

KUHN LOSES FIGHT TO GET JURY DATA

Appeal for List of Those Who
Accused Him in Alleged
Theft Also Rejected

BUND LEADER INDIGNANT

Says Raid by Dewey Aides on
His Office Was 'Entirely
Unlawful Undertaking'

Fritz Kuhn, head of the German American Bund, made an unsuccessful move yesterday before Judge Cornelius F. Collins in General Sessions for permission to inspect the minutes of the grand jury which recently indicted him in the alleged theft of \$14,548 of the bund's funds.

His lawyer, Vahan H. Kalendarian, had coupled this motion with another that District Attorney Thomas E. Dewey be forced to return books of Kuhn's five corporations seized on a subpoena duces tecum last May 2 by some of the prosecutor's aides in a raid on the bund headquarters in East Eighty-fifth Street, and a demand that Mr. Dewey also furnish Kuhn with the names of all the witnesses that had been called before the grand jurors in the case.

Kuhn was not present at the argument, in which Assistant District Attorney Frank A. F. Severance opposed all three demands. While it was going on he issued a statement at the bund headquarters that he was absent in Los Angeles when Mr. Dewey's men "broke into my private office without a search warrant, and took whatever they could lay their hands on."

Insists He Alone Had Key

Kuhn, who had entered a not-guilty plea on the indictment last May 26, the day after three detectives from the District Attorney's office captured him in an automobile trip near Krumsville, Pa., insisted in the statement that he alone had a key to his private office, and repeated his charge a week after the raid that \$1,830 had disappeared from his desk.

"No one seems to know what became of it," Kuhn's statement went on. "This breaking and entering was an entirely unlawful undertaking in the face of outraged protests by several officers of the bund who were present."

"Not content with this, agents of Mr. Dewey went so far as to similarly violate the homes of two bund officers and my own home. One of the residences thus raided was not even in New York County. Now this illegally confiscated evidence is being studied in hopes that a case against me may be constructed."

Kuhn also insisted that he was innocent of wrongdoing in handling the funds of the bund and further charged "the basest weapons conceivable" were being used in an effort to ruin him.

Mr. Severance told Judge Collins that the books of the bund and its affiliate corporations were obtained under due process of law, in reply to the contention of Kuhn's lawyer that the invaders should have had a bench warrant.

Disposes of Kuhn's Demand

Justice Collins disposed of Kuhn's demand that the books be turned back to him for his defense with the comment that it had no place in the proceeding before him and more properly should be brought up at Kuhn's trial, but could be re-

newed later as a separate motion if the Kuhn lawyer persisted.

On the motion for the revelation of the names of the witnesses, Judge Collins said that proceedings before the grand jury, under the law, necessarily must be secret, and the Legislature recently must have had that in mind when it enacted a law eliminating from the backs of indictments the names of grand jury witnesses.

Mr. Severance, in reply to a question by the Court, announced that Kuhn would not be called for trial until the Autumn, because preference in General Sessions trials is to be given in the Summer months to cases in which the defendants are being held in the Tombs in default of bail.

Then, as an aside, Judge Collins said Kuhn was not entitled to an inspection of the grand jury minutes because the Kuhn lawyer had not satisfied him the indictment had been returned on insufficient evidence.

At the close of the argument Judge Collins remarked that he did not consider the indictment was in any way involved in "politics," but based merely on a "plain, everyday charge of larceny."