \$500 each. One-year jail sentences were imposed on all six defendants, but Judge Hill suspended them for all except Ernst Mueller, 42-year-old league president, who was rebuked by the judge for his attitude of "contempt" toward the court. Mueller went immediately to the Riverhead jail.

Lindsay R. Henry, assistant district attorney, who prosecuted the case, also announced later that, unless the league's fine was paid within the ten-day period of grace he would ask the court to appoint a receiver for Camp Siegfried.

Fritz Kuhn, who, as national director of the German-American Volksbund, is leader of the American Nazi movement, declared an

appeal would be taken. The verdict will have "absolutely no effect" on the operation of Camp Siegfried, which only 400 members are permitted to attend, he said.

"Oh, no," he asserted. "We are putting up new camps."

Those convicted besides Mueller, who lives at 2,152 Elmrod Street, Brooklyn, and is a watch importer, were: Henry Hauck, 44, restaurant and bar concessionaire at Camp Siegfried; Henry Wolfgang, 36, 1,713 Stephen Avenue, Ridgewood, Brooklyn, electrical contractor; Bruno Hasbnel, 52, 301 Reid Avenue, Brooklyn, barber; Addo Bleefeld, 54, 2,697 Heath Avenue, the Bronx, retired delicatessen dealer, and Herman Schwarzmann, 39, 24-38 Twenty-ninth Street, Astoria, pastry chef.

GUILTY UNDER "KU KLUX" LAW

The section of the State Civil Rights Law on which the indictments were based—a rarely invoked statute, passed in 1923 as a measure against the Ku Klux Klan—requires oath-bound organizations to file with the Secretary of State lists of their members, officers and regulations. The State contended that the bund requires a secret oath, that only bund members may join the camp, and that the law had been violated.

After hearing the judge's charge the jury went to lunch, returning at 1:15 P. M. to begin its deliberations. At 1:30 it sent out word that it was ready to report. Later it was established that the vote of guilty was taken on the first ballot, early in the fifteen-minute period.

"We find the defendants guilty as charged," Percy Strickland of Huntington, the forman, reported.

DEFENSE FOLLS THE JURORS

William I. Karle of Ridgewood, Queens, defense attorney, asked that the jury be polled. One by one the jurors agreed with the verdict. The news was received in silence in the courtroom, less than three-quarters filled.

Serving on the jury were three women—Frances Ewen, St. James; Lavina Smith, Bay Shore; Leonora McDonald, Sag Harbor. The other jurors besides Mr. Strickland were Albert Sears, Nesconset; Lawrence Moore, East Hampton; William Olmstead, East Islip; George W. Heatley, Wading River; Richard Fendel, Islip; L. Gifford, Babylon; Ambrose W. Rose, Huntington, and Norman Nelson, Brookhaven.

In thanking the jurors Judge Hill said:

"The court thinks you have performed your duties well. It was not an easy task for you."

The defendants were required to give their "pedigrees." All said they were German-born naturalized American citizens. When asked, "Do you know any reason why sentence should not be imposed on you?" Mueller said: "I still think I'm not guilty." The others replied similarly except Hauck, who declared: "I'm absolutely innocent."

Judge Hill was about to set Monday as the date for passing of sentence, when Mr. Karle, to whom Mueller had whispered, said the defendants desired to have sentence passed at once.

"I do not think there is any question of the fact that the verdict of the jury is correct," Judge Hill declared as he imposed the sentences. "Things went on in this court that I didn't believe could happen—or at least I hoped couldn't happen. I am going to ask the District Attorney to have the minutes of this trial prepared and turned over to the proper Federal authorities."

A ripple stirred through the otherwise hushed courtroom after he announced the \$10,000 fine for the league. Then he addressed Mueller.

COURT REBUKES LEAGUE HEAD

"I think your case is a little different," he said. "You are the guiding spirit in the camp. Your attitude on the witness stand, and your attitude when the jury rendered its verdict, was one of contempt."

Then he announced the \$500 fine and sentence of one year—the maximum imprisonment—for Mueller.

Mueller was taken off to jail by a deputy of Sheriff Jacob S. Dreyer. As he was being led out, he pulled away from his guard to shake hands and say "auf wiedersehen" to Kuhn.

The others were allowed to continue under their existing bonds of \$1,000 each for a period of ten days, during which Attorney Karle said he would apply to the Supreme Court for a certificate of reasonable doubt, which, if granted, would permit them to remain under bond while an appeal is being taken. Otherwise, according to court officials, they will have to pay their fines within ten days or go to jail to work out the fines at the rate of \$5 a day, which would amount to 100-day jail periods for each.

The league also continues under its \$1,000 bond, pending the outcome of Mr. Karle's motion. If the motion is denied, Mr. Karle said, he still has thirty days in which to perfect an appeal.

Judge Hill's charge to the jury disposed of the defense theory that, even if the State's charges were true, only Mueller could be guilty because the other defendants had not been elected directors after they signed the incorporation papers. The judge read from the law: "Any person who becomes a member of any such corporation, or association, or remains a member thereof, or attends a meeting thereof, with knowledge that such corporation has failed to comply with any provision of this article, shall be guilty of a misdemeanor."

This ruling, Mr. Henry pointed out later, would enable the State to proceed against any member of the league or the Volksbund, until the organizations had complied with the law requiring registration of membership lists, etc.

Judge Hill in his charge said the defendants had received a fair trial, and that the jury's sole duty was to follow the laws of the State and apply "common sense" in weighing the evidence. There were only two answers the jury could return—guilty or not guilty, he charged.

Mr. Karle, in his speech to the jury, contended the State had failed to satisfy the law that "requires corroboration" of evidence, arguing that the State's one witness, Willy Brandt, who testified he had been required to take an oath of allegiance to Adolf Hitler before joining the bund, had been outnumbered by numerous defense witnesses.

"The defendants' counsel," Judge Hill ruled, "said corroboration was necessary. I say to you as a matter of law that it is not. Corroboration

is necessary in a criminal case only when there is an accomplice in a crime. You may believe that witness against 100, if you wish."

Mr. Karle filed an exception to this part of the charge.

Before opening his argument to the jury, Mr. Karle renewed his motions for acquittal verdicts, and was overruled.

DEFENSE CHARGES "PERSECUTION"

"In my thirty-one years of practice, I have yet to countenance a bolder, more daring, persecution—not prosecution—than this diabolical scheme," he told the jury. "It is a well-laid plan tending toward the destruction of all persons of the Germanic race—engendered because of conditions on the other side at the present time. But Hitler has no more to do with this than he has to do with me. It is just one of those things brought in to becloud the record."

Mr. Karle was stopped once by Judge Hill when he assailed Roy P. Monahan, New York attorney, who, as past State commander and permanent Americanization chairman of the Disabled American Veterans of the World War, was the complaining witness. After attacking the witness, Brandt, as "a phoney, a fake, a downright perjurer," Mr. Karle waved at Monahan, who was seated next to the prosecutor, and thundered: "It's a shame he is a member of the bar of the State of New York."

Judge Hill ordered him to stop such criticism of "an accredited member of the bar."

In a forty-five-minute speech Mr. Henry declared that the so-called "side issues" of Hitlerism had been brought in when "the defendants themselves burst forth in their fanatical enthusiasm and revealed to you what their organization really is."

Ridiculing the bund's claim of being organized to fight communism, Mr. Henry asserted: "I'm just as much opposed to communism as any other American. I dislike to think of any menace to the American Government. But we don't need Mr. Hitler and his crowd of hyphenated Americans to protect us. Let them—or anybody else—go back where they came from and stay there if they don't like this government."

Mr. Henry said the verdict indicated that Suffolk County will be rid of such subversive elements as the Nazis.

He will confer with District Attorney Fred J. Munder to determine if further steps should be taken against other bund members.

Mr. Monahan said he would begin at once a move within his veterans' organization, and would seek the cooperation of the American Legion and Veterans of Foreign Wars, to have other States pass Civil Rights laws similar to New York's to combat bund activities throughout the country.

"I hope this will demonstrate to the enemies of this country that any un-American menace to the United States can—and will be—combated by legal means," Mr. Monahan added.