

NY Times, July 3, 1943
P. 15.

Smuggler of Vital Metals to Reich Gets Six-Year Prison Term and a \$4,000 Fine

Dr. Ferdinand A. Kertess, who smuggled vital materials out of this country to his native Germany, received yesterday an opportunity to exchange \$16,000 for two years of liberty. Although he is reputed to be well off, he passed up the chance, and his attorney said he was forced to do so by lack of funds.

Dr. Kertess was convicted last week of violating the Federal export control laws, a charge to which the Chemical Marketing Company entered a plea of nolo contendere. The concern, although owned by Kertess, a naturalized citizen, is being operated by the Alien Property Custodian, who ruled it was merely a disguised agency of the enemy.

Yesterday Federal Judge Bascom S. Deever was called upon to fix sentences for both defendants. Howard F. Corcoran, United States Attorney who prosecuted Kertess personally, told the court the man was "too dangerous to allow on the street for the duration of the war," and recommended six years' imprisonment and a fine of \$4,000.

Judge Deaver said he would adopt that suggestion unless Kertess wished to pay, immediately, a fine of \$20,000, in which case his prison term would be cut to four years. And that was the oppor-

tunity of which Kertess failed to take advantage.

The court fined the Chemical Marketing Company \$10,000.

Kertess is 45 years old, and has some reputation as a backer of the American Fellowship Forum, said to be a Nazi propaganda organization, and as a dealer in metals. His assignment from the Axis was the procurement and delivery abroad of rhodium, iridium and palladium.

Working deviously, and sometimes with the help of unwitting catspaws, Kertess obtained licenses, through fraud, for the export of some of the required metals. These were shipped by way of South America to Italy, and eventually Germany. A young woman helped out by taking with her on shipboard part of a consignment of rhodium which Kertess had first tried to route by way of Japan to Germany. The Japanese raised a technicality, involving some unexplained customs rule against admission of "such metal" to their country, and thus foiled a plan of their Axis partner, by sending the stuff back to this country. By their action the Nazis were prevented from getting more than about half the consignment of important metal, the rest coming into use here.