

# The Truth About the Lusk Committee

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A Report

Prepared by

The Legislative Committee of  
the People's Freedom Union

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# The Truth About the Lusk Committee

**T**HE Lusk Committee to investigate Bolshevism in New York State was appointed in March, 1919. After a year of varied activity and of almost unlimited newspaper publicity, it is time that a record of the achievements of this industrious committee be compiled, and a summary of its activities prepared.

Prolonged and careful study of the public record of the Committee yields the rather astonishing result that, despite repeated stories of revolutionary plots and conspiracies, the actual achievement of the Committee consists in the conviction of two unknown Finnish editors, and apparent responsibility for the trial of the Socialist Assemblymen at Albany which has called forth world-wide amazement and has very nearly split the Republican Party in the State of New York.

Setting aside for the moment a mass of irresponsible rumors and reports of conspiracies which have never been confirmed or checked up by legal action or effective proof, the Committee's action may be condensed into four chapters:

(1) The daylight raid upon the Russian Soviet Bureau, which thus far has produced no incriminating evidence against anyone, despite lurid newspaper statements at the time, and which appears, according to the evidence of a translator for the Committee who resigned in disgust, and according to questions openly posed before the New York Legislature, to have assisted England to forestall American trade with Soviet Russia;

(2) The equally spectacular raid upon the Rand School, and the cracking of the Rand School safe which concluded in the complete collapse of the Committee's case in the courts;

(3) The arrest and conviction of two Finnish editors. The Committee and its Assistant Counsel, Mr. Archibald E. Stevenson, appear also to have played some vague and indeterminate part in the indictment of Benjamin Gitlow and of James Larkin, and in the series of raids perpetrated upon various groups of foreigners during the past winter—raids which have not yielded court convictions;

(4) The suspension of the five Socialist members of the New York State Legislature, an unprecedented attack upon the foundations of representative government which called forth the immediate condemnation of the Bar Association and the almost unanimous condemnation of the press of this country.

The Committee has admittedly overspent its appropriation, and its financial status is, to say the least, extra-legal.

But the most astonishing aspect of the Committee's activity has been its domination by Mr. Archibald E. Stevenson of the Union League Club, who asserts that he was responsible for the creation of the Committee, and who, becoming its Assistant Counsel, directed its activities from the start. So prominent has he been throughout the history of the Lusk Committee, that it might as fittingly be called the Stevenson Committee. It is worth while looking into Mr. Stevenson's record.

#### *Who is Archibald Stevenson?*

Archibald Ewing Stevenson was born in western Pennsylvania some thirty-six years ago, the son of a college professor. He was graduated from New York University in the class of 1904, and entered upon the practice of law. His first appearance in print was with an article in the *New York Sun* in 1915, when he was chairman of the Metropolitan Committee of the National Vacation Bible School Association. His leisure time was largely devoted to social uplift work on the East Side. He is a member of the Union League and University Clubs, of the Society of Colonial Wars and of the Sons of the Revolution.

When the United States entered the war, Mr. Stevenson became Chairman of the Committee on Aliens of the Mayor's Committee on National Defense. He volunteered in 1917 to assist the Department of Justice in its investigation of German propaganda, and took upon himself the task of supervising a card-index of the names of those in this country whom he suspected of pro-German leanings, working under the direction of Captain Trevor of the Military Intelligence Department, with offices at 302 Broadway.

Mr. Stevenson did not come into national prominence until January 21, 1919, when he appeared before a sub-committee of the United States Senate Committee of the Judiciary, the so-called Overman Committee to investigate Bolshevism. His testimony won him immediate notoriety. After denouncing various degrees and species of pacifists, he finally succeeded in reading into the record a list of sixty-two citizens holding, as he asserted, "dangerous, destructive, and anarchistic sentiments," including Jane Addams, Bishop Jones, George W. Kirchwey, David Starr Jordan, Frederic C. Howe, Lillian D. Wald, Oswald G. Villard, and a number of ministers and college professors.

A storm of astonished protest swept the country. Many of the men and women on the list were influential supporters of

the Wilson Administration. Secretary of War Newton D. Baker immediately disavowed Mr. Stevenson in the following terms:

"I am in receipt of telegrams and letters with regard to a list of persons handed to the Senate Committee by Mr. Archibald Stevenson, who is represented in newspaper articles as a member of the Military Intelligence Division of the War Department. Mr. Stevenson has never been an employee or an officer of the M. I. D. of the War Department. I am told that he and a number of his associates have throughout the war sought to analyze books and newspaper contributions with a view to determining the opinions of their writers toward the war. I personally have no sympathy with the publication of lists of persons classified with reference to their supposed opinions, and grouped under general designations, such as 'pacifists,' which may mean any one of a dozen things, some of them quite consistent with the finest loyalty to the country and some of them inconsistent with such loyalty.

"As a matter of fact the War Department does not undertake to censor the opinions of the people of the United States. It has no authority to classify such opinions. In the particular list accredited to Mr. Stevenson, there are names of people of great distinction, exalted purity of purpose, and lifelong devotion to the highest interests of America and mankind. Miss Jane Addams, for instance, lends dignity and greatness to any list in which her name appears." (*"New York Times,"* January 28, 1919.)

A few days later Senator Overman read to his Committee the following letter from Captain Trevor of the Military Intelligence Department, suggesting Mr. Stevenson as a witness:

"Archibald Ewing Stevenson of the Propaganda Section, who has studied German propaganda in the United States for over a year and concentrated on the subject, and is probably more familiar with the various interlocking groups of German and radical propaganda in the United States than anyone else in this country."

Captain Trevor's letter did not restore Mr. Stevenson to the good graces of the War Department, and he returned, apparently discredited, to continue his work at the Union League Club. There his fantastic pronouncements were taken more seriously. He became chairman of a committee to study the radical movement. Trips to Albany followed; hurried conferences were held, and the Lusk Committee was born.

Mr. Stevenson is conventional and sincere. Anyone who talks with him for five minutes will appreciate his sincerity. He sees himself as one of the saviors of American institutions, now threatened by the menace of a foreign philosophy. He believes with all his heart and soul that there is a widespread plot in

this country to overthrow the Republic by violent means. He believes in a limited democracy. He does not believe in the extension of the democratic theory to modern industrial management; he says the workers themselves do not want it. He is convinced that the Socialist party in America is dominated by the "foreign element" and that its teachings are consequently "un-American." "Americanism," in Mr. Stevenson's mind, is largely determined by an individual's uncritical acceptance of the late war and war spirit.

With such a background, Mr. Stevenson spent three years studying and exposing the extremes of radicalism, and he has succeeded in persuading a large part of the public that the dream-world of plots and counterplots, revolutions, and assassinations through which he moves, actually exists.

#### *Stevenson's Stage-Setting*

Mr. Stevenson appeared upon the scene at a propitious time for his purposes. Although the Soviet Government had come into power in Russia in November, 1917, and its principles were familiar to all students of international politics, it was not until after the signing of the armistice, a year later, that American attention was drawn to the significance of events in Russia.

Soon after the armistice, labor began to exhibit signs of unrest. During the war, workingmen had listened to speeches promising, in the event of Allied victory, a new society more equitably adjusted to the demands of the rank and file of the producers of wealth. But there was no evidence on the part of those in authority of any determination to put through such a program of reconstruction. President Wilson left the rehabilitation of industry to the business men and went to Paris. Meanwhile, prices were steadily mounting. One hundred thousand men and women were out of work in March, 1919, on the East Side of New York city alone. Governor Smith called State and city officials together to speed up public works to stop unemployment, and there was talk of a bread line. At such a time American labor naturally showed interest in labor movements abroad.

A casual reading of newspapers in the six months following the armistice indicates the alarm felt over this awakening interest, and the attempts made to picture the unrest in America, due to economic causes, as the product of Bolshevist agitators. Newspapers industriously spread reports of Bolshevist atrocities, and circulated the lie about nationalization of women long after the story had been denied by the English journal that first gave it currency. Ministers, teachers, and politicians carried the alarm to Y. W. C. A.'s, churches, clubs, and Chambers of

Commerce. The whole propaganda apparatus of war diverted its hate-stream from Germany to Russia.

The explosion of several bombs in Philadelphia on January 3 gave the drive an impetus and focus. The *New York Times* on January 4 sounded a trumpet call for the advance against radicalism. It was on January 21 that Mr. Stevenson read to the Overman Committee his famous list of sixty-two "dangerous" characters. Associations of business men the country over began to pass resolutions denouncing Bolshevism. The wave of excitement swept on through February into March. The word "Red" came to signify anyone who did not consider the present organization of society as ideal, and became a part of our national vocabulary.

#### *The Birth of the Committee*

At such a time Mr. Stevenson and his friends of the Union League Club journeyed to Albany with their scheme for a committee to help in the national man-hunt.

Following recommendations of his Union League Club Committee, according to Mr. Stevenson's own testimony, Senator Walters, the Republican leader, introduced in the New York Senate, on March 20, 1919, a resolution creating a sub-committee on "Bolsheviki activities." It provided for the appointment by the Temporary President of the Senate and the Speaker of the Assembly of a joint committee of nine members, four from the Senate and five from the Assembly, to "investigate the scope, tendencies, and ramifications of such seditious activities, and to report the result of its investigation to the legislature."

After passage by the Senate, the resolution went to the Assembly. It was referred to the Committee on Ways and Means on March 21, and reported back on March 26. After one hour of debate, the measure was passed by a vote of 110 to 10. Eight Democrats, Messrs. C. Johnson, Leninger, Lyons, McCue, McLaughlin, Mullen, O'Hare, and Schwab, and the two Socialist Assemblymen, Messrs. Claessens and Solomon, voted against it. The Assembly amended the resolution by reducing the appropriation from \$50,000 to \$30,000, and the Senate concurred. The text as finally passed read:

"Whereas, it is a matter of public knowledge that there is a large number of persons within the State of New York circulating propaganda calculated to set in motion forces to overthrow the government of this State and the United States, and

"Whereas, sufficient facts were adduced by the sub-committee of the United States Senate investigating this subject during the last session of Congress to indicate the necessity of further inquiry and action, and

"Whereas, it is the duty of the Legislature of the State of

New York to learn the whole truth regarding these seditious activities, and to pass, when such truth is ascertained, such legislation as may be necessary to protect the government of the State and to insure the maintenance of rights of its citizens, now, therefore, be it

"Resolved, that a joint committee of the Senate and Assembly be and hereby is created, to consist of four members of the Senate appointed by the Speaker of the Assembly, of which joint committee the Temporary President of the Senate and the Speaker of the Assembly shall be members ex officio, to investigate the scope, tendencies, and ramifications of such seditious activities, and to report the result of its investigation to the Legislature, and be it further

"Resolved, that the said special committee shall have the power to select its chairman and other officers, to compel the attendance of witnesses, and the production of books and papers; to employ counsel, stenographer, and necessary clerical assistance; and shall have the power of a legislative committee as provided in the Legislative Law, including the adoption of rules for the conduct of its proceedings; and be it further

"Resolved, that the sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary, be and hereby is appropriated from the funds set aside, for the contingent expenses of the Legislature, to be paid by the Treasury on the warrants of the Comptroller upon certificate of the Chairman of the Committee and approval of the Temporary President of the Senate and the Speaker of the Assembly."

The committee appointed consisted of Senators Boylan, Carroll, Lusk, and Mullen, and Assemblymen Burr, Jenks, Martin, McEligott, and Pellett. Four of the members were Democrats and five Republicans. Three are lawyers, three are business men, the career of one has been entirely political, one is a civil engineer, and the other was quite unknown prior to his entry into the legislature.

Nothing was heard of the Committee for six weeks. Then it developed that rooms had been rented in the Murray Hill Hotel in New York City. Attorney General Charles D. Newton was asked to be counsel, Senator Lusk was elected chairman, and Senator Walters stated that developments of the investigation would show that "more than \$500,000 had been sent to the Reds of this country by the Bolsheviki of Russia." Bolshevism, he said, was running rampant in this State, and New York city was the headquarters of the Reds. "There is no doubt," the *Brooklyn Eagle* of April 30, 1919 quoted Senator Walters as saying, "that there is a thoroughly organized plan worked out by the Russian Bolsheviki to seize the reins of government in this country and the head and brains of the movement is right here in the heart of New York."

As the Committee had not met up to that time, it is not clear how Senator Walters had received this information. The newspaper reporters who interviewed him failed to ask the sources of his belief, but the papers played up the story. "Walters Tells of Bolsheviki Plot in City—Parlor Radicals Involved" was the heading on the *New York Tribune's* interview. The *Tribune* added: "from authoritative sources, the *Tribune* learns that men and women prominent in the city's life are implicated in the mass of material in the possession of the investigators. Some of these individuals, possessors of independent sources of income and identified with the 'parlor Radicals,' have already made efforts to prevent the information becoming public."

#### Publicity

Mr. Stevenson joined the Committee as assistant counsel. The press, with a few notable exceptions, seized upon Mr. Stevenson with unholy glee. This humorless, intense young man with his card-indexes and his love for the detective rôle was a rare opportunity. The doings and dreams of the Lusk Committee became "good copy," and the country shivered delightedly at the daily romance of plots and revolutions. As soon as the Lusk Committee settled down to work, a series of hair-raising hints at "discoveries" began to spread across the front pages. Bomb plots of national magnitude, nests of anarchists, plans for armed uprisings, were announced and frustrated almost daily. Legal proof was not forthcoming, but the name of the Committee and of its Assistant Counsel filled the newspapers, and the public, with the exception of those whose names were lightly handled as villains in the plots, read the stories with the same thrill that Richard Harding Davis's Central American stories had given a decade earlier, and with more conviction. The Committee was said to be conducting secret investigations and there were occasional hints as to the uncovering of plots. Headquarters were removed from the staid surroundings of the old Murray Hill to the livelier corridors of the Prince George Hotel, where the legislators could rest between their labors soothed by the strains of an orchestra.

The splendid publicity secured by the Committee was not entirely accidental. The *New York Call* remarked on June 28:

"If anyone thinks that the Lusk Committee did not understand the importance of yoking up the newspapers in their campaign against 'Bolshevism' they are in sad error. On June 3, at the Murray Hill Hotel, they gave a luncheon to the executives of the New York papers, where the question of publicity of the activities of this ridiculous witch-hunting crusade to discover facts that everybody of ordinary intelligence knew, was discussed. Among those present and who put away for the time being the

enmity of their employers toward each other, and joined in the discussion of the campaign against the truth-tellers in this locality, were the executives of the Tribune and the American."

Lusk and Stevenson did not hesitate to manufacture good copy. On June 11 at Schenectady in a public interview, Senator Lusk was quoted as saying "There are 500,000 anarchists in New York City alone." That was more than the total vote cast for Mayor Hylan in the last mayoralty election.

The first hearing of the Committee had been set for July 21, but more bombs exploded and the Committee decided to speed up. The hearing was held on June 12, 1919.

#### *The Great Russian Raid*

That afternoon the Bureau of the Representative of the Russian Socialist Federal Soviet Republic in the United States was raided, and the Committee's place on the front page was made secure.

This first public action of the Lusk Committee is characteristic of the subsequent doings of that body. The raid on the Russian Soviet Bureau was marked by the most spectacular stage-setting, and was followed by inflammatory and grossly exaggerated newspaper stories. When the excitement abated, no evidence of illegal activity had been found, no legal action was started, and the Soviet Bureau went about its business while the Committee transferred its attention to an attack on organized American Socialism. Another large hole had been bitten into the \$30,000 of public funds, there had been much talk about Bolshevik propaganda, some stenographers in the Soviet Bureau had been frightened, and two employees of the Lusk Committee had resigned in disgust.

Clarence Converse, a special agent for the Lusk Committee who had formerly been employed by the Military Intelligence Department, had appeared before City Magistrate Alexander Brough, and produced an affidavit, stating that he had found a document called "Groans from Omsk" lying on the floor in the office of the Soviet Bureau at 110 West 40th Street. The document, he said, was seditious. Magistrate Brough signed a search warrant directing a search to be made of the Russian Soviet Bureau.

"All documents, circulars, and papers printed or typewritten, having to do with Socialist, Labor, Revolutionary, or Bolshevik activities; all books, letters, and papers pertaining to the activities of said bureau, all circulars and literature of any sort, kind, or character," read the warrant, were to be brought

forthwith before Magistrate Brough at his chambers, 300 Mulberry Street.

The Soviet Bureau, which was selected by the Lusk Committee as its first salient, was established in April, 1919, by L. C. A. K. Martens, a native of Russia, who had been appointed by the Foreign Minister of the Russian Socialist Federal Soviet Republic to represent the interests of that Government in the United States. He filed credentials with the Department of State at Washington in March, 1919. With his credentials he filed a memorandum stating that it was the desire of the Soviet Government to establish friendly economic relations with the United States.

"Never on any occasion did I or my Bureau, in any manner whatsoever, interfere with or discuss conditions or institutions in the United States," Mr. Martens said, five months later, in an application for cancellation of the subpoena issued by the Lusk Committee. "I have negotiated with thousands of responsible and prominent firms in the United States who believed the establishment of trade relations with Russia to be a matter of vital interest to the American manufacturers and importers, as thereby an immense market would immediately be available for American manufactures. If any inquiry into my relations and correspondence with Soviet Russia were warranted by law, the State Department of the United States would be the sole authority vested with jurisdiction in the matter."

Despite the fact that the affairs of the Bureau were conducted in an office in the heart of the city, open at any time to the passer-by, the Lusk Committee staged a spectacular "raid," which effectively drew attention to the Committee. Converse with his search warrant, and Henry Gruenwald, a private detective, formerly an agent of the Department of Justice, with ten of the Committee's operatives and ten members of the New York State Constabulary, threw open the doors of the Soviet Bureau on that afternoon of June 12 and marched in. They lined up everyone in the rooms behind a railing, took down their names and addresses, including the names and addresses of two furniture men who had come in to deliver a cabinet, and then proceeded to ransack the offices in their search for seditious material.

#### *The Ways of Raiders*

Details of the raid are contained in the affidavit of a witness, Evans Clark:

"I am employed at the Russian Soviet Government Bureau located at 110 West Fortieth Street, Borough of Manhattan, City of New York, as Assistant Director of the Commercial Department of said Bureau.

"On June 12, 1919, at about 4:15 o'clock in the afternoon, as I was coming out of the elevator on the third floor of the said building, I found the doors 303-304 open and the offices crowded with strange men. Great confusion reigned, and I was told that a raid was being conducted. I should estimate that about twenty men were engaged in the process of ransacking every drawer and cabinet in the office for papers and other material.

"I noticed several of the office staff trying to take inventory, in a great hurry, of the material the raiders were assembling.

"I then proceeded upstairs to room 404 and found the same scene of confusion, dominated by approximately ten men. I asked who was in charge and was referred to a stout, tall, florid-faced man who said he was a representative of the State Attorney General.

"I then tried to find some purely personal papers among the mass of material which the raiders were assembling to take away.

"I was approached by one of the raiders and asked for my name and address. I asked what authority he had to ask for them. He said he was under orders. I refused to answer his question and started to leave the room. I was grabbed by a tall, dark-complexioned man, representing himself to be a member of the State Constabulary, and told I could not leave. I demanded what authority he had. He then consulted the Attorney General's representative as to what to do and he was referred to a man downstairs. I went down with him and upon his inquiring from someone in authority I was allowed to go.

"Later I visited the office at approximately 6:30 that evening in company of Mr. Recht. We found the office in possession of three men who said they were members of the State Constabulary in charge of one of them by the name of Sergeant Brey. The rooms were in utter confusion and the telephone switchboard was operated by one of their number. While Recht was talking with Sergeant Brey in Room 304, I went into the offices of 303 to see what state they were in. Sergeant Brey yelled to me to 'Come out of there.' I obeyed his orders but not until I had found a small cash box, bent and smashed, with parts of a broken pair of scissors lying inside.

"I arrived in the office at 9 o'clock the next morning. I found rooms 303 and 304 in possession of Sergeant Brey and six or seven other men all of whom claimed they were members of the New York State Constabulary. I asked him how soon they would leave, stating that they had no authority on the premises. He said they could not leave until they received orders to do so from Mr. Archibald E. Stevenson. I then requested them to call Mr. Stevenson up at once and say that we wanted possession of the office, but he told me that he could not reach him. I then started to look over a pile of mail which had arrived during the morning. Sergeant Brey refused to allow me to do so, stating he would have to have Mr. Stevenson's permission. I protested, stating he had no authority to deny me that right. About that time a young man came into the office and asked for some lit-

erature. Sergeant Brey handed him a copy of "Soviet Russia," and then asked for his name and address. I interrupted at that point to advise the young man that the office was in possession of detectives and that he was not obliged to answer any questions. I was then immediately threatened with summary arrest by Sergeant Brey and two or three others of his subordinates. Sergeant Brey stated that I was interfering with the work of police officers and ordered me out of the room. I offered no resistance, but was escorted into the hallway by two men. Five minutes or so later I was told I could come back again and the young man left. Later in the morning, about 10 o'clock, Sergeant Brey informed me that he had received word from Mr. Stevenson that I could open the mail, but not before one of his men had taken down the address on each envelope and the name of the sender or other inscription thereon. I protested against this. Repeatedly from that time until noon I asked Sergeant Brey to get Mr. Stevenson's order for his men to go. I was told each time that it was impossible to reach Mr. Stevenson. At about 11 o'clock a slightly-built, dapper young man, blond, with a closely-cropped moustache, came in and was addressed as Captain by the members of the Constabulary. He inspected the premises in company of Sergeant Brey. I protested to him that his officers had no right to be on the premises and requested their removal. He stated he was acting under orders and had no authority to order them to leave. At about 12:30 I went to Mr. Recht's office, leaving the Constabulary still in possession and no word from Mr. Stevenson."

Subpoenas *duces tecum* were served on Mr. Martens, A. A. Heller, Gregory Weinstein, Dr. I. Hourwich, and Santeri Nuorteva of the Bureau. Mr. Martens, Mr. Heller, and Mr. Nuorteva were ordered to appear before the Lusk Committee forthwith.

Operatives and constables took possession of the telephone switchboard and took down the names of all who called up. According to Mr. Martens's affidavit, the raiders took with them four volumes of the *Daily Trade Service*, issued by the Standard Statistics Company of New York, a brief-case, a travelling bag, a photograph of Mr. Martens's children, and more than a thousand letters from American business concerns relating to the purchase of merchandise for shipment to Russia.

All the witnesses testify that the Bureau's cash-box was broken open, but state that the cash was returned.

While the raiders still retained possession of the offices, questioning closely all who came in, Mr. Martens, Mr. Heller, Mr. Weinstein, and Mr. Nuorteva went down to the City Hall to appear before the Committee. Mr. Martens's counsel, Mr. Charles Recht, and Mr. Edwin M. Stanton of the firm of O'Gorman, Battle and Vandiver, counsel for Mr. Heller, accompanied

their clients. Mr. Recht was refused permission to be present at the hearing of Mr. Martens. The secret hearing lasted about an hour.

Afterwards Mr. Martens said of the raid: "It was conducted by one Mr. A. E. Stevenson, of the Overman Committee and Union League fame, whose prejudices against the Russian workers' government are only too well known. The Chairman of the Investigating Committee appointed by the State Legislature of New York denied that his Committee had anything to do with the raid." Senator Lusk said to newspapermen, "I am not fully informed with reference to what happened at the Soviet Headquarters and cannot intelligently discuss it. I signed subpoenas *duces tecum* and Mr. Martens and Mr. Heller appeared before the committee in response to these subpoenas." Apparently Mr. Stevenson, under whose orders the raiders were working, had not taken the Committee fully into his confidence.

#### *The Translator's Story*

What happened to the seized papers after they were carted away from the Bureau is disclosed in the statement of Felix Wechsler:

"I am a lecturer at the School of Philosophy at Columbia University. I am also a translator of Slavic Languages. I worked as an interpreter for the Government for some time. On Wednesday, June 11, I was sent for by Mr. Archibald Stevenson, who said that he wanted me for some translation work, and I was told to go to Room 2009 in the Forty-second Street Building at about 3:30 on Thursday, June 12, and await developments. I went to the place, which seemed to be a detective agency. I do not remember the name on the door. After I arrived, a red-faced man came whose name I do not know. Then came Rodney Procter, formerly of the Intelligence Bureau; also a man said to be a British Secret Service agent, named Nathan; then came Converse, who guarded me, and whom I remember to be a dictaphone man; he installed dictaphones for the Military Intelligence Service; then came Mr. Vanderpoel, who was in the employ of the Naval Intelligence Service. He said he had been in the French Army and had been travelling in Europe before he came to the United States.

"About six o'clock or so, after most of the people working in the office left and they were about to close, we received word to wait outside about half an hour and were told to pretend not to know each other. We waited about three-quarters of an hour and then I followed Nathan to Room 225. At about 8 o'clock the truck came with the papers; Stevenson and other men came, one after another. Then papers came, they were tossed about and were in a state of disorder. I commented about the condition, and someone said they ought to be thankful it was not

worse. This man then started to look over the papers, and kept saying at frequent intervals, 'It seems to be legitimate business.' It was arranged that the next morning one of the men should go to the public bank and see them about the funds of the Bureau. The next morning I was 'phoned to and told to go to Room 1103 at the Prince George Hotel, which is the same place where I met Stevenson Wednesday. When I came there they were sorting the papers. The important stuff was handled by Stevenson and Vanderpoel. Procter seemed to do very little. The room was guarded day and night by State Police and no one was admitted in. At first there was arrangement made to have a password, to wit, 'Nacirema,' which is American spelled backwards. This was later abandoned. Sleeping quarters were provided. Gruenwald and one of the detectives and his men worked in a separate room. On Friday Vanderpoel, Stevenson, and I went over matters which they called 'seditious.' A man came over then, I believe from the Public Bank, who helped act as translator and almost everything he saw he called treasonable. . . .

"On Saturday a number of papers which had been set aside were photostated. There seemed to have been a man by the name of Stuart, or Starr, who was frequently mentioned as the person to furnish help, such as interpreters, etc., whenever that question was raised. Certain letters were marked as evidence to perfect the case and were as follows: One from a Ukrainian Socialist party in Passaic, commending Mr. Martens on his work; and another, the answer of Mr. Martens. This answer had no signature, and Converse was asked if anything could be done to a paper without a signature, to which question Converse answered: 'Oh, I got convictions on things like that before.'

"When I went down to work, I had with me a brief bag containing some articles which were intended to be published in the Columbia University Quarterly. These articles were found by one of the men, who thought they belonged to the Soviet Bureau, and were put among the papers marked 'important.' Some one said that the Rand School is a nest of radicals and that arrangements should be made to raid it soon. . . .

"They frequently told me that I am working for the Government although at no time had I been sworn in or given any credentials.

"At six o'clock on Friday evening they let me go out, although some of the other men were not permitted to leave. I then had a discussion with Stevenson and Converse and asked them whether they knew what happened in Russia, where the Czar did the same things which they are now doing. Stevenson said, 'You are an idealist and you don't know what is going on around you.' I told him that I would translate the important papers and that he could then have his other translator go over them, to which he agreed. And I came back that same evening (Friday) and began the translation. I took a copy of the letter of Martens, and also translated the Kroff letter and the letter from the Ukrainian Branch. A little later, Converse came and one of the men drew his gun and held Converse back despite his watch-

word 'Nacrema.' Later Converse told who he was and was admitted. Converse was quite drunk and invited me down for more drinks. He said 'We have a capital case, we are not going to convict them, but will show them up.' 'Pretty soon we will declare a state of war against the Soviet Bureau,' he said, 'and then we can bust the whole damn Socialist gang.' He went down for another drink; later he said that Stevenson was a wonderful man, not afraid of anyone, and he said 'I told Stevenson, you're losing time with your subpoena duces tecum, and I showed how it could be done.' He said he was at the office of the Bureau and 'found a printed sheet of paper on the floor marked "radiogram," which I gave Stevenson and he got out the search warrant.' I told Converse that every newspaper had it and that it is no evidence. He said, 'well, it is revolutionary and we used it.' He said that Stevenson wanted the papers before six that evening, and that it is why the subpoena duces tecum would not do.

"I did not go back Saturday nor did they send for me. I wrote Stevenson a letter yesterday (Monday) and mailed it today, saying that I regret I cannot work for you any longer.

"They took no inventory at all, just dumped things in a heap."

Wechsler became impatient when he found that there was nothing remotely approaching sedition in any of the matter taken by the raiders, and on June 18 he wrote a letter to Mr. Stevenson resigning as translator for the Committee. Wechsler said he could not do this work with a clear conscience, because, while he did not sympathize with the Bolshevik Government of Russia, Mr. Stevenson and those for whom he works were pursuing the methods of the former Czar of Russia, the method which created Bolshevism.

#### *England's Agent with the Luskiers*

"What forces are behind Stevenson I do not know, but I do know one thing that will astonish every American citizen. Associated with Stevenson and one of the few men who had access to the room to which the Soviet papers were taken was a man of the name of Nathan. I was told by one of the raiding group that Mr. Nathan is chief of the British Secret Service in America." (New York "Journal," June 23, 1919.)

This Mr. Nathan of the British Secret Service is one of the most sinister figures in the whole record of the Lusk Committee. Something of his varied activity appears in the ten questions propounded by the suspended Socialist Assemblymen at Albany.

"1. Is it true that on June 12, 1919, the committee, through its direct wire and over the switchboard of the Prince George Hotel, New York City, called up Bowling Green 9696, which is the phone number of the British Military Attaché, Colonel Thwaites, and spoke to R. N. Nathan, arranging for the raid on the Soviet Bureau in New York City?

"2. Is it true that Mr. R. N. Nathan is the chief of the British Secret Service in this country?

"3. Is it true that the raid on the Soviet Bureau was executed on the following day, June 13, in accordance with arrangements made between the committee and the chief of the British Secret Service, Mr. Nathan?

"4. Is it true that the papers obtained in the raid were removed to the office of a private detective at 30 East Forty-second Street?

"5. Is it true that Mr. Nathan joined the raiding party in the office of the private detective, and in the presence of representatives of the committee, including its associate counsel, Mr. Archibald E. Stevenson, took original copies of these papers and carried them away with him?

"6. Is it true that these papers were never returned to the committee?

"7. (a) Is it true that the remaining papers were turned over to the firm of Oliver Lippincott & Co., photostaters, at 230 Broadway, New York City, where about thirty-five hundred copies of duplicates were ordered to be made?

"(b) Is it true that in the month of August, 1919, a package of these photostats were delivered to Mr. Nathan at the Hotel Biltmore, New York City?

"(c) Is it true that the bill for these photostats, approximating \$1,200, was paid in two installments, one with a check drawn by the committee on the Harriman National Bank for \$600 and the other some time later with \$600 in cash?

"(d) And is it true that prior to the cash payment to Oliver Lippincott & Co., Mr. Nathan handed a roll of bills to the sergeant-at-arms of the committee?

"8. Is it true that Mr. Nathan also participated in the raid on the Rand School?

"9. Is it true that shortly after the aforementioned incidents Mr. Nathan, in full possession of the original papers and photostats, left the United States for England?

"10. Is it true that the original papers obtained by Mr. Nathan were of great commercial importance to the United States and that his possession of them enabled his Government to obtain commercial and diplomatic advantage in its relations with the Soviet Government of Russia?"

#### *Another Resignation*

Another employee of the Lusk Committee, Professor Alessandro Carrasso, also an anti-Bolshevist, resigned shortly after Wechsler, expressing his disapproval of the methods of Mr. Stevenson. He declared in an interview printed in the *New York Call*, June 23, 1919:

"About a month ago I was invited by the Lusk-Stevenson Committee to act as official interpreter in the several languages at my command. I accepted this invitation willingly because the

task was in seeming accord with my anti-Bolshevik principles. When I became more intimately acquainted with my colleagues, I felt ashamed for myself, for them, and for those investing them with authority. These were persons lacking knowledge of any profound study of the issues involved; few if any of them had any worthwhile acquaintance even with the fundamental book on Capital by Karl Marx. Their entire knowledge of political economy seemed in some cases to consist of a few pamphlets and feature articles, and with this impoverished baggage they sought to embark on the long and difficult journey of combatting such a mighty economic influence as Bolshevism! No, that is not the method that will accomplish results. The methods of such agencies as this are not only subversive of our fundamental American institutions but are stimuli to the encouragement of popular resentment which is the fertile breeding ground for the agitator of unrest. I cannot condemn this method of the gendarmerie too heartily. It was the ruin of Russia. It is not consistent with the open frank policies of this country. And because of my true American convictions on this subject I have determined to resign from the investigating committee."

This interview appeared after the publication of several newspaper articles intimating that Dr. Carrasso had resigned because of his fear of "Bolshevik revenge." Another story was to the effect that Dr. Carrasso had been forced to resign because of a visit he had made to the Soviet Bureau prior to the raid. Both of these suggestions Professor Carrasso emphatically denied.

For a week after the raid the newspapers were filled with hair-raising headlines. There was a long story to the effect that, among other seditious documents, evidence of wholesale Bolshevik propaganda in Latin America had been unearthed.

"There was not a shred of such literature in our office," said Mr. Martens, "except two letters from a magazine in Mexico and a few copies of that magazine the editor of which asked us for aid in some propaganda in Mexico, and our reply to these letters in which we refused to have anything to do with the proposition."

In place of this story appeared another to the effect that Martens was interesting himself in socialist propaganda in this country. Its basis was a letter written by Charles Recht to Mr. Martens, telling of the fate of a number of Russian workers arrested on May Day at Chester, Pa. Mr. Recht was retained by Mr. Martens as their counsel. When he arrived at Chester he found no one willing to defend them. He commented on this in his personal letter to Mr. Martens. This letter was called by the *Sun* (June 19, 1919) "perhaps the most startling evidence yesterday." The article was headed "Find Soviet Envoy Aided Socialists and I. W. W.'s Here."

Mr. Stevenson was the sole witness at the regular hearing of the Committee on June 19. He spent the day reading over letters taken from the Bureau, with a running fire of comment. It was then that he repeated his performance before the Overman Committee by reading into the record another list of names, this time taken from the mailing lists of the Soviet Bureau. There was nothing to indicate that the persons mentioned were in any way connected with the work of the Bureau or sympathized with its aims. They were merely on a list of American citizens to whom the Bureau had sent or was preparing to send publicity.

Among these names were those of Robert W. Bruère, the writer, who was described by Mr. Stevenson as a signer of an appeal to American liberals for an I. W. W. defense fund; Carleton Hayes, Assistant Professor of History at Columbia University and a former Captain in the Military Intelligence Department; B. W. Huebsch, the publisher; John Lovejoy Elliott; George W. Kirchwey, then head of the United States Employment Service in New York; Raymond Robins, Fola La Follette, Amos Pinchot, Max Pine, Colonel William B. Thompson, Rabbi Judah Magnes, Major Thomas D. Thacher, Lillian D. Wald, and other prominent American liberals.

Mr. Stevenson laid particular stress on a letter from G. V. Lomonosoff, a Russian engineer, who was sent to America by the Kerensky Government, indicating that the Bureau was receiving money from Russia and that the Bureau was in correspondence with Moscow. "Lenin Sends Huge Sums to Reds Here," was the heading on the *Tribune's* story next day. Mr. Stevenson announced that Mr. Martens had deposited \$14,199 between March 23 and June 12, that Mr. Nuorteva had been asked to speak before socialist societies, and that Morris Hillquit was one of Martens's legal advisers.

This was the sum total of the nine days' wonder. It had resulted in the discovery of "facts" which had been in the possession of every intelligent newspaper reader for at least three months prior to the sensational raid.

The Committee next planned an attack on the educational center of organized socialism in New York.

#### *Raiding the Rand School*

On East Fifteenth Street, near Fifth Avenue, is a large brownstone house which formerly housed a branch of the Young Women's Christian Association. Today its halls are thronged with young men and women workers from clothing factories, laundries, piano works, print shops, and offices. The

building is known in Socialist circles the country over as "The People's House." It is the home of The Rand School of Social Science, the national center for the varied educational activities of the organized Socialist Party. It also contains the meeting places for many New York labor union locals and organizations affiliated or sympathetic with labor. Upstairs and down there are classes in history, economics, politics, anthropology, sociology, civics, natural science, personal and social hygiene, philosophy, psychology and logic, the social aspects of art, music, and literature, public speaking, research and organization methods, office methods, parliamentary law, English grammar and composition, elementary, intermediate, and advanced socialism, labor problems, and trade union methods.

The large majority of the students are of Jewish extraction, for the most part sons and daughters of immigrants. The most casual visitor is struck by the evident desire to learn something, the deep hunger for knowledge that shines from the big eyes of these young workers; here is intellectual curiosity brought from overseas and planted just off Fifth Avenue.

Fifty men led by Deputy Attorney General Samuel A. Berger and Mr. Stevenson marched up the brownstone steps of the People's House on the afternoon of June 21. Ten of the raiders were members of the State Constabulary, the remainder were former members of the American Protective League (disbanded after its repudiation by the federal Department of Justice) now acting as special agents for the Lusk Committee.

"The raiding contingent was inside the building and State constables had taken their positions in the rooms to be searched before those in the building realized what was taking place," said the *World* the next morning.

Among the raiders was Clarence Converse with another warrant. Signed by Chief Magistrate McAdoo, it authorized the Lusk agents to search the premises for: "All publications, documents, books, circulars, letters, typewritten or printed matter having to do with Anarchists, Socialists advocating violence, revolutionary or Bolshevik activities, and all books, letters, and papers pertaining to the activities or business carried on in said offices, and all circulars and letters of any sort, kind, or character, and if you find the same or any part thereof, to bring it forthwith before me at the Magistrate's Court, 300 Mulberry Street, New York."

Converse had obtained this warrant on the strength of an affidavit to the effect that certain books and pamphlets which he had purchased in the public book-shop on the ground floor of the Rand School contained "revolutionary, seditious, and obscene statements. These books and pamphlets were "The New

Social System," the Manifesto and Program of the Left Wing of the Socialist Party, and copies of the *Workers' World*, the *New York Communist*, and the *Rebel Worker*.

On the basis of this warrant the raiders proceeded to ransack all the rooms on the ground floor of the School in much the same manner as they had ransacked the Soviet Bureau. Again the seized papers were loaded into trucks and this time taken direct to the Prince George Hotel to be examined by Mr. Stevenson and his aides, despite the explicit directions of the warrant for their immediate presentation to the Magistrate.

Once more the headlines flamed across the newspapers.

The raiders returned to the Rand School two days later with a new warrant. This warrant had been obtained by Converse on an affidavit that while in the Rand School he had overheard "three persons who, I believe, are connected with the organization, say, 'It's a good thing they haven't opened the big safe on the third floor.'" I. M. Sackin, counsel for the owner of the building, made a vigorous protest against opening the safe. Messrs. Stevenson and Berger, however, directed an expert of the Miller Safe Company to drill a hole in the three-ton safe, and this was done. The raiders removed and took with them correspondence of the Rand School, the check stubs, trial balances, and other financial statements and minutes of the meetings of the directors of the American Socialist Society.

Algernon Lee, Educational Director of the School, drew the attention of the State troopers to the wording of the warrant and said that the papers they were taking showed on their face that they did not have to do with advocacy of violence. According to Mr. Lee, the trooper replied, "Oh, that ain't what we're after. We want to get at the source of the financial support of the Rand School." (*Sun*, June 24, 1919.)

#### *Federal Agents Stand Aloof*

Apparently the federal agents were none too pleased with the way the Lusk Committee was handling the case, for in the *Herald* of June 24 we read, "Federal officials have decided to keep their hands off the inquiry now being conducted by the State government. The Department of Justice is not cooperating in the raids on the headquarters of radicals. . . . By raiding offices and cracking safes the State opponents of sedition are feeding the radicals on material for a campaign, the federal officials stated."

"It is further stated that none of the material [material taken from the Rand School] would stand a test under the rules

of evidence for the conviction of any person under the laws of the State or the nation," said the *Sun*, June 23. "All of it, in fact, has already been scrutinized closely by agents of the Department of Justice and the Post Office Department."

"Certain branches of the United States Government have been displeased with the raiding activities of the Committee and have refrained from doing anything that might be interpreted as cooperation," the *World* of June 26 said. "Many men of Senator Lusk's own party also have felt his methods were unwise."

As before, hearings of the Committee were held behind closed doors, Mr. Stevenson reading sections of the papers seized by his raiders, Senator Lusk interjecting his expressions of amazement and stenographers taking everything down for the benefit of the publicity bureau and the waiting newspapermen.

No one from the Rand School was allowed to appear before the Committee. To Scott Nearing Senator Lusk sent word that he had no time for "soap-box oratory." Algernon Lee wrote, "I charge that your whole proceeding is not a bona-fide proceeding, but a press-agent stunt designed to misinform and prejudice the public mind. I challenge you to permit me to state my views publicly and read them into the official record." No answer was made to this, nor would the Committee grant a hearing to Mrs. Bertha Maily, secretary of the Rand School, who offered to tell about the history of that organization and its activities, but refused to appear without counsel.

Newspapers up and down the country, inspired by the remarks of Senator Lusk on the Stevenson readings, published stories that evidence of a plot to arm the negroes in the South for bloody revolution had been unearthed: "*Radicals Would Arm the Workers*" (*Auburn Journal*); "*Radicals Teach Anarchy by Mail*" (*Bridgeport Telegram*); "*Rand School is Hotbed of Rank Radical Heresy*" (*Rochester Democrat and Chronicle*).

Two letters found in the files of the School occasioned these outbursts. The first, described by Senator Lusk as "the greatest menace the evidence before the Committee has so far developed" (*Times*, June 28), was written by a colored minister named A. W. Domingo, who was not connected with the School in any way. His letter somewhat bombastically predicted that "If the Socialists should elect a President, capital is prepared to use the Negroes for a guard to prevent the new government taking office. With the Negroes as guards, they would seize the arsenals six weeks after the elections. Autocracy will use force and fraud to control the Negro and suppress Socialism. It is necessary to change the race consciousness of the Negro

into a class consciousness and show him his duty to support all wings of Socialism."

The other letter, written to M. E. Rabb, Rural Route 7, Xenia, Ohio, from the Rand School, called attention to an attachment against the Molders' Union by the employers in Connecticut as a result of the damages caused by a strike. The *Times* quoted it as follows: "What are you going to do when the State robs you and your union and makes you helpless to strike? There is only one thing to do; take over the State. Are the members of your local prepared to take over and conduct wisely and well the affairs of your town and country? Are you ready to meet the militia when the powers of the State and courts are against you?"

At that point the *Times* ceased quoting. The next sentence, omitted by the *Times*, read: "Are you arming yourself with the knowledge of the foundations of Society?" One can almost say that such flagrant distortion of meaning has marked the whole record of the Lusk-Stevenson Committee.

After several more hearings where material of this nature was fed to the press, legal action began:

(1) Senator Lusk and Attorney General Newton called on District Attorney Swann, who at their suggestion forwarded a request to Governor Smith that an extraordinary term of the Supreme Court be called to hear the evidence against the "Reds."

(2) Attorney General Newton obtained an order from Supreme Court Justice Gavegan giving his permission in the name of the people to proceed against the American Socialist Society, the corporate name of the Rand School.

(3) An order to show cause why the certificate of incorporation of the Rand School of Social Science should not be vacated was granted, and a temporary injunction restraining its officers, members, and agents from continuing to conduct the institution was obtained by the Attorney General.

#### *Samuel Untermeyer's Protest*

At this point the distinguished lawyer, Mr. Samuel Untermeyer, entered the affair, offering his aid as a lawyer to the Rand School and writing, on July 9, to Senator Lusk as follows:

"Dear Sir: Although it is well known that I am a pronounced anti-Socialist because of my conviction that the governmental policies of Socialism are not practicable and workable and that as a constructive program it is little more than a beautifully iridescent dream, I have always realized that the Socialist Party has been of great service and is destined to be of still greater service in curbing and correcting the greed and injustice of the

capitalistic system and that its usefulness as an opposition party has been fully vindicated.

"For that reason, and because I have felt greatly alarmed and outraged at the lawless and reckless action of your Committee in bringing about the raiding of the offices and the blowing open of the safe of the Rand School, I consented a few days ago, in the discharge of what I conceive to be a high public duty, to respond to the appeal of the Rand School and its counsel for my professional aid in advising it as to its legal rights in the emergency that you have precipitated.

"I did so largely because I believe that your incredibly unlawful and despotic action and that of your counsel and the misleading sensational newspaper-campaign your Committee is conducting in the deliberate and vicious efforts to confuse the intellectual law-abiding wing of the Socialist Party with those elements which counsel violence and whose theories and practices are diametrically opposed to one another, are more perilous and prolific breeders of Bolshevism and revolution and do far more to foment and encourage disorder and contempt for law than all the revolutionary conspiracies against orderly government combined, and I intend in the public interest to do my humble part toward bringing and keeping you within the limits of the law that you are violating and defying.

"Until within the past few days, I knew nothing about the Rand School or its affiliated organizations, but have now informed myself on the subject and am deeply concerned over the issues that your Committee has raised.

"There is a library connected with the Rand School, which conducts also a book store for the sale of books and periodicals. Its printed catalogue, which I have now seen for the first time, embraces thousands of books, mainly classics and economics, among which, it appears, you have discovered one periodical and two or three books from which you have extracted and published occasional sentences containing discussions on birth control, revolutionary changes in government, and the like. You have deliberately attempted to distort these few instances in the public prints so as to create the false impression that this is the general character of the teachings of the School, when in point of fact the School appears to be an educational institution of an unusually high order, with courses of studies taught by some of the most eminent professors in the country, most of them holding positions in the great universities of the country.

"The New York Public Library and probably every other great public library and book store has on its shelves hundreds of books of the character you condemn to every one that the Rand book store or library contains. Why not seize their property and blow open their safes under an improvidently granted warrant and try to close their doors? . . . You might with equal justification have raided any book store in New York City.

"I am told that your Committee has even gone to the amazing lengths of excluding the counsel for the Rand School and its representatives from the hearing room whilst you were reading

into the record and publishing to the world extracts from the papers seized and to the possession of which you know you were not entitled and the contents of which you secured by unlawful means.

"I am further informed that at one time your star-chamber proceedings went to the extent not only of excluding the public but that you have at times heretofore even barred newspaper men from your sessions, and that at the end of each day's so-called 'hearing' typewritten statements of your version of the supposed 'testimony' and the slurring remarks of counsel and yourself against people who are absent and are given no opportunity to be heard, were distributed for publication.

"I observe that you are reported in yesterday morning's papers as announcing in response to a request from Professor Nearing to your Committee for an opportunity to be heard—a request that should appeal to every decent man's sense of justice, that you do not propose to listen to 'soap-box' oratory. If, as I have no doubt, that remark was made by you with the authority of your Committee, it is a more eloquent arraignment of your attitude than your worst enemies could construct. Just think of it! You charge a citizen 'ex parte' with merchandizing his political convictions for pay and when he asks leave to explain and defend his reputation, you deny him the right and apply to him, a man of recognized learning (however wrong may be his economic point of view, the opprobrious epithet of a 'soap-box' orator!

"You have likewise ignored the request of Mr. Algernon Lee, made on the day you seized the Rand School papers, for an opportunity to place before your Committee and through it before the public a statement of the work and purposes of the School and to demonstrate that it is and always has been a law-abiding educational institution that is opposed to force and revolutionary methods. In that way you do your utmost to deprive it of the legitimate support on which it must depend for existence, without listening to what it has to say.

"I herewith formally demand:

"1: That your sessions be hereafter openly held so that the public may know what you are doing and the methods you are employing, with a view of bringing the crushing force of an aroused public sentiment to bear upon your activities.

"2: That you grant to Professor Scott Nearing and to Mr. Algernon Lee an immediate public hearing so that they may have the opportunity of explaining the scope and character of the work of the Rand School and of replying to the 'ex parte' charges that you have been circulating against them through the medium of your publicity bureau. That you also afford to any person whom you hereafter assail, a prompt opportunity to be heard in his defense, which is obviously the only fair thing to do and the only way of restoring the public confidence that you have forfeited. There is much really valuable work for you to do, but you are paralyzing your ability to accomplish anything but harm.

"3: That at your peril you forbear using any of the documents of which you are in unlawful possession and that you forthwith return them to the court where they belong and from which they were extracted.

"I desire also to advise you that steps will be taken to vindicate the majesty of the law that you and your Counsel and others acting with you have violated. The safety of the community in these times of unrest imperatively requires that powers such as are lodged with you shall not be prostituted. You have the right of subpoena and you are well aware that if you wanted and were entitled to the production of any of the books and papers that you seized by blowing open that safe, it was your duty to have secured them in an orderly way instead of by force and that you would have experienced no difficulty in securing them. They proved to be about as innocuous as your method of securing them was unlawful and deliberately sensational.

"It is also your duty to let the public know what you are doing and to give those concerned a prompt opportunity to be heard. I shall do my utmost to compel you to keep within the limits of your powers. Of all times in our history the safety of our institutions demands it at this particular time, lest in sheer desperation you drive the vast army of law-abiding intellectual radicals into the arms of the lawless, dangerous elements whose activities you were delegated to investigate.

"Yours truly,

(Signed) "Samuel Untermyer."

Various labor unions also pledged their moral and financial aid to the Rand School in its fight against the Lusk Committee.

#### *The Case Collapses*

At last the Lusk Committee came to the courts of law. On July 12 the date of the trial was set for July 28. In setting the case for trial Justice McAvoy stipulated that neither the injunction nor the receivership should be determined before the trial of the charter question upon its merits. The Court also ordered the District Attorney to file a bill of particulars and an order was signed for all papers pertaining to the action to be put in the custody of the Supreme Court.

When the case was called on the twenty-eighth the Attorney General was not ready.

Two days later Deputy Attorney General Berger appeared with the announcement that the State was not yet ready, and the request that the case be put over until autumn. He moved for adjournment on the ground that the Attorney General desired to amend the complaint by incorporating new evidence and allegations against the Rand School, that he desired to

examine the officers of the American Socialist Society before trial, and that he must have a commission to examine witnesses outside the State.

Mr. Untermyer, appearing for the School as unpaid counsel, said that delay would inflict unreasonable hardships on the Rand School.

"Libels affecting the School have been scattered throughout the country," he said. "Unless we get the relief we are entitled to, the purpose of our enemies who want to destroy the School will have been accomplished. So far as amending the complaint is concerned, we consent to have anything added in the way of charges against us that the Attorney General can stir up or invent and we consent to go to trial this minute with those additional charges in the complaint. We will even waive a bill of particulars. We have the officers of the defendant corporation in court and will put them on the stand so that they can be examined at once. My learned antagonist says he wishes a commission to examine witnesses in other States. Whom does he want to examine? He must know. Let him state."

Mr. Untermyer's proposal to allow the Deputy Attorney General to amend his complaint, to examine witnesses immediately, and finally the waiving of the bill was so daring and unique that veteran lawyers in court gasped their surprise. Not in the memory of the oldest lawyer in the room had such a thing happened in a New York court.

"We don't want your concessions and don't need them," said Deputy Attorney General Berger.

"What I'd like to know is, why isn't the case ready now?" asked Justice McAvoy. "Tell me specifically what are these amendments that are necessary to your complaint."

"We are not prepared at this moment. We prefer——"

"Of course, I know you prefer," remarked the Justice.

"The defendant asks that the action be dismissed and that the order granting leave to begin these proceedings be vacated," said Mr. Untermyer.

Justice McAvoy dismissed the case.

So ended the Committee's attempt to prove in court assertions it had been spreading broadcast in print.

The *World* and the *Evening Post* in vigorous fashion attacked the Committee on the outcome of the proceedings. "So ends the spectacular raid on the inner seat of Bolshevism in New York," declared the *World*. "It proves to have been a raid chiefly on ordinary rights of free speech, and is thus calculated to produce quite as much Bolshevism as it suppressed."

"One can only wonder what reasons induced the Committee

and the Attorney General of the State to demand a special court to deal with evidence which they must have been aware was painfully inadequate," commented the *Evening Post*.

In the face of such a verdict the Attorney General again came into court on August 4 to ask that Justice McAvoy's order dismissing the case be vacated. The case dragged its weary way through the courts until on November 26, Justice Gavegan upheld Justice McAvoy's order and the Attorney General was left to appeal to the Appellate Division of the Supreme Court or to make an application for leave to begin a new action.

Repeated failure to make good its accusations did not in the least depress the Committee. It listened to the testimony of John A. Embry and James P. Holland of the New York State Federation of Labor. The *Times* had already printed Mr. Embry's distressful story of conditions in Russia under the Bolsheviks. Mr. Holland made a general denunciation of radicals.

#### A Conviction at Last

During August and September, newspaper interest passed almost entirely to the Grand Jury which indicted Alonen and Piavio, two Finnish editors captured in a raid in which agents of the Lusk Committee had cooperated. Their subsequent conviction remains, to date, the sole tangible direct result of the Lusk Committee's activity.

The Attorney General now came to the fore by taking over the functions of the Committee and examining witnesses in secret sessions. This began on August 20, 1919. He announced that he was empowered to do this under the War Act of 1917, Section 62, Chapter 595.

Into his presence he summoned editors of various journals which he suspected of holding unorthodox views, among them the managing editors and business managers of the *New Republic*, *The Nation*, and the *Dial*. Upon appearing before the Attorney General and the Committee the editors were told that they must answer all sorts of questions about circulation, source of income, etc., but were forbidden to divulge any of the proceedings which went on behind the closed doors of the Committee-room.

The Attorney General then haled before him certain members of the Rand School and the Soviet Bureau. These latter refused to answer questions on the advice of counsel. As there was no evidence of any desire on the part of the Committee to test the legality of the proceedings, these methods were dropped.

The Lusk Committee moved up-State in September, pur-

PHOTOGRAPH

suing much the same tactics of publicity as were employed in the city. It returned to the Prince George in October.

#### Terrorizing Russians

Three months of relative quiescence came to an end on November 8 with the raids on the Russian People's House and other places, in which Lusk agents joined with agents of the Department of Justice and the New York City police. More than 1,000 men and women were seized, but after examination only 35 were detained.

"Public opinion will be of two minds," the *Evening Post* declared on November 10, "about a method which finds it necessary to arrest thirty citizens for every one held after the most cursory examination."

This raid was precursor to the deportations. Aliens arrested were hurried over to Ellis Island after a brief examination and there "tried" by Government Inspectors. Something of the extraordinary way in which these arrests were made is revealed in the following extracts from the hearings of Russians arrested at the Russian People's House, a school at 133 East 15th Street.

John Kolesnikoff, being duly sworn, testified that

"I was at the People's House and the educational class were studying electricity when government officers came in and told us to hold up our hands. We all stood up then and were ordered to go down the stairs, and on the way down the stairs six officers beat me, one with a knife and a rod, the others with clubs, for no fault that I know of."

"Did you offer resistance?"

"No, I was only speeding up to avoid being hit."

Asked if he believed in the overthrow of any government by force or violence, Kolesnikoff replied:

"Violence is of no use in changing the government. If the decisive element is small, violence will not help them. If the decisive element is a majority there is no need for violence."

One Melnikoff testified that he was attending a class in arithmetic at the time of the raid.

"What took place at the time of your arrest?"

"Some people came into the room, turned revolvers on us, told us to stand up and then ordered us to go down stairs, meanwhile beating us all with clubs, myself included."

Louis Ristick was attending lessons on automobile work in the basement.

"And what happened then?"

"We were ordered to go up to the second floor, then after they

had taken out the people from the upper floors, they ordered us to go downstairs. In both cases in going upstairs and downstairs we were beaten by the policemen with clubs."

The terrified Russian workers vacated their headquarters immediately after the raid on November 8. Members of the New York Police Bomb Squad returned without reporters two weeks later and announced the discovery, by tapping the walls, of a "secret room" containing a dangerous assortment of bomb-making chemicals, including a large container marked "T.N.T." This turned out to be an unmarked four-ounce bottle and was not analyzed. The "secret room" was a cupboard built out from the wall, containing the usual assortment of materials used in an elementary chemistry course. Regular classes in chemistry, automobiling, arithmetic, Russian and English were held in the school.

In mid-November the Lusk Committee returned to the examination of L. C. A. K. Martens, the representative of the Soviet Government. For a few days it resumed the front page in the newspapers. Mr. Martens refused to surrender to a State Committee certain official papers connected with the work of his office. The Lusk Committee, through Deputy Attorney General Berger thereupon gave out the following astonishing statement: "Ludwig Martens is here as an enemy of the United States, as the agent of conspirators in Russia who are planning to bring about a bloody revolution in this country and destroy its government by force." Mr. Martens later appeared before a Committee of the United States Senate and volunteered to produce the papers which he claimed were, as privileged diplomatic documents, without the jurisdiction of the State of New York.

A preliminary and apparently premature abstract of an exhaustive report of the Lusk Committee appeared on December 9. According to the *Globe*, it concluded that "social unrest is not due to economic conditions, but to an organized, artificially stimulated movement under the inspiration of the Russian Soviet Government." Curiously enough, on that same day the *Times* printed a report from federal Attorney General Palmer's office stating that "It is clearly recognized that the present unrest and tendency toward radicalism arise from social and economic conditions that are of greater consequence than the individual agitator."

The Committee moved up-State again in the latter part of December. From Rochester stories of its discoveries of Socialist Sunday-Schools and plots were wired to the New York papers. Miss Meta Rumel, a witness before the Committee, declared that 300,000 Finns in America were members of the

I. W. W., and the statement was wired broadcast, although it later appeared that there were only 400,000 Finns, including men, women, and children, in the entire country.

Senator Lusk made a flying trip to England shortly before the Christmas holidays, the exact purpose or results of which have not yet been made clear. The press contained vague hints that he was studying British methods of combatting Bolshevism, but the nearest approach to definite information regarding his voyage which has yet appeared were the following questions, printed in the *New York World*:

When you arrived at Montreal to embark for Europe, were you met by British officers and entertained before your ship sailed?

Were you afforded luxurious quarters on shipboard and entertained on the way over by representatives of the British Government?

Were you received on the other side by more British officers and escorted to London to discuss the activities of Russian agents in the United States?

Who paid for your trip, you personally or the committee?

#### *Who Pays Whom What?*

Benjamin Gitlow, one of the authors of the communist platform called the "Left Wing Manifesto" came to trial in February, and was convicted under the "criminal anarchy" statute which was passed following the assassination of President McKinley, a sweeping statute which had never before been applied. Archibald Stevenson did not take the stand in this case, but he cooperated in securing the indictment, and in testifying before Magistrate McAdoo shortly after Gitlow's arrest, was cross-examined by Attorney Walter Nelles. The following colloquy took place:

Q. What is your employment, Mr. Stevenson? A. At present I am associate counsel for the joint legislative committee investigating seditious activities.

Q. You receive compensation in that employment? A. I do.

Q. How much is your compensation? A. It has not been fixed yet.

Further light on the finances of the Lusk Committee was thrown by the revelation at Albany that the Committee had already overspent its appropriation by \$50,000, the State Comptroller advancing on his own authority, without legislative or gubernatorial approval, the extra sum—nearly twice the original appropriation. Whether the Committee has still other bills outstanding, in addition to the indefinite remuneration to be awarded Mr. Stevenson, has not been revealed.

The final chapter in the history of the Lusk Committee is too recent to require recapitulation. The ejection of the five Socialist Assemblymen from the Assembly of the State of New York, and their subsequent impeachment before a Judicial Committee which acted as prosecutor and jury at once, while directed by Speaker Thaddeus M. Sweet, was admittedly inspired by the Lusk Committee and its agents. The utter collapse of the case against the suspended Assemblymen has unfortunately reacted in the public eye to the discredit rather of the Legislature and State of New York than of its real authors, the Lusk Committee and its Associate Counsel.

