

WHEELER - HILL, BUND OFFICER, UNDER ARREST

on 4 - Sun
Kuhn Trial Witness Faces
Perjury Charges by
Grand Jury.
Dec 28/39
3 COUNTS IN INFORMATION

He Is Accused of Contradicting His Own Testimony Fifteen Different Times.

James Wheeler-Hill, the erstwhile locker room attendant who was advanced by Fritz Kuhn to the secretaryship of the German-American Bund, and who was placed on the stand as a material witness for the State at Kuhn's recent trial for the theft of bund funds, was arrested today on a perjury charge growing out of the testimony he gave before the Grand Jury that indicted Kuhn, and at the trial.

In sentencing Kuhn, the stolid bund leader to Sing Sing, Judge James G. Wallace of General Sessions commented acidly on the testimony given by some of the bund witnesses, and Assistant District Attorney Herman J. McCarthy, the prosecutor, indicated that steps would be taken to bring them to justice.

As a result, Wheeler-Hill is named in an information returned by the Grand Jury charging him with perjury in the second degree, a misdemeanor calling for a maximum penalty of three years, if convicted. Three counts are contained in the information which cites fifteen examples of contradictory statements.

The first count charges that he gave testimony last September before the Grand Jury that indicted Kuhn which contradicted his testimony.

Cites Different Dates.

Before the Grand Jury he stated that Kuhn had authority to use bund funds only for office business; at the trial he insisted that Kuhn had complete ownership and

Continued on Page 2

WHEELER - HILL HELD IN PERJURY

Continued from Page 1.

could use the funds for any purpose.

Before the Grand Jury he said that Kuhn received full power of attorney over the bund funds for the first time at the 1939 bund convention in Astoria, Queens; at the trial he said that since the formation of the bund in 1936 Kuhn had enjoyed power of attorney under the leadership principle.

Before the Grand Jury he identified a little brown book, describing it as the complete constitution of the bund; at the trial he said it was not the complete constitution because at the 1937 convention the constitution had been amended to release the national leader from responsibility for bund funds.

It is alleged further that he testified before the Grand Jury that this amendment of 1937 was included in that document. At the trial he said it was not included and that his Grand Jury testimony on the point was incorrect.

Before the Grand Jury he testified that Kuhn definitely had possession of the bund minutes for the conventions held in 1936-37-38; at the trial he said he did not know where the minutes were, and that Kuhn might or might not have had them.

Other Counts.

The other counts of the information are relatively brief. The second count charges that he testified falsely before the McNaboe committee investigating the enforcement and administration of the laws of this State when he said he was born in San Francisco. He was born in Libau, now Latvia and formerly Russia, it is claimed. He came here when he was 15 years old.

The third count alleges that he made a written declaration under oath on June 9, 1939, before the Commissioner of Jurors, stating that he was born in San Francisco and was eligible for jury duty. He was not eligible and he perjured himself, it is contended.

Assistant District Attorney Lawrence E. Walsh, to whom Wheeler-Hill surrendered, said the District Attorney's office was not prepared to say at this time whether the prisoner came here illegally or whether he now was in the country illegally.

Wheeler-Hill, looking rather disconsolate, was taken later before Justices Perlman, Weiboldt and McGee of Special Sessions, who held him in \$3,500 bail without fixing the date of trial. When his attorney, Wilbur V. Keegan, the bund counsel, objected to the amount of bail, he was asked if it was a sum which would be impossible to raise.

"Frankly, no," he replied. With that, the bail was fixed. Wheeler-Hill, youngest of the bund leaders to take the stand, is 34 years old. He gave his address as 235 East Eighty-first street.

Another aftermath of the Kuhn case today was a notice of appeal filed with District Attorney Dewey's office by Peter L. F. Sabbatino, who headed the Kuhn defense. Under the law Mr. Sabbatino has ninety days in which to apply to the Supreme Court for a certificate of reasonable doubt.

If such a certificate is granted he may then apply to have his client released on bail. Kuhn is serving a term of two and one-half to five years in Sing Sing.

Kuhn apparently prefers isolation to mingling with other prisoners. He is reported to have rejected an offer to be housed in the prison proper, choosing instead the segregation building, apart from the crowd of prisoners, and here he is kept twenty-four hours a day.

He had been housed there since his arrival, for protective custody, but according to the latest information Warden Lewis E. Lawes offered to let Kuhn mingle with other prisoners, sleep in the old cell block with the newcomers and work like all other inmates. Kuhn is said to have politely declined.

W. J. Sun
P 142
12/28/39