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Kuhn and Bund Under Attack on 3 Legal Fronts Bund Leader in Court to Answer Criminal Libel Charge

Under Attack on 3 Legal Fronts

Herlands Questions Nazi on Tax, Libel Action Pressed, Second Court Case Heard

The German-American Bund and its leader, Fritz Kuhn, were in difficulties yesterday on three legal fronts, of which the most important was in the office of City Treasurer Almerindo Portfolio. There Mr. Portfolio and William B. Herlands, Commissioner of Investigation, questioned Kuhn and six other persons connected with the bund and affiliated organizations behind closed doors to see whether they have been paying all requisite sales and business taxes on sales of uniforms, propaganda emblems or other goods.

The two city officials had succeeded in having subpoenas served on Kuhn and other Nazi organizers late Thursday afternoon at bund headquarters, 178 East Eighty-fifth Street. It was learned that although city officials described the tax inquiry as routine, the subpoena called for all membership lists, subscription lists, bank accounts, bank statements and canceled checks, which might throw general light on the financial life of the bund and its affiliates.

However, the only documents brought to Mr. Portfolio's office were contained in one brief case and a small brown-paper package. Bund officials admitted that there were large files elsewhere.

Questioned Three Hours

After Kuhn and the others had been questioned, under oath, for three hours, Mr. Herlands issued a statement that no comment would be made at the present time because the investigation was continuing.

The bund affiliates are the A. V. Publishing Corporation, which issues the "Deutscher Weckruf und Beobachter," a weekly newspaper; the German-American Business League, Inc., and the German-American Front, Inc. Those interrogated with Kuhn were Gustav J. Elmer, the bund's national director of organization; G. W. Kunze, bund public relations director; Fred Schierling, business manager of the publishing company; Max Rapp, director of the league; Conrad Kohler, bookkeeper, and Mrs. James Wheeler-Hill, wife of the bund's national secretary.

Commissioner Herlands said that except Kuhn would return at 10:30 a. m. Monday for further questioning, while Kuhn will return next Wednesday at 10 a. m. Mr. Wheeler-Hill was questioned earlier in the week.

Counsel for Kuhn and the others is Vahan H. Kalenderian, of 36 West Forty-fourth Street. It was brought to Kuhn's attention that



Fritz Kuhn (left), leader of the German-American Bund, as he appeared in Bay Ridge Magistrate's Court yesterday to answer a complaint of criminal libel. Left to right after Kuhn are, Vahan H. Kalenderian, Kuhn's counsel; former Magistrate Joseph Goldstein, who filed the complaint, and Henry Martuscello, Assistant District Attorney of Kings County

Kalenderian described himself of Armenian descent, but when a Nazi leader was asked why he led the German-American Bund are not represented by a German-American attorney, he said, "I can't tell you."

Kuhn in Brooklyn Court

Earlier Kuhn appeared with Mr. Kalenderian in Bay Ridge Magistrate's Court, Brooklyn, in response to a subpoena served on him after a three-day search, to answer a complaint of criminal libel made by former Magistrate Joseph Goldstein. Mr. Goldstein became very excited and demanded that bail be set for the Nazi leader. However, Magistrate Jeanette G. Brill, who had to quiet him down, followed the recommendation of Henry Martuscello, Assistant District Attorney of Kings County, and paroled Kuhn in the custody of his counsel for a hearing in the same court on March 10.

Mr. Goldstein did succeed in forcing Kuhn to state that his home address was at 33-42 Seventy-third Street, Jackson Heights, Queens, which the bund fuhrer had concealed. He called Kuhn and his followers "yellow," and when Kuhn told him that that was a lie, he declared that the Nazi should be jailed for "contempt of court."

The third legal front on which the German-American Bund was engaged was before Justice Aron Steuer, in Supreme Court. Attorney General John J. Bennett jr. has asked for a show-cause order directing Kuhn to explain why publication of the "Deutscher Weckruf und Beobachter" should not be stopped unless the names of officers of the publishing company are printed in each issue. After Kuhn's attorney indicated that this legal requirement would be complied with, Justice Steuer adjourned the case until next Thursday.

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