

DW
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Kuhn Runs Into New Law Suit; Herlands Holds Bund Records

Gets Summons for Non-Payment of Fees; Nazi Leader, Wheeler-Hill Also Subpoenaed for Libel Against Judge; Continue Probe

Before being quizzed for the third time yesterday by Commissioner of Investigation William B. Herlands on charges of dodging business and sales taxes, Fritz Kuhn, leader of the Nazi German-American Bund, had another brush with the law. As the storm troop chief stepped into

City Treasurer Almerindo Portfolio's office, where he was questioned for three hours, he was served with a summons to appear in Queens Supreme Court to answer a suit brought by Joseph Lonardo, attorney, charging failure to pay \$5,000 counsel fees.

Charles O'Connor, who served the summons, said he had tried to serve Kuhn two weeks ago, but the Nazi refused service.

GETS SUMMONS

Later, James Wheeler-Hill, national secretary of the Bund, who was quizzed for the fourth time yesterday by Herlands, was served with a summons ordering him to appear this morning in Bay Ridge Magistrate's Court, Brooklyn, as a witness in a criminal libel case brought against Kuhn by former Magistrate Joseph Goldstein.

Kuhn is charged with libeling Goldstein in the fascist paper, Deutscher Weckruf.

Also summoned by the Kings County District Attorney as witnesses in the libel case were Eugene Geigat, of 92 Liberty St., and William Collins, newsdealer, at Murray St. and Broadway.

Sought as witnesses in the same case are Herman Schwartzman, Bund unit leader in Astoria, and Fred Schwiering, business manager of the Nazi paper.

Besides Kuhn, those questioned during the day on tax dodging charges were Max Rapp, business manager of the fascist A. V. Publishing Corp.; Richard Mettin, treasurer of the Bund, and James Wheeler-Hill, Bund national sec-

retary. It was learned that a large number of records of the Bund and affiliated organizations are now in the hands of Commissioner Herlands and have been marked for identification.

More records were brought in and marked as evidence.

The Commissioner of Investigation is examining the fascist records to determine whether the Bund leaders paid taxes on sales of uniforms, shirts, boots, other trappings and books and literature they sold to members.

Kuhn, on advice of his attorney, V. H. Kalendarian, had objected to admit some of the Bund records in evidence.

Although the City took no action so far against this refusal, it is understood that if the records are not placed in evidence within a reasonable time, Corporation Counsel William Chanler will go to Supreme Court and ask that contempt proceedings be taken against the storm troopers.

The contempt would consist of Kuhn's refusal to place in evidence documents subpoenaed by Treasurer Portfolio.

PLEASED WITH PROGRESS

Mr. Herlands and his assistant, Abraham Bloch, appeared pleased with the progress of the investigation, which had been ordered by Mayor LaGuardia, when they adjourned the hearing until Monday at 10 A. M.

Kuhn and other leaders of the

Bund and affiliates have been subpoenaed to appear for questioning at that time.

Although the hearings have been held in executive session it was learned that many important leads and clues on the Nazi's illegal activities in New York have developed and are being followed.

It was also reported that Mr. Herlands is seeking to inspect records of the Bund that have not yet been produced.

It is said to be the Commissioner's belief that many important records of the Nazi groups have not been produced intentionally by the leaders.

The investigation which has been proceeding all during the week, is expected to take a long time to complete.

More witnesses are expected to be called and it is believed serious charges may be brought against the Nazis by the City at the conclusion of the probe.