

BERMEL'S BROTHER HELD FOR PERJURY

Charge Based on His Testimony Before the Grand Jury in the Kissena Park Scandal.

EX-COMMISSIONER OWNS UP

Leahy Tells How President Gresser Acquiesced in Culvert Graft to Raise Cash for Queen's Campaign.

John M. Phillips, once an Under Sheriff in Queens, was ordered yesterday to show cause to-day why he should not be imprisoned for contempt, and Charles Bermel, a brother of Ex-Borough President Bermel, was arrested for perjury in connection with the famous Kissena Park scandal, which terminated his brother's career in public life.

The day's developments in the inquiry into the charges of graft in the borough were such that Queens was stirred by them in spite of the fact that long and tedious overhauling of the borough's iniquities has made even the larger kind of disclosures seem jaded with too frequent repetition.

Commissioner S. H. Ordway's comment at the close of the day was that it was the most fruitful he had experienced in all his work in the borough.

"Things we knew before to a moral certainty," he said, "we now know as matters of formal sworn testimony. There is a vast difference when it comes to getting results before a jury."

Patrick E. Leahy, former Highway Commissioner of Queens, was the man who turned State's evidence and confessed. It was on vouchers prepared in his department that certain culverts were repaired in a period of political distress, the bill for each culvert being a little less than \$1,000, and the work done for a little less than \$100. In his former testimony Leahy had shielded Borough President Gresser.

It was about Mr. Gresser that he chiefly testified in retelling the story to Commissioner Ordway yesterday.

"The real way we came to get that money," Leahy said, "was that a campaign was on and it was needed. It was all talked over before they decided on the plan by which to get it, and the decision was to take it out of my department. I didn't want to do the trick. I protested all along it was wrong, and once out on an automobile ride I told Borough President Gresser the bills were far too high for the work done, and the thing would get us all into a mess."

The men who talked the case over met in Borough President Gresser's office, Leahy testified. There were present, he said, John M. Cragen, now a Municipal Court Justice, and then Secretary to the Borough President; Alfred Denton, Commissioner of Public Works; Under Sheriff Phillips, and himself.

Leahy declared that the matter was broached to him in the form of a suggestion that Phillips, who was managing Mr. Gresser's campaign, was hard pressed for money, and that they had "decided to make Jack a little change." The spokesman for the group was Cragen, Mr. Gresser merely looking on.

Continuing his description of the conference the witness said that after a while the men adjourned from President Gresser's office to that of Mr. Cragen, which adjoined it, and where it was possible to have more privacy. A request was made as to whether or not some culverts couldn't be found that were out of repair. Leahy answered, he said, that there were some culverts needing a little fixing, but that he could do it himself with his own men, there being no need to let contracts, except possibly in one or two cases.

A few days after this he said he found on his desk one morning six contracts made out for the repair of six culverts at stipulated figures pretty close to the most the law allowed without advertising for bids. He told Mr. Gresser's secretary, he said, that there wasn't the slightest use to make four of the repairs described, but was told to go ahead and "give them all to Jack." This was done.

Mr. Leahy thought he could appraise some of the work at its just figure and at the figure charged. The Flushing water-works were repaired, he said, at a cost of \$345 and a value of under \$100; the Central Avenue bridge at \$852 with a value of \$150, the Black Slump Road for \$873 when it was worth \$250, and Jackson Avenue, near Flushing, at \$883, as against \$500 in value.

"I told Cragen," said Leahy, "that we had let this work out to a thief and the charter contained provisions we were violating. He replied that the charter didn't cut much ice with him and it would be all right."

"Could that contract have been let without Mr. Gresser's knowledge?" asked Commissioner Ordway.

"No," the witness replied, "Gresser knows all about it. I told him we'd get into a mess of trouble when he was looking over the work in an automobile one day."

Alfred Denton, mentioned in Leahy's testimony, took the stand voluntarily in order to deny all of it which concerned him, declaring he knew nothing whatever of the culvert matter.

When an effort was made to obtain Mr. Phillips's version of Leahy's testimony the former Under Sheriff refused to be sworn.

Charles Bermel, the brother of the former Borough President, who was arrested for perjury, was released late in the afternoon upon \$10,000 bail furnished by his brother and Mathaus Hohfeler. Deputy Attorney General Arthur C. Train was the complaining witness against Bermel. The complaint cites that during the Grand Jury investigation into the Kissena Park matter two years ago he testified falsely concerning the receipts by him of funds amounting to about \$20,000 and his disposition of the funds. The date for Mr. Bermel's preliminary hearing was set for Dec. 17, before Justice Kapper, who will sit as a committing Magistrate.