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3/11/34

# Judge Flays Kuhn, Bund At Libel Trial

## Declares Nazi Chauvinism Is at Root of Many of Evils of Present Day Life; Kuhn Freed on Technicality

The root of much of the evil in our national life is "this chauvinistic nationalism" of which you are the leader, Magistrate George H. Folwell told Bund leader Fritz Kuhn in Bay Ridge Court, Brooklyn, yesterday.

To Kuhn's attorney, crafty Allan H. Kalendarian, the judge said:

"The activities in which your client and his ilk are engaged are most reprehensible."

But as to the case before the bar, a criminal libel action against the Nazi chief, initiated by former Magistrate Joseph Goldstein, Judge Folwell held that the statements made in the Bund paper, "Deutscher Weckruf Und Beobachter," against Goldstein were not sufficiently strong to come under the strict

statutes governing criminal libel. Assistant District Attorney Harry Monuscho admitted that the Weckruf reference to Goldstein as a "law-abider" who was going state might not be libel per se. The state, he said, considered that the central issue of the case transcended the question of the harm done Goldstein, and was in essence the fact that the Bund's activities and the article in question tend to provoke a breach of the peace.

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Folwell, however, rendered a verdict of "not guilty."

Goldstein, who in 1933 helped out the Weckruf's predecessor, the Deutscher Zeitung, out of business with a criminal libel conviction against editor Walter Kappeler, who has since returned to Nazi Germany, told newspapermen afterwards that he would take the en-

tire matter of Bund activity before the Kings County Grand Jury.

Taking a leaf from the Nazi obstructionist legal tactics used in the recent trial and conviction of German spies in Federal court, Kalendarian brought down on his head severe condemnation from Judge Folwell with an involved attempt to prove that Kuhn was not responsible for articles in the Weckruf.

The prosecution put on the witness stand William Fitzgerald, post office clerk in charge of newspaper records, who produced the Weckruf's own affidavit of ownership listing Kuhn as editor and managing editor, and as president of the A. V. Publishing Co., which puts out the paper.

Eugene F. Grigat, investigator and witness for the state, added testimony that a correct translation of a German phrase appearing on the Weckruf editorial page each week was:

"Responsible for the entire contents, Fritz Kuhn."

Kalendarian sneeringly asked:

"You are not very friendly towards Kuhn, are you?"

Grigat, a Lutheran, answered: "As an American of German birth, I couldn't be."

Present in court with Kuhn were his storm troop high command, James Wheeler Hill, Gustave Elmer and Wilhelm Kunze and a group of unidentified Nazis. With them was a man who refused to give his name, resorting to pickets for the Father Coughlin demonstrations against radio station WJCA.