
THE ENEMY WITHIN

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THE ENEMY WITHIN

By CAPTAIN HENRY LANDAU

ALL'S FAIR

SECRETS OF THE WHITE LADY

THE ENEMY WITHIN

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Keystone Studios

The Fire Raging in the Wreckage of Black Tom Terminal in New York Harbor Following the Detonation by German Agents in 1916 of Two Million Pounds of Munitions.

THE ENEMY WITHIN

*The Inside Story of German
Sabotage in America*

By CAPTAIN HENRY LANDAU

*Profusely Illustrated with Photographs and
Photostatic Copies of Original Documents*

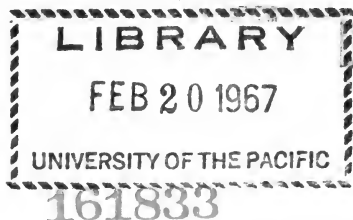
G · P · PUTNAM'S SONS

1937

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Introduction

IN this book I have endeavored to present the true facts, as far as they are known, concerning German sabotage in the United States during the period between the outbreak of the World War and the entrance of the United States into the war. I have concentrated principally on the Black Tom and Kingsland cases, as they were the most devastating acts committed and the only ones, with the exception of an explosion in Tacoma Harbor, in which any attempt has been made to prove German complicity and to collect damages.

Having assisted the American claimants in their investigations in connection with the Black Tom and Kingsland cases, I have known intimately many of the principal characters involved and have obtained from them their personal stories. Because of this connection, too, the voluminous records of these cases, consisting chiefly of exhibits, briefs, oral arguments before the Mixed Claims Commission, and reports of the various American investigators have been at my disposal.

This book has been written entirely at my own volition and has been inspired neither by the American claimants nor by their German opponents; nor is it my object to try the case in public before a final decision has been reached by the Mixed Claims Commission. I have been prompted solely by a desire to tell the general story of German sabotage here and in particular to cover the amazing fight which the American claimants have put up during the last fifteen years in their efforts to prove Germany's guilt in the destruction of Black Tom and Kingsland. The story of these cases, probably the most intricate and bitterly contested ones ever argued before an international court of law, has never been told before. In view, too, of the present war clouds gathering in Europe and the Orient and in view of the fact that the United States is still as vulnerable as ever to the saboteur, it is high time that the lessons of Black Tom and Kingsland be revealed.

Far be it from me to indict Germany. Many arguments can be ad-

vanced in support of her contention that, while the United States was technically neutral during the neutrality period, actually she was affording material and financial aid to Germany's enemies and that Germany was justified, therefore, in the use of sabotage to impede the flow of munitions and supplies to the Allies. In wartime every nation adopts the most expedient methods to guard its vital interests, and American unpreparedness in the field of counter-espionage was an open invitation to Germany to conduct a campaign of sabotage in the United States.

In depicting the background of the fight which the American investigators have waged against the German Secret Service and in analyzing the evidence, I have drawn on my own war experience in the British Secret Service. During that period I had unique opportunities to learn the methods and psychology of the German Secret Service.

A final word must be added concerning the German wireless and cable messages which the British intercepted and decoded during the war. Although an explanation of how Amos Peaslee came into possession of them is not given until Part II, they have been inserted throughout the text of the book wherever they apply. Their authenticity has been admitted by the German Government.

August 23, 1937.

H. L.

PART I
BOMBS, GERMS, AND GERMANS

Chapter I

THE AMERICAN FRONT

BEFORE the World War Germany had made all her war calculations on the basis of a short but decisive campaign through Belgium and northern France. When this failed, she realized that she was in for a long war in which economic strength would be the decisive factor. On account of her miscalculation on winning the war in a few months she had not given much attention to the United States. All her energies had been devoted to preparing against Russia, France, and, to a lesser extent, England.

But the heads of the government and the army soon came to realize that America's resources might well be the key to victory for whichever side could obtain access to them. British sea power precluded Germany's having any chance of drawing on the American market, herself; but at least she could and must try to keep her enemies from exploiting their advantage. There were only two means of doing this which held out any hope of success, the submarine and sabotage. But Germany had too few underseas craft in the first year of the war to enable her seriously to cripple shipping. She therefore felt obliged to direct the German Military and Naval Intelligence Services to undertake a sabotage offensive.

Before the World War Germany possessed the largest and most efficient secret service organization in Europe. Most of her espionage activities, however, had been directed against likely enemies on the continent. She had thought it worth while to plant only one part-time spy in the United States and had limited his activities to reporting on new industrial and chemical developments.

As Germany was automatically cut off from the world across the sea on the outbreak of hostilities, it was then too late to send any great number of trained spy and sabotage agents to the United States. She

had to rely, therefore, on her diplomatic representatives here to build up the necessary organization during the early stages of the war. These were few in number and had been chosen for their posts with no thought that they would ever be called upon to carry on more than normal consular and diplomatic business. The Embassy was staffed by four executives: an Ambassador, a Commercial Attaché, a Military Attaché, and a Naval Attaché.

The Ambassador, Count Johann von Bernstorff, was a career diplomat who had had many years training in the diplomatic service. His deep, dome-shaped head and furrowed face revealed the thinker—a man endowed with great power of concentration. A firm mouth and chin, and a Kaiser mustache lent him a certain air of fierceness in contrast to his otherwise delicately molded features. Cold eyes, peering at times through half-closed lids, gave an impression of cunning, which was immediately dispelled by his ingratiating smile. Tall, slender, always immaculately groomed, he had a distinguished appearance. He was an aristocrat, a member of an old Saxon family which had supplied Saxony with many of her statesmen.

As an ambassador he had the entrée to the White House, a seat in the diplomatic galleries of the Senate and House of Representatives, and was in close contact with those Senators, Congressmen, and appointees who hailed from the sections of the country which had an influential German-American vote. He had his finger on the pulse of official Washington and was easily able to keep his government closely informed on all important issues and political events in the capital.

Socially he was much sought after, not only by those to whom sponsorship by an ambassador is always an attraction but also by many Americans of German extraction who were anxious to be useful. He was a keen judge of character, and many of these men and women he astutely used on any occasion they could be of service to him.

Germany's Commercial Attaché was Privy Councilor Dr. Heinrich Albert. Not only was he the paymaster of all Germany's diplomatic and consular representatives in the United States, but he also disbursed funds for supplies purchased by his government, and finally also paid out money—at least \$30,000,000 that we know of—for propaganda, sabotage, and secret service purposes. He had a joint account

with von Bernstorff in the Chase National Bank, which often amounted to several million dollars. As American treasurer for the Imperial German Government, he had great influence with bankers, manufacturers, and others with whom he did business. His office during the war was in the Hamburg-American Building at 45 Broadway, New York City.

He was tall and slim. His countenance was open; and in spite of several saber scars on his cheeks, his fair hair and mild blue eyes gave him a friendly appearance. He was always well dressed, extremely polite, and punctilious. He was liked and held in high esteem by his colleagues, who credited him with expert knowledge of economic conditions in the United States. His methods were quiet and successful; his participation in secret service and other clandestine activities was carefully camouflaged and but for an accident might even have passed entirely unnoticed.

Long afterwards, when Congress got down to investigating his activities, he was characterized by Senator Nelson as the "Machiavelli of the whole thing...the mildest mannered man that ever scuttled ship or cut a throat."

Captain Franz von Papen held the post of Military Attaché. At the time of his appointment, in 1913, there was no thought that any big task might devolve on him. From the viewpoint of the large standing armies of Europe, Washington was a minor post; and for that reason the Military Attaché occupied a dual position: he was attached both to the German Embassy in Washington and the German Legation in Mexico City. To assist him in covering this wide field of activity, he had only a secretary, Wolf von Igel.

At the time, von Papen was a young cavalry officer in a regiment of Uhlans. He had married a Miss Boche, the daughter of an immensely wealthy Alsatian pottery manufacturer; and his new wealth, added to his social and military standing, had won for him the Washington appointment. His appearance reflected energy: he was tall, broad-shouldered, and erect; his face was clean-cut, with large bones, a large nose, prominent ears, keen eyes, a military mustache, and a strong jaw. He was vigorous in speech, and quick and daring in action. Intolerance, arrogance, and bluntness in criticizing his associates also were prominent among his characteristics. Coupled with all these was a

capacity for cunning, intrigue, and hard work. He liked women and used them whenever he could.

The Kaiser's Naval Attaché was Captain Karl Boy-Ed, the son of a German mother and a Turkish father. So brilliantly had he acquitted himself at the outset of his naval career that he had been one of six young officers chosen by the German Naval Command for training for high executive posts. Attached to the staff of Admiral von Tirpitz, he had successfully directed a press campaign in 1910 to influence the public on the eve of requests for heavy naval appropriations, which amounted in that year to 400,000,000 marks. Later his duties had taken him to various parts of the world as Naval Attaché, and 1914 found him at the Washington post.

In appearance he was heavy-set, bull-necked, with a massive jaw. He was polished and had considerable charm. He was less impulsive than von Papen and exercised much more care in covering up his tracks. He was often at loggerheads with the Military Attaché. On one occasion von Papen telegraphed him to be more careful. To this he replied in a letter:

Dear Papen:

A secret agent who returned from Washington this evening made the following statement: "The Washington people are very much excited about von Papen and are having a constant watch kept on him. They are in possession of a whole heap of incriminating evidence against him. They have no evidence against Count B. and Captain B-E (!)." In this connection I would suggest with due diffidence that perhaps the first part of your telegram is worded rather too emphatically.

These then were the men entrusted with the launching of Germany's campaign of sabotage and obstruction in the United States. It must be borne in mind, however, that as the war progressed both German secret services sent free-lance agents to the United States, many of whom operated independently of Germany's diplomatic representatives.

When the news was flashed to the United States that the Austrian Archduke Francis Ferdinand and his wife had been assassinated in

Sarajevo on June 28, 1914, Count von Bernstorff was having dinner with the Spanish Ambassador at the Metropolitan Club in Washington. Von Bernstorff fully comprehended that this might be the spark that would touch off the general European war which the whole world knew was impending. He at once arranged for his summer leave and on July 7 sped to Berlin. In the light of his subsequent activities, we can take it for granted that, in addition to receiving his instructions from the German Foreign Office, he was also interviewed by the espionage bureaus.

The first of these, commonly known as the German Secret Service, comprised Section III B of the Great General Staff and was under the able direction of Colonel Nicolai. In addition to this organization there also was a Naval Intelligence Service, which, although a much smaller unit, also operated on a secret service basis. As was the case with the Allies, both German secret service bodies established spy bases in the principal neutral countries and from these directed spy activities against the enemy. Belligerents on both sides tied in their secret service organizations with their naval and military attachés. But if this was common to both sides, the attachés and secret services of the Allies were at least wise enough not to engage in any activities which could be construed as at all detrimental to the neutral countries in which they were located. Although the attachés acted in an advisory capacity concerning the objectives to aim at in enemy territory and also telegraphed the spy reports to headquarters, they never came into contact with the actual agents. Their dealings were exclusively with the chiefs of the spy bases, who recruited and directed the individual agents.

However, since Germany had no organized espionage base in the United States before the war, she had perforce to instruct the Military and Naval Attachés to undertake personally the task of forming one.

On August 5, 1914, when England declared war, von Bernstorff was already on his way back to the United States, having sailed three days previously. Accompanying him were Dr. Albert and Dr. Dernburg, former Secretary of State for Colonies, whose chief duty was to be the spreading of German propaganda.

In the Ambassador's possession was \$150,000,000 in German treasury notes, which, according to Dr. Albert's later admissions, was to serve

for "buying munitions for Germany, stopping munitions for the Allies, necessary propaganda, forwarding reservists—and other things." In order to guard against this treasure's falling into the hands of patrolling British warships, it was always kept close at hand so that, in the event of the ship's being stopped and searched by a boarding party, it could be thrown overboard at a moment's notice.

If the German Secret Service lacked a prewar organization in the United States, here were the funds to create one immediately. An ample surplus would remain after attending to the objectives outlined by Dr. Albert. There remained only the handing over of the instructions from Berlin to von Papen and Boy-Ed before the machinery would be set in motion.

Captain von Papen was in Mexico City at the outbreak of hostilities. He hurried north immediately to meet von Bernstorff in Washington and after a conference with him established headquarters in New York City at 60 Wall Street, where he took a suite of offices which was known as the Bureau of the Military Attaché, or the War Intelligence Center. Meanwhile Captain Boy-Ed had also had an interview with his Ambassador; and he too located himself in New York with an office at 11 Broadway, close to the New York Custom House. As has already been mentioned, Dr. Albert's headquarters were a stone's throw away, at 45 Broadway.

If there are any doubts as to the nature of the orders von Bernstorff passed on to his Attachés, we need only turn to the very definite instructions which were later issued by the authorities in Germany. On January 26, 1915, the General Staff telegraphed the Embassy in Washington via the Foreign Office a message the meaning of which is unmistakable:

For Military Attaché. You can obtain particulars as to persons suitable for carrying on sabotage in the U. S. and Canada from the following persons: one, Joseph MacGarrity, Philadelphia, Pa.; two, John P. Keating, Michigan Avenue, Chicago; three, Jeremiah O'Leary, 16 Park Row, New York.

One and two are absolutely reliable and discreet. Number three is reliable but not always discreet. These persons were indicated by Sir Roger Casement. In the U.S. sabotage can be carried out in every kind of factory for supplying munitions of war. Railway embankments and bridges must not

be touched. Embassy must in no circumstances be compromised. Similar precautions must be taken in regard to Irish pro-German propaganda.

Zimmermann *

The abrupt opening of the above cable indicates that there must have been instructions issued relative to sabotage in the United States prior to the sending of this message. By these orders Germany's diplomatic representatives in the United States were compelled to play a dual rôle. On the surface they were to carry out their diplomatic functions and preserve friendly relations with the United States; surreptitiously they were to direct Germany's sabotage activities. And above all Dr. Jekyll was always to deny and repudiate what Mr. Hyde was doing.

Count von Bernstorff as the commander in chief was to keep in the background as much as possible, his principal duty being to watch Congress and the President in order to prevent any political action unfavorable to Germany. Dr. Albert was to handle the funds, also to act as the director of activities to tie up Allied munitions orders. Captain von Papen was to supervise an active army of spies and sabotage agents both in the United States and in Canada. Captain Boy-Ed was to direct sabotage on ships transporting munitions to the Allies, to arrange for coal and supplies for German warships and commerce raiders, and also to recruit spies to send to enemy countries in Europe, chiefly England. In this work these four chiefs were to be actively assisted by the various German Consuls and consular representatives scattered throughout the United States.

But, before these plans could be put into operation, von Papen and Boy-Ed were swamped by another and more pressing task. Immediately war was declared the thousands of reservists resident in America were required to go home and rejoin the colors. The burden of figuring out ways and means of getting them through the blockade fell on the two Attachés, and for some time this chore absorbed the major part of their energies.

* Throughout most of the war Zimmermann was a prominent official of the Foreign Office, holding successively the posts of Undersecretary and Secretary of State for Foreign Affairs.

Chapter II

THE PASSPORT FRAUDS

PASSPORT control is an outgrowth of the World War. Before the war, it was possible to travel all over the world without a passport; it was only the careful traveler who availed himself of this means of personal identification. He carried it for his own convenience, and foreign governments rarely used it to check up on him. Consequently, in the United States obtaining a passport was a simple matter which resolved itself into filling out an application form signed by two witnesses of American nationality who certified that they knew the applicant to be an American citizen. The passport carried a rough general description of the bearer but no photograph. To prevent the return of reservists to the Central Powers the Allies insisted on every traveler's carrying a passport. Passports were examined at all Allied ports; and, as the cordon tightened, every merchant vessel was stopped at sea by patrols and searched for suspects.

Von Papen and Boy-Ed were therefore immediately faced with the problem of securing neutral passports for the thousands of reservists who were pouring in on them. Since the peacetime passport regulations remained in force for some time, the task was at first a simple one; but soon the Government tightened its rules; the applications were closely scrutinized and checked; and more and more information was required on the instrument, such as the names of the countries the holder intended visiting. A photograph was also added to the requirements. It became necessary, therefore, for the two Attachés to set up a special organization for supplying passports. They realized, too, that the difficulties were now such that they would have to abandon sending back reservists on a wholesale scale, and instead would have to concentrate on the officers, of whom there were from 800 to 1,000 scattered through North and South America and who, as they

were sent on by the various German Consulates, were flowing into New York in a steady stream.

Hans von Wedell, a reserve officer who had many connections in New York and who knew the city well, having both practiced law there and served as a newspaper reporter, was designated to head the organization. Furthermore, he had already made a trip to Germany as a courier for von Bernstorff, and while there had discussed the reservist question with his uncle, Count Botho von Wedell, a Foreign Office official in Berlin.

When approached by von Papen, von Wedell eagerly undertook the task. He opened up an office in Bridge Street and then set about acquiring neutral passports. German-Americans in Yorkville and Hoboken, bums on the East Side, and longshoremen and sailors of Spanish, Scandinavian, or other neutral nationality, who frequented the water front, were his prey. For the \$10 to \$25 he offered them they delivered to him the passports he had persuaded them to apply for in their own names.

For a time von Wedell got along famously. The two Attachés sent a steady stream of reserve officers to him, and with the false neutral passports furnished by him they were successfully sent on their way to Scandinavian, Dutch, and Italian ports. His bills were paid by Captain von Papen. Proof of this was revealed later when the Attaché's check books were seized by the British at Falmouth while he was *en route* home after being recalled.

Soon, however, von Wedell was in difficulties; some of his men started blackmailing him. This was followed up by the disturbing news that the Department of Justice was on his trail. He was an American citizen, and as a lawyer he knew the penalties ahead of him. Hence, deciding that discretion was the better part of valor, he fled to Cuba; but not, however, before sending von Bernstorff the following letter, dated December 26, 1914, from the Hotel St. George, Nyack-on-Hudson, which clearly implicated von Papen and his assistant, von Igel:

His Excellency
The Imperial German Ambassador
Count von Bernstorff
Washington, D.C.
Your Excellency:

Allow me most obediently to put before you the following facts: It seems that an attempt has been made to produce the impression upon you that I prematurely abandoned my post, in New York. That is not true.

I—My work was done. At my departure I left the service, well organized and worked out to its minutest details, in the hands of my successor, Mr. Carl Ruroede, picked out by myself, and, despite many warnings, still tarried for several days in New York in order to give him the necessary final directions and in order to hold in check the blackmailers thrown on my hands by the German officers until after the passage of my travelers through Gibraltar; in which I succeeded. Mr. Ruroede will testify to you that without my suitable preliminary labors, in which I left no conceivable means untried and in which I took not the slightest consideration of my personal weal or woe, it would be impossible for him, as well as for Mr. von Papen, to forward officers and "aspirants" in any number whatever, to Europe. This merit I lay claim to and the occurrences of the last days have unfortunately compelled me, out of sheer self-respect, to emphasize this to your Excellency.

II—The motives which induced me to leave New York and which, to my astonishment, were not communicated to you, are the following:

1. I knew that the State Department had, for three weeks, withheld a passport application forged by me. Why?

2. Ten days before my departure I learnt from a telegram sent me by Mr. von Papen, which stirred me up very much, and further through the omission of a cable, that Dr. Stark had fallen into the hands of the English. That gentleman's forged papers were liable to come back any day and could, owing chiefly to his lack of caution, easily be traced back to me.

3. Officers and aspirants of the class which I had to forward over, namely the people, saddled me with a lot of criminals and blackmailers, whose eventual revelations were liable to bring about any day the explosion of the bomb.

4. Mr. von Papen had repeatedly urgently ordered me to hide myself.

5. Mr. Igel had told me I was taking the matter altogether too lightly and ought to—for God's sake—disappear.

6. My counsel... had advised me to hastily quit New York, inasmuch as a local detective agency was ordered to go after the passport forgeries.

7. It had become clear to me that eventual arrest might yet injure the worthy undertaking and that my disappearance would probably put a stop to all investigation in this direction.

How urgent it was for me to go away is shown by the fact that, two days after my departure, detectives, who had followed up my telephone calls, hunted up my wife's harmless and unsuspecting cousin in Brooklyn, and subjected her to an interrogatory.

Mr. von Papen and Mr. Albert have told my wife that I forced myself forward to do this work. That is not true. When I, in Berlin, for the first time heard of this commission, I objected to going and represented to the gentleman that my entire livelihood which I had created for myself in America by six years of labor was at stake therein. I have no other means, and although Mr. Albert told my wife my practice was not worth talking about, it sufficed, nevertheless, to decently support myself and wife and to build my future on. I have finally, at the suasion of Count Wedell, undertaken it, ready to sacrifice my future and that of my wife. I have, in order to reach my goal, despite infinite difficulties, destroyed everything that I built up here for myself and my wife. I have perhaps sometimes been awkward, but always full of good will, and I now travel back to Germany with the consciousness of having done my duty as well as I understood it, and of having accomplished my task.

With expressions of the most exquisite consideration, I am your Excellency,

Very respectfully,

Hans Adam von Wedell

Carl Ruroede, a former senior clerk in Oelrichs and Company, referred to in the above letter, whom von Wedell had carefully groomed to take his place, was not long left in peace. Albert G. Adams, an agent of the Department of Justice, cleverly disguised as a pro-German Bowery tough, managed to enroll himself as one of Ruroede's agents in obtaining fake passports. They bargained over the price and finally agreed on \$20 each for passports of native-born Americans and \$30 each for passports of naturalized citizens—the higher price was fixed for the latter as the application requirements were more severe.

A few days later Adams dashed into Ruroede's office brandishing four passports. Ruroede expressed satisfaction, as indeed he should have; for they were perfect, having been made out by the State Department at the special request of the Department of Justice.

"But what about the photographs?" said Adams with a worried look, after Ruroede had got through examining them.

"Oh! That's simple," replied Ruroede; "watch me."

At this, Ruroede took one of the passports, examined it carefully, then from a stack of passport photographs picked out one of a reservist officer whose description fitted the one shown on the instrument. Next he moistened this photograph, applied some mucilage, and then stuck it over the photograph on the passport, which had been similarly dampened. He then turned the paper over, laid it on a cloth, and with a dull-pointed bone knitting needle traced out the lettering on the seal.

"When this dries," said Ruroede with a triumphant smile, "the new photograph will bear the imprint of the United States seal and Arthur Sachse, Reserve Lieutenant in the German Army, will have become Howard Paul Wright, bearer of passport Number 45573."

The unfortunate Ruroede little knew that Howard Paul Wright happened to be a Department of Justice agent.

It was not difficult for Adams to discover that the reservists who had received the four passports furnished by him, under the names of Howard Paul Wright, Peter Hansen, Stanley F. Martin, and Herbert S. Wilson, were to sail on the S.S. *Bergensfjord*, a Norwegian liner, bound for Bergen, Norway.

On January 2, 1915, as soon as they received word that Ruroede had been arrested, four agents of the Department of Justice hurried to the Barge Office and boarded a revenue cutter, on which they overtook the *Bergensfjord* a few minutes after it had sailed. The ship was ordered to heave to. All the male passengers on board were lined up, and the four bearers of the passports were picked out. After a short interrogation they realized that they had been trapped, and identified themselves as Sachse, Meyer, Wegener, and Muller, reservists homeward bound to the Fatherland.

On the same day, while Department of Justice agents were gathering up the papers in Ruroede's office at 11 Bridge Street, a German walked in bearing a letter of introduction from von Papen and introduced himself as Wolfram von Knorr, Captain of Cruiser, who up to the outbreak of war had been Naval Attaché in Tokio. Cleverly drawn out in conversation by Joseph A. Baker, Assistant Agent in Charge of the

Federal Bureau of Investigation in New York, von Knorr guilelessly admitted that von Papen had sent him over to get a passport. He was allowed to depart; and it was only the next day, when he read the morning paper, that he realized he had been questioned by a Department of Justice agent.

Von Knorr also unwittingly supplied additional proof of von Papen's complicity in Ruroede's activities. Expert examination showed that the typewriter used in writing the letter of introduction was the same one employed in typing the lists of names and descriptions of reservists which were found in Ruroede's office.

Faced with the facts, Ruroede confessed. He was sentenced to three years in Atlanta prison. The four reservists, advancing the plea that they had accepted the passports out of patriotism, were fined \$200 each.

There was still, however, one more act to the drama. The luckless von Wedell had returned from Cuba and was on the *Bergensfjord* at the time of the search. This came out in Ruroede's confession. The Department of Justice had missed him in the line-up; but there was still the wireless.

On January 11, 1915, the boarding officer of a British patrol boat took Rosato Sprio, a Mexican, off the *Bergensfjord*. Sprio admitted after close interrogation that he was Hans von Wedell, an American citizen.

The British patrol boat never made port. She struck a German mine, and von Wedell went to the bottom with her.

The attitude of official Germany to these passport frauds can be gauged from coded telegram Number 39 which passed between Washington and Berlin, on January 7, 1915:

In consequence of the instructions sent to me by private letter from the [?] and officially to Herr Papen to send home the largest possible number of German officers, it was necessary to furnish the latter with false passports, in regard to which I had, in the circumstances above referred to, no thought of objection. Details have unfortunately become known to public opinion and the American Government started an investigation, in the course of which there is no reason to fear that the Embassy will be compromised. State Department informed me definitely that this Government attached no importance to the rumors that the Embassy had been concerned. But in regard to

this question, a strong difference of opinion has arisen between Consul General Falcke and me. The Consul General considered himself bound to raise pedantic objections, while I only wanted to give weight to the point of view that it was incumbent on Herr Papen to see that as many officers as possible were provided. I have already submitted to your Excellency part of the correspondence with the Consul General. The rest of the papers are to follow as soon as the matter has been settled.

Bernstorff

Fully agreeing with von Bernstorff in his estimate of Consul General Falcke, Zimmermann replied on January 11, 1915:

Intelligence has reached us from private sources which raises doubts as to whether the Consulate General at New York is at present in competent hands. Please acquaint me with your views by telegraph.

Von Bernstorff then promptly replied on January 12, 1915, suggesting the transfer of Falcke:

Unfortunately I have to confirm the news which has reached Your Excellency. As I have informed Your Excellency in my dispatches . . . various differences of opinion have arisen between Falcke and me. He always ended by yielding to my direct orders, and I have exerted myself to the utmost to avoid a conflict at this juncture. All the time I took into account the fact that it was all but impossible for Falcke to travel from here to Europe. Perhaps he could be transferred to a South American post. . . . Albert already sees to many matters which ordinarily the Consul General would have dealt with because we had to take Falcke's passive resistance into account.

The arrest of Ruroede did not put an end to the passport frauds, though their execution became much more difficult. Von Papen and Boy-Ed continued to hire men to secure passports for them. One of the latter's men, Richard Peter Stegler, a reservist, was arrested in February 1915. He admitted that on instructions from Boy-Ed he had obtained the birth certificate of Richard Madden, of Hoboken, and had used it to obtain an American passport for which he paid Madden \$100. Both of them were sentenced to a term in prison.

Not only reservists but also spies were sent over to Europe with these

false passports. Several of those recruited and sent over by Boy-Ed were caught by the British. Of them, Karl Lody, was shot in the Tower of London, and Kuepferle committed suicide in Brixton Prison.

When such of the reservists as managed to get across the Atlantic reached Germany, their passports were carefully collected by the German Secret Service and were again used to send spies from Germany into England, France, and Russia—fully 90 per cent of the spies who were sent out from the various German spy bases were equipped with neutral passports. As the war progressed, the German Secret Service became more scientific; they copied minutely the texture of the paper, the seals, and even the watermark, and made up passports in Germany which would have defied expert examination. Such, however, were not available to von Papen and Boy-Ed, who had to continue to rely on the ones obtained by von Wedell and Ruroede.

But the Department of Justice steadily increased its vigilance, and the State Department changed the form of the passport and made the application requirements more severe. These measures rapidly reduced the number of passport frauds. The passport control of the Allies, too, became more efficient. But during the first few months of the war only von Papen and Boy-Ed can tell how many hundreds of false passports they made use of.

Chapter III

THE COMING OF THE SABOTEURS

BUT Germany was far from content with confining the activities of her representatives to such relatively innocuous enterprises as smuggling reservists home with forged passports. She was determined to block the flow of munitions and supplies from Canada and the United States to the Allies. In spite of her original error in not building up an espionage service here, she made desperate efforts to remedy the situation as rapidly as possible. All available agents in the Western Hemisphere and the Orient were mobilized and ordered to the United States.

Prominent among these professional German agents was Horst von der Goltz. At the outbreak of the war he was combining the trades of spy and soldier of fortune in the Mexican Army. When the European crisis took a critical turn, he was ordered to hold himself in readiness, and as he subsequently stated:

A few days later, the 3rd of August, 1914, license was given by my commanding officer to separate myself from the service of my brigade for the term of six months. I left directly for El Paso, Texas, where I was told by Mr. Kueck, German Consul at Chihuahua, Mexico, who stayed there, to put myself at the disposition of Captain von Papen.

This was the day before the declaration of war.

Von der Goltz lost no time in reporting to von Papen. He traveled to Washington, and from there the German Embassy sent him on to New York. The Attaché was immensely relieved at his arrival. Berlin had demanded action, and here was a daring and experienced secret service agent ready to do his bidding. Von der Goltz himself was full of grandiose schemes to pour into von Papen's willing ears. One was no less than an invasion of Canada through British Columbia with the aid

of German warships in the Pacific and reservists then in the United States. This foolhardy plan was submitted to von Bernstorff, who, fully realizing its impracticability, promptly squashed it.

The idea of an attack on Canada, however, appealed especially to von Papen, as it would have the desirable effect of holding back Canadian supplies, foodstuffs, and troops destined for France. Furthermore, once a foothold had been established in Canada, an attempt could be made to purchase American arms and supplies. Such an embarrassment might force the American Government to refuse to supply either side, and thus the flow of munitions and other supplies to the Allies in Europe would be effectively stopped. Absurd as it was from any practical standpoint, the idea lingered on in von Papen's mind; and we find that on at least two future occasions he seriously entertained it.

But von der Goltz had his eyes too firmly riveted on Canada to be diverted; in September 1914 he was back with another scheme. This time it was to blow up the Welland Canal. Von Papen readily fell in with his plans. The scheme had to be abandoned, however, because the Canal was too well guarded.

Not long afterwards von der Goltz returned to Berlin for further orders. The British caught him on his way back to the United States with sabotage instructions which, as he described them, "left nothing to be desired...seditions, strikes in munition plants, attacks upon ships carrying supplies to the Allies, bomb outrages." Later he was extradited to the United States and turned State's evidence against his accomplices in the Welland Canal attempt. But all this has been told in many other places—in fact it is one of the few well-known stories of German activity here—and we will confine ourselves to this passing mention.

The Germans were not, however, to be discouraged by the failure of von der Goltz's plans. On December 12, 1914, the following cipher telegram, Number 357, was sent from Berlin to von Bernstorff:

Secret:—The transportation of Japanese troops through Canada must be prevented at all costs if necessary by blowing up Canadian railways. It would probably be advisable to employ Irish for this purpose in the first instance as it is almost impossible for Germans to enter Canada. You should discuss the matter with the Military Attaché. The strictest secrecy is indispensable.

This was followed up on January 3, 1915, by a second cipher telegram, Number 386, to the Ambassador:

From Berlin
To Washington

With reference to my telegram No. 357.

Secret. The General Staff is anxious that vigorous measures should be taken to destroy the Canadian Pacific in several places for the purpose of causing a lengthy interruption of traffic. Captain Boehm who is well known in America and who will shortly return to that country is furnished with expert information on that subject. Acquaint the Military Attaché with the above and furnish the sums required for the enterprise.

Zimmermann

Spurred on by the telegrams, von Papen looked around for recruits. His choice fell on Werner Horn, a reserve officer who had come up from Guatemala to New York to seek means of reaching Germany. Horn traveled to Vanceboro, Maine, and blew up the international bridge there. But so amateurish was his technique that he was quickly arrested. He then confessed but loyally refused to implicate von Papen.

When the news of his confession reached the Canadian authorities, they promptly applied for his extradition. At this the worried von Bernstorff immediately telegraphed Zimmermann:

Most Secret, 11th of February, 1915.

The carrying out of your telegram, No. 386, for Military Attaché was entrusted to a former officer, who has been arrested after [causing] an explosion on the Canadian Pacific Railway. Canada demands his extradition. I request authority to protect him; according to the laws of war, the decision ought presumably to be: Non-extradition, provided that an act of war is proved.

I intend to argue that, although the German Government has given no orders, the Government regarded the causing of explosions on an enemy railway as being, since it furthered military interests, an act of war.

Zimmermann fell in with this proposal, for on February 19 he gave von Bernstorff instructions to protest against Horn's extradition and also ordered that he "should at the same time see that the extradition proceedings are carried to the Supreme Court. Adequate legal assistance

should be provided and the cost will be borne by the Imperial Exchequer."

Horn was indicted on a charge of having transported explosives from New York City to Vanceboro. He pleaded guilty and was sentenced to the Federal Penitentiary at Atlanta, Georgia. This, too, is one of the better-known sabotage incidents.

In 1915 there was yet another bomb plot prepared against Canada on American soil at the instigation of the Attaché. Among check books and other documents which were later seized by the British and by the Department of Justice, there appear the following records of payments:

Paid to Albert Kaltschmidt either by Capt. von Papen or by W. von Igel, his assistant—

\$2,000 on January 27, 1915,
\$1,000 on March 27, 1915,
\$1,800 on July 12, 1915,
\$1,400 on September 29, 1915,
\$4,000 on December 6, 1915.

In addition, these documents show that on October 5, 1915, \$25,000 was paid to Kaltschmidt out of an account of Dr. Albert's in the Chase National Bank, and was later refunded to Dr. Albert out of one of Count von Bernstorff's accounts.

Albert Carl Kaltschmidt had emigrated from Germany a number of years before the war, had settled in Detroit, and had prospered. Among other things, he was the owner of a small machine shop. While he did business with Americans, his moments of leisure were spent among the German colony in Detroit. He was the Secretary of the Deutscherbund, and as such felt the urge to strike a blow for the Fatherland.

Early in May 1915, he called a meeting in his office in the Kresge Building. Among those present were Walter Scholz, Charles Francis Respa and his brother-in-law Carl Schmidt. Appealing to them as German patriots, Kaltschmidt passionately addressed them: "We must do something for our dear Fatherland. You should not care anything

for America or Americans because America will throw you out from your work, but we will give you good jobs after the war is over, and Americans will trample you with their feet." He stressed the immense aid the United States was giving the Allies in supplying munitions and supplies to them and outlined a plan for the destruction of some of the munitions factories.

After the group had promised to stand loyally by him, plans were discussed, and it was decided to make a start by blowing up the Detroit Screw Works. But after reconnoitering it, Kaltschmidt decided it was too well guarded. He then turned his eyes across the border to the Peabody Overall Company's factory in Walkerville, where he happened to know William Lefler, one of the night watchmen.

On June 21 he called Respa to his office, and there introduced him to William Lefler as "Roberts." He handed them two time-clock devices, and then took them over to his garage at 84 East Hancock Avenue, where he showed them about one hundred and fifty-six sticks of 40 per cent dynamite which he had in a packing case. He ordered them to carry the clocks and dynamite across the Detroit River to Windsor, Ontario, and offered to pay them \$200 each to blow up the Peabody factory, and the Windsor armory.

As soon as darkness had set in, Respa and his sister, Mrs. Schmidt, crossed the border carrying the explosives in two suitcases. At the Peabody factory Respa handed Lefler half the dynamite and attached one of the clocks. The other charge was set in the rear of the Windsor armory, in which Canadian troops were billeted. Then he and Mrs. Schmidt hurried to the ferry and crossed back to Detroit. At 3 o'clock in the morning the factory bomb exploded. The one at the armory, however, failed to go off.

The Canadian authorities were immediately suspicious of Lefler, and on June 26, 1915, he was arrested. He confessed and involved Respa, who was warned in time, however, by Kaltschmidt's sister Ida. She gave him \$40 and advised him to slip away to New York. Running out of funds, he soon returned to Detroit, where his arrest immediately followed. Information given by him and Lefler led quickly to the arrest of Kaltschmidt and the rest of his associates.



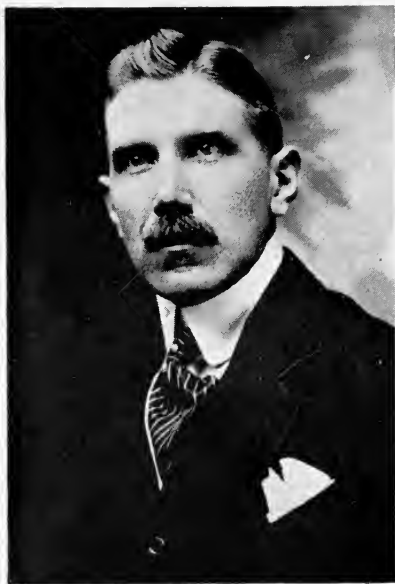
Brown Brothers

Count Johann von Bernstorff, Imperial German Ambassador to the United States. His Machinations Continued until the Severance of Diplomatic Relations in 1917.



Keystone Studios

Dr. Heinrich F. Albert, Imperial German Commercial Attaché. "The Mildest-Mannered Man That Ever Scuttled Ship or Cut a Throat."



Brown Brothers

*Captain Franz von Papen, Imperial
German Military Attaché.*



Harris and Ewing

*Captain Karl Boy-Ed, Imperial Ger-
man Naval Attaché.*

SABOTEURS EXTRAORDINARY

Thanks to the efforts of Horn and Kaltschmidt, the Germans had succeeded in carrying out two minor acts of sabotage in Canada; but their main objective, the blowing up of the Canadian Pacific Railway, had not been attained. Believing that they would have a better chance of success in the West, they now switched to the Pacific Coast in an attempt to find an unguarded area in Canada.

In this territory the German sabotage campaign was being conducted by Franz von Bopp, the German Consul General in San Francisco. Von Bopp was on vacation in Germany when the war broke out, and it was not until March 1915 that he succeeded in getting back to San Francisco. He later admitted that he returned amply provided with funds, and he undoubtedly had also received specific secret service instructions in Germany. As a consular officer, von Bopp was under the direct orders of von Bernstorff. We also know that both von Papen and Dr. Albert traveled out to San Francisco to see him, and no doubt there was a close connection between them. In his sabotage work von Bopp was aided by his two Vice Consuls, Wilhelm von Brincken and E. H. von Schack.

In April 1915 a gentleman named van Koolbergen, a Dutchman by birth and a British subject by naturalization, met von Brincken in the Heidelberg Café in San Francisco. According to van Koolbergen von Brincken "was very pleasant and told me that he was an officer in the German Army, and at present working in the Secret Service of the German Empire and worked here under Mr. Franz von Bopp, the Imperial German Consul."

Von Brincken had evidently previously checked up on van Koolbergen and had satisfied himself that he was reliable, for he offered him \$100 for the use of his passport for a trip to Canada. Sensing that there was money to be made, van Koolbergen drew the German out, and at the end of a long conversation in which various plans were discussed, he agreed for a fee of \$3,000 to blow up the tunnel on the Canadian Pacific between Revelstoke and Vancouver.

Whether van Koolbergen from the outset had no intention of betraying the country of his adoption or whether he grew afraid is not known, but the next day he betrayed the whole deal to A. Carnegie Ross, the British Consul General in San Francisco, and to T. K. Cornac,

the Consulate's legal adviser. The Canadian authorities were advised, and in consultation with the Canadian Pacific Railway in Vancouver, a scheme was devised to enable van Koolbergen to collect his money and at the same time furnish incriminating evidence against von Brincken.

A few days after the departure of van Koolbergen, the Vancouver newspapers carried a prepared story that the railway tunnel in the Selkirk Mountains had caved in. Armed with the newspapers as evidence that he had successfully accomplished his mission, van Koolbergen returned to San Francisco.

However, he had no intention of being involved in any court action against the Germans. His chief interest now was to collect the money; and so, keeping both the American and Canadian authorities uninformed of his plans, he reported the success of his mission to von Brincken. The Vice Consul was delighted, paid him \$200, and asked him to come to the Consulate the next day for the balance of his fee. "An arrangement was made that all I had to do to get access to the private office of the German Consul was to knock as follows—two long and two short knocks."

At the agreed signal, von Brincken opened the door and introduced him to the Consul General and to von Schack, both of whom were in the room. In spite of von Brincken's elation at what his minion had to tell, von Bopp was skeptical, and van Koolbergen only received \$300. A heated argument ensued in which the double-dealing Dutchman alternately threatened blackmail and wheedled for the money. He eventually agreed to cut his fee to \$2,250 and was then promised that the balance would be paid the next day.

At the scheduled time von Brincken met him in the lobby of the Palace Hotel, and pulled out of his pocket a roll of \$1,750 in bills. Of this he paid van Koolbergen \$1,500, and retained \$250 as a commission for himself.

The crafty van Koolbergen thus obtained his money without involving himself. But the Canadian authorities were without their evidence, and von Bopp and von Brincken were free to continue their activities.

Von Bopp next turned his attention to sabotage objectives in the

United States. He found the recruiting of suitable agents the most difficult part of the job. It was not rendered easier, either, by the fact that his official position made it imperative for him to avoid being compromised if possible. He therefore detailed von Brincken to enroll the operatives.

One of the new agents thus enlisted was C. C. Crowley, who for a number of years had been head detective in San Francisco for the Southern Pacific Railroad but had lately been discharged. Crowley heard that the Germans were paying good money and volunteered his services to von Brincken. The detective evidently made a good impression, for we soon find him installed in an office of his own boasting a private secretary.

His first duty was to act as an intermediary in recruiting other agents. Through a mutual acquaintance, a German who owned a small cigar store opposite the Gartland Hotel, where he was staying, Crowley became acquainted with Lewis J. Smith, an American of German descent. Crowley learned that Smith had been employed in the Hercules Powder Mills at Pinole across the bay but had lately been fired. As these mills were on his list of factories in the San Francisco area which had to be watched to check on shipments to the Allies, Smith was promptly hired. Smith soon found out that the powder at the mills was to be shipped to Russia and that it was to be taken to Tacoma on a large scow for transshipment to Vladivostok.

On receiving the report von Brincken dispatched Crowley and Smith to Tacoma to put time bombs on the S.S. *Hazel Dollar* and three other ships which were to load the powder. Smith was a zealous recruit and lost no time in buying dynamite and fuse from the Du Pont Powder Works at Seattle under the name of Walter Weaver, on the pretense that he wanted to clear his farm of tree stumps.

On May 30, 1915, Tacoma and Seattle were jarred by a mighty explosion. The barge load of powder from the Hercules Powder Company had disappeared in a blinding flash.

There was an immediate investigation. Smith's purchase of dynamite and 450 feet of fuse came to light, and he was promptly arrested. But he had a pat story; and, aided by a skillful lawyer, he managed to get an acquittal. Smith returned to San Francisco to collect his reward and

to join Crowley, who had not lost any time in getting out of Tacoma.

Von Bopp and von Brincken were in a panic. Their one thought was to get Smith and Crowley out of San Francisco as quickly as possible. They hustled them off, therefore, to Detroit, once more on a Canadian mission. This time it was to destroy some of the freight trains routed through the Province of Ontario and, if possible, the Port Huron Tunnel. Smith and Crowley, however, had a healthy respect for the Canadian police and found it simpler to draw their pay and not risk their necks.

A few weeks later, in July 1915, they returned to San Francisco with a fabricated report that they had blown up a horse train at St. Thomas, Ontario. For this they demanded a bonus of \$300, and in addition presented an expense account of \$845.80. These sums von Bopp paid without demur.

Smith, however, was the last person whom the Consul General wished to have around his bailiwick; consequently he packed him off again, this time to blow up the powder works at Gary, Indiana, and at Ishpeming, Michigan. On his arrival in Detroit, the unsuspecting Smith got a telegram from San Francisco announcing that the scheme was off. To his appeals for money the Germans turned a deaf ear. They had gotten him out of the way and intended to keep him at a distance.

As Smith and his wife, whom he had brought along with him, were left stranded, there was nothing left for him to do but to search for a job. He managed to secure work in a Detroit automobile factory.

As the weeks went by, however, his conscience began to worry him, and he started seeing things. On several occasions he thought he saw Crowley shadowing him. One day his wife pointed out from behind the curtains an individual across the street who she claimed had been following her all morning. Fearing alternately that the Germans were trying to get him out of way because he knew too much and that the Department of Justice would find out about his activities, he finally decided to turn State's evidence. In October 1915 he appeared in the office of the United States Attorney in Detroit and told his story.

The Department of Justice had gradually been piling up evidence and building a case against von Bopp and his associates on the score of "violations of the Federal Criminal Statutes in connection with

conspiracies to interfere with the transportation of munitions of war and supplies needed for the Allied Governments, by dynamiting and blowing up factories, railroad bridges and tunnels, trains, docks and steamships." The investigators had not succeeded, however, in definitely connecting the Consulate with sabotage acts until Smith's evidence gave them a positive link. Even then the supplementary investigation took so long that it was not until late in 1916 that the case was ready for prosecution.

All telegrams which had passed between Smith and Crowley, and between them and von Bopp, von Brincken, and von Schack were uncovered by the Department of Justice and were later admitted in evidence at the trial. The telephone records of the Gartland Hotel, where Crowley stayed when in San Francisco, and of the Hotel Beresford, the Piccadilly Apartments, and the Palace Hotel, where von Brincken resided in succession, showed that Crowley had been in constant touch with the German consular officials in San Francisco. The books of the Du Pont Powder Company in Seattle revealed a purchase of 190 sticks of 100 per cent nitroglycerine by "Walter Weaver," alias Smith, for which he paid \$6.50 and was given an order calling for its delivery from the launch *Du Pont* at the Harrison Street dock, where the powder was delivered to him. Witnesses from the Hercules Powder Mills testified that nothing unusual was noticed about Smith during the time of his employment at the mills, but after the explosion of the powder barge various workmen came to the officers of the company and stated that the explosion recalled to their minds a number of suspicious circumstances regarding Smith. A report drawn up by the Hercules Powder Mills was revealing:

Some of the workmen had observed Smith copying Russian characters from the powder boxes. . . . He had so little money that it was necessary for him to borrow money to pay his carfare to San Francisco. Sunday evening (two days after powder was shipped from the factory) he returned to the Powder Works in an automobile and exhibited a roll of bills which some of the men estimated as containing about \$400. A day or two later, some of the men around the plant saw him on the observation car of one of the trains going north. In connection with the suspicious actions of Smith it has been learned by the investigations of the powder company that, while the

barge loaded with powder was in San Francisco Bay, Smith called at the office of the Crowley Laurel Co. (no connection with C. C. Crowley) and asked permission to go on board the barge, stating that he had been engaged in loading the powder and that he had broken his watch chain and lost therefrom his wife's wedding ring, which he wished to search for.

Von Bopp and his associates were arrested late in 1916 and, as we shall see later, were brought to trial. Smith and his wife were given immunity for turning State's evidence. Smith steadfastly denied, however, that he had blown up the barge in Seattle harbor, and there was no direct evidence to disprove him. (A watchman had been blown up with the barge and a murder charge would have been involved.) He claimed that the dynamite which he had bought under the name of "Weaver" had been obtained to show Crowley, who had commissioned him to place dynamite bombs on the *Hazel Dollar* and on the three other ships which were to load the powder for Vladivostok. But he had hoodwinked Crowley, he maintained, and, instead, had thrown the dynamite into a creek. After the war, however, the Germans, although they denied liability, paid a \$500 claim for damages in connection with the explosion.

While the Department of Justice had been preparing its case, however, von Bopp and von Brincken had had their fingers in other activities as well. In its inception, they were involved in a Hindu-German plot to promote sedition in India.

Among the Indian students entered at various American universities before the war, there soon arose a strong nationalist movement for home rule in India. Funds were freely provided by certain misguided Americans, many of whom in good faith thought they were furthering enlightenment in India, others of whom sincerely believed British rule in India was tyrannical, and, finally, some of whom were willing to support anything that was anti-British.

Branches of this Indian nationalist organization were established in various parts of the United States, but it was among the Indian students at the University of California in Berkeley that the movement reached its peak. There, in November 1913, Har Dyal, a postgraduate student, founded a paper called *Ghadr*, which being translated means "revolution." Published in Urdu and other Indian dialects, it freely

preached an uprising in India and for its fulfillment urged resort to anarchist methods of assassination and bombing.

On the outbreak of war the attention of Germany's representatives in the United States was immediately focussed on Har Dyal and his activities. An uprising in India would serve a double purpose: it would not only keep Indian native regiments from joining the British Expeditionary Force in France, but it would also divert British troops to India. It was also an opportune moment to approach Har Dyal, for his bloodthirsty crusade had displeased the American authorities, and he was being held for deportation as an undesirable alien. Thus, without difficulty he was persuaded to proceed to Berlin; and another Hindu, Ram Chandra, was left as his successor to edit *Ghadr*.

In Germany Har Dyal was taken in hand by von Wesendonck, secretary in charge of the Indian Section of the Foreign Office; and together they organized the "Indian Independence Committee." At their rallying call numerous Indian nationalists, chiefly students in various European universities, flocked to Berlin. Regular meetings were held, attended by German officials who knew India well; a special fund amounting to several million marks was provided by the Imperial Government; and a campaign was outlined to promote sedition in British India. Emissaries were sent there through Turkey and Afghanistan, and the organization in the United States was brought under the direction of the Central Committee in Berlin. Finally, Germany's diplomatic representatives throughout the world were instructed by the German Foreign Office to render material aid and assistance.

On December 27, 1914, the following coded cable, Number 449, was sent by Zimmermann to von Bernstorff:

A confidential agent of the Berlin Committee, Heramba Lal Gupta, is shortly leaving for America in order to organize the importation of arms and the conveyance of Indians [plotters] now resident in the United States to India. He is provided with definite instructions. You should place at his disposal the sum which he requires for this purpose in America, at Shanghai and Batavia, viz., 150,000 marks. Sanction should be requested by telegraph for any additional expenditure under this head. Sarkar must postpone further

action until the confidential agent joins him but he should not for the time being be told the name of the latter.

This was followed up on December 31, 1914, by a further coded cable from Zimmermann to Washington:

In continuation of No. 449. You should in conjunction with Gupta—but without attracting attention—take steps to have such Indians as are suitable for this purpose instructed in the use of explosives by some reliable person.

Von Bernstorff took immediate steps on receipt of these cables. Captain Hans Tauscher, the New York agent for Krupp's, who also procured for von der Goltz the dynamite in the Welland affair, was called into action. Through various channels, on instructions from von Papen, he bought up rifles and cartridges, and in January 1915 shipped 10 carloads of freight containing 8,000 rifles and 4,000,000 cartridges to one "Juan Bernardo Bowen," care of M. Martinez and Company, ship brokers, San Diego.

In the meantime, Ram Chandra had been in active contact in San Francisco with the Consulate General. Von Bopp, therefore, was not surprised when the German Embassy in Washington apprised him of plans to ship arms to India and instructed him to provide ships for the purpose. To conceal the German source of the money funds were transferred by wire through several intermediaries from San Francisco to Martinez and Company in San Diego, and a small vessel, the *Annie Larsen*, was chartered. At the same time, through Fred Jebsen, a former lieutenant in the German Navy, the *Maverick*, an oil tanker, was purchased in San Francisco from one of the Standard Oil Companies.

The arms were secretly loaded aboard the *Annie Larsen*, and on March 8, 1915, she sailed with clearance papers made out for a Mexican port. Her real destination was the Island of Socorro in the South Seas, where she was to meet the *Maverick*. Here the *Maverick* was to tranship the arms, hide them in her oil tanks, against the possibility of her being searched, and proceed to the coast of India near Karachi. There she was to be met by fishing craft which would land the arms and several bales of seditious pamphlets which had been put on board by Ram Chandra. On shore the rifles, cartridges, and literature were to be

handed over to Indian plotters who had been sent from Berlin to India to organize a rebellion in the Punjab.

This well-thought-out plan missed fire. After waiting around for a whole month at Socorro Island, the *Annie Larsen* ran short of water. An attempt was made to sink a well; but, when at twenty-two feet hard rock was struck without a sign of water, the captain of the ship sailed away for the Mexican coast. A few days later the *Maverick* arrived at the island; unfortunately, however, there was no trace of the *Annie Larsen*, and a British warship appeared on the scene. What the *Maverick* would have done with the rifles is not known, but on the approach of a boarding party the captain lost no time in getting rid of the bales of compromising pamphlets—they were hurriedly thrown into the fire box.

After wandering around for several months in the Pacific, the *Annie Larsen* put in at Hoquiam, Washington, on July 1, 1915, where the cargo was immediately seized by the authorities. The *Maverick* eventually reached Batavia, Java, where she was finally sold at a loss. The filibuster thus ended in costly failure involving a loss of several hundred thousand dollars; and, what was a far greater disappointment to Germany, her plans for an armed revolt in India had for the time being vanished in smoke.

As usual, von Bernstorff issued a denial. On October 5, 1915, he officially stated that the German Government knew nothing about the shipment; consequently, for the time being the matter was dropped. The American Secret Service was not surprised, however, when among the documents it seized in von Igel's office during a raid on April 18, 1916, it discovered entries in his notebook definitely linking up both the *Annie Larsen* and the *Maverick* to the German Consulate in San Francisco.

While the Germans were anxiously waiting for news that the *Maverick* had kept its rendezvous with the *Annie Larsen* and that the arms had been landed in India, von Papen started a Hindu adventure of his own in the Northwest.

In May 1915 he toured the United States, visiting German Consuls and discussing plans with them. On May 11 he was in Seattle and there met Franz Schulenberg, a German agent who had been associated with

von Brincken in San Francisco. Schulenberg had been in contact with Ram Chandra; and when on his arrival in Seattle he learned that there was a large population of Hindu coolies in Vancouver, he was quick to suggest to von Papen that they should be used. This fitted in well with von Papen's plans, as he was still trying to follow the instructions contained in Zimmermann's telegram of January 3, 1915, stating that the "General Staff is anxious that vigorous measures should be taken to destroy the Canadian Pacific in several places." Therefore, a scheme was devised to employ Hindu coolies in the Canadian Northwest to dynamite railway bridges and tunnels, and von Papen personally paid Schulenberg \$4,000 to buy a ton of dynamite and 50 rifles fitted with Maxim silencers to shoot any guards in the way.

Schulenberg had actually bought the dynamite and had arranged for it to be delivered to one Singh, near the Canadian border, when von Brincken learned that the *Annie Larsen* had put into Hoquiam, Washington. Fearing that Schulenberg's plan would be uncovered and not wishing to have further complications on his hands, he instructed him to break off relations with the Hindus and flee to New York. Von Papen himself was in a nervous condition at the time; and, therefore, on Schulenberg's arrival he instructed Koenig, one of his sabotage directors, to give him a railroad ticket to Mexico City with orders to get across the border as soon as possible.

Nothing further would have been heard about this abortive Canadian-Hindu scheme had not Schulenberg returned to the United States. Stranded and without funds, he was picked up as a vagrant by the police in San Jose, California, in December 1917. There, completely broken down in health, he confessed the details of the plot.

In the meantime Heramba Lal Gupta, the Indian student whose departure for the United States had been announced in Zimmermann's two cables to von Bernstorff, had arrived in New York. Working together Gupta and Dr. Chakravarti, a graduate of the University of Calcutta who had fled from India to avoid arrest, took over, under the guidance of von Bernstorff, von Papen, and later von Igel, the direction of the Hindu plots, with which von Bopp and von Brincken now had nothing further to do. Although the Hindu agents had been successful in running a certain amount of arms into India under false

manifests, the British were on the alert. On information supplied by the British Intelligence Service, Chakravarti and Gupta were arrested in New York in March 1917, and this led to the apprehension of the whole Hindu-German organization in the United States.

As von Bopp and his associates were intimately mixed up in the plot, they were tried together with the Hindus involved. The trial began on November 19, 1917, in San Francisco, with Judge van Fleet on the bench. Nearly one hundred defendants were assembled, including the personnel of the San Francisco German Consulate, the German Consul at Honolulu, a large number of Hindu students, and a "shipping group" who had acted as intermediaries in the chartering and purchase of the *Annie Larsen* and *Maverick*.

The trial of these men was one of the most picturesque ever conducted in an American court. The turbaned Hindus lent an Oriental atmosphere. Among the evidence were publications in six Indian dialects, also coded messages, all of which called for constant translation by interpreters and cryptographers. Witness after witness recited his amazing story of adventure. The action shifted quickly between the three focal points, Berlin, the United States, and India, with intermediate scenes laid in Japan, China, Afghanistan, and the South Seas. The climax occurred on the afternoon of April 23, 1918, the last day of the trial, when, in the crowded court room, Ram Singh shot and killed Ram Chandra, whom he suspected of betraying the organization. A moment later, United States Marshal James Holohan shot the murderer dead in his tracks.

A verdict of guilty was returned against twenty-nine of the defendants. The officials of the San Francisco German Consulate were sentenced to terms of imprisonment ranging from 1 year to 2 years, plus in some cases fines of from \$2,000 to \$10,000. The Hindus, chiefly students, received lighter sentences, running from 2 months up to 18 months in the penitentiary. Chakravarti, because of assistance he finally gave the prosecution, escaped with a sentence of 60 days.

The Department of Justice congratulated itself on its success in clearing up the von Bopp organization; but, without any of its members even being aware of their existence, two of the convicted Consul's

principal agents, Kurt Jahnke and Lothar Witzke, had slipped through the net.

Jahnke was born in Germany in 1882. We owe a description of him to an American Intelligence report, obtained by an agent in Mexico after we entered the war. He was five feet eleven inches tall, about one hundred and sixty pounds in weight, swarthy, pimply faced, with blond hair and small weasel eyes. We know little about his antecedents except that he came to the United States several years before the war, became a naturalized American citizen, and served some time in the United States Marines.

In June 1915, we find him one of von Bopp's principal sabotage agents. Following out the usual practice of secret service agents everywhere, he established a cover for himself by joining the Morse Patrol, a night watchman agency, in San Francisco. Whether he actually did the work himself or obtained a substitute is not known, but he achieved his object by having his name on the daily work sheets—a convenient alibi if suspected of sabotage in other parts of the country.

In order further to divert suspicion from himself and to display his patriotism as a naturalized American citizen, he boldly walked into the office of the Secret Service in San Francisco on February 10, 1916, and reported to the agent in charge that he had discovered a plot to blow up the navy yard at Mare Island. However, as the source of his information was an overheard conversation between alleged German agents whose whereabouts were unknown to him, the authorities paid little attention to his warning. From this inactivity they were to be rudely awakened shortly afterwards, when with startling suddenness a magazine blew up at the navy yard. There seemed to be no explanation of the explosion, and the authorities began to ponder over the warning.

By May 1916 Jahnke had become the director of von Bopp's sabotage activities. Just at this juncture he met Lothar Witzke; and thus was formed one of the most deadly teams of saboteurs in history, a team whose activities we shall frequently encounter as we unravel the web of German intrigues in this country.

Witzke was born in Posen, East Prussia, in 1895. After attending grammar and high school, he spent a year at Posen Academy. At the

age of seventeen he entered the German Naval Academy as a cadet.

By the beginning of the war he was a well-built, athletic young fellow, good looking, with keen blue eyes, fair hair, and ruddy complexion, serving aboard the cruiser *Dresden* in South American waters. He also had the usual sailor's fondness for wine, women, and song. After many months of excitement, during which the *Dresden* was alternately playing havoc with Allied shipping and hiding from British warships, she was eventually caught and sunk. Witzke's leg was broken in the action, and together with other survivors of the crew he was interned in Valparaiso.

Early in 1916 he escaped; and as a seaman, under an assumed name, he succeeded in reaching San Francisco in May 1916 on board the S.S. *Calusa*. There he reported to Consul General von Bopp, who put him in touch with Jahnke.

At this time the American authorities knew nothing of Jahnke's and Witzke's surreptitious activities. Both showed special aptitude for secret service work and were of a caliber far superior to the rest of von Bopp's agents. So cleverly did they cover their tracks that they were never even suspected during the neutrality period.

In addition to their work on the West Coast, they made frequent trips east on sabotage missions. After von Bopp's arrest they gradually shifted the theater of their operations to the industrial areas of the Eastern Seaboard.

Chapter IV

“BUY UP OR BLOW UP”

It was not until the early part of 1915 that American munitions plants really became adjusted to large-scale production. But in the meantime the Germans had thrown together a sabotage organization and were prepared to launch a major offensive. Soon the papers were filled with accounts of mysterious fires and explosions in ships and factories. Scarcely a week went by during the last months of 1915 without such a happening, many of them resulting in millions of dollars' worth of damage, and not a few in loss of life. During 1916 the rate and amount of destruction increased to even more alarming proportions. A few of the disasters can be written down to accidents or carelessness due to the sudden increase in the manufacture of munitions, but German sabotage agents were undoubtedly responsible for the bulk of them.

A cursory glance at the partial list incorporated in the Appendix will reveal the almost incredible toll levied on neutral America. This chronological table shows that the destructions started on January 1, 1915, with a mysterious incendiary fire at the John A. Roebling Company plant at Trenton. It further lists, between this date and America's entry into the war, the names of forty-seven ships on which bombs or other incendiary devices were found while *en route* to Allied countries from American ports and also forty-three American factories and a few freight yards where arson or explosions caused either partial or complete destruction. It will be shown later that most of the German agents fled to Mexico on America's entry into the war; and it is significant, as is shown by the Appendix, that the incendiary fires and explosions in American factories and on ships sailing from American ports also ceased abruptly on this date.

Towards the end of April 1915 the S.S. *Cressington Court* caught

fire at sea, two bombs were found in the cargo of the S.S. *Lord Erne*, and a bomb was found in the hold of the S.S. *Devon City*. On May 8, 1915, two bombs were discovered in the cargo of the S.S. *Bankdale*. On May 13, 1915, the S.S. *Samland* mysteriously caught fire at sea. On May 21, 1915, a bomb was found on board the S.S. *Anglo-Saxon*. All these ships had sailed from American ports. The shipowners, the public, and the press clamored that action should be taken by the proper authorities to discover those responsible for these outrages. The result was that in New York Harbor the special job of tracking down the saboteurs was assigned to Inspector Thomas J. Tunney, head of the Bomb Squad of the New York Police Department.

It did not take Tunney long to realize that he was up against one of the hardest assignments of his career. Anyone familiar with the water front of a great port can appreciate the difficulties. Miles of shore line and docks, extremely busy during the day but dark and deserted at night; also in many sections a maze of narrow streets and dark alleys backing the docks.

Ninety-odd ships of the German merchant marine, ranging from small tugs to the giant *Vaterland*, at that time the largest vessel in the world, were confined in American ports by the vigilance of the British fleet. The several hundred men composing the crews were free to circulate, and each was a potential agent who could be employed for sabotage purposes. Added to them were the thousands of stevedores of all nationalities who frequented the crowded wharves. They worked by the day or by the job. They were hired on the spot as they gathered round. The shipping companies did not know and did not care where they lived. All they demanded was an able-bodied man; and with the tremendous volume of cargoes to be shipped, they had no time to keep superfluous records or to be particular about whom they employed. In addition no information had been obtained from the bombs; for, if they did not explode and were discovered at sea, the crew lost no time in hastily dumping them overboard.

However some information was gleaned at the end of May 1915. The S.S. *Kirk Oswald*, out of New York, docked at Marseilles. In four sugar bags in her hold bombs were found. On urgent cable demand, the bombs were sent back by the French Government. They

were found to consist of lead pipes, each divided by a copper disc into two compartments, one of which held potassium chlorate, the other sulphuric acid. The action of the acid on the copper took place at a uniform rate and thus determined the time at which the two chemicals would unite to produce the explosion. In this case the copper disc had been too thick.

Tunney and his agents followed every possible lead, but they led nowhere. Sugar shipments were traced from factory to vessel, purchases of potassium chlorate and sulphuric acid in New York City were investigated—all to no avail.

The first break came at the end of October 1915. Captain Martin, the French Military Attaché, who was stationed in New York, telephoned Police Headquarters that an exporter of war supplies, Carl Wettig by name, Managing Director of the Whitehall Trading Company, had given information that a man called Paul Siebs, who resided at the Hotel Breslin and who had rented desk space from him, had asked him to purchase a supply of T.N.T., and to deliver it to a garage in Weehawken.

Tunney was immediately on the alert; he called on Paul Siebs and demanded to know what he intended to do with the purchase. Siebs, who Tunney found out later also used the name of Karl Oppegarde, was able to furnish no other information than that he had been requested to make the purchase by Dr. Herbert Kienzle, a German clock maker who had been referred to him by Max Breitung, a mutual acquaintance, and that Kienzle had told him that the T.N.T. was to be delivered to a man called Fay at a garage on Main Street, Weehawken.

Not wishing to make a premature arrest, Tunney laid a trap for Fay. A package containing twenty-five pounds of trinitrotoluol was handed to Wettig; and on Tunney's instructions, accompanied by two of his agents, Wettig set out for the garage to deliver the explosive to Fay. He was absent, but they were directed to his boarding house at 28 Fifth Street by a workman. On inquiry from the landlady they found that he was not at home, and so with her permission they mounted to his bedroom and left the package on the dresser, together with a note from Wettig informing him that he had failed to find him at the garage.

For the next few days close watch was kept on Dr. Kienzle and Fay, also on Walter Scholz and Paul Daeche, two men who were constantly seen with Fay.

Fortune now again favored Tunney. Wanting to test the T.N.T., Fay asked Wettig to accompany him during the trials. Warned in time by Wettig, a swarm of detectives were posted in the woods at Grantwood, New Jersey, where the tests were to be made; and after one or two experiments with the explosives had been carried out, they stepped in and arrested Fay together with Scholz, his brother-in-law, who had accompanied him. The detectives making the arrests were assigned by Chief William J. Flynn of the Secret Service, as the New York police did not have the power of arrest in New Jersey.

A quick search of the boarding house and of the garage resulted in the discovery of a number of ingenious mechanical contrivances which were immediately recognized as parts of bombs. In the garage 25 sticks of dynamite, 450 pounds of potassium chlorate, 400 detonating caps, and 200 bomb cylinders were found; and in a packing case they uncovered 4 finished bombs. In his rooms a chart of New York Harbor was found, also information which led to the discovery that he was the owner of a powerful motor boat, moored at the docks opposite West 42nd Street.

Even more interesting than the discovery of the bombs was the story which Fay had to tell. He was in Germany when the war broke out, and was immediately called to the colors. He was posted as a lieutenant to an infantry battalion in line successively in the Vosges Mountains and in Champagne, where he saw some of the bitterest fighting of the war. An examination of Allied shells revealed that much of their superiority was due to the munitions that were being sent over from the United States. Fay's ingenious mind evolved a scheme to stop this supply, and he lost no time in putting the plan before his commanding officer. In due course, Section III B of the German General Staff equipped him with a neutral passport, handed him \$4,000 in American currency, and sent him off to report to von Papen. He reached New York on the S.S. *Rotterdam* on April 23, 1915.

Fay was well qualified for the task. He was thirty-four years of age, and an engineer; he also spoke English fluently. The first man he

looked up was Walter Scholz, a former engineer of the Lackawanna Railroad, who, as we have already mentioned, was employed by Kaltschmidt in his abortive attempt to blow up the Detroit Screw Works. Scholz readily fell in with his plans and recruited as an assistant Paul Daeche, who belonged to the Schlarafia organization, a fraternal society composed of German-speaking people, of which Scholz was also a member.

Although at the time of his arrest Fay refused to implicate von Papen, he revealed his connection with him in a confession which he made three years later:

My first arrival in New York City was in May [?] 1915, having been ordered there by the Intelligence Department of the German War Office for the express purpose of sabotage activities in connection with the shipments of munitions to the Allies, as well as factories manufacturing said munitions. As directed I reported to Captain von Papen. . . .

After meeting Captain von Papen at the Deutscher Verein in New York City and discussing the matter with him, I went to work on the manufacture of bombs to be attached to cargo ships sailing with supplies for the Allies. . . . In most of my subsequent transactions with Captain von Papen, Dr. Kienzle acted as intermediary. . . . Captain von Papen not wishing to have me seen about the office.

The bombs manufactured by Fay were studied independently by two sets of military experts of the United States Government, who reported that they were mechanically perfect. The bombs were so designed that they could be fitted to a ship's rudder. By means of a rod attached to the rudder each swing of the blade wound up a mechanism which eventually struck down on a cap which fired the T.N.T. in the container. There was sufficient explosive in it to have sunk the most heavily armored dreadnought if exploded under the stern. It was Fay's intention to use his motor boat at night to attach his diabolical devices, all his plans for the planting of which had been perfected at the time of his arrest.

Fay and all his confederates were tried together and convicted. Fay was sentenced to Atlanta, Georgia, for eight years; Scholz, for six; and Daeche, for four. Kienzle and Breitung were not brought to trial and were later interned.

In August 1916, a month after his arrival at the Atlanta Penitentiary, Fay escaped by means of a forged pass. At various German Consulates about the country he was given money, by means of which he was enabled to flee to Mexico. From there as a stowaway he succeeded in reaching Spain. After trying in vain to go on to Germany, he apparently lost heart, and finally surrendered to the American Consul in Malaga. From there he was returned to the United States to serve out the rest of his term.

Fay was arrested and convicted for what he had intended to do. His plans had been nipped in the bud before he could put them into effect. His arrest had not solved the mystery of a single one of the bomb outrages on any of the ships we have mentioned, and there was ample proof that the sabotage agents responsible were still at large: On October 26, 1915, two days after Fay was arrested, the S.S. *Rio Lages* mysteriously took fire at sea; on November 3, 1915, a fire suddenly broke out in the hold of the S.S. *Euterpe*; on November 6, 1915, a similar fire occurred on the S.S. *Rochambeau*, en route to Europe; and on the next day an explosion took place on the S.S. *Ancona* while at sea.

Frantic attempts were made to make Fay talk. He freely admitted and took the responsibility for all that Tunney had uncovered about him, but professed complete ignorance as to who was making the bombs of the *Kirk Oswald* type and as to who was placing them on the ships. Later, in 1918, when he surrendered and was returned to Atlanta, he revealed in an affidavit that he had known right along all the principals who were involved.

As the arrests which had been made so far in connection with land sabotage cases had shown that the agents involved were mostly of German nationality or of German descent, Inspector Tunney decided to concentrate on the restaurants, hotels, and beer gardens frequented by Germans along the Hoboken water front. He picked out three of his ablest men, good Americans of Teutonic parentage, who spoke German perfectly, and assigned them separately to the job, instructing them to pass themselves off as Germans among the habitués of these establishments.

Several weeks went by; and then, finally in April 1916, a break came to Henry Barth, one of the three. By dint of patience and much boasting of his loyalty to the Fatherland and by occasionally hinting that he was in German Secret Service employ, he won the confidence of a German with whom he had struck up an acquaintance. One day his confidant disclosed to him that a certain Captain von Kleist had a grievance against a Dr. Scheele for nonpayment of two notes for \$117 each, owed to him for secret service work. Barth's informant also added that von Kleist had written that day to von Igel, head of the German Secret Service in America, asking for an interview.

The detective was quick to seize his opportunity. Having obtained from his German friend von Kleist's telephone number and address in Hoboken, he called him up, posed as one of von Igel's assistants, referred to von Kleist's letter to von Igel, and stated that he was coming over to Hoboken to see him.

Von Kleist fell completely into the trap. In his eagerness to get payment of the two notes, he not only revealed that Dr. Scheele was making bombs to place on ships but also took Barth over to his own home at 121 Garden Street, Hoboken, and there showed him several bombs which Barth immediately recognized as identical with the ones which had been found on the S.S. *Kirk Oswald*. Von Kleist's lack of caution may seem incredible; but secret service records show that even secret agents cannot resist the innate human urge to air their grievances, though jail or the firing squad is likely to be the penalty for indiscretion.

The saboteur's fate was sealed; and after long questioning sufficient information was extracted from him to effect the arrests of Dr. Scheele and others, which eventually led to the rounding up of all who were involved in this particular ring. It was not, however, until March 1918 that the final arrest was made. From the evidence uncovered by Tunney and revealed at the trial it has been possible to reconstruct this ship-bombing organization. It was established that the originator of this organization, and director of it during the initial stages, was Franz von Rintelen.

Von Rintelen was a Captain-lieutenant in the German Naval Reserve. After serving his time in the Navy, he spent several years abroad

acquiring international banking experience. For a time he was employed in a London banking house and then went to New York, where he was associated with Ladenburg, Thalmann and Company. During his stay in America he had the entrée wherever he went. He was a member of the New York Yacht Club, the only other German members of which were the Kaiser and his brother Prince Heinrich; he was a familiar figure also at Newport and on Park Avenue.

Even in these circles he attracted attention. He came of an aristocratic family. Both his features and his easy carriage reflected breeding. There was little of the Teuton in his appearance—he could easily have passed for an Italian. In build he was trimly athletic. His quick nervous movements, his sharp intelligent eyes, and the broad sweep of his forehead revealed a man of action and of intellectual brilliance.

His banking connections enabled him to acquire a first-hand knowledge of American principles and methods of finance and industry. From New York he went to open branches of a German bank in Mexico and South America, and shortly after his return to Berlin was appointed a director of the Deutscher Bank.

The onset of the war brought him an important post on the staff of Admiral von Tirpitz, where on account of his banking knowledge his first assignment was to make transfers of money abroad for the use of the raiding German warships then still at large in the Pacific and in South American waters.

As we already know, the question of America's munitions supplies to the Allies came to occupy more and more the minds of the General Staffs of the Army and Navy the longer the struggle continued. According to von Rintelen's own statement, made after the war, he had plans to meet this problem:

It was accepted in all quarters in Berlin that something of a more forceful nature must be done than hitherto. Indeed conferences took place in the War Ministry, the Foreign Office, and the Finance Ministry, in each of which I outlined my plans, insofar as I could gauge the situation from my post in Berlin. The impression of energy and determination which I contrived to make gave considerable satisfaction. Men of action, particularly men like Helfferich and Zimmermann, could not help smiling when I concluded one

speech with: "I'll buy up what I can, and blow up what I can't." One and all they all resolutely agreed with me that sabotage was the only alternative.

And so von Rintelen was duly commissioned by the War Minister, General von Wandel, to carry out his plan in the United States. On March 22, 1915, armed with a munificent credit of \$500,000 he set out from Berlin for Christiania aboard the S.S. *Kristianiafjord*. As Emile V. Gaché, a Swiss citizen and bearer of a Swiss passport (manufactured in Germany), he brazenly visited the British and American Consulates in Christiania, obtained their visés and proceeded unmolested to New York, where he arrived safely on April 3, 1915.

He immediately discovered that the first part of his plan—to corner the American munitions market—was impossible. The supplies were so large that even the thought of it was ridiculous. He therefore decided to carry out at once the second alternative—to blow up as much as he could.

When his plans were communicated to von Papen and Boy-Ed, both gave their willing support. Explosives were nothing new to them, as for several months already they had been making considerable use of them, especially in their Canadian ventures.

For the manufacture of bombs, von Papen offered the services of an expert, Dr. Walter T. Scheele. In his youth Scheele had served as a lieutenant in Field Artillery Regiment Number 8, and after a few years' service had applied for leave to go to the United States for the purpose of chemical research. His leave had been granted, but at the same time he had been ordered to put himself at the disposal of the Military Attaché in Washington. There he had received the assignment of keeping track of, and reporting on, explosives, and new chemical discoveries as related to warfare. So valuable had been his information that he had never been recalled in twenty-one years and without any extra military service had been advanced from the rank of lieutenant to major in the reserves. In addition to having the distinction of being Germany's only prewar spy in the United States, he was also paid an annual retainer of \$1,500 a year.

Scheele had ideal cover. His work as a commercial investigator in German pay was only a part-time job. He was also engaged in private

enterprise and was the president of the New Jersey Agricultural Chemical Company. He was just the man von Rintelen was looking for, and he did not hesitate a moment in sending for him and setting him to work.

By means of a few experiments, Dr. Scheele quickly evolved the bomb which has already been described: a lead tube with a metal disc, either copper or aluminum, separating sulphuric acid from either potassium chlorate, picric acid, or a mixture of urotropin and sodium peroxide. For incendiary purposes picric acid was usually used, and the ends of the tube were sealed with wax instead of with solid plugs. The mingling of the sulphuric acid with the picric acid caused the emission of a white hot flame.

At this stage Carl von Kleist appeared on the scene. In some respects he was the Count von Luckner of an earlier generation. As he was the scion of one of the oldest aristocratic families of Germany, a career had been open to him in a regiment of the Guards. Instead he had run away to sea as a boy, and after serving his time on a wind-jammer had transferred to steamships, obtained his master's certificate, and eventually the command of an Atlantic liner. He was now an old man, living in retirement in Hoboken. Von Rintelen was acquainted with his family and in this way came into contact with him.

Von Kleist knew all the interned German sailors and numbered among his personal friends most of the captains and officers of the German vessels laid up in New York Harbor. Von Rintelen found him a ready tool. Here was adventure after the old man's heart, and he jumped at the opportunity to serve his country. Together the two of them worked out a scheme to make use of the interned S.S. *Friedrich der Grosse* as a workshop; and Carl Schmidt, the chief engineer, Ernest Becker, an electrician, and George Praedel, William Paradies, and Friedrich Garbade, members of the crew, were enrolled in the organization.

Soon the workshop in the *Friedrich der Grosse* was humming with activity. Von Rintelen purchased large quantities of lead tubing and copper rods of the right dimensions through the firm of E. V. Gibbons, Incorporated, with offices in Cedar Street, which he had specially set up as a blind. Through the same firm he bought the machinery to

cut the lead piping and the copper discs to the proper dimensions. Under cover of darkness the prepared tubes were taken over to Dr. Scheele's laboratory at 1133 Clinton Street, Hoboken, where they were filled. Eventually these bombs, or "cigars" as they were called, were being manufactured at the rate of fifty a day.

For the distribution of the bombs to suitable stevedores who had access to the ships, Captain Carl Wolpert, an officer of the German Naval Reserve, Superintendent of the Atlas Line, a subsidiary of the Hamburg-American Steamship Company, and Eno Bode, a captain in the service of the North German Lloyd Steamship Company, were enlisted. A glance at the records of marine disasters for 1915 and 1916 is sufficient to show the zeal and efficiency with which they carried out their mission.

But von Rintelen was not content to confine his activities to New York Harbor. Large shipments were being made to the Allies from the port of Baltimore, and to this center he now turned his attention. In moving about among the leaders of the German colony there, he soon made the acquaintance of the Hilken family. They were of superior social status and unswervingly loyal to the Fatherland. Henry G. Hilken, the father, had emigrated from Germany to America in 1866, and after he had been settled here some time had married an American girl. Later a son, Paul Hilken, had been born. At the outbreak of the war both father and son were partners in the firm of A. Schumacher & Company, tobacco exporters, and at the same time Baltimore representatives of the North German Lloyd Steamship Company.

In the spring of 1915, shortly after young Hilken had returned from a South American trip, von Rintelen came down to Baltimore to discuss with him the ship-sabotage campaign. Hilken readily fell in with von Rintelen's plans and consented to act as paymaster. He also proposed employing Frederick Hinsch to distribute the bombs.

They could not have hit on a better person. Hinsch, then in his early forties, was a huge, burly individual with typical German features: fair hair, blue eyes, ruddy complexion, round full face. At the time he was captain of the S.S. *Neckar*, a North German Lloyd ship. At the commencement of the war he had remained in the South Atlantic,

dodging British cruisers and attempting to use his ship as a collier and supply base for German warships still at large. Late in 1914 he had finally been forced to put into Baltimore, where his ship was interned. Hinsch was fearless. He knew how to handle the men on the docks and commanded their respect by his shrewd intelligence, his flow of seafaring language, and the ready use of his fists when necessary. He accepted von Rintelen's proposal eagerly and soon had a band of trusty dock workers planting the bombs.

With the Baltimore organization completed, von Rintelen turned his attention to New Orleans. It is here that a mysterious Erich von Steinmetz, alias "Captain Steinmetz," comes on the scene. Although a captain in the German Navy, he managed to reach the United States via Vladivostok, disguised as a woman. On arrival here he reported to von Rintelen and became one of his chief assistants. Von Steinmetz brought with him cultures of glanders for the purpose of inoculating horses and mules intended for shipment to the Allies. For a time his activities were confined to trying out his cultures in the field. He soon found, however, that they were not taking effect. Under the pretense that they were intended for experimental purposes, he boldly took them to the Rockefeller Institute for testing. Pronouncement that the cultures were all dead liberated him for action in other fields. Von Rintelen promptly sent him to New Orleans to take charge of a ship sabotage campaign there. Through E. J. Conners, an American citizen who as a gun runner had been mixed up in several Mexican revolutions, the Captain was able to build up an effective and well concealed organization.

As soon as Von Rintelen had completed his ship-bombing organizations and they were operating smoothly under the direction of von Kleist, Wolpert, Bode, Scheele, Hinsch, and Steinmetz, he himself turned to other activities. Of these, the creation of "Labor's National Peace Council" was the most spectacular.

The ostensible object of the Council was to promote world peace, but its real objective was to procure an embargo upon the shipment of munitions abroad. Von Rintelen remained behind the scenes, supplied the money, and left the promotion to David Lamar, a brilliant, though crooked, operator in Wall Street, who had been indicted for

attempting to defraud J. P. Morgan and Company. A number of well meaning enthusiasts joined the Council, several strikes were fostered among stevedores loading munitions on the docks, considerable lobbying was done in Washington, and the movement gained some momentum; but, when it was realized that Germany was backing it, organized labor refused to join in, and it died a natural death. Von Rintelen sadly admitted that his transactions with Lamar had cost him several hundred thousand dollars.

He made other attempts at fostering German propaganda through Walter Schimmel, at founding an illegal and fictitious trade union among dock workers to promote strikes, and at plotting with the Irish leaders in the United States. But these were neither more successful nor less costly.

His most expensive adventure, however, was his attempt to foment a revolution in Mexico. Huerta, the former President, was in exile in the United States; and, since he ascribed his fall to American support of his enemies, he had no special love for this country. Von Rintelen believed that by restoring him to power he could force the United States into intervening, and thus divert large quantities of munitions to the American forces fighting in Mexico. Consequently, he met Huerta secretly at the latter's hotel in New York, and there arranged with him German financial support for the plots which the ex-President was hatching in Mexico.

During the month of May 1915 Huerta had several conferences with a member of the German embassy who was acting in consort with von Rintelen. Carranzista agents, however, had been keeping a watchful eye on him; and one of them succeeded in attending a meeting of Huerta adherents on June 1, 1915, in the Holland House, when plans for the plot were discussed. The American authorities were promptly advised.

Shortly afterward Huerta slipped away from New York, ostensibly to visit the San Francisco Exposition. But Government agents were shadowing him and were ready at hand when he reached the Mexican border. He was arrested on a technical charge and jailed. Already advanced in years and broken down by the failure of his plans, he died in January 1916. Thus another wild dream of von Rintelen's was ended.

Because of these extraneous activities and his prodigal spending, von Rintelen became embroiled with von Papen and Boy-Ed, who were jealous of the extensive free-lance authority which had been given him in Berlin. The result was that strings were pulled, and he found himself suddenly recalled to Germany.

There was nothing left for him to do but to obey; and, after trying in vain to procure an American passport under the name of Edward V. Gates, he sailed for a Dutch port on the S.S. *Noordam*, once again as E. V. Gaché. The British, however, had been intercepting and decoding wireless telegrams for him from Berlin, among which was his recall order. A cable to British Intelligence Officers in New York brought them into action, and it was no trick for them to determine that he was sailing under the name of Gaché and to pass this information and an accurate description of him on to London. This time his neutral passport was of no avail, and on August 13, 1915, when the *Noordam* put in at Falmouth on her way to Holland, he was taken off the ship and interned at Donnington Hall as a prisoner of war.

In the meantime his ship bombing organizations in the United States continued to flourish with ever increasing activity until the New York one suddenly came to an end with the arrest of Captain von Kleist on April 10, 1916.

The organizations in Baltimore and New Orleans, however, had been kept as separate and independent nests and therefore were not involved. But von Steinmetz was thoroughly frightened and, once again disguised as a woman, fled to Germany. Hirsch also disbanded his waterfront organization and turned his attention to other sabotage fields.

Von Rintelen himself was extradited as soon as America entered the war. Eventually brought to trial, along with his New York subordinates in May 1917, he was sentenced to four years' penal servitude in the Federal Penitentiary at Atlanta. His associates received lesser terms of imprisonment. At that time the Espionage Act had not yet been passed, and the group had to be tried on a charge of conspiracy to violate the Sherman Act. This accounts for the mildness of the sentences.

Dr. Scheele was the last to be caught. The moment von Kleist was arrested, von Igel, who knew he was the missing link connecting up

the German Government with the conspiracy, gave him \$1,800 in cash and ordered him out of the country to Cuba as fast as he could go.

In Havana Scheele reported to the German Minister, who passed him on under the name of James G. Williams, an American citizen, to one Juan Pozas, who outwardly posed as a wealthy and respectable merchant but actually was the secret owner of hundreds of small smuggling craft operating off the coast of Cuba. Scheele soon found himself a virtual prisoner in various country homes of the smuggler king and other German adherents. He was allowed to go nowhere without an escort.

The arrest in Havana of Richard Guttman, a German agent and intermediary of the German Legation, which had been paying for Scheele's keep, led the Cuban police to the fugitive's retreat. He was arrested in March 1918 and was extradited without delay to the United States.

The Germans had every reason to be afraid of Scheele, for in his eager attempts to secure immunity he freely betrayed to the American authorities German secret formulas for poison gas, incendiary bombs, liquid-air bombs, high explosives, and dye stuffs.

Anxious to get an expert opinion on the value of this information, he was examined, at the request of the Government, both by Thomas A. Edison and his chief chemical assistant, who reported that "he was an eminent German chemist with unquestioned knowledge of the most important phases of contemporary chemical warfare methods and German commercial practice."

Although Scheele efficiently carried out the ruthless demands of his country, his motives were largely mercenary. He did not hesitate to extract both from von Papen and von Rintelen large sums of money for his services. On one of the von Papen check stubs seized at Falmouth was an item: "\$10,000 paid Scheele (Rintelen affair)."

In addition to the manufacture of bombs, he figured in several other of von Rintelen's activities. He was paid lavishly by him to devise a method of smuggling oil out of the United States. This he did by solidifying the oil with magnesium carbonate. The oil was then shipped to Denmark under false manifests by cleverly impregnating fertilizer with it. On its arrival on the other side the valuable lubricant

could be easily extracted by putting the fertilizer in water and adding a benzine salt, which caused the oil to float to the surface. It was also he who thought up the plan of dropping methylene blue capsules into shipments of corn, causing the flour milled from the corn to turn a deep blue. The capsules were made up to appear as grains of corn. Money was handed him so freely that later he could not resist the temptation to accept \$20,000 from von Rintelen for munitions to be shipped as agricultural implements; this time, however, he kept the \$20,000 and actually shipped a cargo of farm machinery.

According to Scheele's own estimate, the bombs he had manufactured had been instrumental in destroying cargoes to the value of \$10,000,000 in 36 different ships. He added, however, that only about 25 per cent of the bombs handed out by Wolpert and his associates had actually been placed on ships. The remainder were thrown overboard after the money had been pocketed by the dock hands employed to plant them.

Chapter V

THE RECALL OF VON PAPEN AND BOY-ED

UNTIL the middle of 1915 the diplomatic representatives of the Central Powers seemed to be succeeding admirably in their efforts to promote sabotage and other activities violating American neutrality and at the same time to avoid any unpleasantness with the State Department. Of course, the widespread destruction of ships and factories, the passport frauds, and Horn's melodramatic escapade had led to a certain amount of newspaper talk about spy plots and sinister activities on the part of the Teutonic diplomats. The sensational *Providence Journal*, especially, had been filled with stories of wildly improbable German schemes directed against the United States. But the Government seemed as trustful as ever, and the self-confidence of the diplomats and their contempt for American gullibility grew steadily.

This idyllic condition was short-lived, however. On September 1 the British staged a coup. They removed Mr. James J. Archibald from a ship being searched at Falmouth and seized his papers. Archibald was an American newspaper correspondent who had been covering Germany for some time. Gradually he had drifted into acting as a German propagandist and bearer of dispatches to and fro through the blockade. Among the seized papers the British found several communications from Dr. Dumba, the Austro-Hungarian Ambassador, to his Foreign Office. One of these outlined a program for fomenting strikes in the Bethlehem Steel Company plants and requested permission to put it into effect; another reflected on the disinterestedness of American foreign policy and even made disparaging remarks about the President. Motivated by a fine unselfishness, the British released the text of these to the press and furnished the American Embassy with photostatic copies of the originals.

This was too much for the President, and a week later the State De-

partment demanded Dumba's recall. The Dual Monarchy had no recourse except to swallow this bitter pill with the best grace it could muster.

But the Dumba documents did not exhaust the treasures among Archibald's papers. There was a letter from von Papen to his wife, in the course of which he remarked: "...How splendid on the Eastern Front! I always say to these idiotic Yankees that they should shut their mouths and better still be full of admiration for all that heroism."

When these remarks of the Attaché's were published along with the Dumba material, there was immediately unloosed a storm of public indignation. The State Department held its hand for the time being, but von Papen was a marked man. Behind the scenes the Government began quietly collecting a dossier on his activities and those of Captain Boy-Ed, both of whom had been under surveillance since early in the year. There was ample evidence that they had strayed far from the paths of diplomatic rectitude.

No sooner had this excitement begun to die away than the arrest of Fay revived it in full force. There were strong indications that von Papen was involved. (These were later confirmed by Fay's confession on his return from Spain.) At the same time a renewed wave of factory bombings added fresh fuel to the fires of popular hysteria. At last, on December 8, the Government bowed to popular opinion and asked for the recall of the two attachés as *personæ non gratae*.

The situation was well summed up by President Wilson in his address to Congress regarding their recall:

A little while ago such a thing would have seemed incredible. Because it was incredible, we made no preparation for it. We would have been almost ashamed to prepare for it as if we were suspicious of ourselves and our comrades and neighbors.

But the ugly and incredible thing has actually come to pass and we are without adequate Federal Laws to deal with it. I urge you to enact such laws at the earliest possible moment and feel that in doing so I am urging you to do nothing less than save the honor and self-respect of the Nation. . . .

They have formed plots to destroy property, they have entered into conspiracies against the neutrality of the Government, they have sought to pry into every confidential transaction of the Government in order to serve interests alien to our own.

Serious as had been the blunders of the Attachés, these had been mostly mistakes caused by their lack of previous experience in secret service work at the start of their campaign. As time went on their technique improved. It would be doing scant justice to their cunning and training to assume that more than a small percentage of their work ever was discovered.

Commenting on the incendiary fire which had occurred on the previous day in the Roebing Plant at Trenton, New Jersey, where wire cables were being made for the Allies, the *Literary Digest* for November 27, 1915, estimated that "already according to a list published in the *New York Journal of Commerce* there have been about forty of these fires involving more than a score of lives." It then went on to add that the Attorney General of the United States had appealed to the State authorities to aid him "in prosecuting the plotters everywhere."

Had the two Attachés committed similar acts in any neutral country in Europe, their recall would have been insisted upon within a month after the outbreak of hostilities. But von Bernstorff's skill in denial and the amazing credulity of the State Department in believing him permitted von Papen and Boy-Ed to continue their ruthless destruction unmolested for a year and a half.

Four days before Christmas, 1915, von Papen sailed for England and Holland, and on New Year's Day was followed by Boy-Ed. Both had been granted a "safe conduct" by the British, a privilege accorded to all diplomatic representatives recalled to their countries during the war. On January 2 and 3, 1916, von Papen's baggage was searched by the British at Falmouth, and a mass of documents and records that he was foolishly carrying with him were seized. To the explosive and protesting von Papen the British authorities explained, not without some humor, that the "safe conduct" referred to his person and not to his effects.

The most important of these records were the check books to which we have already referred on numerous occasions. He had received from Dr. Albert over \$3,102,000* for the carrying on of his work, and we

* Taken from a report of Dr. Albert's to the State Secretary of the Imperial Treasury. This along with many of his other papers eventually fell into the hands of the United States Government.

do not know how much additional money came to him direct through military channels. Here in the stubs of his check books was absolute proof of his connection with Werner Horn, von der Goltz, and other of the German sabotage agents who had been caught and convicted. The British again showed their exquisite regard for the welfare of the United States by passing on the evidence to the United States Government.

Both von Papen and Boy-Ed were awarded decorations on reaching Germany, and both of them were promoted: Boy-Ed to an important post on the Admiral Staff of the Navy, and von Papen to the rank of major. The latter was transferred to the staff of General Liman von Sanders in Palestine, and a few months later barely escaped capture by the British cavalry at Nazareth. So precipitate was his flight that once again he left several compromising documents in the hands of the British. One was a note from Boy-Ed in Berlin enclosing a letter which had somehow come into his hands and which he asked von Papen "to destroy immediately in the interests of safety." The letter, apparently addressed to a high official in Germany, was written by "His Excellency von Igel Schwerin," an acquaintance of von Papen's and Boy-Ed's who had been in intimate contact with them during their many months' stay at the German Club in New York City. As von Igel Schwerin gives an accurate account of the acts of the two Attachés immediately preceding and following their recall, and adds a frank appraisal of their effect on the American Public, the Press, and the Government, his letter is quoted here at some length:

... Then Herr Boy-Ed made a fresh mistake when he addressed a communication to the American people before his departure, in which he affirmed that he was being sent home guiltless. . . . Then, however, he enters on a boundless lack of circumspection, attacking in this communication the American press in general, and the celebrated *Providence Journal*. . . .

As could have been seen, the paper on the following day fell all over him and sent him a series of vulgarities on board by wireless. Others called him a liar, and such are the parting words which have hung on in the public mind, and not the words of his communication. . . . Herr von Papen's career closed with quite a disaster. He was charged with being concerned in the many explosions in the munition factories, in so far as he had given the

money for the procuring of materials and had instructed the people. It appears, too, that some really childish arrangements were made. . . .

. . . All that could have been forgiven, since failures in such things cannot always be avoided, also much has been performed by Herr von Papen advantageous to us, if still the prime stupidity had not followed when Herr von Papen had to leave the country. One could have assumed that he would have previously destroyed the critical documents left here, or at any rate have safely disposed of them somewhere or other, so that they could not fall into the possession of outsiders. But Herr von P. left his bureau, with all these unfortunate documents, to his young and harmless secretary, Herr von Igel. . . . He himself had obtained a pass through the English lines, in which it was expressly noted that only his person would be let through, and that he must not take with him either letters or anything else. Moreover, he had instructions from Count von B. to take nothing with him, and all his friends had warned him urgently "for God's sake, don't take any compromising papers with you! . . ." Above everything else [he had with him] the rest of the cheque books, in which he had quite naively noted in plain language all receivers who had received money from him. He had besides a whole series of compromising private letters with him.

The excitement here was immense as these facts became known. . . .

. . . Worse still was it that these letters . . . opened the eyes of the Americans to what was going on, and called forth a storm of indignation. It was fully justified, since Herr von P. had also on his departure left behind an open communication in which he protested his innocence. . . . After both men, however, had publicly declared that they were innocent and were unjustly banished, one could not expect anything else than that the Government should now show evidence that it had acted with perfect justness. . . .

All that we have heard is the bestowal of orders to Herr Boy-Ed and von Papen, as well as the promotion of Herr von Igel to Vice-Sergt.-Major. You can judge, too, how extraordinarily fitting it is to publish these distinctions throughout the whole world. . . . Thereby all these things appear not to have detracted from the self-conceit of these men in the very slightest, on the contrary they hold themselves, as before, for geniuses. I learn through a good source, which stands in direct connection with Washington, how this self-sufficient manner damages. The officials here complain bitterly about the haughty demeanor of our people, who think by means of a stiff bearing to compensate for their lack of knowledge of the conditions of the place. Count von B. and Privy Councillor A. are looked upon in Washington in the light of emetics. . . .

After the publication of the Papen letter, in which Herr von P. spoke of the idiotic Yankees, the general feeling here was so uncomfortable that Herr von P. thought it well to disappear for some weeks. He went with Prince Hatzfeld to the West, and I met the gentlemen at Mammoth Springs in the Yellowstone Park. I at once understood the object of their journey and avoided addressing them by name or title, in the supposition that they were travelling under assumed names. That, however, was a mistake, they had registered themselves with full title, their arrival was announced in all the papers, and on their further journey an army of reporters and photographers followed them. They were pestered at every step they took with the request to give an explanation about the "Idiotic Yankees." Their reply "we have nothing to say" was published with the photographs in all the papers. I met the gentlemen later in Denver, where the business was at its maddest. The reporters from San Francisco instructed to do so, had sworn to compel Papen to an utterance, and followed the two gentlemen everywhere. Both held newspapers in front of their faces in order not to be snapshotted, and a whole series of laughable photographs resulted, which circulated throughout the States. On the papers held up in front of them appeared printed in German "*Wir haben nichts zu sagen*" [we have nothing to say]. A mad comedy at our expense! It is unpleasant to the writer to have to say all this. With the exception of Bernstorff and Dernburg, I know all the gentlemen personally, have lived in the German Club with most of them, and have always been nicely received by them. . . .

However, these final acts of von Papen's and Boy-Ed's must not be taken as a gauge of their caliber. What seems to be the quintessence of stupidity was simply another manifestation of the same brazen effrontery which had hitherto crowned their efforts with success. Thus far the "idiotic Yankees" had believed their denials; von Papen and Boy-Ed did not realize that they were now being seen in their true light.

Whatever criticism may be leveled at the two Attachés, they had carried out implicitly the instructions issued to them by the German High Command, and apparently Berlin was satisfied with the campaign of sabotage which they had directed on such a vast scale. Proof of the capacity of von Papen is that he subsequently became Chancellor of Germany; and at present, as Ambassador in Vienna, he is conducting the Nazi campaign in Austria.

In spite of the storm which had been raised, the acts of violence continued. There was a worthy successor to take over the work of von Papen, and the cogs at the War Intelligence Center at 60 Wall Street kept turning without missing a beat. Immediately upon the recall of Captain von Papen, the German Ambassador addressed the following communication to the American Secretary of State:

Mr. Wolf von Igel, a German citizen, Secretary of von Papen, will continue the current business of the Military Attaché until the Emperor should name a successor to the Military Attaché.

No other successor was appointed. Von Igel was still at his post when diplomatic relations were severed just prior to the entry of the United States into the war.

On the one hand, Germany continued on the same scale her campaign of sabotage; on the other hand, she never ceased to protest her innocence. On November 25, 1916, von Papen sent to von Bernstorff, through von Jagow, Secretary of State for Foreign Affairs, a complete denial of any connection with the ship bombing:

The War Ministry advises as follows:

The former Military Attaché in Washington, Captain von Papen, has been required to answer to the charge made against him in New York and reports as follows:

"... The incredible part of the matter is that the charge could in the first place be construed from the documents and accounts that were illegally taken from Mr. von Igel. . . ."

"As appears from American papers, Dr. Scheele is charged with the manufacture of incendiary bombs, with what right is past my knowledge.

"It is, however, published at the same time that Dr. Scheele had received large amounts through me or my office [Mr. von Igel], whereby it is also indubitably shown that I was the instigator of these plots. I must naturally lay the greatest value on establishing beyond question that my relations with Dr. Scheele were exclusively of a business nature and I am in a position to corroborate this by the documents that account for every amount."

In the opinion of the War Ministry it would be desirable to request of

* As is related in the next chapter, these papers were seized during a raid on von Igel's office.

the Government there an official denial that official persons of the Imperial German Government were implicated in the so-called "Ship-Complots" or similar instances.

Please test the matter there and as far as there are no objections make further arrangements. Report requested.

(Signed) von Jagow

This denial of the Captain's speaks well for his persistence, but in considering the facts revealed in the preceding chapters he must blush if he ever thinks back on it now.

Chapter VI

PAUL KOENIG MAKES AN ERROR

BRILLIANT as had been the success of Tunney and his bomb squad in running to earth those German agents engaged in ship sabotage in New York Harbor, and granting the Government full credit for tardily obtaining enough evidence on the Attachés to effect their recall, still the efforts of the various American authorities to put a stop to the land sabotage proved an utter failure. And yet in American factories, freight yards—in fact, everywhere on American soil where supplies for the Allies were being transported or assembled—this sabotage was being carried out on a scale which made the ship bombings appear almost insignificant.

The preponderating reason for this failure was the lack of coördination among the various police authorities and between them and the Department of Justice. This in turn was largely due to the fact that until the Espionage Act was passed the Department of Justice was never quite sure whether an individual case of land sabotage was an infraction of a Federal law; consequently there was a disposition to allow the local authorities to handle the matter. The result was that, since the sabotage agents were constantly on the move from State to State, the individual threads of evidence uncovered by the local police were insufficient to disclose the identity of the agents; but in the aggregate these could have been so tightly knit together by a central organization covering the whole country as to make rapid solutions of the cases nearly inevitable.

The main reasons for Tunney's success were that the ring he was fighting was located largely in his own area and that he was allowed to concentrate on this one assignment. Had there been coördination between New York and Baltimore, Hinsch, the organizer of the Baltimore group, would not have escaped detection.

Compelling evidence that a central counter-espionage service could have enormously diminished the acts of sabotage in the United States during the neutrality period is that in the neutral belligerent countries in Europe, all of which possessed an efficient central organization to combat the spy and saboteur, such sabotage was negligible during the war.

We might also note that as soon as the United States entered the war and organized an effective Military Intelligence Service, sabotage dwindled to the vanishing point; that when kidnaping was attacked by a centralized and nation-wide police organization, the percentage of solved cases leaped up almost astronomically.

A cardinal error was also committed in delaying the demand for the recall of von Papen and Boy-Ed. By the time the recall finally came, they had already delegated the direction of spy and sabotage activities to others who remained behind. The German Secret Service and the German Naval Intelligence Service were also given time and opportunity during this early period to send free-lance agents out from Germany equipped with independent funds. Once in the country, many of them operated as centers of separate and independent nests.

Except for those agents who were employed in sabotage on ships or were operating in Canada, the American authorities had only the most meager information at the time of the saboteurs and spies abroad in the land.

Of the spy directors whom von Papen left behind him, Paul Koenig was one of the most important. The Department of Justice and the detectives of the New York Police Department often crossed his path; but, in spite of leaving a volume of mystifying records in their hands, he escaped with no other penalty than confinement in a civilian internment camp when America entered the war.

Koenig had been head detective of the Atlas Line, a subsidiary of the Hamburg-American, for a number of years preceding the war. In this capacity he had come into close contact with sailors, tug skippers, and dock hands, and knew intimately both the topography and life of the water front.

He was massively built and was endowed with great bodily strength.

The set of his mouth and eyes suggested craft and brutality. He was extremely alert mentally and was gifted with supreme self-confidence. Distrustful of those who worked for him, he earned their hearty dislike; but through fear he commanded their respect.

Von Papen saw in Koenig's small detective force the nucleus of just the organization he required, and so we see in Koenig's memorandum book the following entry, under date of August 22, 1914:

German Government, with consent of Dr. Buenz,* entrusted me with the handling of a certain investigation. Military Attaché von Papen called at my office later and explained the nature of the work expected. (Beginning of Bureau's service for Imperial Government.)

Koenig's duties were varied and many. As cover, he provided guards and confidential messengers for von Bernstorff, Dr. Albert, Dr. Dumba, and for von Papen and Boy-Ed; secretly he was engaged in spy and sabotage activities, the scope of which can be roughly gauged from the entries in his memorandum book. We know from this book that as far back as September 1914, he sent into Canada two spies, one, an Irishman named Edmond Justice, the other, Frederick Metzler, of Jersey City, and that he received from them a report on the fortifications at Quebec and on the number of soldiers who were training in the camps in that area.

From Koenig's prewar detective activities, Tunney and the New York police knew him well: they had often coöperated with him on cases of petty theft and other crimes affecting the Hamburg-American Line. Now, however, they were suspicious of him. In spite of the fact that all the ships were laid up, Koenig was busier than ever. Therefore, they decided to watch him.

Koenig, however, was a slippery fish—he was constantly on the alert and knew all the arts of sleuthing. When shadowing proved useless,

* Managing Director of the Hamburg-American Line. During the early stages of the war, on instructions from Captain Boy-Ed, he sent out from American ports, under false manifests, several of the Hamburg-American ships with supplies for German warships then still at large. He was subsequently arrested for these activities and sentenced to eighteen months in Atlanta, but owing to various appeals did not commence to serve his term until April 1918.

they tried tapping the telephone line which led to his office at 45 Broadway. Here again for a time he outwitted them; for both the incoming and outgoing conversation was always in guarded language; and it was soon found that when, for example, he said he was going out to meet some one at the Staten Island Ferry he meant the Unter den Linden Bar, and so on: in other words, he had a prearranged code both as to time and place. But eventually their patience was rewarded. After listening in for several weeks, a voice came over the phone which upbraided Koenig in no uncertain language and, finally, bitterly accused him of being a double-crosser.

The detective listening in acted promptly. He traced the call and found out that it had been made by a George Fuchs. Discreet inquiry disclosed that George Fuchs was unemployed and was looking for work. An offer of a job and an opportunity to pay off his score against Koenig soon brought Fuchs to heel. He stated that Koenig was a distant relative of his and that in September 1915 Koenig and his wife had visited in Niagara Falls, New York, where Fuchs lived at that time with his mother in the Lochiel Apartments. It was not long before Koenig proposed to Fuchs that he should undertake some spying for him in Canada. Fuchs accepted, crossed the border, and returned a couple of days later with a detailed report on the disposition of the guards around the Welland Canal.

On the invitation of Koenig, Fuchs moved to New York and there was enrolled as an agent at \$18 a week. In New York a plan to blow up the Welland Canal was discussed between Koenig, Richard Emil Leyendecker, and Fred Metzler, Koenig's secretary. It was arranged that Fuchs should row a boat load of dynamite across the upper Niagara River to the Canadian side of the border and there deliver it to Leyendecker and Metzler.

Fuchs, however, fell to drinking in New York. And it was here that Koenig committed a cardinal error. Judging Fuchs unfit for the serious job on hand, he discharged him and, what was still more unwise, quarreled with him over the payment of the paltry sum of \$2.57 for time which Fuchs claimed he had put in. This rankled in Fuchs's mind with the result that the New York police scarcely needed to urge him to tell his story. His story, as we can well see, was ample evidence

to justify an arrest. A raid on Koenig's office and on his home also followed. In the process of searching his house, a little black book was brought to light, the memorandum book which we have already mentioned. It was loose-leaf, carefully typewritten, and had been kept up to the day of the raid. It told the story of Koenig's "Bureau of Investigation." Although the most interesting part of it was in code, still a study of it gave the police not only a close insight into Koenig's methods but also some indication of what those activities were which had so baffled them.

The central office was in Rooms 82 and 83 at 45 Broadway, New York City. Here were established two of the three divisions of Koenig's organization: the Pier Division, and the Division for Special Detail. These two divisions apparently occupied themselves with routine investigations and commissions assigned either by the German Embassy or by the German Consulate in New York City.

The third division, the Secret Service Division (*Geheimdienst*), performed the real work of the organization; the other two divisions acted chiefly as a blind.

Agents of the Secret Service Division never came to the Central Office—Koenig always met them outside. In his notebook is an outline of a special "Safety Block System," which was devised for the purpose:

A street number in Manhattan named over the telephone means that the meeting will take place five blocks further uptown than the street mentioned. Pennsylvania Railroad Station means Grand Central Depot. Kaiserhof means General Post Office in front of P. O. Box 840. Hotel Ansonia means café in Hotel Manhattan [basement]. Hotel Belmont means at the bar in Pabst's, Columbus Circle.

Not satisfied with these precautions, he continually changed the code; for two weeks later, under date of December 12, it appeared that a street number in Manhattan named over the telephone now meant five blocks further downtown instead of uptown; and that Pabst's bar was indicated by the Borough Hall, Brooklyn, instead of the Hotel Belmont.

Under date November 23, 1915, was a note:

Beginning with November 28, 1915, all operations designated as D-cases will be handled exclusively by the Secret Service Division . . . great care is to be taken that operatives and agents of the Secret Service Division remain entirely unknown to members of the Central Office and other divisions.

On December 1, 1915, further precautions were adopted:

Operatives of this Division will be requested to desist from sending reports to P. O. 840 as heretofore. Instead, these reports will be handed to me personally or to the Division's Secretary.

A later entry reads:

In order to safeguard the secrets and affairs of the Department, prior to receiving a caller, my desk must be entirely cleared of all papers except those pertaining to the business at hand.

And then another change of meeting place:

Volk's Cafe, 658 Third Avenue, one of the meeting places of the Secret Service Division, must not be frequented after today until January 1, 1916, for safety's sake.

It was, however, the page in Koenig's notebook marked, "Secret Service Division, list of aliases used by X.X.X.* D-Cases," which furnished definite evidence that these "D-Cases" referred to destruction or sabotage cases; for among the thirty-four Secret Service Agents listed with their aliases we have already mentioned the following three as being known to the police: Werner Horn, who was indicted for dynamiting the Vanceboro Bridge, labelled "D-Case 277"; Dr. Kienzle, who was associated with Robert Fay in the work of making bombs for the rudders of ships, "D-Case 316"; and Leyendecker, "D-Case 344."

For his own person, Koenig was particularly liberal with aliases. He had painstakingly listed thirty-seven of them, such as: "Blohm," "Bode," "Brandt," "Burg," and so on alphabetically down to "Z."

* Paul Koenig.

Further evidence that the "D-Cases" were sabotage cases is the following entry:

[Newspaper] clippings that refer to D-Cases of this Bureau will continue to be placed in the private files together with their respective reports. An exception to this particular rule may be had in the event that there are too many clippings to be had in which case they may be bound together and kept separate.

All acts of sabotage were newspaper copy. The newspaper stories not only furnished proof to Koenig that the particular jobs had been carried out, but in their aggregate were a gauge of the work accomplished by his organization.

His notebook also betrayed his connection with the official German representatives in the United States, for we find the following:

Secret Service Division Key to Bureau's Connections

(In use since Oct. 20, 1915)

M.A.C.—I. G. Embassy

H.M.G.—I. G. Military Attaché

W.N.N.—I. G. Naval Attaché

B.C.D.—I. G. Commercial Attaché

There was also an alternative key:

5000—I. G. Embassy

7000—" " Military Attaché

8000—" " Naval Attaché

9000—" " Commercial Attaché

In addition to the evidence of the notebook we now have access to other documents which throw light on Koenig's activities. Among them are partial records of the money paid him by these officials of the Imperial German Government. They alone show 30 payments, aggregating \$159,073.38.

Busy as he was directing the campaign of sabotage covered by the D-Cases, he was invariably called in as an intermediary when either the German Embassy or its Attachés wished to avoid being com-

promised. Thus it was Koenig who, at Boy-Ed's instigation, paid a German, Gustave Stahl, to swear to an affidavit that he had seen guns on the *Lusitania*. And when, after investigating this affidavit, the Department of Justice found it to be a perjury, it was Koenig again who hid Stahl and then later produced him at the command of the Federal authorities. Likewise many a material witness or fugitive German agent was hidden by him or supplied with funds to escape from the country. In his second affidavit, given after his escape from the Atlanta Penitentiary and after his subsequent extradition from Spain, Robert Fay stated that it was Koenig who met him and gave him the money with which he reached Mexico. When von Papen was recalled, it was also to Koenig that he left the task of transferring from New York to the Embassy those compromising papers he was not taking with him.

In connection with these and other services, Koenig proudly recorded in his notebook, under date December 13, 1915:

At 6.30 P.M., Captain von Papen, German Military Attaché, received me at the German Club to express his thanks for the services which this Bureau have rendered to him. At the same time he bade me good-bye.

It was, however, the list in the little black book giving the names of secret agents engaged in D-Cases which riveted the attention of the New York police. The fact that the three who had been identified were known sabotage agents convinced the police that the remaining thirty-one were equally dangerous. A study of the names and their aliases revealed only one clue. The name of Schleindl was familiar. A detective who had trailed Koenig had reported that a man whom Koenig had met at the Eastern Hotel had been followed and his identity had been established as Frederick Schleindl, a clerk in the employ of the National City Bank.

Opposite the name Schleindl appeared the notation: "D-Case 343." And it was obvious from the entries in Koenig's notebook that it was an unusually important case. We read that

Beginning with November 6th [1915] no blue copies are to be made of reports submitted in connection with D-Case 343, and the original reports will be sent to H. M. G. [von Papen] instead of the duplicates.

A further entry continues:

In order to accomplish better results in connection with D-Case 343, and to shorten the stay of the informing agent at the place of meeting, it has been decided to discontinue the form of practice of dining with this agent prior to receiving his report. It will also be a rule to refrain from working on other matters until the informant in this case has been fully heard, and all data taken down in shorthand.

An examination of the entries reveals that Schleindl, who was first known as operative Number 51, and later as agent C.O., from October 21, was designated as agent B.I. This enables us to interpret the next entry:

Supplementing rule 2, it has been decided that I refrain from drinking beer or liquor with my supper prior to receiving agent B. I. for the reason that I wish to be perfectly fresh and well prepared to receive his reports.

Schleindl's arrest promptly followed on the same day as that of his mentor, December 18, 1915. In his pocket were two cablegrams addressed to the National City Bank: one from the Banque Belge pour Etrangers relating to a shipment of 2,000,000 rifles, the other from the Russian Government authorizing the bank to accord certain large credits to the Russian Naval Attaché and Purchasing Agent.

Under interrogation the young and emotional Schleindl freely confessed. Being a German reservist, he had reported on the outbreak of the war to the German Consul in New York. Months had gone by without his receiving any word, until one day in May 1915, he received mysterious instructions from the Consul to report that night to a German named "Werner," who would be waiting for him in the bar of the Hotel Manhattan. "Werner" turned out to be Koenig. Playing on his patriotism and greed, Koenig had no difficulty in enrolling him as an agent.

Through Schleindl's hands passed not only telegrams from the Allied countries transmitting money for the purchase of war material but also the orders for them and letters of advice from the manufacturers, which frequently named the railway by which the munitions were to be transported and the vessels to which they were consigned. For men

who were endeavoring to burn or blow up supplies intended for the Allies in the factories or during transport, here was invaluable information; and Koenig made full use of it. Every evening over a period of eight months either he or his secretary, Metzler, spent hours copying the cables, letters, and papers supplied to them by Schleindl. In the morning Schleindl made a point of arriving in sufficient time at the bank to restore the documents to their proper place before the business day commenced, and in the meantime the information was being passed on to those engaged in ship sabotage or in the destruction of factories or supplies on land.

Schleindl further confessed that he had also been approached by another sabotage group, which was working independently of Koenig. In 1915 Alexander Dietrichens, who had been a classmate of his in Germany, arrived in the United States on a sabotage mission. Dietrichens lost no time in looking him up and outlined to him a plan to blow up the Aetna, Du Pont, and Hercules Powder Companies; a factory in Eddystone, Pa.; the Savage Arms Co. in Utica; the Poole Engineering Corporation in Baltimore; the Roebling Works in Trenton, N. J.; the Kastner Chemical Company in Niagara Falls; and another chemical company in West Virginia. Subsequently he met Dietrichens again at the Café Bismarck, and at Schumann's Café at 47 West 125th Street. On this latter occasion, Dietrichens, who was then passing under the name of "Willisch," had three friends with him, who joined him in attempting to persuade Schleindl to assist them; and to show that they were in earnest they took him out to a shack near Tenafly, New Jersey, and showed him a cache of dynamite. Schleindl confessed, however, that he was more interested in the \$25 per week retainer that he was getting from Koenig over and above his regular pay as a clerk, that he thought there was little risk of discovery at the bank, and that he did not have the stomach to take a hand personally in an explosion where there would be loss of life. Therefore he turned down Dietrichens' proposition.

Explosions and incendiary fires did subsequently break out at some of the factories cited above, but their origin remained a mystery. It is highly probable, however, that either Dietrichens or one of his agents had a hand in them.

Schleindl was tried, convicted, and sentenced to an indefinite prison term for the theft of documents. Koenig pleaded guilty to the same charge but was given a suspended sentence.

Thus Koenig was released to continue his sabotage activities. But he had been caught once, and from now on he was more wary. If he kept notebooks or records, he saw to it that they never again fell into the hands of the police. His name is to appear again later in the Black Tom case, and it was only his internment at the time of America's entry into the war that put an end to his plotting.

The office of the Military Intelligence Center at 60 Wall Street, under the direction of von Papen's successor, Wolf von Igel, also continued its work unabated. Here we have some measure of the extent of the activities; for on April 18, 1916, acting on information supplied by von der Goltz to the British concerning the first Welland Canal plot, the office was raided by agents of the American Secret Service. Von Igel, who happened to be near the safe, made a frantic effort to close it, but was knocked over by one of the agents, who had a warrant for his arrest. Though von Igel claimed that the office was part of the German Embassy, none the less a rich haul was made of compromising documents, many of which will be referred to later. Among the papers were some of von Igel's account books. They were in a simple alphabetical code which was quickly broken by an expert cryptographer. Payments to "Zkjaara" (Scheele), "Cranzd" (Kleist), "Pyta" (Bode), "Vyrbald" (Wolpert), and "Zkjunnar" (Schimmel) established a clear connection between von Igel and the ship-sabotage group.

Among many other payments the account showed that four sums, aggregating \$4,000, were paid to Pyajn (Boehm) between March 20, 1916, and June 10, 1916. This is of special interest as we have already seen that in Zimmermann's coded telegram of April 3, 1915, ordering the destruction of the Canadian Pacific Railway, it was mentioned that "Captain Boehm who is well known in America and who will shortly return to that country is furnished with expert information on that subject." Boehm was only one of the numerous secret agents who were sent direct to the United States by the German Government with specific instructions to bring about explosions or in other ways cause the destruction of munitions of war intended for the Allies.



International News Photos

Consul General Franz von Bopp.



Brown Brothers

Von Papen's Assistant, Wolf von Igel.



Inte.-ational News Photos

Spy Director Paul Koenig.



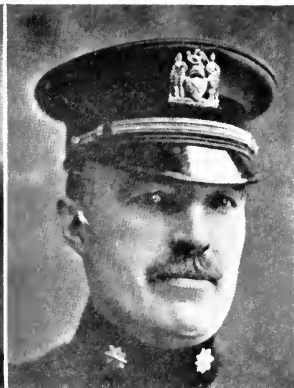
International News Photos

*Captain Franz von Rintelen,
as He Appears Today*



International News Photos

Robert Fay.



Courtesy of Inspector Tunney

*Inspector Thomas J. Tunney,
of the Bomb Squad.*



International News Photos

*Ship Bombers—Von Kleist, Schmidt, Becker, Paradies,
Praedel, Karbade, Fritzen—on Their Way to Jail.*

LEADING FIGURES IN THE SHIP-BOMB COMLOTS

Although the German sabotage agents involved in the Welland Canal affair were tried and convicted and von Igel was indicted, yet through the intervention of Count von Bernstorff he was able to furnish bail and was never brought to trial. How lightly the Germans took von Igel's arrest can be gathered from the following passage in a letter from Dr. Albert to von Papen which was subsequently captured by the British in Palestine:

New York,
November 16, 1916.

Your name has already been mentioned several times because your friend, Igel, after a number of official papers had been taken from him by force, has been working in my offices, which also afford asylum to the remainder of the staff of the office of our former Naval Attaché. The Consulate General having dismissed these gentlemen to avoid the risk of being compromised...how slight is the attention we pay to the alleged fact of his having been compromised—which to one acquainted with the local conditions does not appear bad and has in the meantime been almost forgotten—is shown by the fact that I have not hesitated to take a step further and grant power of attorney to him...

Chapter VII

SECTION III B CARRIES ON

BUT von Igel and Dr. Albert were not the only spy paymasters in the United States; therefore, their records revealed nothing of another group of sabotage agents who were functioning entirely independently of them, and of whom the American authorities only learned long after the war.

On von Rintelen's departure from the United States he had left certain funds with Paul Hilken to finance Hinsch and his group of agents in Baltimore. Hinsch did not confine his activities to ship sabotage, but turned his attention to land operations as well. In addition to blowing up factories and starting incendiary fires, he organized a band of agents to inoculate with anthrax and glanders germs mules, horses, and cattle which were awaiting shipment to the Allies. His germ supply was received from Anton Dilger, a special agent who was sent out from Germany.

The Dilger family had emigrated from Germany in the 1870's, and after remaining for some time in Chicago had finally settled in Virginia. There were now four daughters and two sons, Anton and Carl.

Anton, a medical graduate from Johns Hopkins University, was in Germany when the war broke out. Having previously obtained considerable experience with a hospital unit during the Serbo-Bulgarian War, he offered his services to Germany. Shortly thereafter Germany detailed him to secret service work, and he was sent back to the United States with a supply of cultures of glanders and anthrax germs, and instructions to work with Hilken and Hinsch. In Chevy Chase, near Washington, he installed a laboratory; and, assisted by his brother Carl, he started in on his work of propagating germs.

The actual inoculating was carried out by J. Edward Felton, a colored foreman of the Negro stevedore crews who worked for Hinsch in

Baltimore. In the fall of 1915, on Hinsch's instructions, Felton organized a band of a dozen Negro assistants to travel round the country. They carried the germs in glass bottles. Each of these was about an inch and a half long and three-quarters of an inch in diameter and stoppered by a cork through which was stuck a long needle extending into the liquid culture.

Felton and his band did their work by walking along the fences which enclosed the horses and mules and jabbing the animals with the needles as they came alongside. The germs were also spread on the food and in the water they drank.

This new campaign, as well as the ship sabotage, was in full swing when in January 1916 Anton Dilger was ordered to report to Berlin. He took ship immediately for Norway, intending to reach Germany via this neutral country. Passing through Denmark on his way south, he stopped in at the office of the German Naval Intelligence Service in Copenhagen. There, to his surprise, he met Fred Herrmann, a young fellow passenger with whom he had struck up an acquaintanceship on his way over. Neither had confided in the other, and they now had a hearty laugh over their mutual deception.

On the next day they boarded a train for Berlin. Herrmann at this period of his life was a tall, slender, blond youth, described by one who knew him in 1916 as being very similar in appearance to Colonel Lindbergh. Dilger found him not without charm as a traveling companion. As they watched the snow-covered fields flash by their compartment window, Herrmann's reserve melted; and he was soon telling his life story.

He was born in Brooklyn on September 10, 1895. His father had come from Germany and was a naturalized American citizen. His mother was born in the United States. Some time before the war the family moved to Roselle Park, New Jersey, which is not far from Kingsland. There were three other brothers, Edwin, Carl, and John.

In 1914, shortly after the outbreak of the war, Fred Herrmann sailed for Rotterdam, Holland, on the *Ryndam* on a visit to his grandmother in Germany. On board ship he met a German agent named von Dalen,

who was voyaging under the name William Kottkamp as a traveling salesman for the European Textile Company.

Von Dalen saw enough of young Herrmann on the steamer to decide that he would make an ideal spy, and on their arrival in Holland the subject was broached. The adventure appealed to Herrmann, and he arranged to meet von Dalen in Berlin. There he was introduced to Captain F. Prieger of the German Naval Intelligence Service. The outcome was that Herrmann was sent with von Dalen to England, and cover addresses were furnished them in neutral countries to which they could send their reports.

Herrmann had several close shaves in the course of these spy activities. But, as he told Dilger of his adventures, it was the humorous incidents which he chiefly recalled. On his arrival in England, in order to have an excuse for traveling around the country, he decided to pose as the representative of an American firm selling church vestments. The acquisition of an American catalogue furnished him both with the name of an employer and also a talking knowledge of the articles. Herrmann, of course, was unable to effect delivery, but by quoting exorbitant prices he succeeded in avoiding an actual sale. One day, however, overcome by the tyro's salesmanship, a parson, evidently in charge of a wealthy parish, insisted on placing an order. Herrmann had to undo the effects of his eloquence, and in doing so suddenly became an ardent Catholic. He quoted the name of a Catholic bishop in London as being that of one of his best customers, and for good measure told of a sale he had made to the Pope himself. The Church of England parson became quite irascible and, to Herrmann's relief, showed him the door.

After remaining in England for several months, reporting on the movements of warships and other naval activities, Herrmann returned to the United States.

On instructions from Boy-Ed, he sailed for Norway in the fall of 1915, and from there crossed over to Scotland, where he enrolled himself in the University of Edinburgh, ostensibly as a student of forestry but actually to watch the British naval bases on the East Coast of Scotland. In spite of this cover, however, he aroused the suspicions of the British; and after an examination at Scotland Yard he was told to

leave the country, and was put on board a ship sailing for the United States.

In the meantime Paul Hilken had received a cable from Herr Stapefeldt, a high official of the North German Lloyd, requesting him to come to Bremen at once. On his arrival there he found that he had been called over to make arrangements in connection with the contemplated U-boat commercial service with the United States which was to be inaugurated by the submarine *Deutschland*.

From Bremen Hilken went on to Berlin to arrange for credits for the purchase of such raw materials in the United States as were to be shipped to Germany in the *Deutschland*. While there he met von Papan, who had lately been recalled to Germany, also several other German officials; and it occurred to one of them that Hilken could extend his rôle of paymaster to additional sabotage agents in the United States beyond those connected with Hinsch.

In Berlin Anton Dilger introduced Herrmann to Paul Hilken; and the two of them persuaded Herrmann to transfer his services to Section III B, the German Secret Service. Early in February 1916 a conference took place at which Captains Nadolny and Marguerre of Section III B, and Herrmann, Dilger, and Hilken were present. It is important to note that Nadolny was one of the heads of Section III B. One of his major duties was to act as liaison officer with the Foreign Office in order to harmonize secret service work with Germany's foreign policy.

At this conference, Nadolny and Marguerre immediately brought up the subject of the destruction of munitions plants in the United States. Herrmann volunteered that it would be a difficult job, but Hilken claimed that it would be easy and outlined how already the work was being done by introducing sabotage agents as workmen into the factories. Herrmann eventually fell into line; and, in addition to promising to assist in the sabotage campaign in the United States, he took on as a special objective the firing of the Tampico oil fields.

Marguerre and Nadolny then showed them a new incendiary device. This consisted of a slender glass tube drawn to capillary dimensions in the center. The top part of the tube contained sulphuric acid; the bottom half a mixture of chlorate of potash and sugar in the proportion of

3 to 1. They demonstrated the method of making the two halves of an ordinary pencil come apart by soaking it in water; also how, after the lead had been removed, the glass tube could be slipped into its place and the two halves of the pencil glued together. The incendiary pencil could then be brought into action by breaking off the tip. This forced the sulphuric acid down onto the mixture of sugar and chlorate of potash and caused the emission of a white-hot flame.

After a supply of these incendiary pencils had been handed to them and after the necessary credits had been established for Hilken to act as paymaster, the three German-Americans were sent on their way.

On his return to the United States Hilken made the required arrangements in connection with the *Deutschland*; and, mindful of Hinsch's shipping experience, as well as of the fact that it would provide excellent cover for Hinsch, he enrolled him as an assistant in the commercial U-boat service. It was Hinsch who went down Chesapeake Bay on a tug and guided the submarine to its berth; it was also he who superintended the loading and unloading. Hilken, on the other hand, organized the Eastern Forwarding Company, which handled the dyestuffs and other cargo brought in by the submarine and purchased the nickel, tin, rubber, and other raw materials it took on board. The *Deutschland*, however, only succeeded in making two trips to America; Germany's Commercial U-boat service proved only an empty dream.

Herrmann traveled back to the United States via Copenhagen, and shortly after his arrival he met Dilger and Hilken, who had returned on another boat. In Baltimore Hilken introduced Herrmann to Hinsch. Hinsch was immensely impressed with the pencils and was emphatic in claiming that they would be a vast improvement over the "dump-lings," as he called them, that he had been using hitherto.

From Baltimore Herrmann went to Washington and stayed at Dilger's home. At his laboratory they filled the tubes with the necessary chemicals and fitted them into pencils. Herrmann then took back a supply to give Hinsch in Baltimore. In subsequent conferences with the Captain a plan of campaign was mapped out, a number of factories were marked for destruction, and each of them chose the ones they would attend to. According to a statement made by Herrmann after the war. Kingsland was on his list, and Black Tom on Hinsch's.

Chapter VIII

BLACK TOM BLOWS UP

AT 2:08 A.M. on the night of July 30, 1916, New York City was rocked by the greatest explosion in her history. Over two million pounds of munitions stored on Black Tom Island in New York Harbor blew up in a series of explosions. Two of the blasts were distinctly heard in Camden and Philadelphia, nearly a hundred miles away. The tremendous concussion shattered practically every window in Jersey City, and in Manhattan and Brooklyn thousands of heavy plate-glass windows fell from office buildings and skyscrapers into the streets. Buildings trembled; some of the inhabitants were thrown from their beds; and the population, panic-stricken, emptied itself out into the streets.

For hours the sky was lit up by the fierce fire which raged on Black Tom Island; and for three hours a steady stream of high explosives and shrapnel shells were hurled from the conflagration as they exploded, some of them landing as far off as Governors Island. Buildings on Ellis Island were wrecked, and all immigrants there had to be evacuated. During these terrifying hours, Black Tom and its vicinity might well have been part of the western front during a gigantic battle. The residents of Greater New York and northern New Jersey were shaken badly by the blast, but fortunately the Terminal was just far enough away to prevent the metropolitan area's being razed.

To follow intelligently the tragic events which happened on that night, it is necessary to understand the layout of the terminal and also the conditions which prevailed there at the time of the explosion.

Black Tom is a promontory, nearly one mile long, which juts out into the Upper Bay from the New Jersey shore, about opposite the Statue of Liberty. It was originally an island but at the time of the explosion was joined to the shore by a fill about one hundred and fifty feet wide.

On Black Tom the Lehigh Valley Railroad Company had built large warehouses, numerous piers, and a network of tracks. Within a short time after the commencement of the war, Black Tom became the most important point in America for the transfer of munitions and supplies to Allied vessels. Loaded freight cars were run into the northern part of the terminal, and from there the munitions were loaded into barges hired by the consignees and tied up at the adjoining piers.

As it was not always possible for the representatives of the Allied Governments to determine beforehand the exact time steamers would be ready to receive the loads of munitions, it was quite usual for the munitions cars to be kept there for several days, sometimes a week, waiting to be unloaded. Thus, on the night of the explosion there were 34 carloads of munitions on Black Tom, consisting of 11 cars of high explosives, 17 of shells, 3 of nitro-cellulose, 1 of T.N.T., and 2 of combination fuses; in all a total of approximately 2,132,000 pounds of explosives.

At the north pier, bordering on the tracks, ten barges were tied up, most of them loaded with explosives which they had taken on at other terminals and piers in New York Harbor. They had tied up at Black Tom, some to take on additional explosives, others to stay there during the night and over the following Sunday until their loads could be shifted to steamers. One of these barges, the *Johnson 17*, was loaded with 100,000 pounds of T.N.T. and 417 cases of detonating fuses—a veritable floating bomb.

During July 1916 Black Tom Terminal was guarded at night by watchmen (Leyden, Kane, Groat, Kelly, Sloane, and Garrity) provided by the Lehigh Valley Railroad Company, and by private detectives (Burns, Scott, Bryan, and Gibson) furnished by the Dougherty Detective Agency and paid for by the Allied Governments, owners of the munitions. These men went on duty at 5 P.M. and remained until 6 A.M.

There was no gate on the tongue of land connecting Black Tom to the mainland; consequently it was an easy matter for a person to reach the Terminal; and, unless of a suspicious appearance, he would not have been stopped by the guards as this passageway was also commonly used by the barge men whose boats were tied up at the pier.

Furthermore, the Terminal was in an isolated spot and unlighted, thus making it difficult to see a person prowling about. In addition anyone could reach it at night in a boat with little danger of being observed.

On Saturday evening, July 29, at 5 o'clock, all work stopped on Black Tom; the workmen departed for their usual Sunday holiday; and all locomotive engines were sent to the mainland. The Terminal was a dead yard.

A gentle wind was blowing from the southwest. The night was quiet, and the guards placidly made their periodical rounds.

At 12:45 A.M. a fire was suddenly noticed in one of the munitions cars. At the first sight of it the guards turned in a fire alarm and fled in a panic.

Five independent witnesses on Black Tom Island at the time gave affidavits that the fire started inside the car and that the fire burned for about twenty minutes before the first explosion. A witness on Bedloe's Island, who had a view of the pier as well, later stated that another fire appeared almost simultaneously in a barge about three hundred yards away, presumably the *Johnson 17*.

At 2:08 A.M. the first explosion occurred, and this was followed by a second terrific blast at 2:40. In the confusion no one was able to tell whether the barge or the munitions near the car blew up first. However this fact is established: the *Johnson 17* was 325 feet away from the pier when it exploded. This was determined by the crater which soundings of the river bed disclosed. The depth of the river at that point was found to be twenty-one feet; whereas a geodetic survey made a few days before the explosion had established a depth of seven feet at the same spot. How the barge drifted so far away from the pier is not known. Only Johnson, the captain of the barge and the only man on board at the time, could tell whether its moorings had been burned away, or whether he had cast it loose. Both he and his barge had disappeared, however. Three months later his body drifted up on Bedloe's Island.

Another huge crater was found at a spot near where the burning car had stood. Thus it appeared that the two major explosions had been caused by the detonation of the munitions near the car and on the barge, the two places where the fires had been observed.

The two explosions and the conflagration which broke loose destroyed the entire Black Tom Terminal together with all the munitions and rolling stock which happened to be there that night. The damage was estimated at \$14,000,000, and 3 men and a child were killed. These included Leyden, one of the night watchmen, and a policeman named James Doherty.

The immediate outcome of the Black Tom disaster was that several suits were filed against the Lehigh Valley Railroad Company by the Russian Government, which owned most of the munitions that had exploded, and by the property owners in the neighborhood. The plaintiffs maintained that the Railroad had been negligent in not providing better protection for the property in view of the fact that it was known that German sabotage agents were at work in this country.

The Lehigh Valley based its defense on the theory that the explosions had been caused by spontaneous combustion, a defense which seemed the most expedient at the time, but one which rose to plague it later; for this was the very defense which the Germans raised when, after the war, the Railroad and other American claimants in the Black Tom case filed their claims against Germany for damages with the Mixed Claims Commission. At these early trials, however, experts proved to the satisfaction of the jury that spontaneous combustion was impossible. It was established that the smokeless powder contained in the shells was manufactured in accordance with the specifications of the United States Army and Navy; that it was all new powder, treated with a stabilizer known as diphenylamine which prevented spontaneous combustion. Dr. Free, United States Government expert, testified that he had examined nearly two billion pounds of powder manufactured in this way and that it was inconceivable that spontaneous combustion could have occurred. It was further shown that even untreated smokeless powder would require a temperature of 356° Fahrenheit before it would ignite.

As regards T.N.T., experts testified that it was impossible for it to ignite spontaneously. Finally, it was pointed out that if the shells had gone off by spontaneous combustion, the guards would not have seen flames destroying the freight car for eighteen minutes before the first

explosion at 2:08 A.M. Besides all this there was evidence to show that before either of the explosions occurred another fire had broken out almost simultaneously with the first at a point nearly three hundred yards away from the car—the distance between it and the barge *Johnson 17*. This fact alone indicated that the origin of the explosions was incendiary. In most of these cases the jury found that the Lehigh Valley Railroad Company had been negligent in not having sufficient guards to protect the property.

But there were other developments. The local police were busily searching for leads. A Mrs. Chapman, a resident of Bayonne, New Jersey, who since her childhood had known Captain John J. Rigney, of the Bayonne Police Department, reported to him her suspicions that a cousin, Michael Kristoff, was responsible for the destruction of Black Tom. She related that Kristoff, who had formerly lodged with her and at the time lodged with her mother, Mrs. Anna Rushnak, at 76 East 25th Street, Bayonne, did not return home until 4 o'clock in the morning on the night of the explosion. Hearing him pace the floor, her mother went to his room. She found him in a state of great excitement and near nervous prostration. To her anxious query as to what had happened, the only reply she could get out of him was "What I do! What I do!" This he kept repeating over and over again as he ran his hands through his hair.

According to Captain Rigney, Mrs. Chapman also told him that "Kristoff had been in the habit of going away from time to time and that everywhere he went there was an explosion." She referred to some place in Columbus, Ohio, where he had gone and said that whenever he came back from any of these trips he always had plenty of money. She also said that she had seen maps and charts in Kristoff's possession while he had been staying with her at her house at 114 Neptune Avenue, Jersey City, New Jersey.

The result was that after shadowing Kristoff for some time, Captain Rigney arrested him near Mrs. Rushnak's home on August 31, 1916, and turned him over to Lieutenant Peter Green of the Jersey City Police Department.

All that was known about Kristoff was that he was born in 1893, in

Presov, then in the Slovak region of Hungary, now a part of Czechoslovakia, and had been given the surname Michael. When he was six years old, his parents emigrated to the United States, where his mother had several members of her family living. By 1916 he had grown into a tall, slimly built young man, with light reddish hair, pale blue eyes, fair complexion, and a weak receding chin. For some months prior to July he had been working for the Tidewater Oil Company at Bayonne, New Jersey, close to Black Tom.

When examined by the Bayonne Police authorities, his story ran substantially as follows: On January 3, 1916, he was sitting in the waiting room of the Pennsylvania Railroad Station, 33rd Street, New York City, when he was accosted by a man who asked him the time and then inquired where he was going. Kristoff informed him that he was waiting for a train to go to Cambridge, Ohio, where he intended to visit his sister. This man, who then gave his name as Graentnor, offered him a job at \$20 per week, which he accepted. He went with Graentnor to the Hotel York, and on the next day they started off on a series of travels which took them in turn to Philadelphia, Bridgeport, Cleveland, Akron, Columbus, Chicago, Kansas City, St. Louis, and finally back to New York. After arranging to meet him in the lobby of the Hotel McAlpin Graentnor disappeared, and he never saw him again. Kristoff stated that during these journeys his job was to carry Graentnor's two suitcases, which contained blueprints of bridges and factories, also money and books. He had no idea whom Graentnor saw in these towns, but ventured an opinion that the plans were "to show people how to build bridges and houses and factories."

His whole story sounded so unintelligible to the police authorities that they got the impression Kristoff was half demented; and, therefore, they called in an alienist to examine him. It was finally decided that he was not altogether sane, but not dangerously insane. Whereupon, in spite of the fact he had furnished several false alibis as to where he had been on the night of the explosion and had admitted working for the Eagle Oil Works, adjacent to Black Tom, and not returning for his pay after the explosion, he was released on September 25, 1916, after promising to look for Graentnor.

But the Lehigh Valley Railroad officials were not convinced. To

them the strange story of Kristoff was not that of a crazy man but that of a man attempting to cover up his tracks. They felt that in his clumsy evasions he had admitted some truths. Factories were being blown up all over the country, and Graentnor and his two suitcases filled with blueprints sounded real.

From the payroll records of the Tidewater Oil Company in Bayonne, where Kristoff had been employed prior to his work at the Eagle Oil Works, they discovered that he had been absent for five work days in January 1916. Subsequently he had left the employ of the Company on February 29, 1916, and had not returned to work until June 19. After working there for a month he had transferred his services to the Eagle Oil Works. In addition, Mrs. Chapman later gave them an affidavit to the effect that while cleaning Kristoff's room one day shortly before the Black Tom explosion she had found an unmailed letter to a man named "Grandson" or "Graentnor," in which he had demanded a large sum of money. The Lehigh Valley Railroad, therefore, hired Alexander Kassman, an employee of the W. J. Burns Detective Agency, to shadow him.

For almost a year Kassman lived in close contact with Kristoff; they worked at the same chocolate factory and met nightly. Kassman posed as an Austrian anarchist, took Kristoff to anarchists' meetings, and thus won his confidence. At regular intervals Kassman reported to the Burns Agency. A perusal of these reports shows that Kristoff on numerous occasions admitted to Kassman that he had assisted in blowing up Black Tom.

In May 1917 Kassman lost track of Kristoff. Records discovered long afterwards revealed, however, that he employed a well-known ruse to divert attention from himself: On May 22, 1917, he enlisted in the United States Army. A later entry in his Army records shows that he was discharged on September 12, 1917, because of tuberculosis and for having enlisted under false enlistment papers.

Kristoff now vanished completely until the spring of 1921, when he was located in prison at Albany, New York, where he had been committed for larceny under the name of "John Christie."

Once again the Lehigh Valley attempted to get from him further information about Black Tom. Through the coöperation of the county

officials of Albany County, a detective of the Washington Detective Bureau was placed in a cell next to Kristoff, and together with him was assigned to work in the prison bake shop. The detective remained there nineteen days, but Kristoff was on the defensive when approached about Black Tom. He was well aware that a murder charge was involved. He repeated the same story about Graentnor and the blueprints which he had told to the Bayonne police five years previously; and, although he refused to make any admission that he had blown up Black Tom, he did admit that he had been working with a German group for several weeks and that they had promised him a large sum of money.

Shortly after this he was released from prison and for the time being disappeared. But eventually he reappeared, as we shall see later on.

Of the various investigations which were conducted at the time by the Department of Justice, the Interstate Commerce Commission, the local authorities, and the owners, none was successful. It was not until after 1922, when the Mixed Claims Commission was established, that the American lawyers employed by the owners gradually began by exhaustive investigations to lift the curtain of mystery which surrounded the destruction of Black Tom, and by piecing the intricate clues together began to build up their case against Germany. The story of their dogged fight against the German Secret Service and their immense difficulties in collecting the evidence is told in Part II. Here we will only indicate that the evidence they collected led the American investigators to the conviction that Graentnor was Hinsch or at least that Hinsch knew a Graentnor whose name he borrowed as an alias; that Jahnke and Witzke rowed across to Black Tom from the New York side to assist Kristoff in blowing up the Terminal; and that two of the Dougherty guards, Burns and Scott, were paid agents of Koenig's. Whether they were justified in reaching this conclusion the reader will be able to judge for himself when he has read the evidence.

Chapter IX

THE FREE-LANCE AGENTS

AFTER the Black Tom explosion the work of Hinsch, Herrmann, Felton, Koenig, Jahnke, and Dilger went on unabated. At this time also they received two new recruits: Wilhelm Woehst, a lieutenant in the German Army and Raoul Gerdts Pochet.

In December 1916 Woehst was sent out from Germany by Section III B with a fresh supply of incendiary pencils and with raw cultures of germs. On arriving in New York he associated himself with Herrmann.

Raoul Gerdts Pochet, or Gerdts, as he was known among the other German agents, was born in Bogota, Colombia, of a German father and a Colombian mother. In July 1916 he met Herrmann in New York; a friendship developed between them, and soon he was enrolled as an agent. His chief duty was to act as Herrmann's chauffeur and, as such, accompany him on his many reconnoitering trips in search of new objectives and assist him in making the necessary plans to carry out the various acts of destruction.

The dispatch of new agents to the United States was indicative of continuing German determination to intensify the land sabotage campaign and to revive the marine one. On August 18, 1916, two attempts were made to blow up the piers of the Pacific Coast Steamship Company. In October 1916 mysterious fires broke out in the holds of the S.S. *Philadelphia*, S.S. *Antilla*, and S.S. *Chicago*. On November 21 a sudden explosion took place on the American S.S. *Sarnia*. After she had been beached on the French coast near Cherbourg, twenty unexploded bombs were found in her sugar cargo. On November 27 the cargo of the S.S. *Regina d'Italia* suddenly took fire. On December 9, 1916, the Midvale Chemical Company building at Bayonne was de-

stroyed by a fire and explosion, and in the same month the Bethlehem Steel Company gas plant was blown up.

The previously mentioned agents were not alone responsible for all these acts of sabotage. There were other German agents abroad in the land, notable among whom was Charles N. Wunnenberg.* When we first encounter him he was about thirty-six years old, of a stocky build and of typically Teutonic appearance. While of German descent, he was a naturalized American citizen. He was an engineer by profession, according to his own statements, and had also been a mariner. In the spring of 1915 he made a visit to Germany, in the course of which his uncle introduced him to Dr. Posse, editor of the Cologne *Gazette*. Posse was in close contact with the German Secret Service and lost no time in discussing with Wunnenberg the possibility of recruiting American newspaper men as spies. As Wunnenberg thought the plan was feasible, Posse took him to see Eugene Wilhelm, Chief of the Naval Intelligence Bureau at Antwerp. Under Wilhelm's tutelage he was instructed in the use of secret inks; and, after having been given cover addresses in Copenhagen to which to send his reports, he was handed the sum of \$2,000 and ordered to return to the United States.

On his return to New York City Wunnenberg joined forces with Albert A. Sanders, another German agent. As cover the two were given jobs with the Central Powers Film Company, which was subsidized to circulate German propaganda pictures in the United States. Wunnenberg and Sanders recruited Rutledge Rutherford, an American newspaper correspondent whom Wunnenberg had met at the office of the German Literary Defense Committee. Rutherford was given \$1,200 to defray his expenses to England and was instructed to report to the Chief of the German Naval Intelligence Bureau in Scheveningen, Holland, for further instructions.

Rutherford was completely successful. He succeeded in enrolling himself as a member of the London Press Club; and he often traveled between London and Holland, ostensibly as a reporter for his newspaper but actually to transmit to the Germans his spy reports on the British Army and Navy.

After successfully enlisting several other newspaper correspondents

* His name is also spelled *Wunenberg* in some of the reports and affidavits.

as spies, Wunnenberg was ordered to return to Germany. On his arrival there he was sent to Wilhelmshaven, where under the direction of Dr. Jansen of the Naval Laboratories, he was instructed in the use of bombs and in handling a new high explosive called "Tetra."

Next he was sent as a spy to England via Copenhagen. While on one of his several trips, his steamer, the *Leelanaw*, was torpedoed by a German submarine. Together with several other survivors he was rescued by the submarine, and towed for some time in one of the *Leelanaw's* lifeboats. Eventually the lifeboat was picked up by a passing steamer, and the survivors were landed at Kirkwall. When interviewed by the British authorities, he was able to establish his identity as an American citizen and was allowed to land.

Shortly after this he was once again sent back to the United States. Wilhelm furnished him with a letter to Gustav Kremer, vice president of the Pass-Kremer Hat Band Manufacturing Company, of Paterson, New Jersey, instructing Kremer to honor Wunnenberg's drafts up to \$10,000. He was also furnished with an additional \$12,000, part of which was transferred to a New York bank in the name of Robert Davis.

On his return to New York Wunnenberg quickly won for himself among the German sabotage agents the title of "Charles the Dynamiter." One of his letters which fell into the hands of the American authorities was boastfully signed "The Dynamiter." "Son Charles" was the code name used in his communications with Wilhelm.

Among the Dynamiter's best work was his recruiting of many German sabotage agents in the United States. He also was closely associated with Kurt Jahnke. The following intercepted coded telegram which was dispatched from Berlin to Washington on January 10, 1917, links their names together under ominous circumstances—it was sent the day before the Kingsland fire: "Intelligence Office is not to be in communication with Igel, Jahnke, Wunnenberg."

Furthermore, at the time of the Armistice some of Wilhelm's papers were seized by the Belgians at the headquarters of the German Naval Intelligence Service in Antwerp. In a list of German Secret Service agents, the following entry was found, as of date October 8, 1916:

Number	Name	Remarks, etc.
A.13	Wunnenberg	German-American, confidential agent in New York for engaging agents, etc. Very reliable and intelligent. Some time ago was in Europe, but has returned to New York, provided with fresh instructions.

Evidence that he was in contact with both von Igel and Paul Koenig was furnished by von Igel's account book. In it an entry was found: "1916, Nov. 2 P. K. Vimmanpalf." Deciphered from the alphabetical code in which von Igel kept his accounts "Vimmanpalf" was found to stand for Wunnenberg, and opposite many payments made through Paul Koenig the initials P. K. were prefixed.

In February 1917 Wunnenberg and Sanders were both arrested by agents of the Department of Justice on information furnished by the British Intelligence Service. Another of the newspaper correspondents, George Vaux Bacon, sent over by Wunnenberg to England, had been given enough rope by the British to hang himself. He had been followed on his trips to Holland and during a tour of the British Isles which he had made, supposedly to gather material for a series of articles describing wartime conditions in Scotland, Ireland, and England, but actually as a cover for espionage. When arrested by the British, Bacon admitted that the secret ink which was found on him had been furnished by Wunnenberg.

This crafty spy, however, was not entirely unknown to the Department of Justice. As early as September 28, 1916, Mrs. Robert Davis of Brooklyn, the wife of the man to whom part of the \$12,000 mentioned above was sent, had furnished it with the following information:

...Wunenberg brought Freda Auerbacker from Germany on a bogus marriage certificate as his wife. (She told me that she had a husband at the front in the trenches.) And she told me that he performed a criminal operation on her on the boat coming over [Oscar the Second] they arrived on August the ninth of this year. Sanders is supposed to work with Wunenberg in the Film business, at his office in the White Hall bldg. close to Park Place. Sanders is the man who got Wunenberg next to Rutledge. Wunenberg came from Frisco in March, 1915. I think Wunenberg passport called for Freda Prestine.... Wunenberg offered Davis one thousand dollars for every

bomb that he [Davis] would install in the coal bunkers of every ship that was carrying supplies for the Allies.

...I cannot say to my knowledge that Wunenberg had anything to do with the Black Tom Island explosion or not, the man who owned one of the barges that went up in the explosion lived just across the street from me, Olaf Olsan was boarding with me at that time and working on this barge, and we supposed he went up in the explosion as we never heard anything from him any more, in speaking of this disaster Wunenberg said those barges were loaded for the Allies but that is some of the stuff that "the God Dam Lime Juice Sons of Bitches will never get." Freda said that Mrs. Sanders told her while she was over to her house that Wunenberg has a wife and child living in New York. Wunenberg always treated me as a lady. I was like a mother to him, he did the last night I staid in my house, after Freda and I had gone to bed, come into my room but I told him to get out and he did so. In order for Wunenberg to go to Germany and back he had to have a wife and he offered me one thousand dollars if I would go over and come back with him and pass off as his wife. I told him nothing doing.

Wunenberg and Sanders were sentenced on March 31, 1917, to serve two years in Atlanta Penitentiary. Subsequently, in prison, he made a confession to a Department of Justice agent whose report, dated June 8, 1917, reads in part as follows:

...Agent interviewed Wunenberg who stated that he wished a pardon and that he was in possession of information that might help this Government. That this information was mostly confined to a knowledge of chemicals and instruments used by the Germans for destructive purposes. For instance, there is what they call a pencil, it looks like a pencil, has no metal except the tip that holds the eraser. This instrument is capable of being set so as to go off at a given time, and when set off causes a very intense flame which will last several minutes setting on fire anything within a radius of several feet. This is used in attempting arsons on ships, in munition plants and wherever an opportunity presents itself. The usual way this is used is to have an agent place one in his coat pocket, set it and leave his coat on a hook in whatever place he desires to set fire to. Then it is left on desks, etc.

There is another preparation called thermit. It is composed of 6.45 parts to 1.55 parts of oxide of iron and aluminum filings pressed into the shape of bricks or circles [spheres] with small hollowed centers. Two of these

thermits are used placing one on the other so that the hollowed out places would be above each other. Into this hollowed out place is placed what is called a dynamometer, which is set to go off at a given time. The dynamometer acts upon the thermit making a molten mass that will burn its way through steel plates or any substances with which it may come into contact.

Wunenberg said that these instruments were given him by the German Admiralty.

On another occasion he gave a more precise description of the lead pencil device which clearly identified it as the same one which Nadolny and Marguerre handed to Hilken, Dilger, and Herrmann.

Another German agent was Maria de Victorica. She is of interest not only because she was one of the few female spies employed by the Germans in the United States but because when arrested in 1918 she stated on two separate occasions that she had been informed by other German agents that an Austrian had blown up Black Tom. This pointed a finger at Michael Kristoff; for, as we already know, he was an Austrian subject.

Maria de Victorica was a glamorous figure. She was the youngest daughter of Baron Hans von Kretschmann, a general in the German Army. Her mother was Countess Jennie von Gustedt, daughter of a Prussian diplomat. She had traveled extensively in various parts of the world, spoke many languages, and had several university degrees. Shortly before the war, being of an adventuresome spirit, she used her high connections to secure an introduction to Colonel Nicolai, the Chief of the German Secret Service; and because of her special qualifications, he eagerly enrolled her in his service. One of the few spies who came up to Hollywood standards, she actually was a beautiful blonde who employed all the prescribed paraphernalia of her profession: secret inks, a dozen aliases and disguises, and above all the multiple wiles of her sex in enslaving men.

Her first assignment took her to Chile, where she married a native by the name of de Victorica. In 1914 she returned to Berlin with her husband, whom she had by then enlisted in the service of Germany. She was transferred to the Naval Intelligence Service and sent on a mission to Russia. So successful was she in this work that in December

1916 she was sent to the United States to ally herself with those groups who were plotting rebellion in Ireland, to assist in the general sabotage scheme, and, finally, to report on the work of certain of the German agents who had preceded her.

But in November 1917 the British Secret Service put the American authorities on her trail. They had discovered her contact address in Hoboken. An intercepted letter sent to this address revealed a message written in secret ink which, after a long hunt—chiefly trailing her from one fashionable hotel to another—eventually led to her arrest on April 27, 1918. Jeremiah O'Leary, whom we have already mentioned, was arrested at the same time.

In the meantime her husband had also met with misfortune. On a mission for the German Secret Service, he was captured in France on his way to Buenos Aires and sentenced on April 25, 1918, by the Council of War at Besançon to life imprisonment.

Mme. de Victorica met with a worse fate. On June 7, 1918, she was indicted by a Federal Grand Jury for conspiracy to commit espionage in wartime but was never brought to trial. Although she received every consideration from the American authorities, years of drug addiction and the long months of imprisonment broke her spirit. She died on August 12, 1920, a few months after her release, and was buried at Kensico, New York, in the Gates of Heaven Cemetery.

Her statements with regard to Black Tom are of value; for, although she only arrived in the United States in December 1916, she was associated with spies such as Wunnenberg who were here at the time of the explosion.

Chapter X

THE KINGSLAND FIRE

ON the afternoon of January 11, 1917, New York City once again heard the thunderous roar of exploding munitions. For four hours northern New Jersey, New York City, Westchester, and the western end of Long Island listened to a bombardment in which probably half a million three-inch, high explosive shells were discharged. This explosion took place in the shell assembling plant of the Agency of the Canadian Car and Foundry Company, near Kingsland, New Jersey, about ten miles from the docks in New York Harbor. A fire originated suddenly and inexplicably in one of the assembling sheds, Building 30, to be exact; and within a few minutes the whole plant was ablaze. As the flames reached each case of shells and exploded the projection charges, the missiles shot high up in the air and then rained down in the vicinity of the factory.

Luckily, the shells were not equipped with detonating fuses; therefore they fell as so much metal without exploding. Kingsland and Rutherford were soon filled with hundreds of refugees who had fled from their homes. Fortunately there were no casualties. The 1,400 workers in the plant and all others nearby, mindful of the danger, fled in a mad rush at the first peal of the fire alarm, escaping only just in the nick of time. The entire plant was destroyed. Here the material damage amounted to \$17,000,000.

To understand events it is necessary to know something about the plant at Kingsland and the history of the Company.

The war had been in progress but a few months when enormous munitions orders started pouring in to the Canadian Car and Foundry Company, Limited, in Montreal. Large contracts were signed both with England and Russia for the delivery of shells. The Canadian factory was working to capacity when, in the spring of 1915, the

Company secured an \$83,000,000 contract from the Russian Government for 5,000,000 shells. In order to fulfill this contract the parent company in Canada formed a separate agency and incorporated it under the laws of New York. In March 1916 the huge plant of the agency was erected close to Kingsland, in Bergen County, New Jersey. Shells, shell cases, shrapnel, and powder were shipped to Kingsland from over one hundred different factories and there assembled for shipment to Russia. At the time of the fire the plant was turning out 3,000,000 shells per month—it was a worthy objective for the German saboteur. The company was well aware of this, and as a safeguard had erected around the plant a six-foot fence which was patrolled night and day by guards. None of the 1,400 workers were allowed to enter without a preparatory search, and it was strictly forbidden for any of them to carry matches on his person.

Building 30, where the fire originated, was entirely devoted to cleaning out shells. The building was furnished with forty-eight work benches, along which stood the workers. On the bench in front of each worker was a pan of gasoline and a small rotating machine operated by a belt. The cleaning process consisted, first, in dusting out the shell with a brush; then, in order to clean out the thin coating of grease with which the shell had been covered on shipment from the factory, a cloth, moistened in the pan of gasoline, was wrapped around a piece of wood about a foot long and, after the shell had been fitted onto the rotating machine, inserted into the shell as it slowly turned; finally, a dry cloth was wrapped around the stick, and the shell was dried in a similar manner. It was in the vicinity of one of these machines that the fire was first noticed.

So rapidly did it spread from building to building that within a few minutes the whole mammoth plant was ablaze. Four hours later all that was left of it was a smoldering mass of ruins. 275,000 loaded shells, 300,000 cartridge cases, 100,086 detonators, 439,920 time fuses, large stores of T.N.T., and more than one million unloaded shells that were either in the shops, or waiting shipment to Russia, were completely destroyed.

Immediately after the fire, the officers of the Company commenced an investigation to determine the cause of the blaze. Various workmen

were called in and examined by Mr. Cahan, one of the directors of the Company. It was quickly established that the fire had broken out at the bench of Fiodore Wozniak, one of the workers. A gang foreman, Morris Chester Musson, who was at the end of the building when the fire originated, described what he saw as follows in an affidavit:

...One of the men at the place where the fire originated was Fiodore Wozniak, whose photograph I recognize and which appears below as follows:

[A photograph of Wozniak appeared here in the original affidavit.]

I noticed that this man Wozniak had quite a large collection of rags and that the blaze started in these rags. I also noticed that he had spilled his pan of alcohol all over the table just preceding that time. The fire immediately spread very rapidly in the alcohol saturated table. I also noticed that someone threw a pail of liquid on the rags or the table almost immediately in the confusion. I am not able to state whether this was water or one of the pails of refuse alcohol under the tables. My recollection, however, is that there were no pails of water in the building, the fire buckets being filled with sand. Whatever the liquid was it caused the fire to spread very rapidly and the flames dropped down on the floor and in a few minutes the entire place was in a blaze.

It was my firm conviction from what I saw, and I so stated at the time, that the place was set on fire purposely, and that has always been and is my firm belief.

Thomas Steele, another workman, described his observations as follows:

I was working in No. 30, No. 2265. The fire broke out in the liquid pan in front of an Austrian workman just after three o'clock. This Austrian had been there working for at least three weeks.

I saw the fire burning up in his pan about four or five inches high. The Austrian said nothing but ran for his coat and taking it, ran through the freight car opening out into the back yard. I was the third man from the Austrian.

Mr. Cahan also gave his impressions of an interview he had with Wozniak.

I told him [Wozniak] that most of his fellow workmen agreed that the flames had first been seen at or near his table. He admitted to me that the flames had originated there and he said that they had started in some cloths which he was using to clean one of the shells.

Wozniak told me that several days before the fire occurred he had found matches deposited in one of the shells, among the cloths, "rags" he called them, which he used for cleaning shells. He seemed to lay singular stress on this fact which at the time, created suspicion in my mind that he was developing a story to throw suspicion on one of his fellow workers.... He said that he was taking the third step in the process of cleaning a shell, that is, drying the inside with a clean cloth, when a flame burst from the opening of the shell....

I questioned Wozniak about the man who had worked at the bench next to him and he said that the man working next to him, on the day of the fire, was a new man who came on that bench that day for the first time.... He said that he did not know his name....

I found the man who usually worked at the second table next to that of Wozniak. He was No. 1208, named Rodriguez, who claimed to have been originally from Porto Rico. He gave his residence No. 105 West 64th Street, New York City; and when I had him brought to the office of the company he declared that he had been absent from the Works on the day of the fire and that he had been home all day with his family....

Other workmen in Building 30 alleged that the fire started in the pan of gasoline mixture, which was fixed in front of Wozniak's wooden roller... others who were farther away only saw the flames shooting from the pan of gasoline mixture high towards the ceiling.

...I had the impression from his [Wozniak's] nervous behavior, from his demeanor when led into apparent contradictions, and from other incidents in our interviews which were significant to me but difficult to describe, that he knew that the fire was no accident and that he personally was implicated in its origin.

G. W. A. Woodhouse, who acted as interpreter for Mr. Cahan at some of his interviews with Wozniak and who also interviewed Wozniak separately stated:

I obtained the same impression from the interviews which are recorded by Mr. Cahan.... I also know that the Company made great efforts later to try to shadow Wozniak and to locate the other workman who was said

to have been employed that day for the first time at the adjoining bench, but Wozniak disappeared entirely shortly after the detectives were put on his trail, and we never were able to locate either him or the workman who had been at the adjoining table.

Wozniak said that, though he had entered the Company's employ as a Russian, he was actually an "Austrian Galician"; he admitted that he had served his time in the Austrian Army and that he had at one time been an Austrian gendarme.

Wozniak was told by Mr. Cahan that he would be needed in New York in connection with further investigations regarding the fire and that he would be kept on the Company's payroll during that period. Detectives were then employed to watch Wozniak. He went to live at the Russian Immigrant Home on Third Street, New York; but shortly thereafter he eluded the detectives and disappeared.

Other investigations by the owners and the police proved abortive; the disaster was left unexplained as yet another mystery of the war. The insurance companies paid out several million dollars in claims, and the owners had to bear the rest of the loss.

The years rolled by, and it was not until after 1922, when the Mixed Claims Commission was formed and the owners of Kingsland filed a claim against Germany for recovery, that the mystery of the fire was largely dispelled. The American investigators finally produced the evidence which they believe proves conclusively that Hinsch procured the services of Wozniak, and that Wozniak, acting under instructions of Herrmann, fired Kingsland, either by the use of incendiary pencils or rags saturated with phosphorus dissolved in some solvent. On the other hand, the Germans claim it was an industrial accident.

Chapter XI

DEEPENING SHADOWS

ENTERING on the last phase of the neutrality period, we must turn once again to Count von Bernstorff and his Commercial Attaché, Dr. Albert.

While the agents directed by Boy-Ed and von Papen, along with their free-lance colleagues, were destroying ships, dynamiting railways, burning and blowing up factories, Dr. Albert was careful to keep his hands clean of blood and powder. However, his accounts bear absolute proof that he was involved in this campaign of destruction. Not only did he act as paymaster to the two Attachés and insist on their getting his authorization for all expenditures in excess of \$10,000 from the funds supplied by him, but he also paid large sums to such known sabotage agents as Albert Kaltschmidt. Furthermore, there is the evidence contained in his correspondence and in his reports.

On April 20, 1915, he addressed the following communication to the German State Secretary of the Interior, Berlin:

As is known to your Excellency, I have been supporting the authorized military agent, Herr von Papen, in his work on the question of munitions. In reply to our last proposal sent by telegraph (Cable No. 479) authorization came to proceed along the line of a prevention or restriction of the export of munitions from the United States to our enemies. The authorization is worded: "Fully agree with your proposal," and was interpreted by us to the effect that not only contracts for the purpose of tying up [munitions] in the narrower sense were to be concluded, but that all other measures necessary for the accomplishment of the purpose aimed at were to be taken. In regard to the latter I have... undertaken a number of steps, an account of which in writing I must decline [to give] for obvious reasons.

Ten months later he wrote to the State Secretary of the Interior as follows:

... In the question of the exportation of war materials, efforts at enlightenment were introduced in organized fashion under my direction, the effects of which are still felt, and which have contributed not unessentially to the feeling in Congress favorable to our interpretation....

... Alongside of that the coöperation in the work of preventing and delaying the deliveries of munitions and explosive materials was from the outset an especial rôle. I was also expressly requested to coöperate in this because the Consulate General in default of diplomatic prerogative [did not dare to]....

... In any case I undertook and attempted to accomplish all these tasks... as I beg to be permitted to state once more, only at the express request of the Ambassador or his Attachés and fellow laborers... although I was naturally restricted in the employment of assistance by the confidential nature of the business, and at times my health and strength seemed to be paralyzed.

... I devoted myself to the accomplishment of the tasks for which I was, in consequence of this, besought—I have never intruded myself into a single one—with the feeling that in war times every official must hold himself ready for every necessary work.

In a letter dated July 21, 1915, from Dr. Albert to his wife, he said: "On the other hand Ruge and Lubbert probably underestimate what I am doing here, for merely the results of my collaboration with Herr v. P. in the field known to you, are hard to value."

And then in a letter to his wife dated October 3, 1915, he further added: "I prefer not to say anything in detail about what I am doing here. Mr. v. P.'s experience is a warning against carelessness."

Finally, in an undated letter from the Hotel St. Francis, San Francisco, he wrote to von Papen, just before the Captain's departure in December, 1915: "Give my best wishes to Mr. Scheuch and tell him that the struggle on the American front is sometimes very hard.... I shall feel your departure most keenly! Our work together was excellent, and was always a great pleasure to me."

Not satisfied with this carefully hidden support of Boy-Ed, von Papen, and von Igel in their campaign of destruction, Dr. Albert also engaged in direct activities of his own to prevent American munitions and supplies reaching the Allies. But in this the smooth and shrewd financial expert took care to confine himself to business ventures.

Well informed by trade investigators, by secret agents, and by the

various financial and trade reports issued by American institutions, he had expert information on the rates of production and on the stocks on hand of those products that were urgently required by the Allies. He was not one to be caught in any wild and impossible scheme such as an attempt to buy up the entire munitions supply in the country; instead, he concentrated on every known device to tie up Allied contracts, and also on the purchase of vital products, the supply of which was limited. Thus we find him buying up fifty tons of liquid chlorine monthly, an amount sufficient seriously to embarrass the Allies, who had only one small chlorine factory in France and an even smaller one in England. Carbolic acid was another much needed product, stocks of which he diverted away from the Allies by the outlay of a relatively small sum. But it was in tying up Allied contracts that he showed his greatest ingenuity. And the creation of the Bridgeport Projectile Company was perhaps the most ambitious of all his various schemes.

On March 31, 1915, the Company was incorporated with funds secretly supplied by Albert. So well, however, was the German connection concealed that for a long time there was an impression in industrial circles that the British were backing the corporation. Buildings and workshops were quickly erected, the necessary plant and machinery for the production of munitions on a large scale were ordered, and everything was set for deliveries to commence on September 1, 1915.

The objects of the company were: (1) to tie up the output of machinery and tool manufacturers for several months to come with contracts, and yet word the cancellation clauses in such a way that acceptance could be delayed; (2) to hold up supplies for the Allies by accepting munitions contracts with such provisions in the agreements that no penalty would ensue if the contracts could not be fulfilled; (3) to pay abnormally high wages and thus unsettle labor, especially at the neighboring Union Metallic Cartridge Company in Bridgeport, which had large Allied contracts; and (4) to tie up powder supplies at certain factories by forward purchases over a long period of time, the orders ultimately to be cancelled or the powder to be sold to neutral countries.

But the whole plan was wrecked when the United States Government became suspicious of Dr. Albert's activities and assigned Secret Service operatives to watch him. On the afternoon of July 24, as he was riding uptown on the Sixth Avenue Elevated from the Hamburg-American Line offices, he fell asleep. He suddenly awoke to find his train stopped in the Fiftieth Street Station, his destination. In his hurry to get off he forgot his brief case and was on the platform before he noticed his loss. He rushed back into the train, only to be told that a young man had picked it up and left the car. He then hurried down from the station just in time to see the thief and the bag disappearing rapidly on an open street car. Because of this little episode Dr. Albert was known for many years as the "Minister without Portfolio."

At the time it was thought that an Allied agent had taken the bag, but in reality Mr. Frank Burke of the United States Secret Service was the culprit. The papers were turned over to Secretary of the Treasury McAdoo, who discovered that contained in them were data on many of Germany's secret activities relating to propaganda and the tying up of key munitions materials. To Mr. McAdoo's regret they disclosed nothing criminal in the Doctor's activities.

The Government could not, of course, admit that one of its agents had stolen them; but Mr. McAdoo was anxious to expose the secret work of the Germans. He therefore turned the documents over to the New York *World* under a pledge of secrecy as to their origin.

To the Doctor's mortification he soon began to see many of his cleverest schemes plastered over the front page—among them the whole story of the Bridgeport Projectile Company. The publicity was naturally fatal. (At a later date when the British seized von Papan's papers at Falmouth, they found further evidence relating to the Bridgeport Projectile Company which fully supported this exposure by the *World*.)

In the face of all this evidence, Dr. Albert brazenly published the usual denial. His opinion of the American public and how it should be handled can be judged from an extract from a letter to his wife which was intercepted by the British:

... Uncle Sam, a great, strong lout suffering from shrivelling of the brain, to whom you ought to talk in high language about fine principles and then deny everything, especially if you are in the wrong.

In another letter, on September 25, 1915, he is no less frank when writing to his wife relative to one of von Papen's letters which the British had seized and transmitted to Washington:

The effect after his letter had been intercepted has been quite devastating. Still, I do not believe they will demand his recall, as in the case of Dumba, although the idiotic Yankees are not particularly friendly.

In the field of propaganda Dr. Albert's rôle was no less active. This work he carried out on a big scale, not only through inspired articles in certain sections of the Press and through subsidized newspapers such as the *New Yorker Staats-Zeitung* and *The Fatherland*, but also through lecturers and even specially created film companies, such as the "Central Powers Film Company."

The chief effect of this propaganda was to inflame the minds of German-Americans, and some of them attempted acts of violence without any direction from the German sabotage directors. A tragic example was the case of Eric Meunta, a professor of German at Columbia University. He decided on his own initiative to strike a blow for the Fatherland. On July 2, 1915, he planted a bomb in the Capitol Building in Washington and escaped without detection. The bomb exploded without doing any damage beyond breaking a few windows and tearing down some plaster. The next day he invaded the summer home of J. P. Morgan at Glen Cove, Long Island, and announced that he intended to hold his family as hostages until Morgan pledged that he would stop, or help stop, the shipment of supplies and munitions to the Allied Governments. In the scuffle that ensued, Meunta drew a pistol and fired, inflicting a slight flesh wound on Morgan.

When arrested Meunta gave his name as Jack Holt, but soon admitted his real identity. He declared that he had attempted to blow up the Capitol because he wanted to show the American people how dangerous dynamite is. He also maintained that if the United States

stopped sending munitions to the Allies, Germany would win the war and peace would be restored.

But the expenditure of sums for propaganda, commercial ventures, and sabotage, vast as these enterprises were, was only a fraction of Dr. Albert's huge financial transactions. There must be added the German loans he floated, and the \$500,000,000 worth of German securities he sold.

How at least part of the money raised in America was spent on sabotage can be gathered from the random records which came into the hands of the American authorities. One of these, a letter on the letterhead of the Imperial German Embassy at Washington, D. C., dated May 5, 1915, and signed by Count von Bernstorff, addressed to "His Excellency High Privy Councilor Albert," reads in part as follows:

I beg to place at the disposal of Captain von Papen out of the loan funds three credits, to wit:

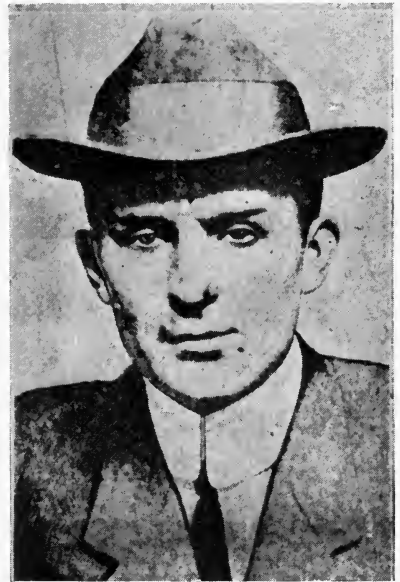
1. One in the amount up to \$300,000
2. One in the amount up to \$60,000
3. One in the approximate amount of \$600 monthly

This and many other of the Albert records were obtained after the entry of the United States into the war. Von Bernstorff and the other members of his staff destroyed all incriminating documents before they sailed, but Dr. Albert handed his files over to a neutral consulate in New York for safe keeping. Department of Justice agents learned, however, of their existence; and the information that they were stored in a wall closet proved too great a temptation. Renting an adjoining office, they broke through the rear wall of the closet, removed the documents, and restored the plaster. It was not until months after, when the consular seal on the closet door was broken, that the amazed neutral consul discovered an empty closet. The Government, of course, had no legal right to indulge in this polite filching. It has become a convention in referring to any of Dr. Albert's documents to imply that they came from the stolen brief case. A glance at the thousands of these documents in the files of the Department of Justice would convince even the Doctor's bitterest detractor that he must have been a veritable Hercules



Brown Brothers

Lothar Witzke



Kurt Jahnke

THE MOST DEADLY SABOTAGE TEAM IN HISTORY



*Colonel Walter Nicolai, Head of the
German Secret Service.*



Keystone Studios

*Captain Rudolf Nadolny, of the
German Secret Service.*

THE MASTER MINDS OF THE SABOTAGE CAMPAIGN

to have carried around a brief case of a capacity adequate to contain them all.

Behind the activities of the Attachés stood hidden their commander in chief, Count von Bernstorff. All the coded telegrams that passed between Berlin and its agents in the United States went through his hands. The following report of von Bernstorff's, written on official Embassy stationery and addressed to the Imperial Chancellor, Herr von Bethmann-Hollweg, over a year and a half after Captain von Papen left and less than six months before the severance of diplomatic relations, bears witness to how little went on that he did not know: (The reason for this letter was that the unpleasant publicity occasioned by Wolf von Igel's arrest in connection with certain sabotage work had evidently led to criticism from Berlin and some suggested shifts in organization.)

Rye, New York,
26th August, 1916.

I have already notified your Excellency that the War Intelligence Center, New York, has, by the direction of the Deputy General Staff, been immediately dissolved. Thereupon doubts arose as to whether the Bureau of the Military Attachés should continue to be carried on by Herr von Igel and Herr von Skal, as arranged on the part of Herr von Papen at his departure. As you are aware, the lawsuit is still pending against Herr von Igel, on account of his participation in the expedition against the Welland Canal. Since the Imperial Government has taken up in regard to this the position that the person of Herr von Igel, as a member of the Embassy, and papers found in his possession, are inviolable, it is out of the question, according to my respectful opinion, to announce to the American authorities his dismissal from the service of the Embassy. Such a step would undoubtedly very much weaken the point of principle on which we stand. The Government here has not yet answered me upon my last note on the matter. The courts are waiting for the decision of the State Department before they pursue the matter further. To all appearance the intention exists to let the case rest for the time being. I think it lies in our interest also not to stir the matter up again till further notice.

Herr von Igel and Herr von Skal have, apart from the service for the Military Intelligence Service Center, carried on the various commercial measures introduced and partly concluded by Herr von Papen. These have

to do, among other things, with the orders placed by the Bridgeport Projectile Company, the Aetna Powder Company, the purchase of chlorine and of earthenware, with the sale of arms—stored to our account in New York and the State of Washington—which were intended for India, the setting up the Benzol, Phenol and Toluol arrangements, the discharge of various lawsuits such as those against Koenig, Schleindl, Kienzle, Breitung, Wolpert and Bode, as well as the arranging of assistance for various persons and their families involved in these lawsuits.

In all these measures, Privy Councillor Albert has been consulted by Herr von Igel, as directed at the time by Herr von Papen. *On important questions my decision was called upon also.** The carrying on of these tasks by another man presents particular difficulties, since, to make oneself acquainted with the matters, very intricate in part, consequent on the destruction of all compromising documents ordered by Your Excellency, is almost out of the question. In the event of Privy Councilor Albert's returning to Germany within a measurable time, there is absolutely no one else at my disposal who is to be trusted with the materials referred to. The various parties concerned would soon notice this, and come forward with claims which it would be impossible to check. The resultant disadvantages for the finances of the Empire by the sums, some of them very considerable, which would thus have to be taken into consideration, may easily be foreseen.

The Labor Reference Bureau, too, for German and Austrian and Hungarian subjects, who have left the present munition or other factories, has, up to the present, been supervised by Herr von Igel.

The connection, moreover, in New York with the India-Irish revolutionaries has been maintained, since the departure of Herr von Papen, either by Herr von Igel or Herr von Skal. Herr von Skal keeps in touch with the Irish, for which, owing to his wide acquaintance in these circles, he is particularly fitted, and he also, as before, enjoys their confidence.

I permit myself again to remark that the authorities here have since his release laid no difficulties whatever in the way against his security. Even with the present general feeling against us prevailing in Government circles, I still take it as out of the question that any fresh unpleasantness will arise for the Imperial Embassy from the further employment of Herr von Igel, provided, of course, that no fresh political tension arises.

Bernstorff

To His Excellency, the Imperial Chancellor Herr von Bethmann-Hollweg.

* Italics are the author's.

Among the significant points to be noted in this letter are: The evidence that the work of the Bureau of the Military Attachés was carried on in full swing under von Igel and von Skal after Captain von Papen's departure; the reference to the assistance given by the Imperial German Government to the defense of the lawsuits against Koenig, Schleindl, Kienzle, Breitung, Wolpert, and Bode, every one of whom was proved beyond question to be a German sabotage agent; the reference to consultations between Dr. Albert and von Igel; the admission by Count von Bernstorff of his own intimate connection with their work, on which he comments in the italicized sentence above; the protest against interruption or change in personnel for this special work; the reference to the "destruction of all compromising documents ordered by your Excellency"; and the reference to "sale of arms—stored to our account in New York and the State of Washington—which were intended for India . . ."

In spite of all this evidence, von Bernstorff claimed after the war in his book *My Three Years in America*, pages 108 and 109, that

Whether the illegal acts of the secret agents sent to the United States by the Military authorities were committed in accordance with their orders or on their own initiative, I had no means of knowing at the time, nor have I been able to discover since my return home . . . Military cipher telegrams formerly addressed to the Military Attaché were frequently received at the Embassy, but were always sent forward at once by the registry to Captain von Papen's office in New York, as a matter of routine, and without being referred to me in any way.*

If further evidence is needed to discount the above assertion, the following telegram which von Bernstorff personally sent to von Papen in New York and which was intercepted by the American authorities is proof that he did read instructions sent from Berlin to the Military Attaché:

Washington, D. C., March 24, 1915.

Captain von Papen, 112 Central Park South, New York City. Berlin wireless arrived today colon fully agreeing with your proposition.

Bernstorff

* By courtesy of Charles Scribner's Sons.

The meaning of this telegram is disclosed by the following extract from a report by Dr. Albert to the State Secretary of the Interior in Berlin, dated April 20, 1915, which has already been quoted more extensively:

... Fully agree with your proposal and was interpreted by us to the effect that not only contracts for the purpose of tying up munitions in the narrower sense were to be concluded, but that all other measures necessary for the accomplishment of the purpose aimed at were to be taken.

Reference to the second report of Dr. Albert's to the State Secretary of the Interior, written ten months after this one, and also previously quoted, will show that he assisted in carrying out the above program "only at express request of the Ambassador or his Attachés and fellow laborers."

If von Bernstorff was careful to delegate to his Attachés actual contact with sabotage agents, and thus avoid compromising himself, he himself took direct charge in the political field and in propaganda.

In Washington his efforts to promote a legislative embargo on the shipment of arms and munitions to the Allies was ceaseless. When argument failed, he used more direct methods, as is evidenced by the following telegram to Berlin:

15th Dec., 1914. From Washington to Berlin.

In the Congress and House of Representatives the Hitchcock and Volmer resolutions respecting the export prohibition of arms, ammunition, etc., are under consideration. A strong agitation is being developed by the Germans and Irish with a view to carrying these resolutions. In view of the great importance of the matter, I considered myself authorized to assist the agitation financially and so I gave as a provisional measure the five thousand dollars for which I was asked by a trustworthy quarter.

(signed) Bernstorff

He particularly brought pressure to bear on those Senators and Congressmen who represented sections of the country where there was a large German-American vote, and in this he was specially aided by the National German-American Alliance, an organization which comprised some 3,000,000 members and constituted a great majority of the

adult German-American population. Apart from its influence as a solid voting block, it had a powerful lobby in Washington. It was also amply supplied with funds by Dr. Albert, besides having approximately \$800,000 which it had collected for the German Red Cross but spent mostly on propaganda. How much von Bernstorff relied on the Alliance can be gathered from the following cable which he sent to Berlin on January 22, 1917:

I request authority to pay up to fifty thousand dollars in order, as on former occasions, to influence Congress through the organization you know of, which perhaps can prevent war. I am beginning in the meantime to act accordingly. In the above circumstance a public official German declaration in favor of Ireland is highly desirable in order to gain the support of Irish influence here.

In addition to his illicit activities in the United States, von Bernstorff also acted as a clearing house for German agents in South America and the Orient. Once again it was the cables between Berlin and Washington, intercepted and decoded by the British, which betrayed him. Of these cables the following are chosen at random.

On September 6, 1914, Zimmermann sent the following message to von Bernstorff for transmission to Military Attaché Maltzan in Peking:

The destruction of a suitable section of Siberian Railway to interfere with Russian and Japanese communications is extremely desirable. The destruction of the line could most easily be carried out from China.

On December 11, 1914, von Bernstorff cabled Berlin:

Almost fifty million dollars of war material bought by Russia on way to Vladivostok. I have notified Peking in order that the destruction of the railway may be attempted immediately.

We have already described how Boy-Ed recruited many spies in the United States and sent them over to Europe to work against the Allies. At least on one occasion von Bernstorff also took an active hand in the European field. The occasion for this was the visit to the United States in 1916 of Paul Bolo, the French defeatist agitator. The Ambassador

advanced him \$1,700,000, which enabled him to buy a string of newspapers on his return home and to carry on his treasonable propaganda for a French surrender. Bolo was caught and shot, but his plans nearly succeeded. Several prominent French Cabinet Ministers also were involved in this attempt to induce France to make a separate peace.

The following two coded telegrams which passed between von Bernstorff and von Jagow, the German Foreign Minister, reveal the part the former played:

Number 679, February 26th, 1916.

I have received direct information from an entirely trustworthy source concerning a political action in one of the enemy countries which would bring about peace. One of the leading political personalities of the country in question is seeking a loan of \$1,700,000 in New York, for which security will be given. I was forbidden to give his name in writing. The affair seems to me to be of the greatest possible importance. Can the money be provided at once in New York? That the intermediary will keep the matter secret is entirely certain. Request answer by telegram. A verbal report will follow as soon as a trustworthy person can be found to bring it to Germany.

Bernstorff

On February 29, 1916, von Jagow replied to von Bernstorff:

Answer to Telegram No. 679:

Agree to the loan but only if peace action seems to you a really serious project, as the provision of money in New York is for us at present extraordinarily difficult. If the enemy country is Russia have nothing to do with the business, and the sum of money is too small to have any serious effect in that country. So too in the case of Italy, for it would not be worth while to spend so much.

Jagow

If we add to these foreign activities the events we have already described in previous chapters—Germany's vast sabotage and propaganda campaign in the United States; her attempts to foment rebellion in India, the West Indies, Mexico, and Ireland; her endeavors to stir up strikes among the ranks of American labor; and the attempts to influence legislation in Washington—we will realize the magnitude and intricacy of the machine which von Bernstorff directed.

But the cumulative effect of the whole German policy, whether justified or not, could only be fatal to relations between the two governments. Under the suasion of an innate pro-British and pro-French bias and the subtle pressure of Allied propaganda, the President and the people had been growing steadily more antagonistic to German conduct of the war. The unrestricted submarine warfare in particular had led to the strongest kind of diplomatic protest. This protest had led to the temporary cancellation of the campaign. But the President had warned Germany that any renewal of it would lead to rupture. When the Germans announced their determination to resume it on February 1, 1917, von Bernstorff and his staff were handed their passports.

The actual declaration of war was held back pending the commission of an overt act by a submarine, but even the most optimistic knew the sands were running out.

The sinking of American ships and the loss of American lives were not long in coming. Finally, on April 2, the President went before Congress and asked that a state of war be declared to exist between the Imperial German Government and that of the United States. Just four days later the die was cast.

While sabotage was not the main issue, we need only refer to President Wilson's War Message to Congress to prove it was a factor. In the course of it he said:

... One of the things that have served to convince us that the Prussian autocracy was not and could never be our friend, is that from the very outset of the present war it has filled our unsuspecting communities and even our offices of Government with spies and set criminal intrigues everywhere afoot against our national unity and counsel, our peace within and without, our industries and our commerce.

Indeed, it is now evident that its spies were here even before the war began; and it is unhappily not a matter of conjecture, but a fact proved in our courts of justice, that the intrigues which have more than once come perilously near to disturbing the peace and dislocating the industries of the country have been carried on at the instigation, with the support, and even under the personal direction of official agents of the Imperial Government accredited to the Government of the United States. . . .

Again in his Flag Day address on June 14, 1917, he repeated this charge:

The extraordinary insults and aggressions of the Imperial German Government left us no self-respecting choice but to take up arms. . . .

The military masters of Germany . . . filled our unsuspecting communities with vicious spies and conspirators . . . and some of these agents were connected with the official Embassy of the German Government itself here in our own capital.

They sought by violence to destroy our industries and arrest our commerce. . . .

The Government of the United States had kept within the letter of international law even if it had favored the Allies and had been an invaluable adjunct in supplying them with the sinews of war. Even Count von Bernstorff admits this, for on pages 71 and 72 of his book, *My Three Years in America*, he states:

Our position with regard to this question was very unfavorable as we had no legal basis for complaint. The clause of the Hague Convention which permitted such traffic had been included in the second Hague Convention at our own suggestion. . . . The President's administration . . . took up the strict legal standpoint that the traffic in munitions was permissible and that it would therefore be a breach of neutrality in our favor if such traffic were forbidden after the outbreak of hostilities. President Wilson himself even had an idea of nationalizing the munition factories which would have rendered traffic with the combatant powers a breach of international law. When, however, he sounded Congress on this matter it became evident that a majority could not be obtained for such a step.*

The wisdom of allowing ourselves to become the supply base for one side and of financing the munitions purchases of that side to an extent which would render its victory almost an economic necessity, may well be questioned. Indeed, the neutrality legislation of the last several years would seem to indicate a growing realization of the dangers of such a shortsighted grasping for immediate profits at the risk of ultimate military involvement.

* By courtesy of Charles Scribner's Sons.

But in all fairness to von Bernstorff we must give him credit for exercising diplomatic skill and discernment of a high order. In spite of the compromising of several members of his diplomatic staff and the arrest of several of his sabotage agents, he had always managed to avoid an open breach with our government. If it had not been for the unrestricted submarine campaign, it seems highly probable that he could have walked the diplomatic tightrope indefinitely and prevented American sympathy for the Allies from ever finding an incident sufficiently inflammatory to bring about our military intervention.

It must also be said that von Bernstorff appreciated fully the American predisposition to judge the German policies more harshly than those of the Allies and to accept the Allied view of things. Nor was he deluded, as were the military leaders of his government, concerning the overwhelming forces the country would throw into the struggle if once she came in. Repeatedly he warned the Foreign Office that the submarine campaign meant war and that war meant defeat, in spite of the optimism of the naval command over the decisive rôle they believed the submarine would play. All Chancellor von Bethmann-Hollweg and he could do, however, was not enough. The admirals convinced the generals, and both together convinced the Kaiser. The fatal decision was made on January 9, and just under three months later we were in the war.

The homeward trip of von Bernstorff and his staff must have been a time of sad reflection for the Ambassador. As he stared out over the endless North Atlantic rollers, bitter realizations must have accompanied him, realizations of how pitifully small a percentage of the munitions output all the sabotage had diverted from its destination and how infinitesimal it would appear in contrast to the vast stream of men and supplies he knew would soon be pouring over that same ocean.

Chapter XII

A SENTENCE OF DEATH

No sooner did it become known that diplomatic relations had been broken off between the United States and Germany than there was a rapid exodus of German agents across the border into Mexico. Among these were Witzke, Jahnke, Dilger, Herrmann, Gerdts, and later Hinsch. So general and so immediate was this flight that it was evident it was carried out according to a preconceived plan. This shift to Mexico was not prompted out of concern for the safety of the German agents, for some of them returned. The sabotage objectives in the United States remained the same, and there was now the added necessity of securing information about the United States Army and Navy. The flight was dictated purely by the necessity of establishing fresh contact machinery with headquarters in Germany. With the departure of von Bernstorff, the duty of acting as clearing house for German agents throughout the North American continent was transferred to von Eckhardt, the German Minister to Mexico. Not only did he have means of receiving and transmitting coded messages by wireless, but he also had ample funds at his disposal to finance espionage.

If the declaration of war between the United States and Germany had wrought a sudden change in the German spy and sabotage organization, it caused an even greater change on the American side. It brought to life the American Military Intelligence Service under the direction of Colonel Ralph H. van Deman, and with it an effective counter-espionage organization.

Colonel van Deman was not new to Intelligence work. He had acquired considerable experience in this branch of the service during the Spanish-American War, and in 1901 had organized in the Philippines the Military Information Division, which had covered the Islands with a network of secret agents. He was also a General Staff expert on the

Far East, and probably knew more than any American officer of Japanese activities throughout the world, especially in the Philippines, Hawaii, and Samoa. The year 1915 found him in Washington, D. C., as a major in charge of the Intelligence Service of the United States Army. He, together with Major Alexander B. Coxe, and a clerk, made up the entire personnel. Appropriations voted in 1916 for Military Intelligence in the United States Army totaled only \$11,000, and they included all expenses incurred by military attachés as well.

All this was changed as soon as America came into the war. The need of a large and efficient Military Intelligence Service was immediately recognized. Colonel Dansey, in charge of the Military Section of the British Secret Service, was sent over to the United States by the British War Office; and all the secret service experience of the British was placed at Colonel van Deman's disposal. To this were added large funds and *carte blanche* in selecting an extensive personnel.

In addition, almost over night, the American Protective League was created and placed under the direction of the Department of Justice. Under the able leadership of Mr. A. M. Briggs, of Chicago, a volunteer body of 250,000 patriotic Americans was enrolled throughout the United States, each member of which kept watch in his particular area. The duties of these volunteers were varied, ranging from keeping watch on I.W.W. agitators to running down draft evaders; but their chief duty was to guard against German spies and sabotage agents. The United States was now doing what it should have done in 1914.

As a final act German agents are presumed to have blown up the munitions plant at Eddystone, Pennsylvania, on April 10, 1917, killing 112 workers, most of whom were women and girls. There was also an attempt to dynamite the Elephant-Butte Dam on the Rio Grande, but the agent, Dr. Louis Kopf, was caught. After this the Germans turned their attention chiefly to spy activities directed against the American Army and Navy, and to fomenting strikes.

Later we shall tell how the German spy and sabotage machine was reorganized in Mexico; we shall then meet again many of those agents who had carried out Germany's vast destruction campaign in the United States, and who had succeeded so effectively in evading the American law enforcement agencies during the neutrality period. Here,

for the time being, we shall confine ourselves largely to one of them, Lothar Witzke,* who attempted to cross back into the United States and was caught. He is worthy of our attention not only because he was the only German spy who was condemned to death in the United States during the war, but also because he played a very important part in the destruction of both Black Tom and Kingsland.

To understand the events which led up to Witzke's arrest, it is necessary to introduce three secret agents who are intimately connected with the story.

The first of these, Paul Bernardo Altendorf, was an Austrian Pole born in Cracow on June 1, 1875. In this city he studied medicine and surgery at the University of Cracow. Of a roving disposition, he traveled extensively in South America and throughout several of the British colonies, and finally settled in Mexico. There he secured an appointment on the staff of General Calles, Military Governor of Sonora, with the rank of Colonel in the Mexican Army. He was an accomplished linguist, speaking English, Spanish, German, and Polish fluently. In addition to this he was a soldier of fortune; and, like those of many non-German subjects of the Dual Monarchy, his sympathies were not with Germany. It is not surprising, therefore, that in October 1917 we find him enrolled as an American Intelligence Agent by Byron S. Butcher, Special Agent of the United States Military Intelligence Division at Nogales, Arizona. The Intelligence Division quickly realized his special qualifications and sent him to Mexico City to report on German spy activities. Having already previously made contacts with several German agents in Mexico, Altendorf skillfully used these connections and got himself enrolled in the German Secret Service.

Coöperating with him was the British Negro agent, William Gleaves. Though born a British subject in Montreal, Canada, in 1870, he had spent his boyhood in Pennsylvania as a laborer and in 1893 had gone to live in Mexico City. During the war he was first employed by Mr. Cummings, British Chargé d'Affaires in Mexico, and later by Major

*Lothar Witzke was a man of many aliases. In addition sometimes to spelling his name as Witke or Witcke he also passed under the names of Harry Waberski, Wabrecht, Capewitcke, Hugo Olson, Pablo Davis, Otto, Robert, Nachel A., and finally Pablo Waberski.

Alfred Mason of the British Naval Intelligence Service for the purpose of obtaining information regarding German activities in Mexico. He, too, was successful in getting himself taken into the German Secret Service.

The last one, William Neunhoffer, was born in Texas of German parentage. He studied law, and in May 1916 we find him, twenty-eight years of age, practicing as a lawyer in San Antonio, Texas. At this time the National Guard was mobilized; and, being a member, he was sent to the Mexican border. Here his command of the German and Spanish languages attracted the attention of R. L. Barnes, Agent in Charge of the Department of Justice Investigation Unit in Texas; and he was enrolled as an agent. In June 1917, he was instructed to proceed to Mexico City to investigate the activities of German agents in Mexico. Posing as a "slacker" who had evaded the draft and frequenting the better-known places of rendezvous for German agents in Mexico City, he soon won their confidence. So loud-mouthed was he in defaming everything American that he was constantly denounced to Major Campbell, the American Military Attaché in Mexico City. Reports that Neunhoffer had been seen in contact with von Eckhardt, the German Minister, and Kurt Jahnke, then one of the chiefs of Germany's spy organization in Mexico, caused the Military Attaché immense satisfaction, for that was exactly what he wanted. After the war, to their great discomfiture and surprise, Neunhoffer also appeared as a Federal witness against many a draft evader who had fled to Mexico and there had made him a confidant.

In Mexico City the three ostensible German agents constantly met each other in the company of other German agents, and it was not until the final denouement that they learned to their amazement that each of them had been playing the same game.

One of the first German agents Altendorf, Gleaves, and Neunhoffer encountered was Jahnke. He was introduced to them by Otto Paglash, a trusted German agent, and proprietor of the Hotel Juarez in Mexico City.

On Jahnke's instructions, Gleaves enrolled himself as a member of the I.W.W., which at that time was working in close coöperation with the Germans. So ardent a disciple did he show himself that soon he

was admitted to the inner councils. When he had thus firmly established himself with the I.W.W. the Germans quickly put him to work. To quote Gleaves:

I was assigned first to the duty of going up to the border where the American troops were stationed and I was to try to work up a revolt among some of the American soldiers. For this purpose I was supplied with money by the German Consul whose office was at Calle Lopez. He gave me about \$1500 which I was to use for expenses and also among the American troops. I went from Mexico City to Juarez and crossed the border at El Paso and stayed in El Paso a week or two. Before going, I reported to Mr. Cummings all about what I had been assigned to do. I was reporting regularly to Mr. Cummings and Major Mason.

After I returned to Mexico City, I reported to the German Consul that I had made some progress and thought that I would accomplish something through some of the American soldiers and sergeants that I had been in touch with, but I said that I would need some help on another trip. I stayed around Mexico City quite a long time after that. The German authorities told me that I had better wait awhile and that they would send somebody else with me who was familiar with things in the United States.

In the meanwhile Witzke had been active and had made several trips across the border into the United States. Early in January 1918 he was ready to depart again on a special mission. Here was Jahnke's opportunity to provide the help Gleaves had asked for; therefore Gleaves was instructed to accompany him. And since Altendorf was now well in the confidence of Jahnke, and the latter wanted him to introduce Witzke to General Calles in Sonora, he too was ordered to join the party.

On January 16, 1918, Witzke (traveling under the name of Pablo Waberski), Altendorf, and Gleaves left Mexico City for Manzanilla to catch the S.S. *Josefina* for Mazatlan, thence to proceed by rail to Nogales, Sonora. At Colima they discovered that they had missed their train connection. Fortunately, Witzke was well enough provided with money to hire an engine and tender; otherwise they would have missed their boat. Boarding the engine a few miles out of Colima to avoid being seen, they arrived in time at Manzanilla to catch the steamer. During this part of the trip Witzke started drinking, and growing

confidential, boasted to Altendorf both of past exploits and of his present secret mission. These admissions have such an important bearing on the Black Tom case that it is as well to quote Byron S. Butcher, to whom Altendorf (American Operative A-1) subsequently made his report:

"There is something terrible going to happen on the other side of the border when I get there and I can't tell you what it is," Waberski advised A-1. "If I get the job done well, I will have saved Germany and after I return from the United States you will see it in the papers, but you must never mention it to anyone. You will know that it was my work."

He also advised A-1 to tell any inquirers that they were only train acquaintances.

Earlier at Guadalajara, Waberski had informed A-1 that he was going to Nogales to kill someone and "blow up things in the United States." Efforts to secure more definite data failed except that A-1 was led to believe that it was an American officer at Nogales, Arizona, booked to be assassinated, because the German said that this American through influence with Mexican officials had seriously injured German plans in Mexico.

Waberski also informed A-1 over a bottle of wine that he had blown up a black powder magazine of 250,000 pounds near San Francisco [Mare Island] one morning about five o'clock. Waberski bragged that sixteen lives had been lost including six children. He asserted he was working for the American Government as a mechanic on the Island at the time of the explosion and laid wires to accomplish his designs. . . .

At A-1's exclamation that he had a lot of nerve, Waberski replied that he was a sworn member of the German Secret Service and that he must do the work "life or death. . . ."

"I do not know whether I am coming back alive from this trip or not, as I may be killed," the German asserted.

"...I also did the work in New Jersey with Yenky [Jahnke], when the munition barges were blown up and piers wrecked," asserted Waberski to A-1. "We were out in a small boat and the waves nearly swamped us and we came near drowning. The hardships on this piece of work were many but it was all for 'The Fatherland.' The German Ambassador and Yenky think very highly of me for my work and I am very proud to have done it. I am a man they know they can depend upon," said Waberski.

"I have many lives on my conscience and I have killed many people and will now kill more," added the German to A-1.

Waberski also claimed to have caused the fires in the Oregon logging camps last Fall. His Alien head tax receipt shows that his destination on arrival at Laredo, June 5th, 1917, was Portland, Oregon.

The *Josefina* docked at Mazatlan on January 24. There Witzke called briefly on the German Consul and then retired to a bawdy house. This gave Altendorf an opportunity secretly to visit Mr. Chapman, the American Consul, identify himself, and hand him a message for coding and telegraphic dispatch to Byron S. Butcher, at Nogales, Arizona. As sent by Chapman it read:

Quote:

January 26th, 10 A.M. to Butcher from A-1: I arrived from Mexico City last Thursday, leaving for Hermosillo on Saturday 26th with two German spies, one A. Nuding.*

Both are plotting assassination some officials in Nogales, where they are to arrive next Monday, catch Nuding if possible. Use care as he is dangerous. I will be in Hermosillo one day. Would you not have Joe Bru meet me at Cohen Hotel there at once. Got news for you. Unquote. I have corroborated evidence as to danger of Nuding.

Chapman

From Mazatlan Witzke, Gleaves, and Altendorf took a train to Hermosillo via Guaymas. After the train left Guaymas, Witzke walked through the coaches and on his return told Altendorf, "I have gotten rid of over one hundred dollars. I have six men going north with me. The work is moving splendidly." One of these men was later identified by Gleaves as Dietz, a German agent, who intended crossing the border to the New Mexico coal fields, where the Germans had a large following among miners who belonged to the I.W.W.

On their arrival in Hermosillo, Altendorf accompanied Witzke to call on General Calles. Witzke instructed Altendorf just to introduce him, as Calles would know who he was. According to Altendorf, it was evident from the conversation which took place between Witzke and Calles that the General had been informed in some manner of

* The name "Nuding" in this message was garbled, and was probably intended for some other name.

Witzke's proposed trip to Sonora. Witzke asked Calles to protect him against American agents in Sonora and requested him to forward to the German Legation in Mexico City, over his private telegraph line, any coded telegrams he sent to him from the United States or elsewhere. Calles, like President Carranza and the whole Mexican Government, was pro-German and agreed to do this. At Witzke's request, Calles further supplied him with a revolver and a permit to carry it in Mexico.

Having introduced him to Calles, Altendorf's mission was completed in the eyes of Witzke, and therefore Altendorf took leave of him. Here we must allow Byron S. Butcher, to take up the story:

Waberski and Gleaves left Hermosillo, January 30th, on the regular passenger train for the border, while A-1 remained behind in order not to arouse suspicion. A-1 left Hermosillo the same night, however, by freight arriving at Nogales, Sonora, the following night.

In the meantime, an informant, who will be called M-2, was located in the Central Hotel, Nogales, Sonora, as the most likely place where the German would stop. M-2 located Waberski the night of his arrival and remained with him until his arrest.

I found Waberski at the American Consulate, Nogales, Sonora, the following morning. He told a story of having to come to the border to answer his questionnaire and probably to go to San Francisco. Even though his story was unlikely, his passport was worse, being the Russian type, always regarded with suspicion. Consul Lawton and I agreed to cross the German across the border. Waberski had his passport "passed" at the U. S. Immigration Office without question. . . . He returned to Mexico and made two trips across the border during the day. In view of the fact that he left his baggage on the Mexican side, I did not molest him, awaiting the opportunity to secure his baggage and him together.

After two days on the road from Hermosillo, by freight, A-1 presented himself at the American Consulate on the night of January 31st, was crossed to the American side of the border and quartered with me.

He then outlined his trip to Sonora with Waberski as set forth in the foregoing. He added that the German always carried his papers on his person.

As M-2 had reported that Waberski expected to cross over to the American side the following morning to do some banking business, S-2 was properly instructed, an auto was secured and after an hour's wait Waberski appeared.

He had two revolvers shoved against him by S-2 and the writer, was handcuffed and taken to camp and searched.

On his person was found approximately \$1,000 in American currency and Mexican gold. The gold was in a money belt, and the currency was tied in handkerchiefs bound around the calves of his legs.

He had a Russian passport, Number 435, issued in Mexico City to "Paul Waberski, 22 years of age, mechanic and automobile engineer, resident of New York City and San Francisco for the last seventeen years, returning to the United States." The passport was "seen," Number 630, by the American Vice Consul in Mexico City and stamped December 10, 1917. It was "passed" by the U. S. Immigration Office, Nogales, Arizona, January 31, 1918.

In the "Declaration of Alien about to Depart for the United States" Waberski declared he was born in Winski, Dziaozin, Russia, May 5, 1895, and had lived in San Francisco from January 1905 to November 1917, and in Mexico City from November 1917 to the date of the passport. References given included the name of Wladimir Wendhausen, Russian Consul General at Mexico City.

Witzke also had a Mexican passport, Number 396, issued at Laredo, Texas, on November 15, 1917, in the name of Pablo Waberski, Russian, age 22, en route to Mexico. Opposite the heading, "Estado," he was described as a bachelor; and opposite "persons who accompany him," there appeared the notation: "He is accompanied by his wife." This certainly speaks highly for the efficiency, or perhaps the sense of humor, of the Mexican passport officials.

He also had in his possession a "Selective Draft" registration certificate No. C. H. 171, issued at Precinct 1/21, San Francisco, California, June 9, 1917; a "Certificate of Service to Able Seaman" issued in San Francisco, June 27, 1917, to Pablo Waberski, for service on the high seas and inland waters; a motor-car operator's license Number 332987, San Francisco, issued to Paul Waberski, on October 17, 1917; and an official permission from the Presidente Municipal of Hermosillo, Sonora, dated January 29, 1918, authorizing Pablo Waberski to carry a pistol.

There was also a memorandum book showing traveling expenses from Mexico City to Nogales, the names and addresses of several girls in towns along the way, an amorous letter addressed to one of his conquests in Berkeley, California, and several snapshots of other members of his harem.

The biggest find, however, was still to come. That afternoon, Captain Joel A. Lipscomb, Army Intelligence Officer, and his assistant, Byron S. Butcher, crossed the border into Nogales, Sonora. They proceeded to the Central Hotel where by a little bluffing and greasing of palms they managed to take possession of Witzke's baggage. In it, along with his personal effects, was found a letter in code, and a cipher table of words and phrases for sending telegrams.

Captain Lipscomb's satisfaction at finding this cipher table was short-lived. A comparison of it with the coded letter revealed, to his disappointment, that there was no connection. The coded letter, therefore, was sent to Colonel van Deman in Washington, D. C., for expert examination by the Cryptographic Bureau, then directed by Captain Yardley.

In the meantime Gleaves was completely at sea. He had lost track of Altendorf (A-1) at Hermosillo, Witzke had mysteriously disappeared at Nogales, and he had no way in which to communicate with Jahnke in Mexico City to ask for instructions. His plans were completely disrupted; for his mission was to contact the American authorities in Nogales, Arizona, and hand over not only Witzke but Altendorf as well. To facilitate this, he had arranged a means of identification with the British Consul in Mazatlan: A piece of paper on which the word "NOVIA" was written was torn jaggedly in half. Gleaves retained the portion with the letters "NO" on it, and the other half with "VIA" on it was sent to Mr. Lawton, the American Consul in Nogales, Sonora.

After wandering around for a couple of days, Gleaves eventually decided to call on Mr. Lawton, and it was there that he met Byron S. Butcher and told him his story.

Butcher's report of the conversation stated:

Gleaves' account of the journey of Waberski, the Doctor [Altendorf], and himself from Mexico City to Sonora checks in almost every detail with the

statement of A-1 [Altendorf], both of whom were unaware of each other's identity.

Gleaves further informed Butcher that he was retained by the Germans to accompany Waberski to Nogales, Sonora, to meet delegates of the I.W.W. from New Mexico, Arizona, and California to arrange with them the plans whereby "Hell would break loose in the United States" some time in April or May. Of the four or five I.W.W. delegates who were to meet Waberski at Nogales, two were to have been Negroes; and Gleaves was to have given them their instructions. Gleaves stated that Waberski explained to him, in part, his plan to cause disorder in the United States. This scheme embraced the organization of the I.W.W. "to carry out a resolution calling for an uprising of the Negroes, strikes, the blowing up of mines, industrial plants, railroads, bridges, and telegraph and telephone systems."

Gleaves further informed Butcher that Dietz and the five other German agents who had boarded the train at Guaymas had gone off in the direction of Naco, Sonora, with the intention of crossing into the United States at some point on the Arizona line. Whether or not they were successful is not known—Captain Lipscomb and his agents lost track of them completely.

Several months were to intervene before Witzke was brought to trial. In his prison at Fort Sam Houston he was continuously questioned by Intelligence Officers, who in the meantime had received back, decoded, the letter he had carried and thus knew he was a German agent. They were able to show him that they had strong evidence against him, but he adamantly refused to give any information. The following stenographic notes of a conversation during this period between him and Byron S. Butcher reflect his attitude; but they are also important because they contain an admission by Witzke that he had confided in Altendorf.

W. Well, I am in a pretty hard position. What do you think they will do with me?

B. Pablo, I tried to tell you the other day that the best thing for you would be to tell the whole thing. If you keep on the way you are now and do not tell the truth and all you know, you have no chance at all. As you

have already guessed, we know nearly all about you. We are in war now, and also as you know spies are hung. Americans are sometimes strange in their actions, and I would tell you again the only possible chance you have is after a week or ten days in San Antonio, and after you have thought it over, tell them all you know.

- W. No, I can't do that. I am very young to die, 22 years. But I have done my duty. If I told you I would be a traitor and that I will never be.
- B. Pablo, that is the chance we all take who do this work. It is legitimate as long as you do not get caught, but when caught you have to pay the penalty.
- W. Yes, I know it. I will probably be the first man to die in the United States for my country, won't I?
- B. Yes, probably the first, though I hear that one or two more have been caught since you were. You think it over, for the way I see it, your only chance now is to tell all.
- W. No, I think I will go through with it. I had planned to live in Mexico after the War, but now I can never do that. . . . Will it [the trial] be published in the papers?
- B. I don't know, probably not.
- W. You know all the details all right, and I think it was that Dr. Altendorf who told you, as I told him a lot of things in conversation.

Witzke was a gallant patriot, and to the end he refused to betray anyone who was connected with him.

On Friday, August 16, 1918, Lothar Witzke, handcuffed and under military escort, was brought to Military Headquarters, Fort Sam Houston, San Antonio, Texas, to face a Military Commission.

Seated behind a long board table in a large, severe room were two brigadier generals and three colonels, the Court which was to decide the young German's fate. Major A. P. Burgwin, Judge Advocate, and Captain T. A. Brown, his assistant, conducted the prosecution, and Colonel W. J. Glasgow of the Fourteenth Cavalry was assigned to defend Witzke.

The order appointing the Commission was read to the accused, and on his signifying that he did not object to any of the members named therein, the members of the Court were sworn, and the accused was arraigned on the following Charge and Specification:

Violation of the eighty-second Article of War. In that Lather Witcke, alias Pablo Waberski, did, at or near Nogales, Arizona, United States of America, on or about the 31st day of January, 1918, act as a spy in and about an encampment there situated, of the Army of the United States, and did, then and there attempt to collect material information in regard to the numbers, resources, and operations of the military forces of the United States, with intent to communicate the same to the enemy.

Witzke pleaded not guilty to the charge, and the first witness was called by Major Burgwin. The list of witnesses was formidable, including as it did Dr. Paul B. Altendorf; William Gleaves; Major R. R. Campbell, American Military Attaché in Mexico City; Charles L. Beatty, Immigration Inspection at Nogales; Byron S. Butcher; E. M. Lawton, American Consul at Nogales, Sonora; Captain Joel A. Lipscomb; Major Robert L. Barnes, U. S. Military Intelligence Service, Fort Sam Houston; William Neunhoffer; and, finally, Captain John M. Manley of the U. S. Cryptographic Bureau, Washington, D. C. The evidence of all of these witnesses, with the exception of the last one, has already been outlined.

As Captain Manley was sworn, a hush fell over the court room, for it was known that he had testimony of the most vital import to give. He started out by narrating that he had been head of the English Department of the University of Chicago from July 1898 to October 1917, when he was appointed as an assistant to Captain Yardley, Chief of the Cryptographic Bureau, Sub-section M.I.8 of the Military Intelligence Division of the General Staff in Washington, D. C. He went on to explain how he had been interested in codes and ciphers since boyhood and had studied them for thirty-five years as a hobby. He also stated that he was a fluent German scholar and had been exchange professor at the University of Göttingen in 1909.

In the spring of 1918, Manley continued, the coded letter carried by Witzke came into the Cryptographic Bureau. After several others had tried to decipher it without success, he eventually took it up, and after spending a great deal of time on it, succeeded in deciphering it. He explained that it was a transposition cipher. The text was first written in German and then by a prearranged diagram the letters were mixed up. The problem which he had had to solve was to discover

the formula by which the letters were disarranged. On the instructions of the Court he now read aloud the decoded message:

15-1-18. To the Imperial Consular Authorities in the Republic of Mexico. Strictly Secret! The bearer of this is a subject of the Empire who travels as a Russian under the name of Pablo Waberski. He is a German secret agent. Please furnish him on request protection and assistance, also advance him on demand up to one thousand pesos Mexican gold, and send his code telegrams to this Embassy as official Consular dispatches.

Von Eckhardt

The effect on the court room was electric. Everyone realized that it would require extraordinary evidence on the part of Witzke to discredit the quiet but convincing testimony of the Professor of English and his damning message.

Witzke followed next as the only witness for the defense. After being duly sworn, he launched out on an amazing story which only a desperate man could have thought up—it was so fantastic that even a child would have recognized it as a tissue of invention. Later, as we shall see, he was to admit this himself.

He testified that his parents were of Russian nationality and that they had immigrated to the United States when he was five years old. His father died a few years later; thereupon, at the age of ten, he went to sea and continued working as a seaman on various coastal steamers until, at the age of nineteen, he landed in Peru and took up mining there. Later he went to Mexico. There he became acquainted with a young Mexican by the name of Ramirez, a member of a group of bandits who were robbing the gold and silver mines in the mountains some thirty miles out of Mexico City. Ramirez hired him to bring the bullion into the city.

After he had done this for three or four months, Ramirez had to go into hiding. Thereupon, in July 1917, Witzke took \$1,000 he had saved, entrusted the remainder to Otto Paglash, the proprietor of the Juarez Hotel, and fled to San Francisco, where he registered for the draft. After staying there some time, he was robbed of his money while on a drunken bout and so returned to Mexico City, where once again he lodged at the Juarez Hotel. Here he was constantly annoyed

by German agents who tried to enlist his services, but he refused, as he did not wish to do anything against the United States.

One day, however, a Mexican, Ramon Alderate, solicited him to go to Sonora to spy on some Mexican rebels there. On his agreeing to do this, Alderate gave him a cipher group of words to enable him to send him messages and a coded letter as a means of identification which he was to present to the owner of a big merchandise house, La Voista de Puebla, in Mazatlan, whenever he needed money.

On his way north he decided to continue to San Francisco to arrange about the draft. He did not want to be posted as a deserter, and he wanted to explain to the American authorities in San Francisco, where he had registered, that he was a Russian and not an American. He stopped off at Mazatlan and there met the beautiful daughter of a rich Mexican mining man, the owner of two mines. He became engaged to the girl and promised to marry her immediately on his return from San Francisco.

While *en route* he met Altendorf, who was down and out and for whom he felt sorry, and took Altendorf along with him. He regretted this now, for several people had warned him that his companion was a German agent and that he would get himself into trouble in the United States if any American agent saw him in his company.

After cross-examination by the Judge Advocate, Witzke further added that he had left \$2,000 in gold in the safe of Otto Paglash's; and that, because he knew of Otto Paglash's association with German spies, he figured that Paglash had framed him with the American authorities.

The Judge Advocate reviewed the evidence as covered by the witnesses and by the exhibits. Colonel Glasgow's reply was brief. He called the attention of the Court to the difficulty of the defense in that it had been impossible to bring any witnesses from Mexico. He argued that it was up to the Court to decide whether it would believe Witzke or Altendorf and Gleaves, who, he tried to maintain, had taken money from both sides. Needless to say, this line of defense made no impression on the Court.

The Court then adjourned for its deliberations. When it resumed, it found that the accused, Lather Witcke (Lothar Witzke), alias Waber-

ski, was guilty, and sentenced him to be hanged by the neck until dead, "two-thirds of the members concurring in the finding."

Witzke was returned to his cell in Fort Sam Houston and was kept there awaiting a review of his case. While confined there he made two attempts at escape, and in one of them actually succeeded in getting out of the prison. He was arrested, however, the same day, as he was emerging from a Mexican shack. On his return to the cell, Private Henry Brackett, one of the guards, noticed that he glanced up at a corner. The place was searched, and behind the steel sheeting they found a razor blade and a small ball of brown paper. On opening it up, it was found to be a cigarette paper on which was written in German in Witzke's handwriting a message, which translated into English read as follows:

My right name is Latar Witzke. Born in Poznen and for that reason I only understand Polish and not Russian. I was lieutenant on Cruiser *Dresden* that was sunk near Valparaiso, Chile. I lay two months in the hospital, which is the reason I escaped internment. The rest of the crew is interned.

After this, his guard was doubled, his top clothes were removed, and he was kept confined in his underwear.

On November 2, 1918, nine days before the Armistice, Witzke's sentence was approved by Major General de R. C. Cabell, Commanding Officer at Fort Houston.

On May 27, 1920, President Wilson confirmed Witzke's sentence but commuted it to "Confinement at hard labor for the rest of his natural life." He was then transferred to Leavenworth Prison.

Immediately after the war, Germany started exerting every possible pressure to secure his release. Finally, on April 30, 1923, the German Ambassador, Dr. Wiedfeldt, called personally on General Bethel, Judge Advocate General of the Army, urging the release of Witzke. On the following day the German Ambassador wrote him again and we quote the following section from that letter:

Other countries, including Germany, have since released all their prisoners of war and among them those who were sentenced for offenses of espionage. It would, therefore, do much to pacify public opinion in my country and

would be considered a special act of grace by my Government, if the United States of America, as France did a few months ago, were now also to set free their last prisoner of war. I know this would be much appreciated in my country, for the case of Lothar Witzke . . . has not only attracted the attention of public opinion but has also frequently been discussed in the German Reichstag.

A report was also before the Judge Advocate General from the warden of the prison at Leavenworth, showing that Witzke in July 1921 had performed an act of heroism and had prevented a disaster by entering a prison boiler room after an explosion.

On the basis of the above facts—and not because of any doubt as to the evidence—the Judge Advocate General recommended Witzke's release on September 26, 1923, in a letter to the Adjutant General reading in part as follows:

The sentence of death was the proper, and has been in all countries the customary, sentence for the offense. . . . The question as I see it is one of policy. . . . France released her last enemy prisoner in January, 1923, and England is said to have done likewise. . . .

Witzke was released, but in the subsequent chapters we shall hear a great deal more about him.

PART II
THE FIVE AGAINST GERMANY

Chapter XIII

THE AMERICAN CLAIMANTS TAKE THE FIELD

THE war was over, but its heritage had still to be liquidated. The return to normalcy was a slow process: Millions of combatants had to be demobilized, and means provided to enable them to return to normal life; arrangements had to be made for the return of prisoners of war; armies of occupation had to be organized; the disarmament of Germany had to be supervised; treaties of peace had to be negotiated; the map of Europe had to be remade; Germany's colonies had to be divided up; pensions had to be provided for disabled soldiers and for the dependents of those who had been killed; devastated areas had to be rebuilt; machinery had to be set up for the collection of reparations; and not least the dead had to be identified and tombstones erected over their graves.

The Treaty of Versailles attempted to provide a world-wide and definitive settlement between Germany and all the Allied and Associated Powers. In spite of the prominent part played by President Wilson in the framing of the treaty, it was rejected by the United States Senate on November 19, 1919. An entire new agreement had to be negotiated between Germany and the United States minus the unacceptable sections of the former one; and this instrument, known as the Treaty of Berlin, was not ratified by the Senate until October 18, 1921.

Among its terms was a provision for setting up a Mixed Claims Commission to adjudicate all claims for damages growing out of the war presented by the nationals of either country through their respective governments.

According to the terms of the treaty, each country was to appoint one Commissioner, and these two were to select a neutral Umpire. These three officers constituted the Commission.

Germany named Dr. Wilhelm Kiesselbach as her Commissioner; the

United States chose Chandler P. Anderson. Either because she wished to make a gesture, or because she was being shrewd, Germany asked that the Umpire be an American citizen. The American Commissioner unwisely acceded to this request. The reason for the unwisdom of this decision lay in the fact that an American of high impartiality could hardly avoid leaning over backward to avoid any appearance of favoring his own country in any question in which he had to render the final judgment. But, in any event, the two Commissioners agreed upon former Supreme Court Justice Day for the post.

Also contained in the section of the treaty dealing with the Commission was a clause stipulating that each government would present the cases of its nationals through its own officially appointed representative to be known as the American Agent and the German Agent. Robert W. Bonyngue was selected as the American Agent to represent the United States Government in pleading those cases in which he had satisfied himself as to Germany's guilt and the valuation of the claims. Dr. Karl von Lewinski was appointed German Agent to combat American claims. H. H. Martin was chosen as Counsel to Bonyngue, and Dr. Wilhelm Tannenberg was designated as Counsel to the German Agent.

In case of a disagreement between the two Commissioners, the Umpire was to cast the deciding vote. The decisions of the Commission were to be final in every instance. As the hearings proceeded, three Umpires in succession died: Justice Day, Edwin B. Parker, and Roland Boyden. Today, Supreme Court Justice Roberts is filling the position. Recently, too, Chandler P. Anderson died, and his place as Commissioner has been taken by Christopher B. Garnett. On the German side there have also been changes. Dr. Paulig is the German Agent today, and Commissioner Kiesselbach recently resigned and Dr. Victor Huecking has taken his place.

During the last fifteen years over twenty thousand separate claims, ranging from the illegal use of German patents to the confiscation of American deposits in German banks, have been heard and disposed of by the Commission; and, when a verdict on the Black Tom and Kingsland cases is handed down, its work will be practically completed.

Since a sovereign government is the only party recognized before an

international tribunal such as the Mixed Claims Commission, the American Agent is the only American who can appear before the Commission. But it is the practice in all such international cases for the private counsel of the claimants on whose behalf the claims are filed to prepare the cases for trial, assemble the evidence, write the briefs, and otherwise assist the official government Agent.

Accordingly, the firm of Peaslee and Brigham was chosen as special counsel for the Lehigh Valley Railroad, the owners of Black Tom; H. N. Arnold, of the firm of Rumsey and Morgan, for the Black Tom underwriters. Coudert Brothers, the well-known international lawyers, represented both the underwriters and the Agency of the Canadian Car and Foundry Company, Limited, the owners of Kingsland; Cravath, de Gersdorff, Swaine and Wood acted for the Bethlehem Steel Company, which had suffered a loss of approximately \$2,000,000 at Black Tom by the destruction of shells belonging to it and awaiting shipment there. Lansing and Woolsey were retained in an advisory capacity by all the corporations involved. Since Mr. Lansing had been Secretary of State in President Wilson's Cabinet, it was thought that he would be specially useful for his knowledge of wartime records on file in Washington. Of these law firms, Coudert Brothers were not active after 1924; whereas Cravath, de Gersdorff, Swaine and Wood did not come in until 1929; and Lansing and Woolsey were not retained until 1927, and are now no longer associated.

According to the spirit of the agreement between the United States and Germany which led to the creation of the Mixed Claims Commission, both governments were to coöperate in a friendly way and make available to each other all records and sources of information. All the evidence was to be laid before the Commission in an open and impartial way, both governments being supposedly more interested in seeing justice done than in winning legal victories by suppressing or distorting the true facts.

But if this was the wish and the spirit of the United States Government, it was quickly discovered that in the Black Tom and Kingsland cases the Germans did not intend to abide by this unwritten understanding. They immediately made the issue one of national honor and prestige. As soon as the American plaintiffs began probing into things,

they found that the policy of denial, so ably followed out by von Bernstorff and his Attachés during the war, was to be continued. Furthermore, no German record pertinent to the two cases and detrimental to the German defense was to be made available, even when the particular document was specified and described by the American lawyers. Nor were the Americans to be allowed to examine any witnesses in Germany. Soon the Germans went beyond this and made it plain to all former German agents resident in any part of the world that they would be traitors to their country if they disclosed any information relative to German sabotage or spy activities in the United States. The American Agent found himself up against a stone wall erected by the German Government and its secret service.

So colossal was the task involved that the owners of Black Tom and Kingsland, together with certain claimants affected by the blowing up of the powder barge in Tacoma harbor in 1915, were the only ones who had both the courage and the financial resources to file sabotage claims with the Mixed Claims Commission. The hundreds of other owners and insurance companies who suffered losses, many of them amounting to millions of dollars, from acts of German sabotage were appalled at the magnitude of the task and the enormous expense of fighting the entire forces of a powerful nation. Since the powder barge claim only amounted to \$500 for windows broken in the vicinity of the explosion, Germany immediately paid it. But in the Black Tom and Kingsland cases, she was determined from the beginning to make a fight to the finish.

Perhaps she thought it incumbent on her to support von Bernstorff and other wartime German officials in their denials, or perhaps she was following the age-old principle that a country always disavows the acts of its secret service. On the other hand, she may have been afraid that the admission of guilt in a few cases at the outset would let loose a flood of sabotage claims. It is not inconceivable that, before the American lawyers began to produce masses of evidence, she may have been ignorant of the acts of some of her agents and have sincerely believed she was not responsible for the destruction of Black Tom and Kingsland. In any event, for fifteen years she has never admitted her guilt and has

LIBERAL REWARD
 for information as to the whereabouts of
MICHAEL KRISTOF
 alias MIKE CRISTOFF, MIKE CRISTIE, and FELIX KRISTY



153

Name: *Michael Kristof*
 No. *8 20 18*
 Date *8-1-16*
 Classification *9 R 10 18*
 Date *8-1-16*
 At Police Headquarters



Name: *Michael Kristof*
 Alias: *MIKE CRISTOFF, MIKE CRISTIE, FELIX KRISTY*
 Date of Birth: *8-31-16*
 Height: *5' 10"* Head Length: *190* Feet: *10.5* Color: *Blue* Age: *25*
 Eye: *Blue* Hair: *Dark* Eyes: *Blue*
 Nose: *100* Mouth: *100* Teeth: *100* Complexion: *100*
 Scar: *100* Birthmarks: *100* Tattoos: *100*
 Remarks: *MIKE CRISTOFF, MIKE CRISTIE, FELIX KRISTY*

Eight Index Fingers to be Impressed IMMEDIATELY after signature is written	Initials Name Date Signature	No. of Fingers Date Signature	No. of Fingers Date Signature	No. of Fingers Date Signature
	Impressed at Police Headquarters Dictator's Signature: <i>Michael Kristof</i>	REMARKS: This man is alleged to have had some connection with several explosions. If located immediately wire or write to A. J. RYKERT P. O. BOX 103 GENERAL POST OFFICE EIGHTH AVENUE NEW YORK, CITY		



Charles Wunnenberg, alias "Charles the Dynamiter"



German Bombs Seized in Hoboken.

fought the cases by every means the greatest minds of her legal, diplomatic, and espionage services could devise.

The different law firms representing the several companies having interests in the Black Tom and Kingsland cases were inexperienced in secret service work and consequently began by wasting much time and money and at the end of several years had but little in the way of results to show for it. Eventually the claimants began to realize that without coöperation they would never get anywhere and that it was to the best interests of all concerned to join forces. Therefore, in 1924, on the recommendation of Judge Barrett of the Lehigh Valley Railroad Company, who was on friendly terms with Senator Curry, then Chairman of the Board of the Canadian Car and Foundry Company, Amos J. Peaslee, of the law firm of Peaslee and Brigham, was selected to lead the American interests in their fight.

Peaslee was extraordinarily fitted to carry on this battle and to organize and search for clues. For fifteen years he has labored tirelessly and patiently to amass the overwhelming evidence which today sheds light on the mysteries of Black Tom and Kingsland. He had had considerable wartime experience as a major in the American Expeditionary Force, both as Judge Advocate of the General Court-Martial at the headquarters of General Harbord and in organizing a trusted band of officers to act as confidential couriers at General Pershing's headquarters. After the Armistice he had been attached to the American Commission to Negotiate Peace and had proposed several important amendments to the Covenant of the League of Nations. For a number of years he had specialized in cases involving questions of international law, and was Honorary Secretary of the International Law Association in America. Above all, however, he had had considerable experience in handling cases involving German interests. He is short, slight of build, mild-mannered, and a Quaker to boot; but behind all these disarming appearances is the shrewd lawyer and skilled negotiator with an iron determination. Tireless and patient, he has refused to be discouraged by Germany's campaign of delay and obstruction. Ever ready at a moment's notice to travel to the most distant countries to collect evidence and follow up clues, he has crossed the ocean more than thirty times in this contest of endurance and wits.

Indefatigable in his efforts has been J. J. McCloy, of Cravath, de Gersdorff, Swaine and Wood. McCloy, heavy-set, large of head, deliberate of movement, and usually with a pipe in his mouth, has been working on the cases steadily since 1930 and has kept the records which today amount to thousands of exhibits running to over 10,000,000 words. He has coördinated the evidence and has tirelessly fitted the vast mosaic together. During the latter part of the investigation the preparation of the briefs has largely devolved on his shoulders. Skilled in interviewing witnesses, he has adroitly and patiently sat hours with them, slowly leading them back over the years to lift the veil here and there from events which happened twenty years ago. He, too, is a skilled international lawyer, having had several years' experience in the Paris office of his law firm.

But perhaps the fiercest and most determined of all Peaslee's collaborators has been Leonard A. Peto, vice president of the Canadian Car and Foundry Company, who might be called the bulldog of the investigation. An American by birth and a Canadian by naturalization, he is sandy-haired, ruddy, athletic in build, dynamic in character. A fighter by nature and ever ready to take a risk, he has led the way where sometimes his lawyer associates have hesitated to tread. He was one of the first to realize that the German Secret Service and the government controlling it were determined to conceal the facts in every possible way and that only by outwitting them at their own game could the evidence be unearthed. In an investigation which has already cost the American interests over \$1,000,000, his company has often supplied the funds without which the Germans might easily have won the war of financial attrition they have been waging in an attempt to exhaust the resources of the claimants.

Peaslee, Peto and McCloy for the claimants; Bonyng and Martin for the United States Government—these then are the five against Germany.

Peaslee and his associates, as they surveyed the situation, grasped at the outset that their task was one where it would be necessary to reconstruct the whole German sabotage organization, a task all the more formidable because no evidence was of value to them unless they could

prove it in a court of law. The only way they could hope to do this was by employing a corps of investigators who could comb the world seeking former German agents and searching for evidence.

Their first step, naturally, was to turn to the wartime records of the Department of Justice, of the Military Intelligence Service, and of the various law enforcement agencies throughout the country to familiarize themselves with the German activities that had come to light before we entered the war. In this they were greatly aided by Peaslee because of his friendly relations with A. Bruce Bielaski and General van Deman, heads of the Federal Bureau of Investigation, and of the Military Intelligence Service, respectively, at the time of the war.

This search was extremely difficult, because most of the records had never been coördinated. Many of them were scattered and often hidden away and long forgotten in some file in a tiny precinct police station; and sometimes the most vital information they wanted had been passed up as unimportant at the time of the police investigation. And yet, as we shall see, they picked up a thread here and a thread there, and with this as a basis they and their operatives launched their campaign.

That part of the general German Secret Service sabotage organization which Peaslee and his associates reconstructed from the above records has been covered for the most part in the preceding chapters. Those cogs in Germany's sabotage machine which escaped detection during the war will be filled in as we proceed; but from now on our attention will be focused chiefly on Black Tom and Kingsland.

Chapter XIV

RELUCTANT WITNESSES

THE investigation of the police records and especially a study of the Lehigh Valley Company's dossier on Kristoff immediately set Peaslee and his investigators on his trail. He had disappeared. He had not been heard of since his release from the Albany prison in 1921. The investigators were anxious to interrogate him. The country was combed from coast to coast. His known relations and former hang-outs were visited, but there was no trace of him. Finally, however, he was located in 1927, once again in jail. He had been committed to the Welfare Island prison on a charge of larceny.

When he was released in the same summer, Albert M. Dickman, an investigator for the Lehigh Valley Railroad Company, met him outside the prison gates. Dickman tried to persuade him then and there to accompany him to Peaslee's office, but Kristoff was unwilling. He first wanted to visit his uncle in Yonkers, and promised to call on Peaslee the next afternoon. Dickman immediately got on the telephone to Peaslee and informed him of the arrangement.

Peaslee went down to the country that night, and on the next day, a sweltering hot Saturday, returned specially to New York for the interview. Throughout the afternoon Peaslee sat in his office waiting in vain. Kristoff never showed up, and from then on was never heard of again until in 1928 the Germans informed the Commission that he had died of tuberculosis on Staten Island, on April 3, 1928, and had been buried in the potter's field there. The fact that the Germans were the ones to report this would seem to indicate that they had been keeping in close contact with him.

An immediate investigation was made. According to the identification papers found on him, the man who had died was indeed Michael Kristoff. The teeth, however, differed from the teeth records shown in

Kristoff's Army file. The American claimants have accepted this account of Kristoff's death, but there are some of the investigators who firmly believe that he is still alive.

After his failure to meet Peaslee and his subsequent disappearance, all that the American investigators had left were the Bayonne police reports and those of Kassman, and the statement of Maria de Victorica that an Austrian had blown up Black Tom. This evidence indicated that Kristoff had taken part in the destruction of Black Tom; but, even if this were proved, he still had to be linked up to a recognized German agent before the blame could be pinned on Germany. The problem was to find or identify Graentnor, and none of the records revealed any clues. The investigators therefore turned to Witzke, who, as we have already shown, had boasted to Altendorf that he and Jahnke had blown up Black Tom, adding, "We were out in a small boat and the waves nearly swamped us and we came near drowning."

Witzke's court-martial record was gone through with a fine-tooth comb, but with no success. The Judge Advocate had had sufficient evidence to secure a conviction on the coded message found on Witzke and on the testimony furnished by the witnesses. In consequence no particular attention had been given to his reported statements about Black Tom.

It was from an entirely different source that corroborative evidence came. Hidden in a stack of dusty files, a series of reports from Fort Sam Houston were found; and among them was an affidavit dated September 19, 1919, from Corporal John Shores, a guard at the prison, in which he testified to Captain A. H. J. Voelker, Adjutant:

John Shores, age 22 years, Corporal, Company F, 3rd Infantry United States Army; home address, Benton, Ky., being duly sworn deposes and says:

That about two months ago he heard Lothar Witzke, alias Pablo Waberski, say, while in the guardhouse at Fort Sam Houston, Texas, that he and another fellow blew up Black Tom Island in New York.

(signed) John Shores

When interviewed by the American investigators on December 11, 1926, Captain Voelker stated that he had taken the affidavit from Corporal Shores as a matter of record, but that no action had been

taken on it as Witzke had already been tried and convicted as a spy.

Peaslee and his associates had, however, been set on a new track; and in 1926 they located another guard, Sergeant Haslam, who had been at Fort Sam Houston during Witzke's detention there and to whom Witzke had also confessed that he had participated in the destruction of Black Tom. Corporal Shores was then reexamined; and he furnished an additional affidavit to the effect that Witzke had not only told him that he and a companion had blown up Black Tom but also had said that they were in a rowboat which was overturned by the explosion of a drifting ammunition barge.

The intercepted coded telegram of January 10, 1917, which we have already quoted in connection with Wunnenberg, placed Jahnke definitely in New York on this date. Peaslee and his investigators, however, found proof that both he and Witzke were there prior to this date.

In 1919 Witzke had been examined by Captain * Tunney, then of the Military Intelligence, in connection with an application made by him for commutation of his court-martial sentence. Scrutiny of the transcript of this examination revealed that Witzke had been careful to deny that he had told anyone that he had blown up Black Tom or that he had been in New York at the time of the explosion. He had admitted, however, that he and Jahnke had been in New York during the fall of 1916, and had roomed together at 100 West 56th Street.

Witzke further went on to admit at this examination that, from this period up to the time of the entry of the United States into the war, he was carrying "secret messages" between the German Consuls in New York, San Francisco, and Chicago. It was an admission that he was being employed all over the United States; and in the light of his admissions to Altendorf and his known record in Mexico it is reasonable to assume that a German agent of his importance would not be employed as a simple messenger but that his travels were in connection with sabotage activities.

As for Jahnke, apart from the proof furnished by intercepted cables which will be quoted later, the following report, dated January 25, 1918, submitted by H. M. Moffett, a Secret Service operative, who

* Inspector was his police rank.

interviewed Von Brincken in prison, clearly shows that Jahnke was engaged in sabotage activities in the United States:

Von Brincken then states that on or about November 15, 1915, which is supposed to be the birthday of Consul Bopp, the latter had Jahnke blow up a concern which was supposed to be secretly making munitions for the Allies. It later developed that this place, which is located at Twelfth and Howard Streets, this city [San Francisco], was engaged in casting window weights. The press published an interview with the proprietor in which he states that he thought it was an accident, as he could see no reason why the place should be dynamited inasmuch as they had no known enemies. Bopp was supposed to pay Jahnke a thousand dollars for this job, and had paid him \$500.00 in advance. He refused, however, to pay him the balance of \$500.00, as he claimed the place was not manufacturing munitions and also in view of the statement of the proprietor, as published in the papers. Bopp then sent C. C. Crowley, now doing time at McNeil Island, to investigate the concern before he would pay the balance. Crowley has since verified von Brincken's statement regarding the blowing up of this concern. . . .

A further report, written early in 1918 by an American agent stationed in Mexico City, reveals the importance of Jahnke as a German agent:

Intelligence Officers will be interested to know that the present task of promoting a mutiny in the U. S. Army has been entrusted by Berlin to one of their star agents, one K. A. Jahnke of Mexico City. This event is scheduled for the Autumn. Jahnke also has taken under his wing the general supervision of sabotage in the U. S., the Panama Canal, and American possessions generally, including especially sabotage of ships transporting War material and material for ship construction. His program covering the foregoing ambitions has been approved by the German Government, with an available credit of 100,000 marks per month, and an additional large commission on results accomplished. . . . He has already had some experience in the control of German agitators, defeatists and I.W.W. agitators in this country, and is regarded as an ideal man for the job.

Jahnke's official appointment seems to be that of sole naval confidential agent in Mexico. . . . Intelligence Officers will probably never have the pleasure of meeting Mr. Jahnke personally, but it is not at all unlikely that he will give them something to think about. Hence this note in advance.

From these records Peaslee turned to Koenig's notebook. In looking through the thirty-four secret service agents listed under the heading "D-Cases," his attention was arrested by two names: Scott and Burns (spelled Berns once and Burns twice in other sections of the notebook). Scott and Burns were the names of two of the Dougherty guards who were on duty at Black Tom on the night of the explosion.

Both Scott and Burns were located by W. H. Russel, a member of the Greeley Detective Bureau. Scott was then on the New York police force and Burns was living in Huntington, L. I. Under date of March 30, 1929, Russel in an affidavit covered the statements which Burns and Scott made to him separately in interviews at which Peaslee was also present. According to this affidavit both Scott and Burns denied that they knew Paul Koenig. Burns stated that he was the "Captain" in charge of the Dougherty detectives at Black Tom and that he took over his duties on June 1, 1916. After he had been on duty for about two or three weeks, Burns said, he was approached one night in the Jersey Central Station at Communipaw Avenue by a man whom he did not know and who gave him some money and asked him to relax the guard of the detectives working under him. He admitted that from time to time this man gave him similar sums but added "I didn't see no particular harm in taking some money which was being handed about and I think I would have been a fool if I hadn't. It wasn't much of anything—only small pieces of change from time to time."

Scott admitted that Burns had given him small amounts of money now and again but claimed that he did not know for what purpose. He further stated that Burns sometimes gave him money to buy liquor for the guards. He also added that Burns disappeared from New York shortly after the Black Tom explosion and was later located at Oakland, California. On further interrogation, Scott admitted that he knew Kristoff, as he had often seen him hanging around the White House saloon at Communipaw Avenue.

Both Burns and Scott declined, in the course of the interview, to sign any written statements in support of what they had said as described above. Later, when Grover Whalen was Commissioner of Police in New York City, Peaslee appealed to him for help in getting a written statement from Scott. Scott first agreed to write out a state-

ment; but, after he had done this, he wished to make so many changes that the attempt was given up.

Having been unable to get any aid from Scott and Burns, an appeal was made to von Lewinski, the German Agent, either to produce Koenig as a witness, or failing this, to produce or indicate who the Scott and Burns were who were mentioned in his notebook. Germany refused to produce Koenig. But later he was discovered in the United States. He had been in Jersey City all the time. However, when approached by the American claimants, he refused to give any information, and when later examined under subpoena in 1933, he successfully resisted the cross-examination of Mr. Bonyngé.

An interesting note from Koenig, found among papers seized by the American authorities during the raid on von Igel's office reads as follows:

W. von Igel, Esq., New York City,

New York, August 10, 1916.

Dear Sir:

I am forwarding under separate cover a certain part of a shell which was found on Governor's Island shortly after the recent explosion which took place on Black Tom Island.

If you find it to be of any interest to you or others, you may retain same.

Faithfully yours,

Paul Koenig

Koenig claimed in the course of this examination that the sending of the shell fragment had no special significance.

The possibility that two common names such as Burns and Scott could have appeared purely by chance in Koenig's list of thirty-four secret agents was also investigated. On the basis of scrambling up all the names in the Manhattan telephone book, and then choosing 34 of them at random, it was found by actuarial computation that the chance of Burns's and Scott's being drawn in succession (the two names followed each other in Koenig's list) was 1 in 2,000,000.

That the Germans did make a practice of bribing guards is proved by an admission to this effect made by Wilhelm Woehst, a confessed German agent, of whom we shall hear more later. Von Rintelen also

confessed to the same practice and further confirmed that Black Tom was a German sabotage objective by admitting that as far back as 1915 he visited it secretly one night with a view to mapping plans for its destruction.

Kristoff, Witzke, Jahnke, Koenig, Scott and Burns,—what, if any, was the connecting link between them as related to Black Tom, and who and where was Graentnor?

Chapter XV

“THE EASTMAN GIRL” COMES FORWARD

A REVIEW of the evidence furnished by Horst von der Goltz and by the German agents who were convicted in the Welland Canal case revealed that they had stored the dynamite in a house in New York at 123 West 15th Street. The owner of this house, Martha Held, was a buxom, handsome woman whose dark blue eyes and black glossy hair were usually set off by sparkling earrings. She was a prewar German Secret Service recruit but never did any actual spying. Instead, she ran a rendezvous house for German spies, a safe retreat for their secret meetings. She was a German baroness by marriage (what happened to the baron we do not know) a genial, middle-aged woman at the time she was in New York. She was accustomed to entertaining men from every walk of life.

As far back as 1912 she rented the house at 123 West 15th Street, New York City, from J. Irving Walsh, former president of the New York City Real Estate Board, to whom she confided that she had chosen the number specially as an easy aid to memory.

It is from Mrs. Mena Edwards Reiss, who was brought forward early in 1925 by her husband, a Lehigh Valley employee, that we have a detailed account of Martha Held and the clandestine activities which took place in her establishment. For a fee she gladly set down her experiences in an affidavit.

During the years 1914, 1915, and 1916, Mena Edwards, then unmarried, was employed by the Eastman Kodak Company and was known as “The Eastman Girl.” She posed for photographs for use in advertisements and displays on magazine covers. A pretty, vivacious, athletic girl, pleasure-loving and fond of sports, she was well liked and had a wide circle of friends. For a time during this period she lived at a hotel at 86th Street and Broadway with a motion picture

actress named Marie Wells; later she shared an apartment on West 87th Street with Lucille Rogers, an actress.

Late in 1914, or early in 1915, she became acquainted with a French girl named "Vera," whose last name she had forgotten, who lived in the Pasadena Apartments at 61st Street and Broadway.

Vera, who spoke German fluently, later confided to her that she was a German agent, and as such had made several trips to Europe. Through this French girl Miss Edwards met a German named Eugene Schwerdt, an immensely wealthy broker, who at one time had cornered the South American wool market. One evening at the Plaza Hotel, Schwerdt introduced her to Captain von Papen.

Thereafter Vera and Miss Edwards were frequently the guests of Schwerdt and von Papen, often dining together at the Plaza, the Ritz, or at Delmonico's, and frequently going for horseback rides in Central Park.

At one of these dinners von Papen introduced her to Captain Boy-Ed. After they had dined, they took her to 123 West 15th Street and presented her to Martha Held, who, Miss Edwards later discovered, also used the name, "Martha Gordon."

During the rest of the neutrality period Miss Edwards was a frequent guest in that house. It was an old-fashioned dwelling with a brown-stone stoop. There was a well-equipped kitchen and a wine cellar in the basement, and on the first floor a large dining room whose walls were lined with photographs of Martha Held and other stars in opera costumes. Mme. Held occupied the whole four floors of the dwelling. There were two servants: Janushka, a Hungarian maid, and Rose, a colored woman.

Miss Edwards and Vera dined in the house about once a week either with von Papen or Boy-Ed or other of the Germans whom they met through the two Attachés. Miss Edwards soon discovered that it was a meeting place for German agents, captains and officers from the interned German ships, reservists, and spies who had been sent over from Germany. Many of them came disguised in all sorts of garb. All of them entered through the basement. Among the many she met she recalls the names of von Rintelen, Horst von der Goltz, Hans Tauscher, Ludwig Meyer, J. von Bruck, Martin Lange of the

Café Bismarck, and a curious character, known to her only as “Mox,” who was said to be a printer by day and a saboteur by night.

The destruction of munitions and factories and other equipment which was of service to the Allied Governments was a constant topic of conversation. Sometimes English was spoken; but even when German was used, which was generally the case, Miss Edwards, although she could not talk the language fluently, understood enough German to follow what was said. Black Tom and the Welland Canal were often mentioned, as well as factories in various parts of the United States.

At these conferences bombs were often carefully handed around. Men brought them in satchels from Hoboken, and Mme. Held stored them in a cupboard in readiness to be given later to others who carried them away. Often, too, great rolls of blue prints were spread on the table; and photographs were closely examined.

After von Papen and Boy-Ed were sent out of the country, she met Wolf von Igel several times. She remembered that on two occasions Count von Bernstorff also came to the house.

On several occasions, just prior to the Black Tom explosion, she overheard plans for the destruction of the Terminal. For the coup the night of Saturday to Sunday, just after midnight, was considered to be the most propitious moment. The printer, “Mox,” was chosen to carry the bombs over to the Jersey side; and, according to the conversation, she gathered that they had several inside men actually in the employ of the Lehigh Valley Railroad Company to assist them.

Alarmed at what she had heard, she decided to spend the next weekend out of the city and therefore went down to stay with a friend at Atlantic Highlands on the New Jersey coast. She and her hostess were asleep when they were awakened by what sounded at first like a clap of thunder. As their bedroom led onto a verandah, they rushed out to bring in their bathing suits, which had been hung out there to dry. Against the sky they could see the ruddy glare of a great conflagration; and from time to time they heard popping sounds, which they later learned were made by exploding shells.

Miss Edwards returned to New York Monday, July 31, and on Tuesday morning Martha Held telephoned her inviting her to dinner that night. There was a large crowd at Number 123 when she arrived.

Everyone was talking about the success of the Black Tom explosion. Toasts were drunk to the Kaiser and the Fatherland, and there was also a good deal of handshaking.

After this Miss Edwards began to get more frightened about the activities of the group; and, as at the same time, one of the employees of the Eastman Kodak Company informed her that the company was getting suspicious of her and was inclined to believe that she was too pro-German, she decided to return to her mother's home at Wallington, about thirty miles from Rochester. There she remained for several months without returning to New York City.

In defending Germany before the Mixed Claims Commission, von Lewinski, the German Agent, denounced Mena Edwards Reiss's affidavit on the grounds that the American lawyers had paid her \$2,500 for her statement and had promised her a further \$5,000 if the Commission handed down a favorable decision.

But this payment was no discovery on the part of the Germans; the American lawyers at the time of the filing of the affidavit had loyally notified the Commission of the fact. Miss Edwards had insisted on a fee; and, although Peaslee was loathe to pay it, realizing that it would detract from the value of her statement, yet there was no alternative as she obviously had information to impart. Her affidavit was not worth the money he paid for it, as he afterwards saw.

It seems likely that she drew somewhat on her imagination. In any case her affidavit was merely filed as supporting evidence, though later it proved more of a handicap than a help. From other sources it had been established beyond the shadow of a doubt that Martha Held did conduct a spy rendezvous at 123 West 15th Street, that explosives were stored there, and that Mena Edwards had frequented the establishment.

J. Irving Walsh gave an affidavit that he rented 123 West 15th Street to a German woman, Martha Held, in 1912; that he visited the house from time to time and "had noticed that there was a great deal of wine and liquor about, and that it always had quite a German atmosphere"; that Martha Held further told him that "on several occasions the sea captains on the German boats were accustomed to coming there and she said that she would give them little dinners at night." He further

added that there was something strange in connection with the discontinuance of the tenancy, on June 6, 1918:

My recollection is that I received a telephone call stating that the house was vacant and that Martha Held and everybody had disappeared, and that we sent down there and found that the keys had been left next door, and that no one knew where Martha Held had gone.

Apart from the names of known German agents mentioned by Miss Edwards, the names of von Bruck and Ludwig Meyer appeared in Dr. Albert's private book of addresses, and that of Martin Lange, the proprietor of the Café Bismarck, in Koenig's notebook.

Investigation of some of the neighbors in the same block corroborated the fact that Martha Held sometimes used the name of "Martha Gordon." One of them recalled that because of the number of men who frequented the establishment, the neighbors whispered that it was a bawdy house. Martha Held probably encouraged this belief to cloak her real activities. But all this brought Peaslee and his investigators no nearer to the solution of their problem. They therefore turned to new fields.

Chapter XVI

THE SECRETS OF "40 O.B."

HAVING searched the American records, Peaslee and his associates naturally directed their attention to those of the Allies. There had been two independent British Intelligence sections operating in the United States during the war: one a unit of the British Secret Service under the direction of Sir William Wiseman, who moved about New York as Walter Wisdom, director of W. Wisdom Films, Incorporated; the other, a section of the British Military Intelligence Service commanded by Colonel Thwaites. Both services had kept a watchful eye on the activities of Boy-Ed, von Papen, and their successors in the recruiting of spies of neutral nationality in the United States for dispatch to the Allied countries. Several of these spies, such as George Vaux Bacon, had been caught in England as a result of this alertness. Some attention had also been given to German sabotage activities in the United States, since the British had an obvious and vital interest in the munitions shipments which were being made to Europe. And, although it was impossible for the British to interfere in the United States during the neutrality period, they were able, on occasions, to pass on information to the American authorities. When this failed to bring action, they communicated it to the press. Some of the sensational disclosures made by the *Providence Journal* during the war were of British origin.

Peaslee was well aware of these facts, and consequently he sailed for Europe in 1925. But secret service records are what their name implies. Because of his appearing as a private citizen without any official backing, he was courteously received by Sir Basil Thompson, head of Scotland Yard, and just as politely informed that the British had no information to impart. In any case, he applied to the wrong department; for, although Scotland Yard effected spy arrests in England during the war, it relied on the British Secret Service and on the In-

telligence Services of the Army and Navy for its espionage information.

Peaslee was quick to realize the cause of his failure; and, as soon as he returned to the United States, he got in touch with former Secretary Robert Lansing, with whom he was well acquainted.

Peaslee met him at Watertown, New York, on August 5, 1925, and there explained to him his needs. It was natural that Lansing, who knew the inside story of the Zimmermann telegram* should have fired Peaslee with enthusiasm for Admiral Sir Reginald Hall, the man who, as Director of Naval Intelligence Service of the British Admiralty, had been responsible for the interception and decoding of this telegram. Lansing gave Peaslee a letter of introduction to Admiral William E. Sims, former commander of the American naval forces in Europe. "Hall and Sims are great personal friends," said Lansing. "Get Sims to give you a letter of introduction to him. Hall intercepted and decoded every German cable and wireless message that passed between von Bernstorff and Berlin. Get a copy of these messages, and I am sure you will find all the information you want."

Peaslee wrote posthaste to Admiral Sims at Newport, and also to a cousin of the Admiral's, Joseph P. Sims, with whom Peaslee had been associated in France during the war.

On August 18, 1925, Peaslee sailed once more for England, armed this time with a precious letter of introduction from Sims to Hall. The information which Peaslee obtained from Sir Reginald Hall immediately set the American investigators on the right track and supplied such valuable clues that even at the risk of digressing we must describe at some length how the British Cryptographic Service intercepted and decoded German cables and telegrams.

War had been declared between Germany and England but a few hours when a group of trawlers sailed from the east coast of England in the direction of Emden, the German port at the mouth of the Ems River where the Dutch coast joins that of Germany. To any German coastal patrol boat which might have spotted them, they were just some

* Sent in January, 1917, by Zimmermann, German Foreign Minister, to von Eckhardt, German Minister to Mexico, instructing him to promise Mexico German aid in securing a return of Texas, New Mexico, and Arizona, in the event that the United States should enter the war on the side of the Allies and Mexico should ally herself with Germany.

of the many fishing boats operating in the area. A boarding party would have revealed that they were manned chiefly by cable experts. Under the cover of darkness and mist, slipping silently between the Dutch islands in the vicinity, they grappled for the German deep-sea cables. Covered with mud and seaweed, these cables were eventually hauled up on deck; and one after another they were cut and allowed to sink back into the depths. It was a brilliant coup, conceived and executed by a young naval officer who, disguised as a fisherman, had mapped out the area several months before the war and had planned every step which had now been so successfully carried out.

After fruitlessly trying to get through on their cables, the Germans at length realized what had happened. To communicate with the outside world only two channels were now left open to them: cables owned by neutral countries, and wireless communication through the air. The ether soon buzzed with German coded wireless messages, not only to their diplomatic representatives in neutral countries but also to those of their warships cut off in distant parts of the globe by the outbreak of hostilities.

The French immediately suggested jamming the German wireless, but the British had a craftier plan. They decided instead to intercept the messages and to use them to their own advantage. The idea was excellent. But how was this to be done? It was obvious that somehow or other the German codes had to be stolen or acquired, or some master mind had to be found who, by methods of cryptography, could break the multiple and intricate ciphers which were being used. The Director of Naval Intelligence at the Admiralty, to whom the task was assigned, quickly realized that both methods had to be used.

It is true that the art of cryptography can be developed by constant practice, but it also requires a special flair. Whence, at short notice, was the British Admiralty going to recruit the necessary personnel, and above all where was the man to be found who had sufficient experience to direct such a service? Chance favored the British. In the Admiralty itself was a man who, as a hobby, had made a life study of cryptography. This man was Sir Alfred Ewing, Director of Naval Education, a noted scientist; and it was to him that Admiral Sir Henry

Oliver, Director of Naval Intelligence at the outbreak of the war, turned.

Sir Alfred eagerly accepted the assignment. Starting with a staff of five men, he patiently trained them and then added to their number until eventually he had a band of fifty assistants—mathematicians, linguists, and, later, secret ink chemists. Space for Sir Alfred and his staff was found in the Old Admiralty Building in Room 40, and to keep the nature of the organization secret it was always referred to as "40 O.B." (Old Building).

Ewing's appointment was one of the most judicious ever made at the Admiralty. While battles raged at the front and at sea, this frail, slightly-built man, with his enormous head, bushy eyebrows, and dark piercing eyes, tranquilly seated in his peaceful office at the Admiralty listening attentively, learned through intercepted and decoded messages what the next moves of the enemy would be. Even though the Germans constantly invented new codes or scrambled up and combined existing ones, he and the men working under him were always able to solve their mystery.

The existence of the British Cryptographic Service was one of the most jealously guarded secrets of the war. Even some of the British Cabinet Ministers did not know of its existence, and many a member of the Admiralty never heard of it until long afterwards. But those who were in the know realized that it contributed largely to the ultimate victory of the Allies. The public for the first time heard of it in 1925 when Sir Alfred Ewing caused a sensation by referring to it in an address which he gave at the University of Edinburgh. Shortly afterwards, Lord Balfour made the following declaration: "The country owes '40 O.B.' an immense debt of gratitude, a debt which, for the moment at least, cannot be paid. Secrecy was an essential part of the work, and never was a secret better guarded."

There are hundreds of code and cipher systems, some of which are simple, others so complex as to tax the uttermost ingenuity of the cryptographer. Some are based on a verse or prose passage, or on an intricate combination of numbers, others are as elementary as the prearranged interchange of the letters of the alphabet. Some require the use of ponderous code books; others, in order to prevent their falling

into the hands of the enemy, can be committed to memory. The skilled cryptographer must take most of these in his stride.

Cryptography alone, however, could not possibly unravel the secrets of all the German coded messages which crowded both the air and other channels of communication. The larger codes are in the form of a dictionary, with a group of five or six numbers to represent each word or phrase. As each group of figures is chosen arbitrarily, there is no means of deciphering such a code unless the actual code book or a copy of it is used. As many of the German coded messages were based on the larger codes, "40 O.B." could therefore never have achieved its brilliant success had not many of these codes, by some means or other, fallen into the hands of the British. The difficult task of acquiring them devolved on the British Naval Intelligence Service.

In October 1914 Captain W. R. Hall, who later was knighted and promoted to the rank of admiral, took over from Admiral Sir Henry Oliver the direction of the Naval Intelligence Service. Sir Reginald, or "Blinker" Hall, as he was affectionately known to his intimates, was splendidly endowed for this work. The following estimate of him made by Walter Hines Page, the American Ambassador in London, in a confidential letter to President Wilson in 1917, was no exaggeration:

Hall is one genius that the War has developed. Neither in fiction nor in fact can you find any such man to match him. Of the wonderful things that I know he has done there are several that it would take an exciting volume to tell. The man is a genius—a clear case of genius. All other Secret Service men are amateurs by comparison. . . . I shall never meet another man like him: that were too much to expect.

Apart from Hall's intimate experience and knowledge of everything pertaining to secret service, he was an uncanny judge of character. One glance was sufficient for him to sum a man up. It was thus that he immediately gauged the qualities of Ewing, chosen by his predecessor, and promptly gave him carte blanche in the running of "40 O.B." The rest of his staff was chosen and handled with equal perception. He also had a remarkable ability in cross-examination, which proved the downfall of many a suspected German spy who was snared in the net he laid for him. However watertight their story, as Horst von der Goltz

and von Rintelen found when they had to face him in 1915, he intuitively picked out the flaws in their alibis or defenses. "He can see through your very immortal soul. What eyes the man has got!" was the despairing remark of one of his victims. But it was the acquiring of German codes which was Sir Reginald's special vocation. Under his expert guidance and planning some were stolen by his daring agents; some were recovered from sunken German submarines and warships; others were captured by the British forces in various parts of the world. Although the British diplomatic and fighting services knew nothing about "40 O.B.," yet, as if attracted by a magnet, all information acquired by them pertaining to German codes found its way to Hall. His net was spun so finely that nothing missed him. To illustrate his methods we will tell how three of the many codes which fell into his hands were obtained.

A few hours after the German occupation of Brussels, the powerful wireless station at the Belgian capital had been converted to German use. As the intercepted messages started coming in to "40 O.B.," it became immediately evident to Sir Alfred Ewing that the Germans at the Brussels station were making extensive use of one of their large diplomatic codes. Many of the messages defied the efforts of some of his best cryptographers.

British agents, recruited from amongst the Belgians who remained behind in the occupied territory, were sending a steady stream of spy reports through to Holland. Here, then, was as good a field as any in which to attempt to secure possession of one of the larger German codes. H.523, one of the best of the British agents, was charged with the mission. Careful observation and inquiry by him yielded results. He discovered that the German coding staff was located in the Kommandantur in Brussels and that it was composed of four coding clerks, one of whom was an Austrian, Alexander Szek, a brilliant young engineer, born in Croydon, a suburb of London, whose father had moved with him to Brussels several years before the war. Immediately after the occupation of Belgium, the German and Austrian authorities had called to the colors all their nationals of military age residing in the territory, and young Szek had been one of them. His knowledge of the French language and of Brussels had won for him an assignment

in the German counter-espionage service, and from there, in the course of time, he had been transferred as a coding clerk to the Kommandantur.

On receipt of agent H.523's report, the British Secret Service was quick to seize on the point that Szek was born in London. A check-up of aliens registered in Croydon revealed that Szek had a sister still living there, that she was employed as a governess in an English family, and that, as in the case of so many Austrians, she was violently anti-German. It was not difficult, therefore, to persuade her to write a letter to her brother on fine tissue paper urging him to aid the British by securing for them the code. Her letter was handed to H.523 on one of his periodical trips across the frontier into Holland.

To approach Szek directly was a dangerous and delicate undertaking, but H.523 was skilled in the right methods of approach. After winning Szek's confidence by giving him news of his sister, H.523 finally handed him her letter. At first Szek was afraid, but after considerable persuasion he eventually fell in with H.523's plans. Szek's first thought was to steal the code, but H.523 quickly pointed out to him that this would defeat their object, as the Germans would immediately change it. And so Szek set about the laborious task of secretly copying the code during his hours of service. This took him several months, since he could only do the copying during the odd moments he was left alone in the coding room during the luncheon hour. Finally, however, in April 1915 the task was completed. But to H.523's dismay Szek refused to give him the code. He insisted instead on escaping across the frontier with it to Holland. In vain H.523 pleaded with him that his flight would arouse the suspicion of the Germans that the code had been copied. But Szek was adamant; he had just received confidential information that he was about to be transferred to the front; and from the firing line, above all, he wished to escape. Therefore, early in April 1915 on a moonless night, the two of them set out for the Belgian-Dutch frontier.

It was the period just after the Germans had completed their formidable barrier along the Belgian-Dutch border to prevent the passage of spy reports and to put a stop to the flow of refugees escaping across the border to join the Belgian Army. A high-voltage electric

fence, eight feet high, sentries every hundred yards, searchlights, police dogs, a horde of secret service police, and mounted patrols covered the length of the frontier. Arriving near the border, Szek began to regret his decision. The danger was as real as being in the trenches. He was now glad to get rid of the compromising copy of the code by handing it to H.523.

Equipped with India rubber gloves and socks to enable them to cross the high-tension electric fence, the two men, crouched in the long grass, awaiting the moment when the sentry near them would reach the point on his beat farthest away from them. But their wait was cut short, a police dog started barking, the alarm was given, the searchlights were switched on, and the sentry started shooting. H.523, experienced in crossing the high-voltage electric fence, made a dash for the border and succeeded in getting across, but Szek turned back and tried to escape. H.523 brought the code to Colonel Oppenheim, the British Military Attaché at The Hague; and in due course it was forwarded to Sir Reginald Hall. What happened to Szek will ever remain one of the mysteries of the war.

Szek's father, who lived with him in the rue du Lombard, in Brussels, never heard of his son again. He was convinced that his son got across the frontier; and when after the Armistice he failed to return home, he accused the British of making away with him to prevent the Germans' finding out that the British had a copy of the code.

After the war the author of this book was in charge of the British Intelligence Commission, whose function it was to liquidate all the British spy services which had operated behind the German western front in occupied Belgium and northeastern France. In the course of his investigation he came across some evidence to show that Alexander Szek had been kept in solitary confinement in the Namur prison, that he was tried by court-martial, found guilty of being a deserter from military service, and shot. The author's informant was a former German soldier who had served during the war as a warder at the prison. This man, born in Silesia, acquired Polish nationality by the Peace Treaty, and remained in Belgium after the Armistice. The author is inclined to believe the warder's story—he had no reason to invent it—but Szek's father refused to accept it. To him it was just another ruse

of the British to keep the truth away from him. On the other hand, if the Germans did shoot Alexander Szek, why did they not notify his father? And why after the war, when the father made inquiry in Berlin, did the German authorities inform him that they had no record of his son's execution?

Whatever the solution to the mystery, and whatever suspicions the Germans may have had, it is evident that they were not aware that the British had secured a copy of the code, for, except for a few minor variations, it remained unchanged and in active use until the end of the war.

For the story of the second code we must now switch to another part of the world. One of the principal sources of oil supply for the British fleet was the oil wells of the Anglo-Persian Company in Persia. These oil wells, situated several hundred miles inland, were connected to the Persian Gulf by a pipeline. The protection of this vital artery of supply became a supreme necessity. The task was a difficult one, owing to the length of the pipeline and the barren nature of the country through which it ran. The whole length of it could not be guarded at the same time, and the surveillance had to be entrusted to mounted patrols. Not only had these patrols to watch out for marauding bands of Turks and Kurds, who knew the terrain much better than the British, but Persia itself was a hotbed of German intrigue; and, as was the case in other neutral countries, it was overrun by German agents, who, in most cases, were directed by some German official enjoying diplomatic immunity.

Wasmuss, the German Consul at Shiraz, was specially active, and of this fact the British Intelligence Service was fully aware. In fact, so well were they posted as to his activities, and so closely was he watched, that the British knew several days ahead of time of a raid on the pipeline he planned to carry out with the help of Kurdish irregulars.

The date and the locality of the raid being known, an ambush was laid for Wasmuss and his band of Kurds. It was a surprised German Consul who found himself surrounded and forced to surrender before more than a shot or two had been fired. Pleased as the British were with their haul, they were even more delighted and surprised when they discovered an important German code in the possession of Was-

muss. So sure had he been of success that, with characteristic German thoroughness, he had brought the code along with him. He had wished to lose no time in sending through to the Turkish lines, for wireless transmission to Berlin, a coded message announcing the details of his coup.

The code was promptly forwarded to Sir Reginald Hall. It was the German code number 13040. It proved later to be one of the biggest scoops of the war, for it was possession of it which enabled "40 O.B." to decipher the Zimmermann telegram.

Even though the Germans heard of the capture of Wasmuss, it never dawned on them that he could have been so foolish and indiscreet as to have permitted the code to fall into the hands of the British. Today the code is still in the possession of Sir Reginald and is one of his most prized souvenirs.

Several codes were also recovered from German warships sunk by the British Navy. Of these the code from the cruiser *Magdeburg* was one of the most important. Within a few minutes after a British torpedo struck her, she went to the bottom, and only a handful of the crew were saved. Days afterwards a British torpedo boat patrolling the area sighted a floating body. It turned out to be the commander of the *Magdeburg*. Buttoned securely in his tunic was the code book. Some of the survivors later testified that when last they saw their commander, he was standing on deck with the code book clasped in his hands.

Such, then, was the organization which he had brought to perfection. Not only was there "40 O.B.," which was capable of mastering every German cipher, but also Sir Reginald's network spread throughout the world, which was able to acquire by theft or capture every important German code. This combination of skilled cryptographers and the actual possession of the large German codes enabled Sir Reginald and his organization to decipher every German coded message which came into their possession.

To pick up the German wireless messages, receiving stations were erected at Lowestoft, Lerwick, Murcar, and York. These stations not only sufficed to intercept the messages for dispatch to "40 O.B.," but they served also as radio goniometric stations to furnish bearings

for triangulating the position of any German vessel using its wireless.

Not satisfied with intercepting every German wireless message which flashed through the air, agents were actively employed in all neutral countries to secure copies of coded telegrams and cables sent out by German diplomatic representatives over neutral telegraph and cable lines. This was specially necessary in the case of the messages which passed back and forth between von Bernstorff and Berlin; for, as we shall see, not all of them by any means were sent through radio stations.

Long before the war Germany had seen the necessity of establishing a complete wireless system throughout the world. In accordance with this plan she had in 1911 erected a wireless station at Sayville, Long Island. This foresight had permitted her throughout the first two months of the war to have untrammelled wireless communication with her representatives in the United States. But in September 1914 the United States Government seized the station, realizing that it was being used to direct movements of German commerce raiders still at sea and was thereby infringing American neutrality. At the same time a censorship was enforced and the sending of coded messages was prohibited.

German ingenuity, however, soon found a means of evasion. Receiving the incoming messages sent out every morning at 3 A.M. from the powerful German station at Nauen, near Berlin, was simple. Many of the interned German ships, although forced to take down their regular antennæ, rerigged them in funnels or other places of concealment. Several secret receiving stations were also erected in private homes. The sending of messages, however, was more difficult. One method was to use prearranged key phrases embedded in apparently innocent commercial telegrams; but for messages important enough to demand the use of one of their large codes they availed themselves chiefly of neutral channels, especially those provided by Sweden. The Swedish Foreign Office was notoriously pro-German, and German messages were frequently put in Swedish cipher and sent to Swedish Ministers in other countries for delivery to their German colleagues. Incredible though it may seem, Germany also occasionally beguiled the State Department on one pretext or another into forwarding her messages.

The British network of agents in the neutral countries picked up

most of these cables, however; and even those forwarded through the State Department were intercepted in London, as the cable lines from the United States to Europe passed through the British Isles. In Holland where the author was in charge of the Military Section of the British Secret Service during the war, one of the British agents was specially assigned to procure, through secret connections of his in the Dutch telegraph office, copies of all telegrams sent to Berlin by the German Minister at The Hague. Such a telegram, intercepted by a British agent in neutral Chile and decoded by "40 O.B.," gave the British Admiralty the information that Admiral von Spee and his squadron were about to sail from Valparaiso for the Falkland Islands. This permitted the Admiralty to draft the plan which led to the sinking of von Spee's ships by Admiral Sturdee. Proof of the efficiency of the British network was that the Zimmermann telegram was sent through four different routes to von Eckhardt, the German Minister to Mexico, and that the British picked it up in each case.

One of the routes was via the State Department and von Bernstorff. It happened that at this time the Germans were discussing with President Wilson the possibility of ending the war by a negotiated peace. As these conversations were initiated by the President, he was anxious to provide every facility for communications to pass to and fro between Berlin and von Bernstorff. Therefore, he had instructed Ambassador Gerard to forward German diplomatic cipher cables through the American Embassy instead of insisting on their being presented in clear for transmission in the American code. The Germans had taken advantage of this situation and had merely tacked the Zimmermann telegram onto the end of one dealing with the peace negotiations.

By 1916 over 2,000 coded messages were coming into "40 O.B." daily, and not one failed to be decoded. Relying upon the secrecy of their codes, the Germans were amazingly loquacious. They filled the air with the most secret information concerning their army, navy and diplomatic service, and all this "40 O.B." grasped out of the ether. In addition most of the German messages sent over neutral cables were also intercepted. The result was that the British had as accurate information about German affairs as the Germans themselves. To cite a few instances: The movements of German warships were known in

the cases of each of the principal naval engagements; and in the case of the Battle of the Dogger Bank, the British knew twenty-four hours ahead of time which German warships had left port and the times of their departures; track was kept of all German submarines, and a map was kept on the wall in "40 O.B." showing the position of each one as revealed by its wireless messages; the Admiralty was warned well in advance about each Zeppelin raid; the activities of Sir Roger Casement in Germany were flashed freely back and forth between Berlin and von Bernstorff in Washington, and the British knew the exact day he embarked by submarine for the west coast of Ireland, and thus were able to lie in wait for him. The German confidence in their codes also cost their Intelligence Services dear: the names and activities of dozens of their spies were revealed in their messages, and this was the cause of many a sensational arrest.

Not until after the war did the Germans realize that all their coded messages had been an open book to the British and consequently to all the Allies. They continued to use most of their larger codes throughout the war, and even when changes were made, these were transmitted by wireless in the old code; consequently "40 O.B." was able to listen in and make note of these changes. Even the precautionary measures they adopted were exploited by "40 O.B." For example, whenever a Zeppelin started out on a raid over England, it left the regular naval code behind, and instead took along with it a special code, prefixed "H.V.B." This was in case it was shot down. Preliminary to a raid, each Zeppelin taking part in it radioed "H.V.B. alone on board"; this was sufficient indication to "40 O.B." that a raid was about to take place.

But it would be unfair to Sir Reginald Hall if we blamed the Germans entirely for their blind confidence in their codes. Great credit is due him for the tricks he invented to keep the Germans in the dark. Again and again during the war he was puzzled how to make use of his information without betraying the existence of "40 O.B." His ingenuity in this was almost as great as the skill of his organization in intercepting and decoding the messages. Even in communicating information to British staff officers of the Army and Navy, the source was always carefully camouflaged.

The publication of the Zimmermann telegram by President Wilson

gave Sir Reginald many anxious moments. The danger of publication was foreseen; and strange as it may seem, the British kept the telegram almost a month before they could bring themselves to communicate it. Hall was prepared, however, when publication took place. He called in a representative of the London *Daily Mail*, and when the interview was well started asked, "Don't you think we have been slow to let the Americans get a jump on us?"

"What do you mean?" the journalist queried.

"Why, the Zimmermann telegram," Hall replied. "Here we have been trying in vain since the commencement of the war to secure decoded copies of German wireless messages, and apparently the Americans have had no difficulty in procuring them."

The journalist looked at Sir Reginald with surprise, and demanded, "What do you want me to do about it?"

"Publish it."

Still more dumbfounded, the representative of the *Daily Mail* pointed out the impossibility of doing this because of the censor.

"Leave the censor to me," Hall replied.

It was only then that the journalist grasped Sir Reginald's strategy and what was expected of him.

On the following day, under large headlines, a sensational article appeared in the *Daily Mail* praising the ingenuity of the Americans in securing a copy of the decoded telegram and criticizing the British Intelligence Services for failing to do so.

At the same time, Sir Reginald's agents in New York skillfully circulated a rumor that American agents had succeeded in securing a copy of the telegram in Mexico City.

The German reaction was immediate. Hall was able to smile with satisfaction when "40 O.B." brought him the following decoded messages addressed to von Eckhardt, the German Minister in Mexico City:

To: Mexico

No. 20 21st March, 1917

Most Secret. Decipher personally.

Please cable in same cipher who deciphered Cable Dispatches I and II, how the originals and decodes were kept, and, in particular, whether both dispatches were kept in the same place.

Stumm

FROM: Berlin

No. 22 27th March, 1917

TO: Mexico

Various indications suggest that the treachery was committed in Mexico. The greatest caution is indicated. Burn all compromising material.

These messages evidently greatly disturbed von Eckhardt, for he replied in great detail and furnished evidence that von Bernstorff's office in Washington was to blame:

FROM: Mexico

No. 14 30/3/17

TO: Berlin

Reply to telegram No. 22. Greater caution than is always exercised here would be impossible. The text of telegrams which have arrived is read to me at night in my dwelling house by Magnus, in a low voice. My servant, who does not understand German, sleeps in an annex. Apart from this, the text is never anywhere but in Magnus' hand or in the steel safe, the method of opening which is only known to him and myself.

According to Kinkel, in Washington even secret telegrams were known to the whole chancery. Two copies were regularly made for the Embassy records. Here there can be no question of carbon copies or waste paper.

Having set von Eckhardt and von Bernstorff about each other's ears, Hall was satisfied. The more so since Zimmermann supinely continued to use the same code. From the contents of the above cables it is clear that the Germans had swallowed Hall's insinuated explanation that it was a copy of the telegram in clear which had been stolen and that the code itself was not compromised.

Many other ingenious ruses were employed by Sir Reginald to mislead the Germans. From action taken by the British on information contained in the German coded messages, it eventually became obvious to the Germans that there was a serious leak somewhere. At all costs Hall had to dispel any suspicion among the Germans that their codes were compromised, or could be deciphered by an organization such as "40 O.B." Two of his agents, both of French nationality, played an important rôle in this work of deception. One of them was an Attaché at the French Embassy in a neutral country, the other was a member of the French Secret Service. Both of them posed as traitors and suc-

ceeded in winning the confidence of the Germans. Apart from giving the Germans information which the Allies could afford to let them know, they would occasionally startle the Germans by giving them information about the most secret German plans gleaned by Hall either through "40 O.B." or from one of his spies in Germany. On one occasion the bogus traitors informed the Germans that Sir Roger Casement had embarked on a German submarine and was on his way to the West Coast of Ireland. (Hall knew that the submarine was at sea and could not be stopped.) In reply to the frantic demands of the Germans as to the source of the information, all the two informants could offer was that it was a most jealously guarded secret but that they had been able to discover that the information came from a high official in Germany who was in the pay of one of the Allies. Since Hall's two agents were located in two different neutral countries and played their parts with infinite astuteness, the Germans considered the information supplied by the one as a a corroboration of that of the other. Desperately the German counter-espionage service attempted to locate the arch-traitor, and as time went on offered a fabulous reward for information which would lead to his arrest. In the meantime, Hall and "40 O.B." calmly continued to extract Germany's most intimate and vital secrets from her coded messages which flowed back and forth between Berlin and the outside world.

No wonder Peaslee was speeding across the ocean to meet Admiral Hall.

Chapter XVII

THE TRAIL GROWS WARM

AFTER exchanging several telegrams with Admiral Hall, Peaslee eventually met him on August 27, 1925, at his London residence at 53 Cadogan Gardens. Sir Reginald had arranged to leave that night for some grouse shooting in Scotland, and Peaslee therefore lost no time in plunging into the object of his mission. He found Hall in full sympathy with the American claimants, and so commendatory was Admiral Sims's letter that he ended up their conference by saying: "Copies of the decoded German cables are stored away in several tin boxes in the basement. I sealed up these boxes with instructions that they were not to be opened up for twenty years. You have caused me to change my mind, however. I will open up the boxes for you. Copy such of the cables as you think will be useful to you. Make yourself at home. The servants will look after you." His rapid and sweeping decision was typical of the man. Fortunately he was retired from the Navy and was, therefore, his own master.

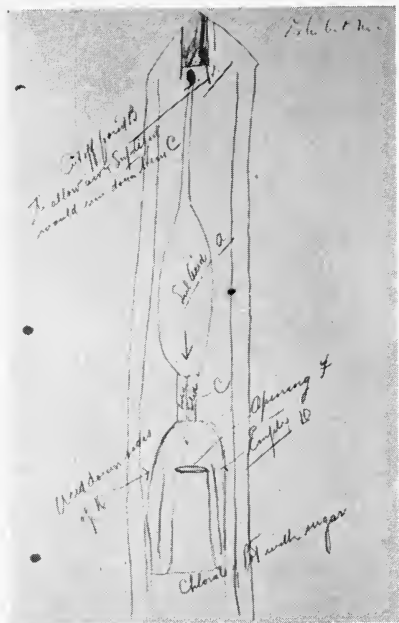
Hall took Peaslee down to the basement, spread the cables before him, and took his leave to catch the train for Scotland. Peaslee found over 10,000 cables, radio messages, and letters which Hall had intercepted and decoded. Twenty-six different codes had been used in sending these messages. Attached to the originals was a translation in clear, also the "recognition group," or number of the code used.

Some of these cables have already been incorporated throughout this book; and as Peaslee read them here for the first time he saw proof of the existence in the United States of that vast sabotage organization described in the preceding chapters and also irrefutable evidence connecting von Bernstorff and his staff with these activities.

In addition it became clear to him that even if the sabotage cam-



Fire at the Shell Assembling Plant at Kingsland, New Jersey. Loss \$18,000,000.



A sketch by Fred Herrmann, a former German saboteur agent, of the design used in the German incendiary pencils. The black section at the top represents the lead at the point. When this is broken the tip of the glass tube is shattered and sulphuric acid is allowed to mix with chlorate of potash and sugar in the lower container through a capillary tube. This results in a white-hot flame's being released through the top. A pencil like this may have been used in firing the plant at Kingsland, New Jersey



Fiodore Wozniak—the Fire Bug

paign had reached its peak in the United States, it had been directed against every neutral country in the world—a campaign the magnitude of which was beyond anything ever before recorded in the annals of international relations.

The following telegram, dated December 22, 1914, from the German Chargé d’Affaires in Peking, and relayed by von Bernstorff to Berlin, is indicative of activities in China:

Military Attaché is leaving the day after tomorrow to undertake operations against the [Siberian] Railway in person. He has furnished me with the following report:

1. Traffic having been interrupted for fourteen days at the end of September and for eighteen days at the end of October by explosions on certain sections of the railway, it is now necessary to have recourse to force, as the line is closely guarded. I am proceeding with eight hundred [Chungchueses?] through Eastern Mongolia in order to operate against the Nonni section and the Hailar Tunnel, which will be destroyed about the middle of January....

2.

3. I have entered into relations with the representative of the Russian Revolutionary Committee for the Maritime Province, who states that all preparations have been made for an insurrection, and that the prospects of success are excellent....

Argentina, like the United States, was an important source of supply for the Allies, and here German agents were especially active. On April 24, 1915, Zimmermann cabled Buenos Aires:

It would be desirable to render useless certain particular cargoes of corn, an operation which can be effected, without danger to human beings, by means of doses of Kokodyl, or Merkaptan contained in Gelodorat capsules. Experiments made here have demonstrated that the capsules can be made to look like grains of corn. They should for this purpose be mixed up with the corn when the latter is being shipped from the silos. Two or three capsules would suffice to render a hundred kilograms of corn offensive to the smell. There is no result until the corn is ground in a mill. You should report whether it is possible to get supplies of the above and to carry out the project.

Not satisfied with destroying corn, German agents, under the direction of an agent known as Arnold, also inoculated mules and cattle with disease germs. On January 19, 1918, the following telegram was sent to Berlin via the Military Attaché in Madrid: "Most Secret: Arnold reports a constant transport of mules to Mesopotamia some of which have been treated by him...."

Then apparently the germ campaign was halted for a time, for on February 2, 1918, Arnold telegraphed to Berlin, through the Military Attaché in Madrid, asking for permission to recommence operations:

For the Supreme Command.

Berlin Tel. 19177 of September 12: Decision for Arnold as to cattle and corn.

As this decision was not made, and a female agent of the Naval Attaché, who had brought the cultures to Buenos Aires had fallen under suspicion in the meantime, I instructed the person in question to abandon this line of work, which has hitherto been very successful, and which he regards as relatively free from risk.

I request a decision.

He asks for the Iron Cross for his most valuable collaborator, Dr. Herman Fischer.

Military Attaché

To this there was a reply from Berlin on February 11, 1918:

Please instruct Arnold to continue his successful activity against cattle.

His work directed against grain is to be suppressed as it promises little success.

If it is possible to do so without attracting attention, please send personal details as to Fischer.

General Staff

On February 14, 1918, the Military Attaché in Madrid telegraphed Berlin:

Instructions in accordance with Tel. 23357 of February 10th were sent telegraphically. The person in question reports that owing to his work the export of horses to France and Italy has for the time being completely ceased. Since September four ships with 5,400 mules started for Mesopotamia; all were thoroughly treated....

Towards the end of February 1918, Arnold, as is evidenced by the following telegram, sent one of his agents to the United States:

FROM: Madrid

TO: Berlin

February 28, 1918

Arnold has dispatched a confidential agent Julio Rico * to the States and requests that the Military Attaché at Stockholm should be informed that this confidential agent will perhaps announce himself as dispatched by Miller of Buenos Aires.

This was six weeks before the mysterious influenza epidemic which carried off thousands of American soldiers broke out in the military camps in the United States. Although there is no evidence that Germany was responsible, yet in view of the above telegram and the one which follows there is room for conjecture:

Most Secret

FROM: Madrid

TO: Berlin

August 22, 1918

Donhoff has sent some remarks of the Director of the Bacteriological Institute at Buenos Aires, Dr. Kraus, concerning the prevention of serum diseases by the substitution or admixture of horse serum with bovine serum.

Kraus comes to the following conclusions which have been tested in practice:

1. If bovine serum is heated twice 56° (half an hour) it causes hardly any serum disease even if administered in very large quantities (300 cases of anthrax, 40 of typhus).
2. The diphtheria and tetanus serum obtained from cattle causes hardly any serum disease in cases of diphtheria and tetanus in man.
3. If a preliminary injection of diphtheria bovine serum is made, a subcutaneous injection without running any risk of producing serum disease. If the procedure is reversed serum disease occurs.

The names of the other agents who carried on in the United States an extensive campaign of inoculating livestock with glanders and anthrax have already been revealed. Although these particular agents confined their activities to animals, there is a cryptic entry in von

* Julio Rico was subsequently arrested in the United States for poisoning mules.

Igel's account book which needs explaining—it showed an expenditure up to November 30, 1915, of \$82,109.08 for a consignment of tetanus germs. No explanation has ever been forthcoming.

Other neutral South American nations were not exempted from Germany's activities. On January 27, 1918, Madrid telegraphed Berlin:

I have received a cipher message dated December 17th [1917] from the Legation, Caracas [Venezuela], with contents as follows:

The agent at Curaçao resigned his appointment in April, 1917, on account of the sharp watch kept on his activities...could not be made use of. As it was impossible to replace him by a suitable person, the secret material including that which has lately arrived will be kept here.

Two other points of interest were brought to light: There were several telegrams to show that during the neutrality period the Germans had shipped bomb and incendiary devices to their agents in the United States in consignments of Swiss toys. There was also the following telegram to show that the Military Intelligence Center in New York was moved to Havana, Cuba, shortly before the United States entered the war:

FROM: Havana

TO: Rio de Janeiro

31st [?] February, 1917.

...New York Intelligence Center has been transferred to Havana. Send next telegram via Buenos Aires.

Naval Representative

As interesting as these telegrams were to Peaslee, there were others that riveted his attention even more closely. They contained not only the names of German sabotage agents already known to him; but what was still more important those of dozens hitherto unmentioned, who had operated with impunity in the United States during the neutrality period, and had later escaped to Mexico. He also noted innumerable clues which, he realized, would solve the mysteries of Black Tom and Kingsland if followed up. These radiograms and cables he copied carefully.

By August 31, 1925, he had completed his work. It had taken him 5 days to read through the deciphered messages and copy nearly 300 of

the more revealing ones. Worn out, he returned to his hotel. He then wrote a letter to Hall expressing his heartfelt thanks and sent him a copy of the cables and radiograms he had copied. A few days later he was on his way back to the United States on the *Leviathan*.

Jahnke's was one of the first names which had caught Peaslee's eye in reading through the cables.

The following cable, dated November 12, 1917, sent from Mexico to Berlin via Madrid and marked "For Antwerp," establishes Jahnke's connection with Wunnenberg, and through him with Wilhelm, the director of the Antwerp branch of the German Naval Intelligence Service:

Kurt Jahnke, who states that he has been appointed by Wunnenberg, alias Son Charles,* for secret service in U.S.A., reports as follows from Mexico. Charles and Sanders are in prison in New York. With the remainder of the money Kurt has established S. Service in accordance with instructions which were brought by a drunken Danish Captain from Switzerland. He cannot be responsible for the service in Mexico because he cannot receive money from U.S.A. Kurt asks for further instructions in order to have a basis for Mexico, and asks to be informed in what manner he is to expect his instructions. He proposes that a naval expert should be sent to Mexico, as hitherto nothing has been done there in the naval line.

Von Eckhardt

Berlin was apparently waiting for the departure of a confidential messenger from Spain for Mexico, for on December 8, 1917, Berlin telegraphed Madrid:

If your messenger of December 21st is trustworthy please give him the following instructions for Jahnke and the Legation. Jahnke is to get into communication with the Military Representative at the Legation in Mexico in order to operate principally against ships with S. undertakings. He is to try and send an agent from Mexico to U.S.A. The messenger must if possible take the [?W/T] Code as well as the Spanish covering addresses for letters and telegraphic communication with Jahnke. As soon as a messenger arrives in Mexico he should discuss the Mexican matter with the M.A. there.

* The code name of Wunnenberg.

This telegram is of special interest, for it was on receipt of these instructions that Jahnke sent Witzke off on the mission which culminated in his arrest.

A new leader then turned up on the Mexican scene, for on December 27, 1917, Madrid radioed Berlin:

From a conversation Delmar has received the impression that not alone Jahnke is not self-reliant but that he is not entirely reliable. Therefore... I have handed the contents of No. 196 to the messenger for Captain Hinsch especially as he is a German and also because he enjoys the confidence of the Minister. I have also given him the new method of ciphering. A safe opportunity of sending by post to Mexico only occurs once a month by a Spanish steamer, leaving Coruna every 21st either by a special messenger or a man belonging to the crew.

In a telegram dated January 4, 1918, Berlin concurred and wirelessly Delmar via Madrid as follows:

The Admiralty has withdrawn the commission to Jahnke for sabotage undertakings, and contemplates appointing Hinsch instead. As the latter is already in service with you, The Admiralty agree that Hinsch shall remain under your orders and shall be occupied in naval business in January. His activities, however, must be under your control in agreement with the Embassy.

Jahnke, however, had no intention of accepting Berlin's decision, for he promptly took steps to enlist the support of von Eckhardt, the German Minister to Mexico. How successful he was in this is evidenced by the following message dispatched from Madrid to Berlin on March 28, 1918:

A messenger from Mexico has handed in a long report from Jahnke to the Admiralty Staff, which represents Delmar and Captain Hinsch as [a word is here apparently omitted] and as actually criminal and claims for himself sole direction. He demands telegraphic instructions to this effect from Nauen to the Minister. I leave to the Naval Attaché who is at this moment absent from Madrid the task of sending a more detailed report as to the dispatch which in my opinion is absolutely shameless both in form and matter. The dispatch was accompanied by a telegram for the Minister for Foreign Affairs which the Ambassador will forward and which un-

fortunately proves that the Minister who according to Delmar's previous statements is easily swayed is at present entirely under the influence of Jahnke.

Military Attaché

The announced telegram from von Eckhardt, then followed: *

Coöperation between Jahnke and Hinsch is in consequence of their mutual distrust impossible.

Jahnke's work must not be interrupted and he is therefore receiving financial support through me.

In consequence of very grave discoveries I request permission to [dismiss] Delmar, Hinsch . . . from my [Intelligence Service], approval to be indicated by telegraphing the word "dismiss."

In addition, on April 3, 1918, Jahnke cabled via Madrid to Wilhelm, his chief, in Antwerp; and at the same time he stressed his former success in the United States:

The instructions given by Lieut. Stephan to Captain Hinsch placing me under his orders was a painful surprise to me. According to my instructions from Son Charles, I was to work independently in the U.S.A. and Mexico. I am accustomed to doing this. My successes justify the confidence which has been placed in me. Dr. Delmar neither knows anything of my activities nor is he in a position to judge. Hinsch has absolutely no organization; it is out of the question placing my services at his disposal; and besides, Hinsch has no experience, is incapable and tactless and works with characteristic pettiness and personal spite.

The destruction of war factories and provisions in the U. S. A. is working satisfactorily. Since May 1917 my people report as destroyed, the English S.S. *Clark*, Japanese S.S. *Itfh* [?].

I am now occupied in causing strikes and mutinies in the Army. Shall I counter-order the steps proposed against Japanese steamers? Am I to undertake anything against Japanese Colony in California? The American Pacific [Canadian Pacific] Fleet has now been organized . . . and the service is carried out by cruisers out of commission. They forward by sea thirty thousand men who proceed to France every third week alternately via Pensacola and Long Island Bay. I recommend submarine attacks on the

* The latter part of the message is mutilated, but the general sense is clear.

American coast with a possible base in Mexico. In this event may I employ naval officers in Chile?

Berlin now decided to retain Jahnke's services, and at the same time corroborated the account of his successes. Accordingly, a few days later, Berlin informed Madrid:

According to Jahnke, detailed accounts of the successes mentioned appear credible. His coöperation for the Admiralty Staff must therefore unquestionably remain. A direct telegram from Jahnke has arrived saying that he cannot work in company but must be independent....

...Nothing is to be undertaken in Mexico by us until the arrival of further instructions, in order to avoid disturbing political relations. Jahnke should therefore only operate against the U. S. A. and Canada. With reference to his further questions and proposals, a decision will soon follow.

Jahnke finally won a complete victory over Hinsch and Delmar, for on April 29, 1918, Berlin radioed Madrid:

Please inform Delmar in reply to your telegrams 1073 and 1357 of March 26 and April 13 respectively that Jahnke has been made sole Naval Confidential Agent in Mexico.

General Staff

Although Peaslee had never heard of either Hinsch or Delmar, it was obvious to him from the context of the preceding messages that they were sabotage agents who had operated in the United States during the neutrality period and had performed work of sufficient importance there to have warranted disputing with Jahnke the leadership of the sabotage organization later directed from Mexico. He made a mental note of the two names and then turned to two radiograms which he had laid aside at the commencement of his examination of the messages, in the hopes that he would receive further enlightenment from those which still remained to be read. In this he had been disappointed, and therefore he slowly read through these two messages again.

The first one, dated April 12, 1917, from von Eckhardt, marked "For Captain Marguerre or Nadolny, Great General Staff," read as follows:

Mexico 12th April: Where is Lieut. Wohst stationed? Has he sent about \$25,000 to Paul Hilken? He or somebody else is to send me money F...

86793 Quartalisen Hermann... With reference to the previous paragraph, Hermann (a smart fair haired German with an Anglo-Saxon accent) professes to have received from General Staff a year ago, and renewed in January by Hilken, a commission to set fire to the Tampico Oil Field, and proposes now to carry it out. He asks me whether he is to do it. Would it not be well for me to answer that I am not in communication with Berlin? Verdy believes him and his companion... 51158 Gerds to be English or American spies. Request immediate answer. Most immediate!

To this cable, Berlin replied on May 13, 1917:

Hermann's statements are correct. Nothing is known of Gerds. Wohst has been retired.

The firing of Tampico would be valuable from a military point of view, but the General Staff leaves to you to decide.

Please do not sanction anything which would endanger our relations with Mexico or, if the question arises, give Hermann any open support.

Peaslee was thus faced with the names of six German agents whom he had never heard of before, at least five of whom had operated in the United States and were known to the General Staff in Germany. Who were Hinsch, Delmar, Wohst, or Woehst, Paul Hilken, Hermann, or Herrmann, and Gerds, or Gerdts? The American investigators were determined to find out. They were on the point of launching an intensive search for them when Germany made a move which completely halted their plans.

As far back as April 1924, Dr. von Lewinski, the German Agent, had indicated to the American claimants that Germany would be favorably inclined towards a compromise settlement of the claims if sufficient evidence was produced to indicate that they were well founded. Thereafter, a considerable amount of evidence in support of the claims was submitted to the German Agent from time to time, and in the course of this he also received copies of the Hall cables.

Shortly after receipt of these cables, Dr. von Lewinski suddenly broached the subject of a settlement; and, although at the time he would not admit their authenticity, it was apparent that he considered the cables the prima-facie proof he had demanded. Accordingly, a number of conferences were held both in Berlin and in the United States

at which active negotiations were carried on between von Lewinski, Peaslee, and Bonyng, the American Agent. The basis of the settlement proposed by von Lewinski was \$18,000,000 in full payment of the claims, an amount which at that time represented about 50 per cent of the Black Tom and Kingsland claims. He also stipulated that such a settlement was not to be interpreted in any way as an admission of guilt on the part of Germany.

For no valid reason, other than that von Lewinski was always waiting for instructions from Berlin, the negotiations dragged on through 1926. It finally became apparent to the American claimants that Germany's real purpose was not to settle the sabotage cases but chiefly to create a favorable atmosphere for the passage of the Settlement of War Claims Act. The plans for the enactment of this act were launched in December 1925. The Act was to provide for the release of a certain portion of the German property seized in the United States during the war and for the creation out of the remainder of a fund for the payment of American claims against Germany. Germany's interest in the passage of this Act was borne out by the fact that von Lewinski now produced a draft agreement for the consideration of the American Agent, one of the conditions of which was that the compromise settlement should be conditional upon the release by the United States of German sequestered property. Needless to say, the United States took the unequivocal position that it could make no such agreement until action had been taken by Congress.

In the meantime, considerable pressure was being put on Congress by those American companies and citizens who had already received awards on their claims. Decisions had already been handed down on more than 90 per cent of the claims filed with the Mixed Claims Commission, and no payment could be made on these awards until Congress had agreed on a plan for the establishment of a fund out of the sequestered German property. Germany was also exerting every form of influence, since the value of the seized property was far in excess of the total amount of the claims. Dr. Kiesselbach, the German Commissioner on the Mixed Claims Commission, even went so far as to appear in person before the Ways and Means Committee to state his point of view. How much the passage of the Act meant to Germany can be

gauged from the fact that, although Dr. Kiesselbach was careful to explain to the Committee that he was appearing before it unofficially and without fee, later certain German private companies which had benefited by the Act presented him with 500,000 reichsmarks (about \$100,000) after the passage of the Act in March 1928.

By the Settlement of War Claims Act the German Special Deposit Account of \$180,000,000 was created partly out of German funds and property sequestered here during the war and partly from a special appropriation voted by Congress. Of this, all but \$20,000,000 has been paid out in awards. And as the Black Tom and Kingsland claims, principal plus interest, calculated to September 17, 1936, amount to \$50,145,145.55,* the balance, in the event of a verdict's being handed down in favor of the American claimants, will have to be settled out of the remainder of the Special Deposit Account, and for any deficiency the American claimants must look to the German bonds, which the United States Government accepted as a guarantee deposit when 80 per cent of the confiscated German property was released by the Alien Property Custodian under the provisions of the above Act. Germany, however, has defaulted on her payments on these bonds.

When the eventual passage of the Act seemed assured, the German Agent wrote, on January 19, 1927, to Mr. Bonyngé stating that the German authorities had reached the conclusion that the destruction of the Black Tom terminal and the Kingsland plant was not caused by the acts of the German Government or its agents.

The American claimants immediately realized that they had been tricked. Nearly two valuable years had been lost, and Germany had not only seen all the evidence which was to be used against her, but she

* SUMMARY STATEMENT

Claimant	Docket No.	Principal of Claim	Claim in Full to Sept. 17, 1936
1. Lehigh Valley Railroad Company ...	8103	\$9,921,730.15	\$22,378.157.16
2. Agency of Canadian Car & Foundry Company, Limited	8117	6,956,865.81	15,465,303.25
3. Bethlehem Steel Company	14901	2,070,764.53	4,670,545.70
4. D. L. & W. R. R. Co.	8296	32,678.62	72,645.46
5. Black Tom Underwriters	2,095,903.26	4,663,372.17
6. Kingsland Underwriters	1,311,618.13	2,895,121.81

had also won a breathing spell in which she could prepare her defense. A lesson had, however, been learned. From now on the American claimants and their investigators would be on their guard.

Following the receipt of the letter, the American claimants immediately commenced the preparation of the memorials, or formal complaints, against Germany, which they filed with the Mixed Claims Commission on April 16, 1927, and April 26, 1927, respectively, on behalf of the Lehigh Valley Railroad Company and the Agency of the Canadian Car and Foundry Company. To these Germany filed an answer shortly after; and, ironical as it may seem, in the answer she acknowledged the authenticity of the Hall cables.

The American investigators on their part took up the fight with redoubled vigor. A search was immediately set on foot to locate the six German agents mentioned in the Hall cables, although not without the realization that by now they had probably scattered to the four corners of the earth.

Luck, however, was with the American operatives. One of the six, Paul Hilken, was still in the United States, and he was not difficult to locate—his father was the German Consul in Baltimore.

When first approached by Peaslee, Hilken was reluctant to give any information. But the passage of time had weakened his ties with Germany, and also he now had a son in Princeton and a daughter in Smith, both of whom were thoroughly Americanized. Peaslee persisted in his efforts to induce him to talk and eventually succeeded. In a series of interviews three affidavits were obtained from him which, pieced together, outlined the rôle he had played.

Hilken told how first he had been employed by von Rintelen to act as paymaster in Baltimore for Hinsch and Anton Dilger; he then graphically went on to describe in detail the interview which he, Dilger, and Herrmann subsequently had had with Nadolny and Marguerre in Berlin, in February 1916. He stated clearly that instructions were given to them to start in on their sabotage activities immediately, and not after America had entered the war, as Germany later was to maintain in her defense before the Mixed Claims Commission. He also related how, on his return to the United States, he had acted as paymaster for this group up to the time the United States entered the

war. He revealed also that Anton Dilger and Delmar were one and the same person, and he gave a clue which enabled the American investigators to locate Edward Felton. He was either unable or unwilling to furnish any specific information about Kingsland, but he definitely indicated that Hinsch had directed the plot which had led to the blowing up of Black Tom.

According to Hilken's own admission, in addition to \$10,000 which he gave Hinsch out of funds provided by von Rintelen he had paid out to Hinsch and Fred Herrmann for sabotage purposes close to \$60,000 out of the credits which had been arranged for him while he was in Germany.

There was one payment of \$2,000 which he specifically called attention to. As this payment has an important bearing on the Black Tom case in that it was paid a few days after the explosion, it is as well to quote verbatim the questions in connection with it that were put to Hilken by the American lawyers and the answers he gave:

Q. Do you recall any payment made to Hinsch at about the time of the Black Tom explosion?

A. Well, shortly after Black Tom explosion we met here in New York before going to New London.

Q. When you say "we met in New York," who do you mean?

A. Hinsch, Herrmann and myself, and I remember of a dinner that we had at the Astor at that time with Mr. Benjamin Loewenstein of the Nassau Smelting and Refining Company, and Sir John Hamer, who lived at the Astor, and through whom I bought much of the nickel and tin which was shipped on the *Deutschland*, and I remember giving Hinsch a payment which I think was two thousand dollars at that time.

Q. That was about what date?

A. That was early in August, 1916.

Q. What did Hinsch say he wanted the money for?

A. Well, Hinsch told me at that time that he had hired the men that set fire to Black Tom.

Q. He told you that at that time?

A. He told me that at that time.

Q. Yes?

A. I remember perfectly asking Hinsch about Black Tom and his saying,

when I wanted the details of how it was done, "Oh, it is better, much better, for you to know nothing about that." I remember that perfectly.

- Q. And that was at this dinner a few days after the Black Tom explosion?
- A. I won't say at this dinner; I don't think it was, but it was right after the Black Tom, within a few days after the Black Tom disaster.
- Q. And that was in connection with a payment that you made of two thousand dollars to him?
- A. That is my recollection.

Edward Felton was next located still living in Baltimore. Now, 43 years of age, he recalled his adventures clearly and seemed glad to find attentive listeners. He freely confessed the part he had played in inoculating horses and mules under the direction of Hinsch, stating that most of this work was done near Van Cortlandt Park, New York City, and at Norfolk and Newport News, Virginia. He went on to say that in addition to these activities he had also distributed circulars in Norfolk among the stevedores there urging them to go on strike, that Hinsch had also empowered him to place bombs on ships loading at Baltimore, and that he and his men had set fire to pier Number 9 at Baltimore, and to grain elevators at Canton, Baltimore, and Norfolk. Finally he added that Hinsch traveled round the country a great deal, and that he had seen him in New York a good many times. He also put the American investigators in touch with another colored man named Young, one of the band who had assisted him in his inoculation activities. On interrogation, Young corroborated the statement of Felton.

Chapter XVIII

A JOURNEY TO SOUTH AMERICA

IN the meantime, in November 1928, Peaslee and Peto picked up the trail of Raoul Gerdts. Hidden away in a long forgotten file in the State Department, a dispatch was found reporting that on July 29, 1917, Gerdts had confessed to S. Le Roy Layton, American Vice Consul, at Barranquilla, Colombia, full details of his association with Fred Herrmann and had also furnished a description of the incendiary pencils. The report was annoyingly incomplete, but it was evident that Gerdts was in possession of valuable information concerning the Black Tom and Kingsland cases. Peaslee and Peto took immediate action; within twenty-four hours of receiving information that he was still in Barranquilla, they were on their way to Colombia; on January 11, 1929, they met Gerdts.

Gerdts refused to give any information unless he was paid a fee of \$10,000, and as Peto and Peaslee knew he had been closely associated with Herrmann they were in a quandary. Much as they disliked to pay for a pig in a poke, there was no alternative. They deposited the amount in escrow, and the bank paid the money over to Gerdts on receipt of his affidavit. Peto and Peaslee reported the matter to Mr. Bonyng as soon as the money had been paid.

Gerdts then took up the story of the events that had happened from the time of his flight from the United States. In February 1917, when it was obvious that the United States was about to enter the war, he and Herrmann fled to Mexico via Cuba. Hilken supplied them with funds, and at the same time reminded Herrmann that he had promised Nadolny and Marguerre the year before that he would destroy the oil fields at Tampico, Mexico.

In Havana he and Herrmann had some trouble with their false Mexican passports on which they were traveling, but eventually, with

the aid of a few judicious bribes, they succeeded in entering Mexico by way of Vera Cruz.

On their arrival in Mexico Herrmann ran short of money; and as von Eckhardt was inclined to be distrustful of him, he decided to send Gerdts on a mission across the border to raise funds.* The rest of the information furnished by Gerdts was subsequently to prove of such importance that it is as well to quote it in the affidavit form in which he gave it to Peaslee and Peto:

I was ordered by Herrmann to go from Mexico to New York with an order to collect \$25,000 from Hoppenberg † and to bring the money back personally to him [Herrmann] in Mexico City. I remember that the order and instructions given to me by Herrmann were written in lemon juice on a page in a book of poetry. The lemon juice made the writing invisible and for that reason I did not know the exact contents of the order. The address of Hoppenberg which Herrmann gave me was "Pearl Street, New York." When I arrived there I was told that Hoppenberg had died the previous day. In the same book of poetry there was another order, also written in lemon juice, to the effect that in the event that I should not find Hoppenberg in New York I was to deliver the order to Paul Hilken, in Baltimore, where I went that day. I remember that when I arrived at Mr. Hilken's home and asked for him, a woman, probably thinking that I had some business of interest to Mr. Hilken told me to leave the house immediately and come back in about a half hour because at that time special investigators were inspecting the house. I returned some time later and found Mr. Hilken to whom I gave the page from the book of poetry. He went to the cellar of the house to decipher the order and then told me that he did not have that amount of money, but that I should stay at his home while he went to New York to procure the money. Three days later he returned and told me that he was going to send the money, but that another friend of his who he expected in a few months was going to take the money to Mexico. Shortly afterwards, a man was introduced to me as Captain Hinsch. He told me that he was a Captain of the North German Lloyd that towed the Deutschland to the harbor at Baltimore. He told me to go back to Mexico and gave me a thousand dollars. The balance of \$24,000 he told me he was going to take himself. He asked me to tell Herrmann that he [Hinsch]

* See von Eckhardt's cable to Berlin, dated April 12, 1917, pp. 174-5.

† Employed by Hilken in New York City as manager of the Eastern Forwarding Company.

was busily engaged in getting guns of 7.05 millimeters across the border into Mexico which were to be used to equip a destroyer in Mazatlan, intercepting ships carrying cargoes from San Francisco.... This was how I met Captain Hinsch and this was the nature of my relationship with him. I have not seen him since.... On my return on different occasions Herrmann spoke about the desirability of setting fire to the tanks of petroleum at Tampico.... One day Herrmann said he would give me \$25,000 to do it. I refused this offer and a few days later he discharged me, telling me that I was not the man they wanted.... My relations with Herrmann at the end were very disagreeable because when I did not have enough money to go back to Colombia he answered "Go to the devil."

Hilken later verified in full the part of Gerdt's statement which dealt with himself.

Gerdt then returned to Bogota via Havana and eventually became agent for the Sun Life Insurance Company, which job he held when Peaslee and Peto examined him.

Gerdt's statement comprised some 10,000 words; but, as most of it outlined activities which, with the exception of the above extract, have already been covered, it is not included here.

As most of the information contained in Gerdt's statement was subsequently obtained from Hilken and Herrmann, for a long time Peto and Peaslee felt that they had paid dearly for it. Two years later, however, long after the Mixed Claims Commission had rendered its first adverse decision in the Black Tom and Kingsland cases, a new piece of evidence suddenly came to light which, as we shall see later, gave this extract from Gerdt's statement an entirely new importance.

While Peto and Peaslee were busy interviewing Gerdt at Barranquilla, they suddenly heard through Neunhoffer that Witzke was in the employ of the Lagopetroleum Company in Maracaibo, Venezuela. Neunhoffer's brother was a member of the Company, and it was through him that Neunhoffer got the information.

All the evidence that Peto and Peaslee had had about Witzke up to this point was either that obtained from other witnesses or what they had been able to glean from the records of his court-martial or from Captain Tunney's examination of him while in prison. At the interro-

gations on which these records were based, Witzke had only been superficially examined as to Black Tom. Attention had been focussed on his general spy and sabotage activities and not specifically on any one act of destruction. There were a thousand and one questions which Peaslee and Peto wanted to ask Witzke. So eager were they to meet him that they left Barranquilla before the examination of Gerdts had been completed; and promising to return later, they chartered a plane to take them to Maracaibo.

Fast as they had sped, and as secretively as their operatives had worked, the news of their intended arrival had traveled ahead of them—apparently the chartering of the plane was news in itself. To their surprise, they found on landing that the whole town of Maracaibo had turned out to meet them.

Witzke was easily found at the offices of the Company; and at the home of J. Oswald Boyd, Director, to which they adjourned for privacy, the interview was quickly gotten under way. It needed but a few minutes of conversation, however, for Peto and Peaslee to realize that Witzke's lips were sealed. He informed them that he had recently returned from Germany and there had given a sworn statement to Herr Hossenfelder of the German Foreign Office denying any connection with the destruction either of Black Tom or Kingsland. He categorically announced:

That statement stands as far as I'm concerned to the end. Furthermore, to say anything different would embarrass me in Germany. I have convinced the Foreign Office that I have told the truth and the whole truth and if I should swear to anything different they could charge and convict me of perjury, and they would be only too glad to do so; and bear in mind that this is a crime for which they could extradite me from any country and condemn me to jail for five years.

On Peto's and Peaslee's remarking that any cross-examination before the American Consul would be useless under these circumstances, as his answers would not necessarily represent the truth, Witzke replied, "Well, I've told you this much freely, so you can see how futile it would be." He further added that he believed fully in the code of honor of the German Army and Navy officers of the old régime and

intended to stick by it. He also spoke in terms of the greatest contempt of all those witnesses who, as he termed it, had "squealed" on Germany.

Although he refused to give any information about his sabotage activities, he was affable and spoke freely about other events not directly related. He showed Peaslee and Peto two decorations, the Iron Cross First and Second Class, which he had received personally from Admiral Behncke on his return to Germany.

With eyes flashing fire, he referred to Altendorf, stating that he had once had him at the point of a pistol and regretted that he had not put him out of the way then. In talking alone with Peto and "off the record" he insisted that he knew nothing of who did the job at Kingsland or how it was done; but he said Black Tom "was another matter." He would say no more.

One point of interest, however, came out of the interview: he let slip that he had handed Herr Hossenfelder, of the German Foreign Office, the diary which he had kept during the war. Realizing at once that this diary must contain valuable information, Peto and Peaslee lost no time in reporting its existence to the American Agent.

Mr. Bonyng immediately, through the Mixed Claims Commission, asked Germany to produce it; but once again he met with a blank refusal. Germany declined to allow the American Agent to examine the diary, claiming that Witzke objected to the production of the document because it contained information relative to some of his friends who might get into trouble if the diary were to come into the possession of the American Government. In order to prove an alibi for Witzke, Germany nevertheless filed as evidence a photostatic copy of two pages of the diary bearing entries which showed that he had not been in New York at the time of the Black Tom explosion. Examination of this photostatic copy showed conclusively, however, both that the notes made in the diary were not contemporaneous with the dates in the diary and that some of the entries differed in respect to the handwriting in which they were written.

In addition to this refusal to produce important evidence, Germany also declined to make available for interrogation witnesses whom the American investigators had now definitely located in Germany.

Hinsch * was being well looked after in Bremen by the North German Lloyd. Willie Woehst,* a lieutenant in the German Army, whose name had figured several times in the intercepted cables, and who was a free-lance agent sent out by Section III B to assist Herrmann, Hilken, and Hinsch, was located in Hamburg. Jahnke, then a member of the Prussian Diet, had apparently come into money and was living in a villa on the outskirts of Berlin. Von Igel had retired and was living in an apartment on the Kurfuerstendamm in Berlin. Wunnenberg was running a milk evaporating plant in Germany; Marguerre, now residing in Berlin, had secured a divorce from his wife, and either of them could have furnished valuable information. And finally, Nadolny, who for some time had been German Minister to Turkey, was at the beck and call of Germany. But not one of these would she ever ask to testify or to produce his records.

Furthermore, although the German Agent at any examination conducted by the American Agent had been freely permitted in whatsoever way he chose to interview witnesses produced by the American interests, yet when the American Agent requested that these key witnesses be made accessible for examination either by him or by the American lawyers, the Germans refused to allow them to be interviewed except before a German court and through either a German attorney agreeable to Germany or through Mr. Bonyngé, who was unfamiliar with the German language. Germany's attitude in the matter was summed up by the American Agent in his argument before the Mixed Claims Commission at The Hague hearing in 1930:

Subsequently I received from the German Agent a notice setting forth the procedure that would be adopted. Of course, it was apparent that if Captain Hinsch, Marguerre and Wohst were to be examined in a German court, the evidence would be taken in the German language. Unfortunately, neither myself nor my assistant, Mr. Martin, is familiar with the German language; nor could either of us conduct a cross examination in German. Realizing that an examination of a witness through an interpreter is always unsatisfactory, and is always avoided by the court, if it can possibly be avoided, and especially that the cross examination of a witness through an interpreter is exceedingly unsatisfactory, I endeavored to secure the services of German

* Both Hinsch and Woehst died recently.

counsel, necessarily one who knew something about the facts in the case, or otherwise he would be absolutely useless. I found that Mr. Ohse, who was employed by some of these claimants on a per diem basis, was at liberty. I first cabled to him to ascertain whether or not he was at liberty to act for me in this matter. Upon receiving advice from him that he was, I made arrangements with him to appoint him, as I have authority to do from my Government, a special counsel for me in these cases for the purpose of conducting that cross examination and solely for that purpose. The German Government objected to having Mr. Ohse appear because he had represented some of the claimants. If I thought it material, I think I could satisfy this Commission beyond any doubt that it is not contrary to any procedure before International Tribunals, and certainly not contrary to what has been done in these very cases before this Commission....

The purpose of the cross examination of a witness is simply to extract from him, if possible, the truth, and I wanted to have the cross examination made in a very searching and thorough manner.... That could only be done, it seems to me, if counsel familiar with the case and speaking the language of the witness cross examined the witness. Germany, however, objected to having the cross examination conducted by Mr. Ohse, and as I could not, as the American Agent, permit the German Government to exercise the power of veto over my appointment of a special counsel, I declined to have anything to do with the examination of Captain Hinsch or these other witnesses, and the result was that we have here only the *ex parte* examination of Captain Hinsch and of Wohst and of Marguerre.

The almost beautiful coördination of the replies of these three witnesses in denial of facts since established by contemporaneous documents to have been true is an example of the value of such an examination.

The American lawyers had now located and questioned Paul Hilken, Edward Felton, Gerdts, and Witzke. They also eventually discovered Carl Dilger on a cattle ranch in Montana and obtained a confirmatory affidavit from him concerning his brother's activities.

Their investigators in the meantime had been busy hunting for Fred Herrmann. Two of his brothers, Edwin and Carl, were finally found at Roselle Park, New Jersey; and from them it was learned

that Fred had fled to South America after the war and was now located at Talcahuana, Chile.

As Hilken had overcome his original reluctance and was now, at least to a limited extent, coöperating with the American investigators in their efforts to collect evidence, it was thought advisable to send him to Chile to persuade Fred Herrmann to return to the United States to testify. Both Hilken and Herrmann were American citizens, and it was thought that Hilken would be able to convince Herrmann that there would be no danger in returning. (The United States Government had given assurances early in the proceedings that it was not interested in criminal prosecutions based on any evidence given to the Mixed Claims Commission or to the American lawyers.)

Hilken accepted the mission and sailed for Valparaiso. His conference with Herrmann is best described in his own words:

My ship arrived in Valparaiso on Thursday, January 10th, 1929. At about eight A.M., a man who gave his name as "Lemberg" came to my stateroom and said that he had been asked by Fred Herrmann to meet me. [Herrmann had been advised by Hilken of his arrival.]

Herrmann and "Lemberg" came to my room at the Hotel Astor in Valparaiso between nine and ten o'clock that morning. Herrmann appeared to be extremely suspicious and before engaging in any conversation with me he searched my room, the closet, the bathroom and all possible places where a dictaphone or where some witness might have been concealed, and inquired as to who was occupying the room next to us. I assured him that no effort was being made to trick him and that I merely wanted to discuss matters with him relative to our previous association in the United States during 1916 and 1917. Herrmann knew that I was coming and knew generally the purpose of my visit, and I asked him why he had not met the steamer. He said substantially the following: "Do you think that I am a damn fool? That was an American steamer and who knows but that even without your knowing it, someone may have had some strong arm men ready to throw me in a cell to take me back to the United States and that would be the end of it."

During that day, that is Thursday, January 10, 1929, I asked Herrmann whether he would be prepared to go before the American Consul and make his statement respecting his operations during the War. That he immediately refused to do, I told him that I had been advised before leaving New York

that the question of his immunity from criminal prosecution by the United States had been taken up with the Assistant Attorney General and asked him whether, if he had full assurance that no such prosecutions were contemplated, he would make a full confession and statement for use by the United States Government before the Mixed Claims Commission.

Herrmann's replies to these requests were substantially as follows: "What possible advantage is it to me to testify? I have only your statement that I would be given immunity. My wife and I are Chileans and I never intend to return to the United States..." He continued that he had taken up a thousand acres of land in Chile in connection with applying for Chilean citizenship and in connection with the birth of his two children....

In taking this position Herrmann was heartily seconded by Mr. "Lemberg" who seemed to a large extent to be spurring Herrmann on to take that position....

I showed Herrmann the two briefs filed by the United States with the Mixed Claims Commission in the Black Tom case and in that of Kingsland. Herrmann read the briefs with apparently a great deal of interest.

After completing the Black Tom brief, he said, "Well, they've got the right man, Michael Kristoff. Why don't they go after him? Why do they bother me?" I tried to follow this up and obtain further information from him about his relations with Kristoff. He declined to give me any further information as to his own relations, if any, with Kristoff.

Herrmann also stated that he had nothing to do with the destruction of the Kingsland property.... Herrmann admitted that he was in the service of Germany during 1915, 1916, and 1917. He admitted that he had first met me at the offices of Nadolny and Marguerre in Berlin in February, 1916, as I have testified; he also admitted that Nadolny and Marguerre gave him instructions at the time of our meeting in Berlin in February, 1916, to destroy munition plants in the United States, as I have previously testified. Herrmann said—"Of course, I can always deny that." He also claimed that he never carried out any of the orders. Herrmann admitted that he had received various funds from me in the United States after his return to the United States from Berlin in 1916....

Herrmann later explained why he had both refused to return with Hilken to the United States and to give him a statement admitting his sabotage activities. His reason was that at the time he was employed in Chile by the National City Bank and he was afraid that, if his participation in German sabotage came out, he would lose his job.

Therefore he consulted the German Consul in Valparaiso and outlined to him fully his sabotage activities in the United States and later in Mexico. The German Consul, thereupon, advised him to see the German Minister in Santiago.

On his arrival at the Legation, von Olshausen, the German Minister, explained to Herrmann that he had already been in touch with the Consul and that it would be best to await developments.

A few days later von Olshausen sent for him and told him that he had received a cable from Berlin concerning his case. When he was finally persuaded to tell Peaslee his story, Herrmann claimed that, after he had fully admitted to the Minister exactly what his sabotage rôle had been, von Olshausen drew up for him a statement denying everything and asked him to sign it. According to his affidavits, he told the Minister that the statement was not true. To this the Minister replied, "Never mind. Sign it." Herrmann therefore signed the statement, though not in affidavit form. He also admitted that he later signed several other statements drawn up at the Legation and that, although on each occasion he informed the Minister that they did not contain the truth, he was instructed to sign them. The Minister also promised to finance him if he lost his job on account of the discovery of his activities.

Just as he feared, a couple of months later the National City Bank found out about his past and dismissed him. He then returned to the Legation and reminded the Minister of his promise. Von Olshausen lived up to his agreement, promised to try and find him a job and in the meantime to pay him 1,000 pesos (about \$120) per month to cover his living expenses and those of his family.

But Peaslee and Peto were not to be put off by one refusal. Immediately on Hilken's return, they got in touch with Herrmann's two brothers, Edwin and Carl, and after a considerable lapse of time were finally successful in persuading them to go to Chile to advise Fred to tell the truth and return with them to the United States.

Fred was still afraid, however, but finally compromised by agreeing to meet Peto and Peaslee in Havana. He sailed with his brother-in-law, Mr. Aguayo, and arrived in Havana on March 27, 1930.

There Peto and Peaslee were successful in convincing him that he

would not be molested by the American authorities; and without discussing his sabotage activities the whole party left for the United States.

Immediately on reaching Washington, on March 31, 1930, Peaslee advised Mr. Bonyng of his arrival with Herrmann. Before seeing either, Mr. Bonyng also notified Dr. Lewinski and suggested a joint conference of the two Agents with the witness. This the German Agent said was agreeable to him. The conference was accordingly fixed for 3:30 P.M., March 31, 1930, in the office of the American Agent; and Peaslee was so advised.

The first thing that Herrmann said after the American Agent had asked him if he knew anything about the Kingsland fire was, "May I first have an interview with the German Agent privately?" To which Mr. Bonyng replied, "Certainly. Dr. von Lewinski, take him to your office and examine him if you want to, and let him say what he pleases." Herrmann was to say later that he asked the German Agent when alone with him, whether he wished him to tell the truth and that von Lewinski replied in the affirmative.

The outcome of the conference, which was resumed on Dr. von Lewinski's and Herrmann's return to the room, was that a direct examination of Fred Herrmann was arranged for April 30, 1930, in the presence of the American and German Agents and their counsel.

During the course of the examination Mr. Bonyng's main purpose was to establish the identity of "Graentnor" or "Grandson," the man with whom Kristoff had traveled around the country and whose name Mrs. Rushnak's daughter had seen on an envelope in his room. For the American Agent realized that finding him would supply a vital missing link in the chain of evidence connecting Germany with the Black Tom explosion.

The identity of this man of mystery was dramatically disclosed by Herrmann in one of his replies. Mindful of the fact that, when Witzke had been questioned by Captain Tunney of the Military Intelligence about the German agents whom he knew in Mexico, he had given a description of a man called Rodriguez which exactly fitted Herrmann, Mr. Bonyng suddenly shot at him: "Have you not been known under the name of Rodriguez?"

To which Herrmann replied: "Afterwards, I think it was three or four days afterwards, I saw Captain Hinsch. That was up in New London."

"Up where?" queried Mr. Bonynge.

"At New London," Herrmann answered. "I met him and he said, 'Hello, Rodriguez'; and I said to him, 'You are a fine guy.' What the hell was it I said to him? I said that because he made a sort of joke about it; and I said, 'Hello, Grantnor,' because he called himself by that name; and that is a rather English name, and with the German face on him, he could not very well get away with it."

To Bonynge's next question, demanding again to know what he had called Hinsch, Herrmann added the explanation: "I called him 'Graentnor' or 'Grantner' or something like that. I told him he ought to take some other name instead of an English name."

When cross-examined on this point, Herrmann explained that most of the German agents had used aliases; that he himself had used the names of Lewis, March, Larsen, and many others; and that Hinsch had the peculiar habit of using the names of people he knew. He recalled that Hinsch had turned up in Mexico under the name of Harry Imwold and had also called himself Johannsen, both names of men whom he had known in the United States. Herrmann further added that on one occasion Hinsch had registered at a hotel with a girl under the name of Fred L. Herrmann and that he had had a serious row with Hinsch about it.

In endeavoring to find out whether Hinsch had been following out the same practice in using the name of "Graentnor," or "Grandson," the American investigators discovered that one of the witnesses in the von Rintelen trial was a man called Grandson, who had been associated with the manufacture of bombs on the *Friedrich der Grosse*.

When Paul Hilken was questioned on the matter, he, too, confirmed Herrmann's statement that Hinsch had sometimes used the alias of "Graentnor." A more valuable corroboration was to come, however, from a former German agent with whom the American lawyers had no direct contact.

In various talks with Herrmann, Peto asked him whether he knew any of the other German agents who were still alive. Herrmann men-

tioned a man named Hadler, who, he thought, was still living in Mexico. Investigations were made, and it was found that Hadler had moved to California in 1922. After considerable search Hadler was eventually located in Los Angeles. Thereupon a message was sent to him requesting him to come to New York and offering to pay his expenses.

On his arrival, without having been seen or interrogated by any of the American lawyers or their operatives, he was interviewed by Mr. Martin, Mr. Bonyng's counsel. At this interview, Hadler furnished an affidavit in which, he testified that from February 1917 until the end of the war he was employed in Mexico as a German agent, and that on several occasions he had heard Herrmann call Hinsch by a name that sounded like "Graentnor."

In his own evidence, given during his examination before the American and German Agents of the Mixed Claims Commission, Herrmann also testified that both in New York and down in Mexico Hinsch had boasted to him that his agents had been responsible for the blowing up of Black Tom. Herrmann stated that he believed him because, when he and Hinsch had mapped out their sabotage campaign, Black Tom had been on a list of places, the destruction of which Hinsch had reserved for himself.

This discovery of Hinsch's use of the name Graentnor was the single greatest step forward the investigation had yet taken in solving the mystery of Black Tom. Victory seemed within the grasp of the claimants, and they began the old game of counting their chickens before they were hatched.

But there were still a few available witnesses left for the American lawyers to interview, and von Rintelen was one of them. Some time previously they had received a letter from him offering to come to the United States to testify on condition that: (1) no charge of any kind would be brought against him in Canada or the United States; (2) his expenses would be paid; (3) his life and accident insurance policies now totaling \$300,000, which at that time only provided for emergencies as far as 15° west of Greenwich, would be reinsured; (4) they would pay \$10,000 "as forfeit fund to put me in a position to wind up pending matters and provide for some similar requirements." How-

ever, on his being informed that any payments to him would have to be disclosed to the Commission, he refused to testify. In any case, it is doubtful whether the American interests would have disbursed the sums he demanded; for, although he had enrolled Hinsch, it is improbable that he could have thrown much light on Black Tom and Kingsland, as he left the United States more than a year before the former was blown up.

All of the sabotage funds which von Rintelen had left behind him in the United States had been seized by the Alien Property Custodian in 1917. Von Rintelen claimed that several thousand dollars of this belonged to him personally. For years after the war he tried to recover this amount from the German Government. It is also of interest to note that it was only when Germany heard that von Rintelen was in touch with the American claimants that she suddenly paid him \$12,000, a sum in excess of his original claim. It was Dr. Albert, who, as his attorney, secured the payment for him. In pressing his client's claim, the Doctor made a statement that everything von Rintelen had done in the United States during the neutrality period had been done with the full knowledge of the German military authorities. Whatever may be his reason, von Rintelen has kept away from Germany and has resided in England during the last few years. And for reasons best known to herself Germany has never called on him to testify for her in the Black Tom and Kingsland cases.

There was one person whom the American investigators would have liked to examine and that was Anton Dilger. However, he was out of their reach. He had met a sudden death in Spain during the last months of the war. A week before he died he sent a message to Berlin refusing to carry out certain orders issued to him by Germany and marked "very urgent." Eight days afterwards a telegram was sent from Spain to Germany:

Delmar [Anton Dilger] died yesterday. The expenses for his hospital treatment and burial are being borne by the Political Section.

Military Attaché

It was whispered that he knew too much. It was a deadly poison that removed him—at least so it was later intimated by a former German agent.

Chapter XIX

THE STORY OF WOZNIAK—FIRE BUG

WE must now revert to the Kingsland case. Peto and Peaslee had before them the reports of Mr. Cahan, one of the directors of the Agency of the Canadian Car and Foundry Company, who, as the reader may recall, had conducted an investigation immediately after the fire. The finger of suspicion pointed to Wozniak, but suspicion was not enough to collect damages on; his actual commission of the crime had first to be proved in a court of law, then that he had done it at the behest of some recognized German agent.

And so, once again, the American lawyers and their operatives started off by searching the records. In the process of doing this it was natural that they should turn to the archives of the Russian Supply Committee, as Kingsland had been working exclusively for the Russian Government at the time of the explosion. Fortunately these records were still intact and were stored in Washington, D. C. In this study they were ably assisted by Boris Brasol, a former Russian lawyer, who was in charge of confidential investigations for the Supply Committee. Their search was soon productive of results.

Two letters were found from Wozniak, written in December 1916 to General Khrabroff, President of the Artillery Commission of the Russian Supply Committee, warning him that great negligence was being shown in the manufacture of shells at Kingsland.

Further investigation showed that a few weeks before he wrote these letters he had made application to the Russian Embassy for Russian citizenship.

Through Brasol General Khrabroff was located in Vermont; and on October 17, 1929, he gave Peaslee and Martin a statement of which the following is an extract:

A few days after receiving the letter and before the fire at Kingsland—to the best of my recollection it was the day before the fire, i.e., on January 10, 1917—I received a further communication from Fiodore Wozniak in the form of a postcard. . . . An English translation of the postcard, which was also in Russian, read as I recall its wording, about as follows: "Things are getting worse and worse with us. There will be a catastrophe."

About two days after the fire . . . it was announced that a man wished to see me. When this man appeared in my office he stated that his name was Wozniak and that he wished to talk to me about the Kingsland fire. The photograph attached to this statement, initialed by me, is a photograph of the same man who called upon me at that time. Wozniak stated that he had been under surveillance by the Police and that he wished to have the advice of the Russian officials as to what he should do and say in order not to hurt the Russian interests. We discussed with Wozniak the circumstances of the fire and asked him various questions relative to the details of it. Wozniak admitted at that time to us that he had written to me the letter and postcard above mentioned. His explanations of the circumstances immediately before and after the fire were not satisfactory to us and led us to believe that Wozniak caused the fire.

We ascertained that Wozniak had made remittances of some substantial sums of money amounting to several thousand dollars to his own order in Russia shortly after the fire occurred. I remember that we questioned him in our interview as to why he was sending these sums to Russia to his own order. Wozniak said that he had no relations in Russia and that he was sending money there to use himself later.

Among the records of the Russian Supply Committee a report was discovered written by General Khrabroff to the Russian Government reporting the Wozniak incident. This report, written shortly after the Kingsland fire, corroborated in every detail the above statement of the General's.

Wozniak's application for Russian citizenship and his warnings to the Russian Supply Committee prior to the fire were exactly like Witzke's maneuver in applying for American citizenship and like Jahnke's in warning the American authorities in San Francisco about the navy yard explosion on Mare Island. In the minds of the American investigators, it was clear that this was a clumsy attempt on Wozniak's part at throwing up a smoke screen to conceal his real proclivities.

A further startling discovery was made in searching through the records of the Russian Supply Committee. It was found that Wozniak got his job at Kingsland through the Russian Vice Consul Florinsky, who was later dismissed from the Consulate for pro-German activities. It was also established that Florinsky had been in contact with von Rintelen and, therefore, presumably with Hinsch. Germany herself furnished proof of Florinsky's interest in Wozniak by filing as evidence a permit issued by the Russian Consulate in New York on April 26, 1916, permitting Wozniak to return to his home in Galicia, which at that time was occupied by the Russians. On the back of this permit was written in Florinsky's own handwriting:

No. 1719.

The Russian Imperial Consulate at New York hereby certifies over its official seal, that Mr. Theodore Vozniak is personally known to this Consulate General. New York—April 26, 1916.

Imperial Russian Consul General,
By D. Florinsky, Acting Vice Consul.

Florinsky was also one of the many dupes of the Baroness Ida Leonie von Seidlitz. Before her arrival in New York, on June 1, 1915, she had already had several years of experience in Russia in the employ of the German Secret Service. Her passport showed that she was fifty-three years of age, an Austrian by birth, that she had lived in Russia, Bulgaria, and Germany, and that she was a widow visiting friends in the United States. A brilliant woman with a flair for intrigue, she readily fitted into the schemes of the Germans. Her arrival in the United States was preceded by a warning from the United States Minister to Denmark, Mr. Egan, to the effect that she would bear watching. She was accompanied by a musician named Varase, who acted as intermediary between her and von Bernstorff.

Her duties were to foster Irish plots against England, initiate peace propaganda, keep Germany informed ahead of time of the plans of official Washington, and not least to corrupt certain members of the Russian Supply Committee.

She gained an entrée among the Russians through her book, *Russia Yesterday and Tomorrow*, the preparation of which brought her de-

signedly into contact with them. Her attention was specially focused on Florinsky, whose services she cleverly enlisted through one of her agents, Tamara Swirskaya, a Russian ballet dancer. From Florinsky she learned the quantity and nature of all munitions purchases made in the United States by the Russians during the earlier years of the war. Above all, she made his mind receptive to the plots of other German agents.

During this period the Baroness was living in luxury at the most expensive New York hotels, but with the departure of von Bernstorff she lost her source of financial support and was soon in difficulties. She was compelled to give up her quarters at the Waldorf-Astoria; various judgments were obtained against her; and on May 11, 1918, the immigration authorities took a hand and transferred her to Ellis Island. After being confronted with her, Maria de Victorica later stated that she had met her in Bulgaria in 1912 and "at that time she asked me to operate under her for the Bulgarian Government."

The records of the British Secret Service produced further corroborative evidence of Wozniak's connections both with the Germans and with Florinsky. A report turned up from one of the British agents, Pilenas, or Palmer, dated January 9, 1917, *two days before the fire*. It is perhaps worth noting that today Palmer is the director of a detective agency in New York City and runs advertisements containing the interesting phrase "the man who 'broke' the 17-year-old Kingsland Mysteries." This report was addressed to Colonel Thwaites of the British Military Intelligence Service and stated:

An informant whose information has heretofore been usually found reliable states that Wozniak is in the pay of the Austrian or German secret service, and is acting under orders to make friendly contacts with Russians in New York, especially among the members of the Russian Commission, with a view to finding out about munition plants. My informant further tells me that Wozniak has succeeded in obtaining employment in the Kingsland, N. J., plant of the Agency of Canadian Car & Foundry where ammunition for Russian Government is being made and stored. My informant states that Wozniak got the job through the Russian Vice Consul, whose name he is not quite sure of, but thinks it is Floretsky. As a blind, Wozniak has written



Paul Hilken, a Paymaster for German Spies in the United States

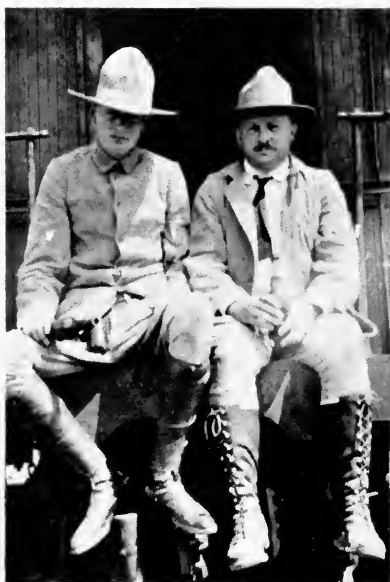


Captain Frederick Hinsch: Was He Graentnor, Kristoff's Brains?



Keystone Studios

Dr Paul Altendorf, American Secret Agent in Mexico



The Spies, Fred Herrmann (at left) and Adam Siegel (at right) in Mexico—1917.

two letters to the President of the Russian Supply Committee in New York about so-called irregularities at the plant.

We must now, for the time being, turn away from Wozniak to examine some other evidence which the American investigators again uncovered among the records of the Department of Justice.

After the Black Tom Terminal had been rebuilt a man named Kolb was arrested in an attempt to blow it up a second time. It was found that he had been closely associated with one Charles E. Thorne, an assistant employment agent at Kingsland at the time of the fire. This directed the attention of Department of Justice agents to him. But when they arrived to search his rooms they found that Thorne had fled. But several letters were uncovered among his belongings. Three of them were written by an actor friend of his, Carrol Clucas, who was then playing in *The Thoroughbreds*, a burlesque musical comedy.

The first of them, dated December 27, 1916, was addressed to "My dear Thorne of Thistle Fame," and read as follows:

Thanks so much for yours of recent date. 'Smatter Pop, why the poisoning? Only the Ententes are to be poisoned. How comes it a Deutscher gets poisoned on Guinness Stout? Lay off that stuff. I am a spy too. Now see! . . . To have made the jamboree a complete success one "C. Williams" should have been along!! Mr. Fisher says he never can think of your last name. I wonder if he suspects anything? Sorry submarine boat went down. I ask you, where would you expect a submarine boat to go? Up in the air? Same thing. Better luck next time.—

P. S. About what date will you be ready to sail on board the S.S. *St. Paul* or other liner? Important.

The second letter, dated January 8, 1917, written by Clucas from Canada, contained the following excerpt:

Now I want to caution you about the contents of your letters to me when I am in Canada. As you are aware, they are all censored, and don't sign "Kron Prinz" because I will never get them if you do.

A third letter, written seven days after the Kingsland fire is significant:

It was my firm belief that you were a victim of your own hand. Needless to say I was surprised and delighted to receive your letter this morning. I cannot here tell you how concerned I was when the glaring headlines told of the Kingsland disaster, nor can I tell you what my first impressions were, but you can surely guess. I will be more anxious than you know to hear full particulars and just how much your "Father" had to do with it! Seems very strange to me that perhaps your little red book would impart valuable knowledge! No? Oh! and by the way, where is the *Deutschland*? . . .

In addition to these letters there was also a sealed letter, undated, addressed to "Sergt. Braum, 59th Street Circle" and signed "Sergt. Ehrhart." It read: "Bearer is a prospective recruit for regular service, having served three years (3) in Prussia's (?) service. He is looking for a special assignment."

Thorne disappeared from circulation. There were conjectures as to what had happened to him, and for a long time a rumor circulated that under one of his many aliases he was later shot in England as a spy.

In April 1930 Carrol Clucas was uncovered in Mount Vernon, Ohio. When interviewed by Peaslee, he admitted having written the above letters and also stated that between June 3 and some time in September 1916, he and Thorne, who was then passing under the name of Chester Williams, made four trips between the United States and Liverpool as stewards on the *St. Paul*. On their last trip, Clucas recalled that Thorne was ill on their arrival in New York and was carried down the ship's gangway on a stretcher and placed in a conveyance waiting for him on the wharf.

Clucas further testified that Thorne often intimated to him that he was a German spy; and that, in a letter written to him about a week after the Kingsland fire, Thorne claimed that the fire was the work of German agents.

This statement of Clucas' was important, not only because it revealed Thorne as a German spy but because it also fitted in perfectly with an affidavit which had been obtained a short time previously from Edwin Herrmann, Fred Herrmann's brother. An extract is quoted below:

I remember very well Thorne and Carrol Clucas. They were friends of Willie Wohst, and of my brother, Fritz. My brother, Fritz, used to refer to Clucas as a ham actor. One of them was carried off a steamer when they arrived on a stretcher feigning illness, and was met by a private ambulance, the purpose of the plan being to take off the boat a supply of tubes or other materials that were being used. I personally went to the steamer *St. Paul* when Thorne and Clucas arrived, and which came in, as I recall it, at the slip next to the 23rd Street Ferry on the New York side. . . .

These tubes mentioned by Edwin were incendiary pencils—yet another supply which Germany had sent into the United States.

For some reason or other, at this stage Fred Herrmann concealed the fact that he himself personally knew Thorne. It was established, however, through three independent witnesses whom the American investigators interrogated that Hinsch knew Thorne well and that in 1915 and early 1916 they had lived a few blocks from each other in Baltimore. It is significant, too, that it was only two months before the fire that Thorne got his job as employment agent at Kingsland.

Having thus linked up Thorne to Fred Herrmann and Hinsch, we must now turn back once more to the evidence which Herrmann gave when examined before the American and German Agents of the Mixed Claims Commission.

Chapter XX

THE BLOODLESS BATTLE OF TUPPER LAKE

WE have already described how after Fred Herrmann met Hinsch they examined a list of factories which Hinsch had marked for destruction and that on the list allotted to Herrmann the Kingsland factory was included.

According to Herrmann, after spending considerable time studying the layout of the Kingsland plant he came to realize that the factory was too well guarded and that it would require an inside man to do the job. He accordingly consulted Hinsch, who had been carrying on sabotage since 1915 and who had a large number of agents at his disposal. Hinsch promised to study the situation. Some time later Hinsch called him up at the Hotel McAlpin, where Herrmann was staying, and informed him that he had found the right man for him. They agreed to meet outside the Hotel McAlpin, and there Hinsch introduced Herrmann to Wozniak, a workman employed at the Kingsland plant. Herrmann, however, did not like the looks of Wozniak. He described him later as a man with "a heavy, thick black mustache, and dark eyes, looking sort of cuckoo—staring eyes." He was not sure whether he could trust him. Consequently, he asked Hinsch to find him another man. On the next day Hinsch turned up with a man called Rodriguez, a Porto Rican, one of his agents in Baltimore. Later Herrmann introduced Rodriguez to Wozniak and asked Wozniak if he could get him employment at the Kingsland plant. Wozniak replied that there would be no difficulty, as he had a pull with the Kingsland employment agent. He was successful in procuring work for Rodriguez in the Kingsland plant. Thereafter Herrmann met the two every four or five days to discuss plans with them; and over a period of two or three weeks he paid each of them \$40 a week. Finally Herrmann

became convinced that they would be able to do the job and gave them each four or five incendiary pencils.

During his examination, Herrmann went on to explain:

I showed them how they [the incendiary pencils] worked and told them to put them in an old working jacket or something like that, and all they had to do was to cut off the top and put them in their pockets and take their coats off and hang them up somewhere. I think that it was about two days after the fire, there, I met Rodriguez, and I asked him where Wozniak was. He said he had not seen him. I said, "I suppose that I'll have to give you some money," and I gave him \$500.00—I am positive that it was \$500.00—and told him that he had better beat it, and I gave him an address, which did not exist, if he wanted to keep in touch with me. I had no idea of seeing him again.

With this evidence before us we can now hazard a guess as to why Hinsch greeted Fred Herrmann with, "Hello, Rodriguez." Was it because Herrmann had hired Rodriguez? Or was it because the new man who took Rodriguez' place on the day of the fire was Herrmann himself? The identity of this new man was never established. When interviewed by the American lawyers, Hadler expressed an opinion that it was Herrmann. There is no evidence, however, to prove this. Most of the records of the Kingsland plant were destroyed in the fire and with them the name or alias of Rodriguez' substitute.

After the fire, according to the evidence filed by the American lawyers, Wozniak fled to Mexico and there turned up under the name of "Karowski." Later Wozniak was to furnish the Germans with an affidavit denying that he had intentionally set fire to Kingsland or that he knew Hinsch, Herrmann, or any German agent or that he had ever been in Mexico or had used the name of Karowski.

But against this denial were the affidavits of Altendorf, Hadler, and others, who not only identified Wozniak's photographs as that of a German agent whom they met in Mexico in 1917 but also testified that he was passing under the name of Karowski. Judge Fake, who examined Altendorf in 1920, produced a yellow slip of paper which was handed to him by Altendorf at this examination and which has been in his possession ever since. On that slip of paper, which gave the

names of the various German agents that Altendorf had met in Mexico, was the name of Karowski.

Herrmann testified that, during the time he was with Hinsch in Mexico, one day towards the end of 1917 Hinsch told him that Wozniak was in Mexico City and that he was going to send him around to see him. Herrmann stated that he refused to see Wozniak and told Hinsch to keep Wozniak away from him since, to his mind, Wozniak was half crazy and he was afraid of him.

The American investigators had made every effort to locate Wozniak, when suddenly, in August 1929, the Germans filed affidavits signed by Wozniak which indicated that he was in the United States. Detectives were sent to the address shown on the affidavits and were informed that he had left just a few days before and had disappeared without leaving a forwarding address.

Mr. Bonyng, thereupon, immediately applied directly to Dr. Tannenber, Counsel to the German Agent, asking for Wozniak's address. To this there was no reply, and several weeks later, on January 10, 1930, the American Agent applied to Dr. von Lewinski, the German Agent, asking for the information.

The Wozniak affidavits contained a lead, however. They established an alibi showing that Wozniak had been employed by the Santa Clara Lumber Company, at Tupper Lake, during August and September 1917, the period during which Karowski was in Mexico. It was evident that both the Germans and Wozniak had spent a considerable time in Tupper Lake preparing these affidavits. Therefore, the area was watched. On July 5, 1930, Peto suddenly got word that Wozniak had again turned up there.

On being advised of this through Peaslee, Mr. Bonyng addressed a letter to Wozniak requesting him to appear before him for a cross-examination and handed this letter to Peaslee with instructions that he should see that Wozniak got it.

Realizing that Wozniak was being concealed from them, a force was assembled. Peto descended on Tupper Lake from Montreal, and Peaslee, accompanied by H. H. Martin, the Counsel for the American Agent, advanced northwards from New York City.

Peaslee reached Tupper Lake at 7:50 A.M. on July 8 and was met

at the station by Peto, who reported that Wozniak had been last seen at Shinnick's Hotel in the company of Mr. Healy, an attorney for the German Agent.

On their way to Shinnick's hotel, a car suddenly turned into the road and passed them going in the opposite direction. In it they recognized Healy and Wozniak. Swinging their car around, Peto and Peaslee set off in hot pursuit. It was a neck-and-neck race for some time, until eventually Peto and Peaslee succeeded in getting ahead of the fleeing machine and blocking the road with their car. Thus was won the bloodless battle of Tupper Lake, and Bonyng's letter was delivered to Wozniak.

There are various versions of what actually happened—both sides filed a lengthy report with the Mixed Claims Commission. The German version was that they mistook Peaslee and Peto for prohibition agents, that their unseemly haste was occasioned by fear that a raid was about to be made on Shinnick's Hotel, and that Wozniak would be held as a material witness. All of which, said Mr. Bonyng, reminded him of Bill in *Alice in Wonderland*: "Something comes at me like a jack-in-the-box, and up I goes in the air like a sky-rocket."

On his way back from Tupper Lake to New York, Wozniak in an unguarded moment had a conversation with the brakeman of the train, in the course of which he made some significant disclosures. This brakeman, Louis F. Hyatt, subsequently furnished an affidavit to Peaslee which read as follows:

On the morning of July 10, 1930, I was on my regular run on train No. 36, leaving Albany at 2:45 P.M. The train was composed entirely of pullmans except one day coach and one smoker. . . . A short time after we left Albany a man in the day coach who had no hat and who had a long mustache turned up at the ends, and a rather slight build who walked quite erect, motioned to me to come to him. I recognized the picture [of Wozniak] which has been shown to me this morning and which is attached to this statement on which I have put my initials.

The brakeman then got into conversation with Wozniak:

During this conversation he [Wozniak] took three or four newspaper clippings from an envelope in his pocket, describing about an explosion and

fire, which had his picture on them and I noticed the resemblance and asked him was it him, and he told me yes that was him, but that he wasn't guilty of it even though he was being watched and that he was ducking the ones who were after him for it.

I asked him why he was being watched if he wasn't guilty and he said that the engineer of the plant was the one that done it. He said that he had notified the Russian Government that the shells were no good and that something was going to happen, and shortly after that this happened. He said that an engineer in the plant had put a sort of mechanical pencil into his coat pocket over his machine which caused the explosion and fire.

He told me had been up to Tupper Lake for about six weeks to look for work and that he got wise there that he was being watched and he told me how he had checked up on a man buying rubbers there; that he was suspicious of him and that he left there. . . .

I said to him, "If you're so afraid of these men why don't you get yourself locked up?" and he said, "Well, they can't do anything to me, they're just trying to get the claims for the company."

When he was asking about these men and showing me these clippings I began to get suspicious that he was, in plain words, a nut, that was my saying to the conductor, so I called the conductor's attention to him and said he better get a policeman or something the man seemed to me to be a nut or crazy. He told me, "No, he isn't insane or he isn't a nut, there is a man in the head sleeper watching him and he isn't a nut."

Later in his argument before the Mixed Claims Commission at The Hague hearing, Mr. Bonyngé, in commenting on this affidavit of Hyatt, stated:

In this unguarded moment Wozniak stated that an engineer in the plant had put a sort of mechanical pencil into his coat pocket over his machine, which caused the explosion and fire. Never before had he made any statement similar to that, and, of course, that shows perfectly well that he knows that there was a pencil that caused that fire and the pencil that caused the fire was the pencil that was given to him by Herrmann, and given also to Rodriguez.

Shortly after Wozniak's return to New York, Mr. Bonyngé received a letter from the German Agent advising him that Wozniak was ready to volunteer as a witness and to give his testimony.

On cross-examining him, Mr. Bonyngé quickly realized that Wozniak had a prepared story and that in his general denials he was backing up the affidavits he had already given to the Germans. To judge Wozniak's reliability as a witness, Mr. Bonyngé, therefore, switched to the divorce proceedings which he had learned Wozniak had recently undertaken in Chicago against his wife. At this Wozniak grew very excited and in his replies revealed that two months after he had given his affidavits to the Germans, he had committed perjury in Chicago. In the sworn complaint that he had filed in his divorce suit he stated that he had been living in Chicago for more than a year preceding. Whereas his examination by Mr. Bonyngé showed that he had never been in Chicago before in his life.

In the meantime the American operatives had been investigating the alibis that Wozniak had furnished. A man named George Prespare, a resident of Tupper Lake, had given the Germans an affidavit in which he had declared that on presentation of Wozniak to him he had recognized him as one of the men who had worked in Tupper Lake during August and September 1917. Prespare now furnished the American investigators with an affidavit in which he stated that it could not have been in 1917 that he took Wozniak up to the lumber camp of the Santa Clara Lumber Company because in 1916 he had sold his wagon and was not driving people up to the particular camp where Wozniak claimed he was working. Furthermore, when shown six photographs, two of them of Wozniak, and four of them of workmen who had worked at Kingsland, he identified Wozniak, whom he had seen only two months previously; but he also identified two of the other photographs as those of men who had worked at the Santa Clara Lumber Company; and yet neither of them had ever set foot in Tupper Lake in their lives.

Finally, Wozniak claimed in his affidavit that during the summer of 1917 he had quit work at the Preston Pond Camp of the Santa Clara Lumber Company with one Alex Smith. An examination of the books of the Lumber Company revealed that the only time Alex Smith worked at the Preston Pond Camp was from January 18, 1918, to March 25, 1918.

With the investigation of these alibis, and the examination of Wozniak completed, the dead line for the filing of evidence for The Hague hearing had been reached. The voluminous records of exhibits and briefs were crated up, and the scene of activities was transferred to The Hague.

Chapter XXI

THE BURDEN OF PROOF

THE Mixed Claims Commission met on September 18, 1930, at The Hague to render a judgment on the evidence presented by Germany and the United States in the Black Tom and Kingsland cases.

The Umpire was the Honorable Roland W. Boyden; the Honorable Chandler P. Anderson was the American Commissioner; and the German Commissioner was Dr. Wilhelm Kiesselbach. On behalf of the Government of the United States there appeared: the Honorable Robert W. Bonyngé, American Agent, and Mr. H. H. Martin, Counsel to the American Agent. On behalf of Germany: Dr. Karl von Lewinski, German Agent; Dr. Wilhelm Tannenberg, Counsel to the German Agent; and Mr. T. J. Healy, Assistant Counsel.

After making appropriate reference to the Peace Palace in which they were assembled, an edifice dedicated by the donor, Andrew Carnegie, to the cause of peace and the settlement of international controversies by judicial tribunals, Mr. Bonyngé outlined the charge:

That during the period of American neutrality, the Imperial German Government, in accordance with the policy now admitted to have been inaugurated by the Foreign Office of the Imperial German Government, authorizing and directing sabotage against munitions and munition plants in the United States, did employ, through its agents thereunto duly authorized, men who actually set fire to the Black Tom Terminal and to the Kingsland plant of the Agency of Canadian Car & Foundry Company.

He then went on to point out the difficulties which Germany had set up in the way of the American investigators to prevent their obtaining information. He quoted the numerous instances of obstruction and lack of coöperation which we have already mentioned in the preceding chapters, and finally stressed two specific instances.

One of these related to the famous cablegram of January 26, 1915.* In his oral argument reviewing the evidence Mr. Bonyngé pointed out that the importance of this cablegram had been fully recognized by the Umpire at a previous preliminary hearing in Washington. On that occasion he had indicated by his questions that, in his opinion, this message could not have been the first message relating to sabotage in the United States because of the abrupt manner in which the cablegram starts: "Information regarding persons suitable for carrying out sabotage in the United States and Canada can be obtained from the following." He went on to state that on the motion of the American Agent, the Umpire had requested Germany to produce all the other documents preceding and relating to this cable and had indicated to Germany, by analyzing the legends upon the cable of January 26, where they might find these other documents.

Germany had thereupon filed an affidavit signed by Nadolny that this cablegram was just a passing incident, a blunder of a subordinate, that as a staff officer in the office of Section III B of the Great General Staff he had allowed himself to be overpersuaded by a fanatic, Sir Roger Casement, to issue this cablegram; and that the fact that this cablegram had been sent through the Foreign Office was of no significance, because in this instance the Foreign Office had merely acted as a forwarding medium.

In response to the order of the Commission a document had then been produced from the files of the Foreign Office which had been there all the time but could not be found until the American Agent had told the Germans where they could find it. This document was a letter from the Foreign Office to Section III B—to Nadolny and to Marguerre—directing them to forward the above cable. This proved that if anyone had been persuaded by Sir Roger Casement it was not Nadolny, but the Foreign Office.

Germany had then filed another statement from Nadolny in which he said that after the sending of the cable "the Foreign Office took the position that even sabotage at that time was not permissible, as America, in spite of its war support, which was contrary to the spirit of neutrality, was officially a neutral country."

* See page 8.

When urged by the Commission to produce the original document on which the cablegram of January 26 was based, Germany had produced it. On it were found the signatures of Count Montgelas, one of the highest officials of the Foreign Office, and of Zimmermann, as we already know. The Germans next had filed a brief in which they stated that "the officials of the Foreign Office in charge of this matter changed their minds and came to the conclusion that they had permitted themselves to be led into a blunder." The brief further stated that "the cable of January 26, 1915, was not acted upon but was completely disregarded by the addressee. Neither does it make any difference in judging the reasons why von Papen disregarded the message and why he was in position to do so."

Mr. Bonyngé continued his argument by pointing out that one year after Nadolny and Marguerre had sent the cablegram, and more than a year before America entered the war, these same two men met Herrmann, Hilken, and Dilger in the office of Section III B, handed them incendiary pencils, authorized Hilken to pay out any moneys that might be required, and ordered them to go back to the United States as quickly as possible.

He then moved on to a discussion of Herrmann's relations with von Olshausen, emphasizing Germany's failure to produce the documents demanded by him relative to the interviews between the two.

According to Mr. Bonyngé, he had demanded that the German agent produce the cables between von Olshausen and the German Government concerning Herrmann, the existence of which had been brought out in Herrmann's affidavit. Instead of producing them the Germans had filed an unsworn statement by von Olshausen, dated June 1, 1930, in which he had denied that Herrmann had confessed to him participation in the destruction of Kingsland, and had denied that he had stated to Herrmann that "we have to shut an eye now and then," and had denied sending a cable to Berlin about Herrmann, but had admitted sending a written report.

As Mr. Bonyngé was about to continue after this recapitulation of what had gone on at the previous hearings, the German Agent indignantly intervened, claiming it was unnecessary for a diplomatic representative of Germany to swear to a statement and that his word was

sufficient. Then, referring to the cables and von Olshausen's written report, he dramatically stated that he had them in his pocket but could not produce them as they were in code—to decipher them would mean compromising the German code.

To this Mr. Bonyngre replied:

Nobody asks anything about the German code. I would not know what to do with it if I had it. I do not want the German code. I want what was stated in this message. They can have somebody decode it and have somebody swear that it is a proper decoding of the message, if they want to be frank and give all the evidence in their possession bearing upon this matter. The failure of Germany to produce these documents is certainly to be construed against Germany, and to be construed as confirming Herrmann's testimony, rather than the testimony of Minister Olshausen, because as a witness he is no different from Herrmann, except that we would give more credence to his testimony if he were not referring to written documents.

I have never yet learned in my practice that when a man takes the witness stand he is exempt from the rules governing all other witnesses because he is an official, whether he is Secretary of State or whatever his position is. If this were an ordinary proceeding in a domestic court in the United States, and we wanted a document from the Secretary of State we would, either through a *subpoena duces tecum* or by a writ of mandamus, compel the production of the document. The Secretary of State could not protect himself by simply going on the stand and saying, "I have read the document, and the document states so and so." He would have to produce the document.

On page 3 of his report of June 1, 1930, the Minister refers to telegraphic instructions of the Foreign Office, dated February 15, 1929, which instructions the Minister thinks were sent before the Foreign Office had received his written report with respect to Herrmann's call about the middle of January, 1929.

It certainly would be interesting to see and to learn what the instructions of the Foreign Office were which were drafted without the knowledge of the contents of the Minister's report on Herrmann. Who was keeping the Foreign Office advised with reference to Herrmann at this time in February, 1929, before the Minister had made any report at all?

With the receipt of these instructions from the Foreign Office, the German Minister to Chile first commenced, according to his testimony, to take an interest in the Herrmann matter.

Why do we not have the instructions he received? I think he tried to tell

us what the instructions were, but the instructions came either by a coded message or came by a letter to him, and that could be produced and set at naught forever the argument I am now making, if my argument is not founded upon the facts. Yet Germany stands here before this Commission and says that it has made an honest and a fair submission of all facts within its knowledge bearing upon these cases.

Then in an argument which lasted for four days Mr. Bonyng presented to the Commission all the evidence which has been outlined in the preceding chapters. In the course of this argument he also analyzed the evidence which Germany had filed to establish alibis for Witzke and Jahnke. His attack on these alibis is best given in his own words:

The first attempt to prove an alibi for Witzke was when evidence was produced that on July 25, 1916,—I think that is the correct date—he made application for American citizenship. Witzke, on July 25th, four days before the blowing up of the Black Tom, made an application for American citizenship when he had no intention of ever becoming an American citizen, and it is so admitted by the German Agent in his briefs. He must have made it for some ulterior purpose. That fact goes to establish that he was laying the foundation for establishing an alibi. Then it was demonstrated that even though he had made his application for American citizenship on July 25, 1916, it was still possible, having made it in San Francisco, for him to be in New York fifteen hours, I think it was, before the blowing up of the Black Tom. The attempt to prove an alibi by making application for American citizenship was thus disposed of. It was a common practice, as shown in this case, for German agents to apply for American citizenship. Witzke did it. Wozniak did it just a few weeks before he made his dramatic appearance at the office of the German Consul General in New York. It is proven in reference to a number of the other German agents.

Having destroyed the attempt to prove that alibi, they then examined Witzke over again and sought to establish an alibi on another and a different basis, although Witzke is supposed to have told his entire story at the time he was first examined.

He was asked on that examination by Dr. Paulig whether he had any documentary evidence, any letters or any documents that would establish the truth of his statement that he was not in New York at the time of the blowing up of the Black Tom. He assured Dr. Paulig that he had nothing. He only referred to his notebook, and Dr. Paulig at the conclusion of that examination

assured Witzke, with clasped hands, in a dramatic scene, that under no circumstances would that notebook ever be disclosed to the American Government. . . .

The only evidence that was introduced that has any bearing at all towards establishing an alibi . . . was the letter which was addressed by Witzke to his parents. The post mark on that letter is rather difficult to decipher. It is deciphered by the German Agent as August 2nd. There may be some question, as you examine the original, as to whether it was August 2nd or August 12th. But assuming that it was August 2nd, what they attempt to prove is that that letter, post marked in San Francisco on August 2nd, shows that he could not have gotten back from New York to San Francisco after blowing up the Black Tom, or assisted in blowing it up, on July 29, in time to mail that letter in San Francisco on August 2nd.

As this Commission well knows the fact that a letter bears the post mark of a certain date, when a man is attempting to establish an alibi, does not prove that he actually mailed the letter at that time. Somebody else may have mailed the letter for him. That is an old trick. . . .

The only proof that the letters were actually mailed by Witzke on the dates which the post marks bear is the evidence of Witzke himself. He does swear that he mailed them on those particular dates. But I submit to you gentlemen of the Commission that Witzke is an absolutely unreliable witness. . . .

He made false statements admittedly, under oath, when he was being examined on his court martial proceedings. He then stated that he was a Russian. He first said he met Jahnke in New York, and afterwards he changed it and said he met him in San Francisco. Throughout that entire testimony he lied from beginning to end. . . .

As to the new evidence to establish an alibi for Jahnke, Jahnke has also been examined a number of times by the German Government, and has given three or four or five different affidavits. In his first affidavit he stated that he had told the sheer truth and all of his activities. . . . No mention at all was made by him of the fact that he had ever served as a detective for the Morse Patrol in San Francisco.

Jahnke was a pretty prominent man. He was the confidential adviser of Bopp. He was receiving a very comfortable salary from Bopp. There was no possible reason why he should ever have served as a detective at the rate of twenty-five cents an hour and put in services during the year 1916, I think, for some forty-odd days. . . . Receiving altogether according to the records of the Morse Patrol—not the testimony of Jahnke himself—the large sum of eighty-six dollars and some odd cents.

What is the record they produce? They produce a record of the Morse Patrol which shows that a man by the name of Jahnke was assigned to do some detective work for them on different dates during the year 1916, including a record that a man under the name of Jahnke was working for the Morse Patrol on July 12, 15, 16, 29 and 30, 1916. . . . That evidence was introduced some time between August 14, 1929, and January 31, 1930. As soon as it was introduced, investigations were made of the records of the Morse Patrol, and it developed . . . that they had a very careless way of keeping records of who actually served. It developed, however, that Jahnke was known to the Morse Patrol, that he first went there under the name of Borden, an alias; that Ruwe of the Morse Patrol knew he was a German spy; that the Morse Patrol had been doing some work for the German Consulate General in San Francisco. It developed by the testimony of an accountant who went over the books of the company itself, and not in connection with these cases at all, that their records did not disclose exactly who performed services on a certain date; that a substitute might be used for the man whose name was given, and that there was no way of telling from those records who actually performed the services on the particular days. . . .

Mr. Bonyngé finally summed up the evidence:

I wish now, gentlemen of the Commission, to sum up very briefly what we contend has been established to show that Germany was responsible for the blowing up of the Black Tom. I want again to repeat that we are here trying a civil action; that the burden of proof which rests upon us is to establish by a preponderance of the evidence in the minds of the members of this Commission that Germany, as a principal, was responsible for the blowing up of the Black Tom. Once we establish that fact, all the details as to how it was done, who did it, which particular agent did this thing, how he accomplished it, all the details as to the explosions which occurred, whether one was on the land and the other was on a boat, all become immaterial, provided we have convinced this Commission by a preponderance of the evidence that Germany, as a principal, was responsible for the blowing up of the Black Tom.

In support of that contention I submit to this Commission that we have established the following propositions beyond the peradventure of a doubt:

First, that Germany did specifically, by the cablegram of January 26, 1915, authorize and direct the carrying on of sabotage in the United States against munitions and munition factories.

Second, that in pursuance of that policy, Germany did send Agents to the United States, and employed others in the United States, and armed them with the incendiary devices to carry into execution the policy which the highest powers of Germany had declared was to be pursued in the United States.

Third, we have established that one of the Agents thus employed by Germany, Hinsch, an admitted German agent, traveled about the country with a suitcase which he had to have carefully guarded by an unknown and half-demented man. What was the purpose of guarding that suitcase? Was it not because it had in it, not the ordinary clothing of a man who is traveling about the country, but these very incendiary devices?

Fourth, we have established that Hinsch has admitted that he was traveling about the country during the very time this man Kristoff was traveling about the country, and that he visited some of the very places Kristoff visited.

Fifth, we have established, again, that Kristoff himself, on the night of the explosion, came home declaring that he had been a party to the explosion. We have connected that testimony with the testimony of Witzke that he and Jahnke were responsible for the blowing up of the Black Tom, and that he has denied those admissions, although we have established beyond doubt that the admissions were made; that he has attempted to prove an alibi, has made two or three different attempts, when one failed made another; that Jahnke has never testified that he performed the services he is alleged to have performed in San Francisco at the time, and that his alibi has likewise failed.

When he had finished with the Black Tom case Mr. Bonyng went on to the Kingsland case. After declaring that he had established beyond reasonable doubt that Germany from the beginning of the war was engaged in a world-wide campaign of sabotage, and had never canceled the sabotage order of January 26, 1915, Mr. Bonyng stated in his summing up of this case:

That immediately following the issuance of this authorization (the cable of January 26, 1915) Germany sent to, or selected from its sympathizers in, the United States agents to execute the policy authorized by the Foreign Office of the German Government, and armed them with the means to carry that policy into execution.

That Messrs. Nadolny and Marguerre of the German Staff specifically employed Herrmann as a German agent and furnished him with the in-

incendiary devices to destroy munitions and munition factories in the United States.

That Herrmann, in pursuance of the authority given to him, came to the United States; with the assistance of Captain Hinsch and other German agents, employed Wozniak and Rodriguez to set fire to the Kingsland plant, and furnished them with the identical incendiary devices given to him by Nadolny and Marguerre for the very purpose of destroying munition factories.

That Wozniak and Rodriguez, with the assistance of Hinsch, Herrmann and other German agents, did actually start the fire that destroyed the Kingsland plant.

On the conclusion of Mr. Bonynge's argument, Dr. Karl von Lewinski, the German Agent, took the floor to present Germany's argument. He prefaced his plea with a caustic attack on the tactics the American lawyers had used in obtaining their evidence and expressed regret that these methods had been found necessary in litigation between two governments before an international tribunal. He then took exception to the concluding remarks of Mr. Bonynge's summing up which had defined his contention that, if once it had been proved that Germany was responsible for the destruction of Black Tom and Kingsland, it was immaterial what particular German agents accomplished it or how he did it:

What the American Agent treats as mere details, namely, how it was done, who did it, and whether the person who did it was really a German agent—these so-called "details" form the actual, and I claim the only, issue in the present proceedings.

To be specific, if the American Agent proves that Witzke or Jahnke actually blew up Black Tom, or if he proves that Kristoff blew up Black Tom, and that he was a German agent, then, but only then, has he discharged the burden of proof incumbent upon him. If he is unable to prove this, his case must fall, even if it should be considered as established that there existed an authorization to commit sabotage against ammunition factories and plants in the United States during neutrality.

The same is true in the Kingsland case. Assumption, suspicions, even possibilities are not enough. Actual proof of the actual fact is the only possible basis of recovery in the instant claims.

The ship sabotage and the inoculation of horses, mules, and cattle in the United States he frankly admitted. Dr. von Lewinski argued, however, that, although the bombs were placed on ships in American ports, the active destruction was timed to take place outside of American waters. That presumably was Germany's defense as regards the germ inoculation, too, since on the same basis it could be argued that the germs were only intended to take effect on the livestock after shipment.

As regards the sabotage order of January 26, 1915, Dr. von Lewinski claimed that it was never carried out; and as to the instructions issued by Nadolny and Marguerre to Hilken, Herrmann, and Dilger he averred that they were only to come into effect in the event of the United States's entering the war on the side of the Allies.

The German evidence which had been filed was then reviewed at great length by Dr. von Lewinski and Dr. Tannenberg. Without exception, every one of those German agents resident in Germany who had been accused by the American lawyers had issued a lengthy denial. And it was on these denials, especially on that of Hinsch, that Germany chiefly based her defense. Hinsch gave an affidavit that at the time of the Black Tom explosion all of his time was being taken up with the affairs of the Eastern Forwarding Company and the duties connected with the loading and unloading of the submarine *Deutschland*.

The evidence of Herrmann was attacked as that of a man who had testified for both sides and therefore could not be believed. The testimony of Altendorf was impeached on the grounds that in various statements in 1918 and in newspaper articles written by him in 1919 and 1920 he had given different versions of how Witzke and Jahnke had blown up Black Tom. A lengthy exposition was made of the alibis which had been established for Witzke, Jahnke, and Wozniak.

Finally, in the Kingsland case, a strenuous defense was advanced that the fire was caused by an industrial accident. In support of this contention, affidavits from several Italian workmen who worked at Kingsland at the time of the fire had been produced just before the hearing; also a report, dated January 18, 1917, from a man named Johnson, who was in charge of the guards at Kingsland and who reported on the cause of the fire after interviewing several of the workmen present in Building 30 at the time of the outbreak of the fire. It was also intimated

that the American claimants must have known of the existence of this report and had purposely ignored it. In reviewing this evidence of Johnson, and also of Lascola, one of the Italian workmen, Dr. Tannenberg stated:

Wozniak was working, in the afternoon of January 11, at the last cleaning machine at the northerly end of the last table at the north end of the building. There was one table holding about three or four cleaning machines. He was at the northerly end of that table, and at approximately 3:45—or 3:43, according to the Johnson report—he took an uncleaned shell and put it in place for cleaning, and as he did so the closed end of the steel shell struck sparks from the cast iron pulley which was revolving under the traction of the moving belt.

The shell did not fit into place at once, and Wozniak gave the shell a push in order to make it fit into place better. . . .

The sparks, although unobserved by Wozniak, were seen by other men, and in this connection it must be remembered that the shell revolved away from Wozniak, so that if any spark was caused, the spark would not appear on the side towards Wozniak but on the other side.

According to the Johnson report of January 18, 1917 (Page 3), the streak of sparks which resulted from that contact of shell and pulley was seen by George Roberts, Thomas A. Declé, Andrew Roach, Chris Lovett, and Thomas Steele, as well as other workmen not named.

In the Johnson report Johnson refers to the fact that he examined these men and that the statements of these men are all substantially in accord with what Roberts said. Roberts was working on one of these tables at the northerly end of the building, about ten feet away from Wozniak, facing Wozniak, as I said before, on one of these tables that were at right angles to the tables on which the cleaning machines were placed, and according to what Johnson states in his report Roberts saw suddenly a streak of sparks coming from the machine, and Johnson states that that observation is substantially confirmed by the statements of five, six or more witnesses.

If Johnson's report does not set forth correctly what the eye witnesses said at the time of their examination, why are not those reports produced? They are at the disposal of the claimant company. The fact that they are not produced, although the American Agent certainly had a chance to obtain the statements, is, in the opinion of the German Agent, conclusive proof that the original statements are in accord with what Johnson says in his report about the very beginning of the fire at the cleaning machine, a streak of small

sparks—not a flame one foot long that came with a hiss out of the inside of the shell. Six or seven witnesses say that the very first beginning was a streak of sparks coming from this place. All saw the sparks coming from Wozniak's cleaning machine immediately before the fire. That Wozniak did not see the sparks is not to be wondered at, as an inspection of the drawing of the cleaning machine shown in German exhibit CXXXI will show that the sparks must, from the nature of the machine, have landed on the gasoline-soaked table behind the high part of the cleaning machine on which he was cleaning the shells.

That the fire started from those sparks which had landed on the table, away from Wozniak, behind the cleaning machine, is established also by the evidence of Lascola. I refer to the fact that Lascola had been examined by Judge Fake and by officials of the Agency of the Canadian Car & Foundry Company in Rutherford and in New York immediately after the fire.

He testified in the deposition which was taken in August of this year (Exhibit CXV) that when his attention was called by a sudden squeak and he looked at Wozniak's machine, he was only ten feet away from Wozniak's machine. He saw little flames between the end of the shell, the closed end of the shell against the cast iron pulley, and the pan of gasoline, little flames.

Dr. Tannenberg continued the argument by outlining in vivid detail the evidence of Urciuoli and Ruggiero, the two other Italian workmen, and quoted at considerable length from their affidavits. In his affidavit Urciuoli had stated that he had been employed as a millwright in Building Number 30 for six or eight months and described his experiences in the building as follows:

When the machines had been in use a considerable period, they would get hot and would stick. This would cause a friction between the end of the steel shaft and the cast iron pulley. On these occasions a very hot spark would be thrown and could be seen from the center of the building. Whenever I saw these sparks I would hurry to the machine and throw the belt off, stopping the machine. Again at times the cast iron pulleys would wear in the bore of the pulley. The wearing of the cast iron pulley against the steel shaft would cause more sparks that were a source of danger. On one occasion during the time I was employed in Building Number 30, one of the tables caught fire from these causes, namely, from the sparking of the cleaning machine, and I put it out with an overcoat which I took from the wall.

Ruggiero, who according to Dr. Tannenberg, was sub-foreman in Building 30 for a considerable length of time, had also confirmed this by the following statement in his affidavit:

In case the pulleys were not kept well oiled, they would begin to squeak and bind. Occasionally they would stick and fail to rotate, that is, they would become "frozen" to the steel pin, on which they were supposed to rotate. When this happened the belt on that machine would begin to slip over the cast iron pulley, but the pulley would not move. The shell, however, would continue to revolve as a result of the friction between the shell and the belt. On the occasions when that happened there would be a very decided friction between the end of the steel shell (which was moving under the belt) and the cast iron pulley, which would not move. In such a case the machine would begin to throw sparks. A squeaking machine was always considered a danger signal, at which time whoever happened to be in charge of that particular section of machines would immediately take the shell out and throw the belt so that the millwright could put that particular machine in working order.

During the course of my employment in Building 30, I frequently saw cleaning machines throw sparks as a result of friction developing from defects in the machine.

In his rebuttal Mr. Bonyngé attacked as well as he could with the material at hand the testimony of these "eyewitnesses," but the picture of sparking machines and general carelessness in the plant, portrayed particularly by Ruggiero and Urciuoli, could not be overcome. As to the Johnson report, Mr. Bonyngé replied to the charges of the German Agent by saying:

I desire now to refer to the Johnson report upon which a great deal of reliance apparently was placed by the German Agent. . . . We have had no opportunity to make a thorough examination, because it was filed just a few days before we left the United States, but I think an investigation of the report itself will show that the report was never made to the Agency of Canadian Car & Foundry Company. This man was an employee of the Thiel Detective Agency. His duties at the plant were not to examine the witnesses and ascertain how the fire occurred. He had a large number of guards, whose duty it was to protect the plant. He was desirous of presenting a report to his

principal, the Thiel Detective Agency, to satisfy the Thiel Detective Agency that he and his guards were in no way responsible for the fire. . . .

. . . A reading of the report—and I don't recall that Counsel for the German Agent read from the report at all—will demonstrate that there is not anywhere in Johnson's first report or supplemental report any statement by him that he personally examined any of the workmen in the Kingsland plant; but, much more important than that, there is not the slightest indication that anyone ever took any written statements from any of the witnesses mentioned. On the contrary it appears very clearly from his first report, as well as from his second report, that his whole report is third or fourth hand hearsay evidence, and that the real purpose of the report was not to account for how the fire originated, but to establish that the guards who were under his supervision had properly performed their duties. . . . He goes on to describe what the various guards did, and, at the end of the general commendation of his own guards he makes the following statement:

"All of the guards behaved with commendable courage and judgment, and it is largely due to their efforts that every employee in the plant got away in safety. . . ."

This charge against the American Agent [of suppressing the Johnson report] is fully disproved and differs entirely from the statement made by the American Agent that Germany had suppressed documents which are admitted to be in existence and actually in the possession of the German Government at the present time, relating to the interviews had by Herrmann with the members of the German Legation in Santiago, Chile.

On Tuesday, September 30, 1930, the Commission adjourned to consider the evidence. Two weeks later, at Hamburg, October 16, 1930, it handed down its unanimous decision dismissing both the Black Tom and the Kingsland cases.* The decisions and opinions of the Commission covered twenty-seven printed pages, but the following extracts record in a general sense the findings.

The Commission held that the authority of persons alleged to be responsible for causing both the destructions and to act for and bind the German Government was fully established. It ruled on this point that

The Commission has no difficulty with the question of authority in these cases. The persons alleged to be responsible for causing these two fires to be

* The two terms, The Hague decision and the Hamburg decision, are used interchangeably by all connected with the litigation.

set—either by participating in the act themselves or by employing sub-agents of their own—were in such relation to the German authorities, and some of them in such relation to Nadolny and Marguerre, who were in charge of the political section of the German General Staff, or to Hinsch, that Germany must be held responsible if they, or some of them, did cause the fires to be set. The Commission does not need direct proof, but on the evidence as submitted we could hold Germany responsible if, but only if, we are reasonably convinced that the fires occurred in some way through the acts of certain German agents.

With regard to Black Tom the Commission stated that it was far from satisfied that Kristoff had not set fire to the Terminal either alone or in company with other parties unknown. It went on to say that it did not believe that Witzke or Jahnke had participated in the firing of the Terminal. It further stated that Black Tom would have been a logical target for any German sabotage agent. But while it felt that there was no assurance that Graentnor was not Hinsch or that Hinsch did not employ Kristoff it said that it did not feel the Americans, on whom was the burden of proof, had established beyond a reasonable doubt either that Kristoff was a German agent or that he had actually blown up Black Tom.

In the Kingsland case, after reviewing the evidence, the Commission ruled as follows:

In the Kingsland case we find upon the evidence that the fire was not caused by any German agent.

This conclusion was of course based upon the evidence then before the Commission. In reviewing that evidence the Commission said:

... If we were called upon to guess what caused the fire from the evidence of the circumstances, we should without hesitation turn to the machine which held the shell which Wozniak was cleaning. There is strongly persuasive evidence that these machines required constant watching, that when out of order they squeaked and threw out sparks, and that fires, quickly extinguished, had previously occurred from this source, and there is some evidence from a workman close by of squeaking and of sparks from Wozniak's machine just at the time of the starting of the fire. Wozniak

himself does not mention this in his contemporaneous statements, though he later mentioned it merely as a possible explanation. In fact he says that his machine was running well that day, though it had sometimes run very hot. To Wozniak the fire seemed to originate in the rapidly revolving shell case itself and to follow the rag wound around a stick with which he was drying the shell case when he withdrew the rag. It is interesting to find that his own statement is the only one which bears any resemblance to what would have happened if he had used one of the inflammatory pencils with which Herrmann says he supplied him.

From a reading of the above abstract, it definitely appears that the Commission in making the remarks contained in this opinion relied largely upon the Johnson report and even more upon the testimony of the Italian workmen. Also, the Germans had been aided by the natural reluctance of the tribunal to disbelieve the word of a great and sovereign nation unless absolute documentary proof could be produced showing that a German agent had ordered the firing of the two plants.

Chapter XXII

FALSE EVIDENCE AND NEW WITNESSES

THE Hague decision might have broken the stoutest hearts, but the Americans had only begun to fight.

The Germans had sprung a tactical surprise on the American Agent by filing at the last moment a mass of new evidence. At the time this was done, the date for The Hague hearing had been fixed; and the business of packing the voluminous records, arranging sailings, as well as preparing the cases for argument, had left no time for any more than cursory investigation of this new evidence, which included not only the Johnson report and the sworn statements of the Italian workmen at Kingsland, which we will refer to as the Lyndhurst testimony, but also the affidavits of Hinsch, Woehst, and Marguerre.*

As their first move in rebuilding the cases the American lawyers investigated the Lyndhurst testimony and the Johnson report. They knew that Mr. Cahan, one of the directors of the Canadian Car and Foundry Company, had conducted an impartial and exhaustive investigation immediately after the fire and, after weighing up all the evidence, had come to the conclusion that the fire was an act of incendiarism. They sensed, therefore, that the affidavits of the Italian workmen had been falsely inspired.

Their suspicions were quickly confirmed. When interviewed, R. N. Marrone, a notary public of Lyndhurst, who had acted as the stenographer in the compilation of the affidavits which had been executed by Ruggiero and Urciuoli, testified that the affidavits were dictated almost in their entirety by Counsel for the German Agent.

* The hearing took place at The Hague on September 18, 1930. The Lyndhurst testimony was filed August 9, 1930; the Johnson report on August 26, 1930; translation of the testimony of Woehst and Marguerre was filed August 18 and 25, 1930; and that of Hinsch on August 21, 1930, and September 18, 1930.

Furthermore, there was proof that the affidavits had been procured by the pressure of money, the payment of which had not been disclosed to the Commission, and in support of this Marrone produced from the files of his nephew by marriage, a Mr. Carella, a series of letters and carbon copies of letters exchanged between Carella and Dr. Tannenberg. (Carella had been retained by Dr. Tannenberg to obtain the Lyndhurst affidavits.) A portion of the correspondence between Carella and Dr. Tannenberg is quoted below:

April 10th, 1931.

William Tannenberg, Esq.,
1010 Investment Building
15th & K Streets, N.W.
Washington, D. C.

Dear Sir:

Confirming our conversation of March 30th, 1931, I have informed our witnesses as to your decision in the matter. I have been expecting that of which we spoke of and these people are continually calling upon me for some action.

It is absolutely urgent that this matter be taken care of immediately because the opposition is making strenuous efforts to obtain adverse information.

Reports will be forwarded to you within the next few days.

Awaiting an early reply, I beg to remain

Yours very truly,

To which Dr. Tannenberg replied:

April 17, 1931.

Nicholas A. Carella, Esq.
298 Ridge Road,
Lyndhurst, N. J.

Dear Sir:

I beg to acknowledge receipt of your letter of the 10th instant and your telegram of today. I have to apologize for not answering your letter promptly; however, I postponed my reply for the reason that the instructions from Germany for which I had asked had not yet arrived and I was anxious to advise you that our conversation had been confirmed.

The unexpected delay was due to the fact that I was requested to supply our Berlin office with detailed information which was required in order to enable them to proceed as suggested by me. That does not mean that there are any obstacles. I have no doubt that the instructions will be here by Monday of next week [April 20th] at the very latest, and I shall not fail to inform you immediately as to when you can go to New York.

I sincerely hope that you will understand the situation and that the unforeseen delay will not have caused you any inconveniences. I also hope that I shall have an opportunity to see you again in the near future so that I can explain to you the circumstances in more detail.

You may rest assured that I greatly appreciate your services and that I am awaiting your reports with very great interest.

Yours very truly,
Wilhelm Tannenberg

True to his assurance, Dr. Tannenberg encountered no obstacles, for on April 20, 1931, he wrote to Mr. Carella as follows:

Dear Sir:

Referring to my telegram of the 17th inst. and to my telegram of the following day, I wish to advise you that I have received authority to proceed in the matter as suggested. If you will be kind enough to call at the German Consulate General in New York, Mr. Loerky, the gentleman whom you met there on a previous occasion, will give you the necessary information.

Hoping to hear from you very soon, I am,

Very truly yours,
Wilhelm Tannenberg

The American lawyers would have liked to have seen a copy of the messages which had passed between Tannenberg and Berlin on the subject, but once again Germany did not produce them.

In another letter, after reporting vivid tales of attempts on the part of one of the American investigators to tempt the Lyndhurst witnesses with money, and after stressing the difficulties which he was experiencing with the witnesses, Lascola and Urciuoli, Carella continued:

I have made every effort to keep these witnesses in line with threats of criminal prosecution. Their patience has reached its final pitch and I hope that some money will come forthwith to relieve the present situation.

Apart from the above considerations, Ruggiero, who, prior to The Hague hearing, had testified in his affidavit to previous fires which he, himself, had extinguished at Kingsland, and had traced the development of the cleaning machines which, according to him, were continuously unsatisfactory right down to the time *he quit work in December 1916*, was found on investigation to have worked in Building Number 30 at Kingsland for a total of three weeks, and to have *left the plant in August 1916*, approximately five months before the fire. Investigation also disclosed that Urciuoli did not work in the plant at all during the week in which the fire took place.

It was, however, from Lascola that the most convincing evidence of fraud was obtained. On April 26, 1933, three years after he had given the affidavit to the Germans, he testified in an affidavit written in Italian that he had received \$50 in a surreptitious manner from "the American" who had come with Ruggiero, to get his affidavit, that later he had been given an additional \$100, but that he had not received the expense money which had been promised him for an operation. He then went on to add:

At the time of the fire I was about ten feet away and out of the corner of my eye I saw a small flame and saw the man with the rag saturated in benzine try to put out fire with it but instead caused the flame to spread and increase, and another man threw a pail of water on the flames spreading them more and then everybody ran, and this is all, and I told others the same thing, and everybody who asked me.

I was working in Building No. 30 about six months and never saw any fires.

I was told that the statement I signed three years ago for the American who came with Guidetti and Ruggiero, that the machine threw sparks, but I did not make this statement and it is not true that this machine threw sparks.

It was noted also that the correspondence between the office of the German Agent and Carella showed that a statement was obtained in Lyndhurst from one Victor Frangipane. But the statement turned out to be immaterial when the claimants checked it.

In a statement furnished to the American investigators, Frangipane

closes his affidavit by saying: "It is my opinion that Wozniak purposely set this fire."

Turning now to the Johnson reports of January 13 and 18, 1917, it was found that the German exhibit produced at The Hague hearing was a carbon copy, that the paper on which the reports were written was of very recent manufacture, and the copies could not have been made much before the German Agent procured them in August 1930.

In the opinion of the American lawyers, the introduction of the carbons alone without any explanation that they had been recently copied, was sufficient in itself to mislead the Commission, whether innocently or not; for a recently written report would not, in the very nature of things, be given as much weight as would the original carbon copy.

The evidence seems clear that these reports, which contained second-hand information, were never submitted to the Agency of the Canadian Car and Foundry Company and that in 1917 the only interest that Johnson could have had in drafting them was to satisfy the Thiel Agency that he and his guards were no way responsible for the fire.

Had these reports been handed to the Company at the time it conducted its investigation immediately after the fire, there would have been no reason to suppress them as charged by the Germans. As happens in the case of all such fires, and as was recently evidenced in that of the *Graf Zeppelin*, there is always a certain amount of conflicting evidence from witnesses who sincerely believe that they saw the origin of the disaster, but actually only witnessed an after-effect. A series of such statements was actually made at the time, but the bulk of evidence collected by Mr. Cahan was of such a nature that without hesitation he ascribed the fire to an act of incendiarism.

In his report Johnson mentioned George Roberts (No. 3242) as stating that a streak of sparks came from the cleaning machine. An examination of the payroll, which had not been in the plant at the time of the fire, shows that there was no such person in the Company's employ. Urciuoli is another person mentioned by Johnson; and he, as we have already shown, was not at the plant during the week of the fire.

It is also highly significant that Johnson in neither of his reports

gave any indication of an effort on his part to question Wozniak, the employee at whose bench the fire admittedly started.

Far from the condition of carelessness and neglect which Ruggiero and Urciuoli so persuasively sketched, there was produced after The Hague hearing a mass of evidence to show that every known safety device was employed at Kingsland, and that the plant was extraordinarily well supervised and efficiently managed. Mr. George Coe, the vice president and director of Johnson and Higgins, a very well-known firm of insurance brokers, testified that the engineers' inspections were extremely rigid and their reports indicated that the fire protection conditions in the plant were excellent. Joseph D. Evans, who has had a wide experience with explosives and the manufacture and loading of shells, testified that the same type of cleaning machine was used to clean millions of shells at other plants as well as at Kingsland without the slightest trouble from sparks or fires. Mr. William Harkness, the works manager at the Kingsland plant, stated that there had never been any fire, however small, in Building 30, prior to the fire which destroyed the plant. He also testified that an inspector named Renz had made an inspection of the motors, wires, and lights in Building Number 30 about fifteen minutes before the fire occurred and had reported that everything was in perfect order in the building. Renz's own affidavit to this effect was filed.

However, in view of the confidence expressed by the Commission at Hamburg in the testimony of the Lyndhurst witnesses, it was thought advisable to obtain even further evidence, if possible, to demonstrate its falsity. By a piece of good fortune, a search of the Army Ordnance Department files disclosed that at the Picatinny Arsenal at Dover, N. J., there was found a cleaning machine of the very type which had been used at Kingsland. Mr. McCormick, of the Picatinny Arsenal, when asked for his expert opinion, testified:

Throughout the entire period of time during which I had anything to do with these machines, from 1915 until about May, 1926, I have never known any of them to throw out sparks or cause fires. Literally millions of shells have been cleaned by these machines under my supervision at the plants and arsenals which I have mentioned...

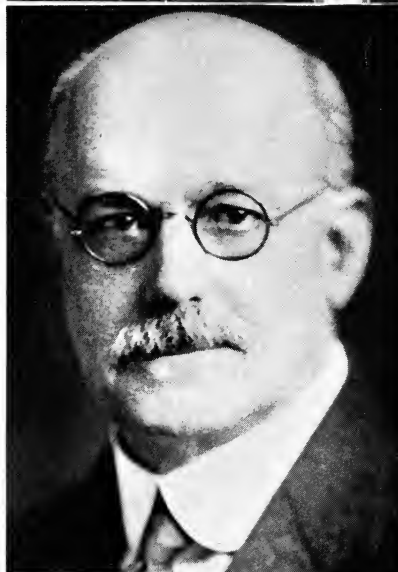
*Admiral Sir Reginald Hall (top right)
Director of the British Naval Intelli-
gence Service.*

*From "The Life and Letters of Walter H.
Page," Courtesy of Houghton Mifflin Company*



Courtesy of Amos J. Peaslee

*Amos J. Peaslee (above) Legal Fer-
ret. Robert W. Bonyng (at right)
American Agent before the Mixed
Claims Commission.*



Keystone Studios

Exhaustive tests were made on the machine by experts of the United States Government at the Arsenal and it was found that it was impossible for the machine to produce a spark in the manner described by Urciuoli and Ruggiero.

Having established that fraud had been committed in obtaining the Lyndhurst testimony, the American lawyers now proceeded to analyze the rest of the evidence which Germany had filed prior to The Hague hearing. They turned, therefore, to the evidence of Nadolny, Marguerre, Hinsch, and Woehst, on which Germany had relied so heavily. It required no special perception to discern that here, too, false testimony had been given.

To understand the influence which had been brought to bear on these key witnesses, it is of paramount importance to realize that, at the very commencement of her defense, Germany deliberately and quite brazenly attempted to mislead the Commission as to the sabotage cable of January 26, 1915, which authorized the carrying out of sabotage in the United States from that date on.

It was then that Germany instituted her attack on the Black Tom and Kingsland claims by denying everything which was not overwhelmingly proven and by suppressing evidence, a policy which it can now be shown has not been altered throughout the entire history of the claims. In following out this defense, Germany was being consistent—she was following out the same policy of denial which von Bernstorff and his aides had so successfully practiced during the neutrality period.

When Nadolny testified that he had sent the cable of January 26, 1915, to the German Embassy entirely on his own responsibility and had used the Foreign Office, as he expressed it, as a mere "technical intermediary," he simply and plainly misrepresented the facts to the Commission. Germany admitted this herself when Judge Parker, the Umpire at the time, compelled, on pain of drawing unfavorable inferences, the production of the earlier documents relative to the cable, as was described in Mr. Bonyng's argument at The Hague. These documents showed that the "irresponsible indiscretion" had been committed not by Nadolny, who the Germans tried to prove was a minor

subordinate, but by the Foreign Office itself, for the cable was sent out by the Minister of Foreign Affairs.

Nadolny had also misrepresented facts when he had stated that no further instructions were ever sent out after the cable. This was proven when the meeting in February 1916 of Marguerre and Nadolny with Hilken, Herrmann, and Dilger was disclosed. Later Marguerre tried to cover this up by furnishing an affidavit in 1930 that Nadolny merely introduced Herrmann to him, and left the room before the sabotage discussion took place and the incendiary pencils were handed over.

Nadolny was not a minor official. He was attached to Section III B of the General Staff during the war, where he occupied the important post of liaison officer with the Foreign Office. In 1928, at the time his evidence was filed with the Commission, he was Minister to Constantinople, and was subsequently appointed Ambassador to Moscow. It can be taken, therefore, that he was not testifying as a simple individual, but that he was doing so in the name of Germany.

Turning now to Marguerre, we find that he had testified: first, that he had given definite and explicit instructions to Herrmann at the February 1916 meeting not to commit sabotage in the United States during the neutrality period; second, that it was the policy of the General Staff, of which he was a representative, to limit the instruction of agents sent to neutral countries to the commission of sabotage acts only after such countries entered the war against Germany; third, that Lieutenant Woehst, whom Herrmann had accused of sabotage activities in the United States, had been sent to America by the Section only for the purpose of obtaining a false passport to proceed to Italy for espionage purposes, and that he, Marguerre, had given no instructions whatever to Woehst for sabotage in the United States and had furnished him with no incendiary tubes or disease germs.

Regarding the first point of Marguerre's testimony, the Commission itself stated in its Hague decision that it did not believe his testimony. As regards the second point, the cables which we have already quoted, and all of which Germany has admitted to be authentic, are proof that a sabotage campaign was waged in neutral Argentina and China. If space permitted, it could also be shown that Germany carried out a

similar campaign in Roumania, both with germs and explosives, before Roumania entered the war. Finally, on the third point, there is absolutely conclusive evidence that Woehst was sent to the United States as a sabotage agent, in spite of his own denials given in support of Marguerre's affidavit.

Since Germany relied heavily on the testimony of Woehst to break down the Herrmann evidence, Woehst having testified that Herrmann was not engaged in sabotage during the neutrality period and having claimed that he was positive of this because he roomed continuously with him until Herrmann's departure for Mexico, it is important to examine the evidence which the American investigators produced to prove that Woehst had actually been engaged in the United States in sabotage activities. On January 11, 1917, Hilken wrote to Arnold* in Argentina with regard to Woehst:

Our principals abroad [the term used by Hilken to denote Section III B] realizing that my other interests require too much of my time and make it possible for me to devote my energies to their interests, have sent a young man, who arrived here a month ago and whom I have since initiated into American trade. He brought with him several new samples which may be useful in Argentina.

In the stubs of Hilken's check books, which were only discovered by the American investigators after The Hague hearing, there appeared for the first time a payment to Woehst on December 13, 1916, of the sum of \$500. This, together with the date of Woehst's arrival in this country and other evidence in the case, conclusively establishes that Woehst was the young man whom Hilken referred to in his letter to Arnold.

Apart from Hilken's and Herrmann's affidavits that Woehst was engaged in actual sabotage activities, there is the testimony of Hildegard Jacobsen, his cousin, who, as the reports of Federal agents show, was used both by Woehst and Herrmann as "cover." At a recent examination she also testified that

On the Sunday night [following the Kingsland fire] we rushed off to Rochester, N. Y., because spots had appeared on my face and my cousin

* Head of the German Secret Service in Argentina, whose specialty was inoculation of mules, horses, and cattle with anthrax and glanders germs.

was afraid that I had contracted an infection from him, as he said that he had been handling some materials which might give me an infection, and which might have serious consequences. On this account, my cousin refused to permit me to go to a doctor in New York, but took me immediately to Rochester where I was examined by our family doctor. My cousin was tremendously relieved when the doctor diagnosed my complaint as German measles.

It seems reasonable to assume that Woehst feared that Miss Jacobsen had contracted either anthrax or glanders, one of the symptoms of which is a violent skin eruption.

Furthermore, Miss Jacobsen stated that on a recent visit of hers to Germany, before her cousin died, he told her that he had falsely denied knowledge of the Kingsland destruction because he had had no other alternative.

We must now pass to the series of letters which Woehst sent to Hilken in 1920 and 1921, the writing of which he also admitted to Miss Jacobsen.

Although Woehst stated in his affidavit that before he left for America he had no idea that Hilken was working for the General Staff, yet it is obvious from the context of the following letter both that Woehst was engaged in sabotage in the United States and that Hilken was well acquainted with Nadolny and Marguerre:

As I unfortunately have received no answer from you to my last letter, I was forced to hand in my claim for damages to the proper authorities for foreign claims, and I have been asked by them to submit a confirmation, that *I was active* * in New York and Baltimore from October, 1916, until February, 1917. I request you, therefore, to confirm this so that I will be able to use your statement with the department in question.

I would not like to bring the gentlemen, Marguerre, Capt. von Hulsen and Mr. Nadolny into difficulties, and, therefore, must ask you for your assistance.

Respectfully,

Willy Wohst,

Altona, Moltkestrasse 22

P.S. In case I do not receive this confirmation from you I am unfortunately forced to make my demands for payment from the funds. (G.G.St.) of that period.

* Italics are the author's.

In another letter, Wochst wrote to Mr. Hilken, Senior:

Now, as at that time your son gave an order on Berlin to send for us \$15,000, and as this remittance arrived too late [after the severance of the diplomatic relations], this money could not be used and must therefore still lie to the credit of Mr. Paul Hilken's account. Of course the money cannot be returned to the former department as the former existence of this department naturally is not now to be spoken of.

It is very significant that Wochst was not questioned in any respect about these letters at the time he was examined in Berlin.

With regard to Herrmann we find the same false evidence. In his testimony Wochst pictured himself as having been in almost daily contact with Herrmann; he states that Herrmann certainly told him "everything which was on his mind," and as a result he stated that he was in a position to know that Herrmann never had any designs at any time on munitions plants, particularly Kingsland:

Q. Did Herrmann, outside of this activity [the Intelligence work referred to by Marguerre in his affidavit], attend to other matters of the secret service independently?

A. No.

Q. Were you with Herrmann so frequently that you can say this positively?

A. Yes, for during the day we were also constantly together.

The proof, however, that Herrmann operated apart from Wochst, at least on some occasions, is supplied by the letter found by Federal agents on February 24, 1917, in Wochst's rooms. It read:

Dear Hauten [one of Wochst's admitted aliases]:

If letters come for me from Perth Amboy, open them and heat them. If there is any news, you can forward it to the right party....

At the head of this letter are the names of certain ammunition factories located in New Jersey.

On being shown this letter, Wochst said:

I cannot say now whether the letter... is genuine. It is certain that the statements cannot have had any connection with acts of destruction of any

munition plant since Hermann, as long as I knew him, did not engage in such activities.

Woehst also testified falsely as to his movements after the Kingsland fire. In his affidavit he claimed that he had remained continuously in New York from December 11, 1916, to January 20, 1917, and yet Miss Jacobsen, his cousin, later testified:

On the morning following that fire [Kingsland], Woehst called at the Three Arts Club at about 9 A.M., and told me that it was important for him to leave town at least for a few days and he wanted me to go with him. He was very insistent on going somewhere where there were few people, and where it was quiet. I inquired the reason for this and Woehst referred to the article in the newspaper about the fire. I asked him if he had anything to do with it, and he avoided a direct reply shrugging his shoulders and laughing.

... I went with him to Montclair and stayed at the Hotel Montclair for three days, over a week-end from Friday morning until Sunday night. The hotel had a large open fireplace and a skating rink on the pond at the foot of the hill.

On Sunday night, January 14, 1917, Woehst and Miss Jacobsen went to Rochester, as has previously been shown, where the family physician relieved his fears by diagnosing the spots on her face as German measles.

Hinsch formed the bulwark of Germany's defense at The Hague hearing. He attempted to support Marguerre in the general German defense, and in so doing showed his willingness to conform his testimony to Germany's policy, thereby giving proof that he had falsely testified. But it is his defense on the specific issues with which we are now concerned.

Hinsch, long before the Black Tom and Kingsland charges were made against him, had returned to Germany, where he had become the head of a stevedore business in Bremerhaven. When faced with the charges, he denied having had any connection with Black Tom or Kingsland, and in answer to the very specific statements made by Herrmann in 1930, made two assertions: first, that Herrmann's instructions from the General Staff were to proceed against American

property only if the United States entered the war; and, second, that during the period of the two destructions he was so exclusively engaged with manifold duties relating to the U-boat *Deutschland's* visits to the United States that he could not, and did not, engage in any sabotage whatever following Hilken's return from the conference with Nadolny and Marguerre in the spring of 1916. He supported his denials by statements that he was in Baltimore and New London during all periods during which, if he had been guilty, he might have been expected to be in or around New York. In other words, his defense was essentially an alibi.

The various statements submitted by Germany from Captain Hinsch furnished an interesting example of the practice of German witnesses to discuss only matters which were already known and to say nothing concerning matters which had not been revealed. Hinsch's first affidavit in 1929 was confined to mere statements of denial and makes no disclosure of his sabotage activities which commenced in May 1915. Although Hilken had specifically charged Hinsch with having collected the sum of \$2,000 in connection with the Black Tom explosion, Hinsch failed to deny or even to mention the allegation.

Hinsch made a further affidavit in March 1930. This likewise contained only further brief denials. It was only after Herrmann had testified in April 1930 and had been corroborated by Carl Dilger and Felton that Hinsch finally admitted having conducted sabotage activities from May 1915, under instructions received by him from von Rintelen, to whom he was introduced in Baltimore by Hilken. Even at this time he made no reference to the \$2,000 payment.

We know that he did assist Hilken in the work connected with the visits of the U-boat and that he subsequently had an official position with the company which was formed to carry on the U-boat business. On the other hand, he greatly exaggerated his work in connection with it. The importance which Hinsch ascribed to his activities with the U-boat *Deutschland* is evidenced by the fact that in his 110-page deposition of August 1930, over 90 pages are devoted to a description of his U-boat work. And yet the *Deutschland*, a boat of most limited cargo capacity, made just 2 trips, and then over a period of 14 months

between the return of Hilken from the General Staff and Hinsch's departure for Mexico. It was in American ports just 40 days.

In addition to this, even during the short period of the *Deutschland's* activity, Hinsch was frequently absent from his U-boat service. One of the witnesses testified:

He would come down in the morning and in the afternoons and see how the work was progressing along. . . . What he did at other times, I do not know. . . . He had a habit of talking to me in the morning . . . saying "good morning; how is everything going on?" I would say "all right, sir" and he would walk away.

The whole lengthy examination of Hinsch in Berlin appears to be mainly an effort to build up the picture of an all-absorbing task with the commercial submarine, permitting no interruptions whatever. It was an example of the use to which the familiar "cover" position can be put to distract attention from an agent's operations.

We have proof that the *Deutschland* completed her loading by July 20, 1916. (The Black Tom explosion occurred during the early hours of July 30.) George Dederer, an employee of the Eastern Forwarding Company, was examined under subpoena at Baltimore on August 7, 1933; and in the course of that examination there was produced a carbon copy of a letter addressed to Hinsch in New York dictated by Dederer on July 22. The letter was written on Saturday and would not have been delivered in ordinary course until the following Monday in New York. If Hinsch was never away from Baltimore for a single hour, Dederer would not have sent a letter to him in New York. To explain the letter, Dederer, who had previously testified for Germany, claimed: "This must be due to an oversight or an error of the typist." Hinsch on his part suggested "fabrication." And yet the letter came from the Eastern Forwarding Company files, and there is not the slightest question of its authenticity.

The next period of any importance is just after the Black Tom explosion, at or about the time Hilken claims to have paid Hinsch \$2,000 for his work in connection with the explosion.

Before The Hague hearing the only evidence which the American lawyers had as to this payment was the statement of Hilken. Germany

denied this payment and stated that Hilken was confusing it with a payment of \$2,000 in January 1916.

In December 1931, however, more than a year after The Hague hearing, Hilken's estranged wife discovered his wartime diary among her belongings. In it was an entry confirming August 10, 1916, as the date of the \$2,000 payment. Final proof, however, was brought forth in 1932 when the stubs of Hilken's check book came to light. On check stub Number 115 a payment of \$2,000 was shown on the same date, and marked as paid in cash for "Capt. H., Lewis, etc." ("Capt. H." stands for Hinsch; and "Lewis" is one of the admitted aliases used by Herrmann.)

Apart from the fact that the American lawyers had now definitely established that this payment, which Hilken testified Hinsch told him was for the Black Tom job, had been made on August 10, 1916, the check stub also furnished indirect proof that Hinsch was in New York on this date, since it showed that the money was paid in cash. If there is any doubt as to this latter point, another entry in the diary puts Hinsch in New York on a date even closer to the explosion. Under August 4, 1916, there appears an entry: "Astor Roof with Sir John [Hamer] and crowd." As we have already shown, Hinsch attended this dinner.

There is one more important point regarding which it can be established beyond a reasonable doubt that Hinsch testified falsely, and that is in regard to his denial that he had ever met Charles Thorne, who was the assistant employment agent at the Kingsland plant at the time of the fire.

One of the opinions handed down by the Commission at Hamburg in 1930 in reference to the evidence respecting Thorne was that "There is a good deal of evidence that throws suspicion of some sort on Thorne ...but nothing convincing to show Thorne's acquaintance with Hinsch."

The matter might have rested there, but in September 1933 Thorne, once thought dead, suddenly came to life. After years of search, detectives employed by Peto eventually ran him to earth at the Terminal Hotel in New York.

When asked to appear voluntarily for examination, Thorne refused,

saying that he did not want to have anything to do with the Kingsland investigation. He was, therefore, subpoenaed and on September 25 and 26, 1933, was examined before the United States District Court by Mr. Bonyngé.

Thorne admitted that his true name was Curt Thummel, that he was born in Germany, and that his father had served in the German Army. About 1903 Thummel emigrated to the United States, and after spending several years doing odd jobs, changed his name to Thorne, and in 1913 joined the United States Coast Guard. At the outbreak of the war he was living in Baltimore; and there, as his natural sympathies were with Germany, he came in contact with many of the officers on the German boats. He testified that it was towards the end of 1914 that he was introduced to Hinsch in the bar of the Emerson Hotel in Baltimore. Thereafter he often met Hinsch both on land and on the *Neckar*. After he had known Hinsch for some time and after he had resigned from the Coast Guard in May 1916, he was asked by Hinsch to do courier work involving the carrying of under-cover messages to Europe. This he performed by traveling to England on the S.S. *St. Paul*, having been given detailed instructions in this connection by one "Anderson" or "Peterson" at the Union Square Hotel. Thorne later abandoned this work, as he was in fear of apprehension in England. The man whom we will hereafter call Anderson told him there was nothing more to do; and so, around the middle of September 1916, Thorne went up to New London where he says Hinsch and the others were expecting the submarine *Bremen*.* While in New London, he met Paul Hilken at the Hotel Griswold. According to Thorne, Hinsch sent him back to New York the same night to see Anderson, who gave him instructions to obtain employment in a munitions plant. Thorne secured a position at Kingsland, and he admitted that Hinsch sent him men at various times whom he wished him to hire. Thorne could remember no names but recalled a man with a German name who was hired under another name and another "South American, Portuguese, Spaniard or possibly an Italian," both of whom Hinsch had sent out for employment at the plant. Thorne also testified that Hinsch and he

* Germany's second commercial submarine. It never did arrive in the United States. The causes of its loss remain one of the mysteries of the seas.

met at Meyer's Hotel in Hoboken at various times and discussed plans for the destruction of the plant; that he saw Hinsch after the fire; and that Hinsch had spoken of the good job done in destroying it, mentioning Wozniak's name in this connection. After the Kingsland fire, Thorne set up an agency which supplied munitions workers to many munitions plants, some of which he mentioned by name; and he stated that Hinsch continued to send him men to employ and, from time to time, in this connection he saw Hinsch. Hinsch, he stated, came to see him finally, telling him he was going to Mexico, and warned him of possible danger with the United States in the war. Thorne did not say that he knew or ever met Wozniak. He stated that he knew the name and who he was and that he had a vague recollection of having seen Wozniak but could be no more definite than this about him. He mentioned a man named Ehrhart, for whom he had gotten employment at Kingsland at Hinsch's request. Who the "Anderson" or "Peterson" was, whom Thorne mentions as being at the Union Square Hotel, we do not know. It was a familiar German alias,—Koenig, when testifying for Germany, stated that he knew Fay under the name of Anderson or Peterson.

Thorne's entire testimony was given in question and answer form, and on reading the questionnaire it is difficult to come to any other conclusion than that Hinsch knew Thorne well. Furthermore, during the examination Thorne and Fred Herrmann were confronted with each other. The recognition was mutual, and from the familiar way they greeted each other, it was evident to all present that it was not staged.

In addition to Thorne's evidence, there was the testimony of three other men*, who gave affidavits that they had seen Thorne in Hinsch's company.

Faced with this overwhelming evidence, Hinsch then in a further affidavit admitted acquaintanceship with Thorne, but excused his former denial by saying that it was only a casual one. He then went on in an attempt to discredit Thorne by saying:

* Ballard, Fesmire, and Dillon.

A similar clumsy invention is Thorne's allegation that I sent him to the above-mentioned Anderson or Peterson so that he might be employed as a courier. It is hardly conceivable, I think, that I would have selected for such an important and confidential position a man like Thorne with whom, according to his own presentation, I had comparatively superficial relations only, and of whom I could not know anything certain.

But Hinsch's contention in this respect was not convincing. Spies willing to undertake dangerous work were not to be had so easily. Thorne was a German, the son of a German Army officer; he had lived in Baltimore, where Hinsch lived, and the letter of Clucas's, found by the Department of Justice, indicates that he did do some sort of work as a German agent. Hinsch, in spite of his denial, had known Thorne for more than a year. Kottkamp had picked Herrmann up on board a steamer and had utilized his services for espionage work on much less acquaintance than Hinsch had had with Thorne.

The general testimony of Hinsch was in accordance with the defense which Germany, as we have already shown, fashioned from the outset. Being resident in Germany and under the eye of the German Government, Hinsch, Woehst, Nadolny, and Marguerre found themselves in precisely the same position in which Herrmann was when German officials in Chile got him to sign false statements, except that the German Government could put much more pressure on them than the German Minister could put on Herrmann.

Chapter XXIII

THE "QUALTERS HOAX"

WHILE THE fight went on to prove that incomplete, collusive, and false evidence had misled the Commission at The Hague hearing and had unfairly prejudiced the cases of the claimants, the search for new evidence continued.

The American investigators were following up various clues to prove that Wozniak was in Mexico in 1917 under the name of Karowski, when suddenly a document was produced which, if proved authentic, was sufficient to smash the whole German defense.

While searching through a box of old papers in the attic of his former home in Baltimore, at Christmas time in 1930, Hilken found in an old *Blue Book* magazine for January 1917, the message which Gerds testified he had brought from Herrmann in Mexico to Hilken in Baltimore.

Other than the fact that it was a request from Herrmann for \$25,000, Hilken stated that he had long ago forgotten the contents of the message. Now, as he read it he realized that he had in his hands the evidence which proved conclusively Germany's guilt in the Black Tom and Kingsland cases. At this time, however, Hilken was not particularly well disposed toward the American claimants because of publicity which had been given to some of his statements. He had just learned of the pending appearance of a series of articles in *Liberty* relative to German sabotage in the United States; and, fearful that the production of the message would throw the limelight on him, he hesitated. Gradually, however, another influence exerted itself on him. The Hague decision of the Commission had discredited the evidence he had given prior to The Hague hearing, and this had deeply wounded his feelings.

In passing judgment on Hilken for his connection with the German sabotage campaign one must realize that, although he was an American citizen, he had had the closest ties with Germany at the time of the war, not only on account of his German descent but also because of his intimate connection with the North German Lloyd and through it with official Germany. His sympathies had been, therefore, all with the country of his father, who was later to become the German Consul in Baltimore. The intervening years had, however, brought about a change in his outlook; wider associations in this country and less dependence on German interests together with the knowledge that much was known already of his wartime activities caused him to resist less than others differently situated the efforts which were constantly made to get at the truth concerning those activities.

And so, stung by The Hague decision, which had branded his evidence as false, he decided to prove to the Umpire that he had told the truth. Therefore, on February 26, 1931, Hilken took the magazine to Boston, and on February 27, went to the office of the Honorable Roland W. Boyden, the Umpire, to show him the magazine. On his arrival at Mr. Boyden's office, however, Hilken was told that Mr. Boyden had left for New York and could be found at 44 Broad Street. The next morning he went to see Mr. Boyden there and was told that he would be in conference for an hour. On his return before the expiration of an hour he was told that Mr. Boyden had left for Boston. "I concluded," said Hilken, "that Mr. Boyden had intentionally avoided meeting me, and I made no further efforts to see him."

Hurt at this seeming affront, Hilken returned home, and the magazine might once again have been consigned to oblivion, had not Herrmann, who had been absent in Mexico, returned to New York on April 18, 1931.

Herrmann called on Hilken, who had moved to New York from Baltimore. During an evening spent in consuming a demijohn of home-made wine, Hilken mentioned his discovery to Herrmann. Herrmann sent word to Peto, who finally succeeded in getting the magazine from Hilken on April 27, 1931.

One can imagine Peto's excitement when he read the message:

Have seen 1755 [Eckhardt] he is suspicious of me. Can't convince him I come from 1915 [Marguerre] and 1794 [Nadolny]. Have told him all reference 2584 [Hinsch] and I, 2384 [Deutschland], 7595 [Jersey City Terminal], 3106 [Kingsland], 4526 [Savannah], and 8545 [Tony's Lab.] he doubts me on account of my bum 7346 [German] confirm to him thru your channels all OK and my mission here I have no funds 1755 [Eckhardt] claims he is short of money send [by] bearer U. S. 25000.—Have you heard from Willie Have wired 2336 [Hildegard] but no answer. Be careful of her and connections Where are 2584 [Hinsch] and 9107 [Carl Ahrendt] Tell 2584 [Hinsch] to come here I expect to go north but he can locate me thru 1755 [Eckhardt] I dont trust 9107 [Carl Ahrendt], 3994 [Kristoff], 1585 [Wolfgang] and that 4776 [Hoboken] bunch If cornered they might get us in Dutch with authorities See that 2584 [Hinsch] brings with him all who might implicate us tell him 7386 [Siegel] is with me. Where is 6394 [Carl D.] he worries me remember past experience Has 2584 [Hinsch] seen 1315 [Wozniak] Tell him to fix that up. If you have any difficulties see 8165 [Phil Wirth Nat. Arts Club] Tell 2584 [Hinsch] his plan O.K. Am in close touch with major and influential Mexicans can obtain old 3175 [cruiser] for 50000 West Coast What will you do now with America in the war Are you coming here or going to South America Advise you drop everything and leave the States. Regards to 2784 [Hoppenberg] Sei nicht dum mach doch wieder bumm bumm bumm. Most important send funds Bearer will relate experiences and details Greetings.

This message, written in lemon juice in a *Blue Book*, had been developed by Hilken in his cellar by passing a hot iron over it. A brown imprint of the heel of the iron showed up on some of the pages. A portion of the message was written in a numerical code, which was decoded by disregarding the first digit and then reading backward the other numbers. Thus 1755 stood for page 557 of the *Blue Book*, and by holding this page up to the light a series of pin pricks was seen, which if taken in order spelled out the word.

If we now analyze this Herrmann message, we find remarkable confirmation of the evidence we have already discussed.

The opening sentence, that Eckhardt was suspicious of him, is confirmed by Eckhardt's own telegram of April 12, 1917, which we have already quoted.

"Can't convince him I come from Marguerre and Nadolny." Here

Herrmann is alluding to the February 1916 conference with Marguerre and Nadolny in Berlin.

"Have told him all reference Hinsch and I, *Deutschland*, Jersey City Terminal, Kingsland, Savannah and Tony's Lab." Jersey City Terminal is, of course, Black Tom. Savannah was where they were destroying cotton and infecting horses. Tony's Lab. was Dilger's Laboratory, at Chevy Chase, where disease germs were propagated.

"I have no funds. Eckhardt claims he is short of money. Send by bearer U. S. 25000." It may be recalled that Gerdts got \$1,000 from Hilken and brought it back to Herrmann and delivered a message that Hilken was sending the remainder by Hinsch, and also that Woehst in his letters to Hilken and Hilken's father had asked what had become of the \$25,000.

"Have you heard from Willie?"—Willie is Woehst.

"Have wired Hildegarde but no answer." Hildegarde is Hildegarde Jacobsen, Woehst's cousin. This telegram which Herrmann refers to was actually intercepted by the United States authorities at the time, and Department of Justice records of 1917 show that Miss Jacobsen was questioned as to the meaning of this telegram. She later testified that she did send Herrmann a reply to this telegram but that it was evidently sent to the wrong address.

"I don't trust Carl Ahrendt, Kristoff, Wolfgang and that Hoboken bunch. If cornered they might get us in Dutch with the authorities. See that Hinsch brings with him all that might implicate us. Tell him Siegel is with us." Here is proof that Kristoff was a German agent. Hilken and Herrmann were American citizens, and, therefore, had more to fear. Siegel will be dealt with later.

"Where is Carl D.? He worries me. Remember past experience." This refers to an incident described by Herrmann in his 1930 affidavit. According to Herrmann, Carl Dilger, Anton Dilger's brother, was inclined to be indiscreet, and so they sent him to Germany with a coded message asking Section III B to keep him over there until the end of the war. To their surprise, Carl Dilger returned with incendiary pencils hidden in the false bottom of his trunk. And when asked if he had delivered the message, he confessed that on the approach of a British cruiser he had grown afraid, and thrown it overboard.

"Has Hinsch seen Wozniak? Tell him to fix that up." It will be remembered that Herrmann testified when examined by the American and German Agents in 1930 that he had paid Rodriguez \$500 but that he had not paid Wozniak. This was evidently worrying him; therefore he told Hilken, the paymaster, "to fix that up." "Tell Hinsch his plan O.K. . . . can obtain old cruiser for 50000 West Coast." This refers to the guns which Hinsch sent across the border to Mexico to mount on a boat with which he intended to raid American merchantmen plying on the West Coast.

"Regards to Hoppenberg. Sei nicht dum mach doch wieder bumm, bumm, bumm." Translated this reads: "Don't be dumb. Make again boom, boom, boom." Hoppenberg was the manager of the Eastern Forwarding Company. Herrmann explains this passage by stating that at the time of the Black Tom explosion, Hoppenberg's windows were shattered; and that, when he jokingly complained about it to several German agents who were gathered in his office, they told him that they would soon again be making "boom, boom, boom."

The obvious object in Herrmann's mentioning so many past events in his message was to furnish proof that it was genuine and had actually come from him. Von Eckhardt had doubted his identity, and he wanted to make doubly sure that Hilken would not do the same thing.

The filing in evidence of the Herrmann message, which was done on July 1, 1931, before the Boston hearing immediately precipitated a battle of experts. The Germans claimed that it was a forgery; that the date of the magazine meant nothing, since a back number could have been bought in some second-hand bookstore and the message written and pricked in it. On their side the Americans produced expert testimony to show that the penetration of the lemon juice writing to the reverse side of the paper was an index that it had been done on the paper when new, and that the spongy nature of the pin perforations indicated that they had been made in new paper. The only point the Germans conceded was that the message was in Herrmann's handwriting.

Germany's main expert was Albert S. Osborn, the well-known authority on handwriting and all forms of questioned documents. Such

was Osborn's reputation that, acting upon the suggestion of the American Agent, the Commission had tried to secure him as an independent expert for itself rather than for either party in the case. Osborn, preferred, however, to act in a partisan capacity for Germany.

As the American claimants expressed doubts whether Osborn really had been previously retained by Germany, and also in view of subsequent developments, it is as well to take note of the somewhat remarkable letter which Osborn wrote to Dr. Tannenbergh at this period. The following is an extract:

... The condition the matter is in now is simply as to who is to be my employer and who is to pay me.

This claim represents, I think, a larger amount than any case in which I have ever appeared, and of course if my services should be valuable the charge for the services naturally should be consistent with the case and the work done. My arrangement in cases of this kind is a fixed preliminary charge for an examination, which determines whether or not I am to be in the case. Then my charge is not a per diem charge in any way but is a "fair and reasonable" charge consistent with the circumstances of the case and the value of the service. I of course cannot take a case on a contingent fee, like a lawyer, but the matter can be left in this somewhat indefinite way so that the fee finally will depend upon the importance of the case and the value of the service.

Commissions, as a rule, have a tendency to cut charges and limit them unduly, which I suppose is a natural result in order to avoid possible criticism.

There is, of course, another question here and that is the ethical question of whether I could appear for the Commission, having been retained by the German government in this same case at a previous hearing. I would not, of course, appear for the Commission without your approval and I think I should require this approval in written form so that I would be relieved of any possible criticism for appearing in the case for others than those by whom I was first engaged. I am very particular about these matters, and of course if you say that you prefer that I should appear before the Commission for you, I shall feel obliged to do so on account of my previous employment in the case.

All this, of course, is not presuming that I am appearing in the case for the German government, for the Canadian Car and Foundry Company, and

for the Commission, but that I am simply at the present time being asked to appear for the Commission.

Of course it would be perfectly proper, I think, for you, if you see fit to do so, to say to the Commission that you had already interviewed me on more than one occasion and that under the circumstances it perhaps would be better for me to appear for the German government.

Notwithstanding the fact that Mr. Bonyngé now knew that Osborn maintained he had been employed earlier by the German Agent, he wrote to the Commission stating that he was still anxious that Osborn should appear as an independent expert for it. When approached on the matter, the German Agent agreed to release Osborn but on certain conditions, one of them being that under no circumstances was Osborn to disclose any of the discussions that he, the German Agent, had previously had either with Osborn or his son. These conditions were not acceptable to Mr. Bonyngé, and consequently the matter was dropped.

To meet the battery of German experts, the American claimants assembled an even more formidable array of the leading authorities here and abroad.

Finally, for an expert opinion on the handwriting, they employed Elbridge W. Stein on Osborn's recommendation. As later the American Agent submitted a brief accusing Osborn and Stein of collusion, this fact should be borne in mind.

What impresses the layman chiefly in reading through the voluminous findings of these experts is that the expert opinion of those on one side could disagree so diametrically with the results of the same tests as applied by those on the other side. There was disagreement on the absorbent quality of the paper at the time it was written on, the nature of the pen cuts and abrasions caused when writing the message, whether or not the heel marks left by the iron in the margins were intensification of a yellowing which had already occurred there before ironing, and finally on the difference between pin pricks in old and new paper. So bitter was the conflict between them that Osborn did not hesitate, when criticizing an exhibit produced by the United States Bureau of Standards, to declare that it was of "a most peculiar char-

acter." He then continued that "it is, of course, charitable to say that the inaccurate statement is a blunder, but it is difficult to understand how an error of this kind could be made by an experienced examiner." This immediately brought back the rejoinder that the test made by Osborn was "wholly unscientific and unfair."

It was, however, on a point which had nothing to do with the relative age of the message and the paper on which it was written that the controversy reached its height, and which in the end once again led the American claimants to accuse Germany of fraud in what they termed the "Qualters Hoax."

An examination of the table of contents of the *Blue Book* in which the Herrmann message was written shows pencil checks on the margins of the pages, against eleven of the fifteen titles listed. Of the eleven titles checked, seven are checked with horizontal dashes resembling minus signs, and four with cross marks resembling plus signs.

But when the magazine containing the Herrmann message first came into the hands of Peto and Peaslee, neither they nor any of those associated with them had noticed these check marks. They were, therefore, entirely at a loss to understand Germany's purpose in suddenly producing 409 assorted copies of *Blue Book*, *Red Book*, and *Adventure* magazines of which 154 contained check marks against stories in the tables of contents, 137 of which were horizontal dashes, and 17 were crosses in the form of plus signs.

According to an affidavit executed by Meyers of Abraham's Book Store, which deals in second hand books and magazines, these magazines came into Germany's possession in the following manner: In October 1931 a man calling himself Osborn telephoned and asked Meyers if he had a copy of the *Blue Book* for January 1917—the same issue in which was written the Herrmann message. Meyers informed his questioner that he was out of it. A day or two afterwards, on October 28, 1931, Osborn paid a visit to the store, bought a copy of the *Blue Book* for December 1916, and asked Meyers to get him a copy of the January 1917 issue. Osborn also questioned Meyers about the sales of the latter issue, and was informed that several months previously he had sold the only two copies he had had in stock.

On November 5, 1931, Osborn again visited Abraham's Book

Store, this time accompanied by Dr. Tannenberg. Both of them questioned Meyers closely about the above two sales, and finally Osborn asked Meyers if he would sign an affidavit outlining the details. Before leaving the store Dr. Tannenberg purchased all the *Blue Books* for 1917 which Meyers had in stock.

On the next day Dr. Tannenberg appeared at Abraham's Book Store alone and secured from Meyers an affidavit to the effect that between February and April 1931, one of the two copies of the January 1917 *Blue Book* which the store then had in stock was sold to a man who "wore an overcoat" and who he "vaguely remembers" was "tall and possibly between thirty and forty years old." Later, in commenting on this description, Mr. Bonyngé stated in his brief that "it was implied, of course, that this must have been Herrmann." It may be remembered that Herrmann was a man of exceptional height and was at this time thirty-five years old. It seems curious that Meyers should have been called upon to describe a customer whom he had seen for a few minutes nine months ago. It was also strange that all the corrections in this affidavit were made in Dr. Tannenberg's handwriting, as were also the verifications of these corrections; Dr. Tannenberg himself initialed them with the capital "M." But Meyers later stated that he had given his consent to Dr. Tannenberg's doing this.

It may be noted that Traynor, an American investigator, had purchased a copy of the January 1917 *Blue Book* for the claimants' records at the same store some time after the Herrmann message magazine had been filed with the Commission. It just so happened that on October 28, the very day Osborn visited Abraham's Book Store, Stein, the American claimants' expert, was informed of the purchase. This fact became invested with great importance in the minds of the American lawyers.

After the purchase of the magazines from the book store, Germany put forth the ingenious argument that the similarity between the markings in the magazines Dr. Tannenberg had purchased and those in the Herrmann message magazine was proof that the latter, like the former, was obtained from Abraham's Book Store in 1931, and therefore could not have been in Herrmann's hands in 1917.

In support of this theory Germany put in evidence affidavits ob-

tained from the Qualters Brothers, Horace and John, wherein they told a story substantially to this effect: Horace had been, since 1911, a reader of *Blue Book*, *Red Book*, and *Adventure*, and also of the *Cosmopolitan*. It was his invariable custom to check, in the tables of contents of these magazines, the title of every story which he read. He did this by making horizontal dashes resembling minus signs. Thereafter John read the magazines, and it was his invariable custom also to check in the tables of contents the title of every story which he read. He did this by drawing vertical lines across the horizontal lines previously made by his brother, Horace, thus producing crosses. Except for possible very rare instances, John never read a story which Horace had not previously read.

This sequence of marking was in fact the keynote of the Qualters story and was urged by Germany as proof of the fact that the Herrmann message was written in a Qualters magazine since + marks appeared on the table-of-contents pages of the magazine containing that message. The American experts immediately made the conventional tests to determine the sequence of the marks on the Herrmann message and the actual sequence turned out to be just the reverse. While this was a vital point, the German experts, although aware of the test, never made it or, if they did make it, their results were never filed; and the accuracy of the American experts' findings on this point were never questioned.

Some time near the end of 1930, Horace Qualters sold to Abraham's Book Store the magazines which he had been accumulating since 1911. This sale, according to Horace's affidavit, included complete sets of the *Blue Book* for each year from 1911 to 1929, inclusive. If the Qualters' story were true and if it could be demonstrated that the Herrmann message magazine had been marked in the same manner as their magazines, the presumption would be nearly irrefutable that Herrmann was the tall man mentioned in Meyers' affidavit and that he had faked the message.

As a result of his examination of the Herrmann message magazine, Osborn, the expert for Germany, stated that "a different pencil was used in making the vertical, or nearly vertical stroke than was used to make the horizontal stroke." In this he was in flat disagreement both

with Gurrin and with Heinrich, the American experts, in whose opinions not only both strokes in each cross mark were made at one time, by one person, with one pencil or type of pencil, but that there is a similarity of pencils in all the marks in the Herrmann message magazine—dashes as well as crosses—with one possible exception.

After the passage of the Act of June 7, 1933, permitting witnesses before the Commission to be examined under subpoena in open court, John Qualters was so examined. Testifying with the Herrmann magazine before him, he said:

... The marks do not look like my brother's, that is the cross marks are not mine because I never made a mark like that. These marks are too small.

Q. You never made such a small mark as that?

A. No, I never did.

Q. Now look at the original magazine [the one in which Herrmann wrote the message] and state again whether those marks, the vertical marks in the cross marks, were marks made by you?

A. They were not made by me.

On July 18, 1932, Dr. Tannenberg had Horace Qualters go to Washington to inspect the Herrmann message magazine, and took from him an affidavit which stated:

The horizontal pencil marks on the table of contents of this January, 1917, copy of the *Blue Book* magazine also look exactly like the marks I used to make... There is no doubt in my mind that these horizontal marks were made by me in that particular copy... and that this is one of the magazines... sold... to Abraham's Book Store.

Horace had refused to be examined by the American Agent, or on his behalf, before the hearing, but when subsequently examined under subpoena he made it clear that some of the horizontal strokes in the Herrmann message magazine were certainly not his, and gave other testimony damaging to the good faith of the German Agent in the taking of his affidavit.

In his testimony under subpoena, Horace stated that the condition

of the Herrmann message magazine was "entirely different than the magazines I sold to Abraham's," but that Dr. Tannenberg or Dr. Grossmann explained that the magazine had been much handled and might have been artificially aged; he also stated that his identification of the magazine for Dr. Tannenberg was based solely on some of the horizontal marks, saying, "my affidavit was on the basis of the marks which I recognized and not those that I did not recognize." Asked if the horizontal marks were not similar to those anybody might make, he said, "They naturally are but there is something about them that led me to believe they are mine, the stories they are opposite and the general looks of them." When told that the expert evidence showed that the horizontal strokes in every one of the four crosses had been made after the vertical strokes, he said that, if this were so, it would change his opinion.

Apart from the foregoing, the physical characteristics of the Herrmann message magazine themselves indicate that the magazine was not a Qualters magazine and that it was not sold from Abraham's Book Store in 1931. The cover had been separated from it with no indication that it had been recently removed. The last page of the last story was at some time carefully torn from the magazine. The general state of deterioration was far beyond that of any of the magazines identified as Qualters magazines. On the other hand it was in the condition to be expected of the magazine sent by Herrmann to Hilken in April 1917.

Finally, when the American claimants introduced Herrmann to Meyers, the latter stated that he was positive that Herrmann was not the man whom he described to Dr. Tannenberg as the person who had bought a *Blue Book* of the same issue as the one in which the Herrmann message was written.

Herrmann testified that the magazine he used for the message was bought by him in Havana in 1917, when he was on his way from the United States to Mexico, and that he had taken the magazine along with him to read on the journey.

In their frantic endeavors to prove the message a forgery, the Germans pointed to the Gerdts affidavit in which he stated that the message was written in a book of poetry. They also endeavored to

show that all the agents in Mexico were furnished with secret ink, and that, therefore, Herrmann would not have used lemon juice. Finally, there was the usual affidavit of denial from Hinsch, who stated that Hilken in 1917 showed him the message which Gerdtz had brought from Herrmann. He affirmed that this message was a very short one, written not in a magazine but in a bound volume with heavy covers on it, 8 x 5 inches in size, and that the message consisted merely of an identification of Gerdtz, with an added request for money, and a remark that Gerdtz would report orally.

The American investigators now played a trump card. In the meanwhile, Siegel, the man whom Herrmann mentioned in the message as being with him in Mexico City, was uncovered by Herrmann in Reval, Esthonia. Herrmann found among his papers an old address of Siegel's in the Baltic Provinces, and by good luck a letter addressed to him there was forwarded on to the right destination. After a reply had come back from Siegel, Herrmann was sent to Europe to get a statement from him. Siegel was delighted to see Herrmann; they chatted about old times, and, finally, according to Herrmann, he told Siegel about the Commission and explained to him that both sides had agreed to tell all they knew in order to arrive at the truth. Siegel agreed to write out a statement outlining what he knew about the *Blue Book* message, but balked at having it notarized, explaining that Reval was a small town and that he did not want an Esthonian notary to know about his German activities during the war. Therefore Herrmann accepted the following signed statement from Siegel, and dispensed with the notarial seal (translation):

My name is Adam Siegel; I was born on October, 1883, at St. Petersburg; I am a German National, at present living in Reval, Estonia.

Late in March or early in April, 1917, on board the Spanish steamer *Montserrat*, I met Fritz Herrmann accompanied by Raoul Görtz Pochet, en route from Havana to Vera Cruz.

From Vera Cruz we traveled together by rail to Mexico, D. F., where we stopped for the time being at the Hotel Cosmos. In the lobby of the Hotel, on the evening of our arrival, we became acquainted with a Major Schwierz of the Mexican Army at whose advice we moved soon afterwards to the

Hotel Juarez, belonging to a certain Otto Paglasch. This was a very poor hotel, but very cheap.

I informed Herrmann of the manner in which I escaped from the Russian internment and told him also that while I had no money, I had much time, and also a desire to undertake something in the interests of Germany, particularly as I had not succeeded in working myself through to Germany.

On the day after our arrival, Herrmann and Pochet went to see the German Minister, Mr. von Eckhardt.

... Herrmann having received no news, he enlightened me one day about his activities, and it was decided to send Raoul Pochet to Baltimore to obtain funds. He was given an American magazine to take along. The necessary communications were written crosswise to the print in lemon juice on several pages of this magazine. The information was written down partly in normal writing and partly in code; the code words consisted of a cipher and were to be deciphered in a certain way by means of perforations with a needle.

After the report had first been drawn up on a sheet of paper, I dictated it to Herrmann; he wrote it in the already mentioned magazine.

Raoul Pochet returned from the U. S. A. about the middle of May, but brought with him much less money than Herrmann expected, or had asked for. He reported that Captain Hinsch would shortly thereafter come himself and bring along the needed funds.

Herrmann showed me today a magazine similar to that used at that time to send to Baltimore, likewise the photographs of the printed pages on which the report to Baltimore was written in lemon juice at that time. These above mentioned photographs were signed by me today.

Adam Siegel.

As soon as the Siegel statement was filed with the Commission, German agents rushed to interview him. What they told Siegel is not known, but the affidavit signed by him before the German Chargé d'Affaires in Reval is in evidence. In it Siegel charged that Herrmann represented himself as acting on behalf of Germany, and claimed that when he handed Herrmann the statement, he thought he was testifying for Germany. In this affidavit Siegel gave the following version of the rôle he played in the writing of the Herrmann message:

The secret message came about in the following way; Herrmann had drafted it without my having anything to do with it and asked me—since

it is difficult to write with invisible ink—to dictate it to him. This I did. I also recall that the message was written in a printed volume but—in view of my secondary rôle of the one who dictated—I can no longer swear whether it was a magazine or bound book. It seems to me quite possible that the printed volume was smaller than the sheets shown to me by Herrmann. The size may well have been 8x5 or 9x6 inches.

Siegel then said: "Nor do I longer recall today whether the message . . . was written on printed or unprinted paper." And he went on to add that he was "present when the writing was done and the printed volume was handed to Gerdts and know positively that during that time single sheets of the printed volume were not pricked with a needle under certain letters." Siegel, finally, stated that most of the names in the message were unknown to him until read over to him by Herrmann at the time of their meeting in Reval.

The American claimants' answer to Siegel's denial was that it was in keeping with Germany's general policy, and that pressure had been brought to bear on him to make it. They further added that even if Herrmann did represent himself to Siegel as an emissary of Germany—which Herrmann denies—that this was all the more reason why Siegel told the truth in the statement he gave Herrmann.

Chapter XXIV

THE COMMISSION RULES

WE MUST now turn once again to Wozniak; for, whether intentionally or by pure chance, he succeeded in discrediting to some extent the Herrmann message in the eyes of the Commission.

Six American witnesses had furnished affidavits placing Wozniak in Mexico in the fall of 1917 under the name of Karowski, and Germany had taken such a definite stand that Wozniak was not in Mexico during this period and had never used this alias that irrefutable proof corroborating the American affidavits would have constituted evidence of the highest importance. Accordingly, the American operatives spared no efforts to uncover the truth, and investigations were set on foot in Mexico, in the United States, and also in Rawa Russka, the district in Austrian Galicia from which Wozniak came.

In the last-named area the American investigators sought information from the Chief of Police Sochanski, who submitted the following report (translated from the Polish language):

In reply to your request which was made in person on March 30, 1932, I submit the following:

1/ To the north of the village of Wólka Mazowiecka in the district of Rawa Russka there is a village bearing the name of "Karów." This village is surrounded by large forests called the "Karowski Forests."

2/ Before his emigration to America in 1912, Teodor Wozniak, who was born in the village of Wólka Mazowiecka in 1884, worked for some time in the aforesaid Karowski Forests.

3/ There is a long established custom in Poland that if several persons bearing the same surname inhabit the same district, in order to distinguish them from one another, there is added to their surnames the name of the particular locality where they live or with which they are in this or that way connected.

4/ The members of the Wozniak family living in the district of Rawa Russka are very numerous and it is therefore quite probable that a member of said family living or working in the Karowski Forests would be called Karowski Wozniak or Wozniak Karowski and in informal conversation or communications simply Karowski.

It is therefore quite probable that both before he emigrated to America and after his emigration Teodor Wozniak used the alias Karowski.

signed: for the Wojewod:
Sochanski

Chief of the Surety Division

On the filing of this report, the Germans also started an investigation in this remote section of Poland. This resulted in stirring up the inhabitants of Wozniak's native town to a pitch of excitement which they had not experienced since Ludendorff was there during the battle of Rawa Russka.

In the meantime McCloy had unearthed in Cleveland two intimate friends of Wozniak's who had known him since boyhood, one named Golka, the other, Panas. Both of these men furnished affidavits testifying that Wozniak had written them letters from Mexico in 1917. The sworn statement of Panas reads in part as follows:

... While we were living in Scranton and before the receipt of these letters from Mexico, Wozniak told us that he might go away, that he was apt to do some traveling.

Not a long time after receipt of the letters Wozniak came to see us in Scranton. I cannot recall the date distinctly but I seem to remember that it was a holiday, probably Thanksgiving Day of 1917, or St. Demetrius Day [a November church festival in Ukrainia]. He asked us if we had the letters he had sent us from Mexico and certain other letters we had received from him, saying that he needed them. We thought it somewhat strange but searched for them and found them and returned them to him. He destroyed the letters in front of us and threw them in the coal pail. I remember this as it seemed very strange, particularly as he gave us no reason for doing it.

These letters had been destroyed, and so there was no proof other than the word of Golka and Panas that these letters had been written. This was the situation when, early in 1931, the American lawyers

received information through the U. S. Postal authorities that Wozniak had written several registered letters to a Ukrainian named Baran in Chicago. Baran turned out to be quite a prominent man among his fellow countrymen. He was not only a minister of the church but chairman of the Ukrainian Relief Committee.

Baran was brought to New York late in April 1931 and, in the course of an interview with Peto, disclosed that he had several letters of Wozniak and was sure that several of them were written from Mexico. Therefore Baran was sent back to Chicago to fetch them while the American lawyers waited in suspense.

Before delivering the letters, however, he insisted on guarantees that Wozniak would not be criminally prosecuted because of any evidence contained in them. He also demanded a fee of \$2,500 for compensation for his time and traveling expenses. But in due course the American Agent granted permission for the payment to be made, satisfactory guarantees for Wozniak's immunity were furnished, and Baran finally handed over the letters on May 27. According to the evidence of these three Wozniak letters, one was written from St. Louis on August 10, 1917, the other two were written from Mexico City on August 28 and September 16, 1917, respectively. One of the letters from Mexico City reads as follows (translated from the Ukrainian):

Mexico City, August 28, 1917
To Ivan Baran
Preacher
in Labor Temple
E. 14 Street 2 Ave.

Dear Friend:

I wanted to write to you sooner but could not. Those damn Germans do not want me to write to anyone. Mexico in itself I do not like. The Mexicans themselves look like bandits. The houses are not big—but there are also better palaces, for example, as in the vicinity where the German Ambassador lives—that is, Dennamaca and Liverpool Street. But nevertheless the churches here are big and the priests are rich. If you think you will learn Mexican quickly then come here—and make a living. I think that I did quite wrong by going with the Germans. I am not entirely well—dreadfully

nervous, and in addition to all this it is dreadfully hot here. There is no place to go and if there were, why it is dangerous and I must listen to the Germans. But I think that I shall not be here long, I have a little money and the Germans promise to give more. Do not tell anybody what I have told you—or what I have written you. If you want to write, then write to the address F. W. Karowski, Poste Restante, Mexico M.

I shall try to be back soon.

Hearty regards.

T. I. Vozniak

When these letters were filed with the Commission, the experts on both sides once again had a field day. As in the case of the Herrmann message, the only point the experts could agree on was that they were written in Wozniak's handwriting. Germany contended that the paper on which they were written had been artificially aged. As proof the German experts claimed that the watermark in one of the letters was made by a dandy-roll prepared for the Mirkow Paper Mills in 1926 by a Paris dandy-roll maker.

As opposed to this the American Agent produced the testimony of the owner of the watermark, a Polish paper merchant named Kiperman, who stated:

... This drawing was sent by me in 1909 or 1910 to the firm of Wargunin Brothers in St. Petersburg for the manufacture for me of paper with this watermark. I do not exactly remember whether, in ordering paper in 1909 or 1910, from the firm of Wargunin Brothers in St. Petersburg, same was delivered with this watermark. I ordered paper with this watermark from the Polish paper mills Mirkow, and Saenger, in 1924 or 1925. Since 1928 I have not manufactured paper with this watermark. From the enclosed photograph, I cannot state whether the paper was made at [by?] Mirkow, by Saenger or by Wargunin Brothers.

The Germans answered by filing evidence that Kiperman could not have ordered a dandy-roll in 1909 or 1910, because at that time his sale of paper products was so small that it was improbable that he owned a watermark of his own.

And so the ball was bounced back and forth from a dozen controversial points. Germany went so far as to accuse some one on the American side of putting age stains on one of the letters after it had been

filed in evidence. This was indignantly denied. The early photostats were compared with the more recent ones, and once again the experts were brought into action. The American experts, however, were not prepared to state that the Wozniak letters were authentic, although several stated that they saw no evidence on the face of the documents to prove their lack of genuineness.

In the meantime one of the most amazing and dramatic episodes of the whole struggle took place in New York City—a face to face interview between Peto and Wozniak. On May 12, 1931, entirely unexpectedly, Wozniak turned up at the Hotel Roosevelt, where Peto was staying, and demanded an interview. Being suspicious of Wozniak's motives, Peto sent him away and asked him to return on the following day. This he did, but in the interim arrangements were made to secrete two stenographers in an adjoining room to take down all that Wozniak wished to say.

At 9 A.M. Wozniak was ushered into room 1209, and there Peto was ready and waiting for him. The two seated themselves in chairs placed up against the connecting door leading to room 1207; and on the other side of the door, a few inches away, sat the two stenographers, Louis Cahan and Joseph Shaffer, of the Bar Association Stenographic Service. From the transcript of the questions and answers it is obvious that Wozniak's object in visiting Peto was to obtain money from him in return for a confession. A direct demand was not made; for each time Wozniak started leading up to it, Peto cleverly switched the conversation by plying him with questions about the fire. These Wozniak answered in the belief that there were no witnesses to the conversation and that consequently he was not destroying his chances of being paid for a witnessed statement, which alone, he knew, would be of any value to Peto. In his answers Wozniak confessed that he had set fire to Kingsland and admitted his association prior to the fire with German agents, who he frankly admitted were in the Kingsland plant plotting its destruction. He refused, however, to give any names or to admit knowing Herrmann. He insistently denied that at Kingsland he or anyone else had employed incendiary pencils. Instead, he intimated that the fire was caused by the use of rags soaked with a

"Let me see you outside the house of Selfridge in half an hour," strong was the insisting that Gordon said before Jones came back to order out the visitors.

A soon as the place was dark again, Gordon set to work for the flimsy framework of his cell window. He knew already it was so decrepit that he could escape any time he desired, but until now there had been no reason why he should. Within a quarter of an hour he fitted the iron grilles such as body from the frame and crawled through the window.

He found Page and Strong waiting for him in the shadows of a pine outside the yard of Selfridge.

"So begin with you walk straight home and go to bed, Peter," the young man announced. "You're not in the party, not invited to our party, don't have to tell you why, do I?"

The engineer understood the reason. He was an employee of Macdonald, a man thoroughly trusted by him. Even though Gordon intended only to right a wrong, it was better that Page should not be a party to it. Reluctantly Peter went home.

Gordon turned to Strong. "I owe you a lot already. There's no need for you to run a risk of getting into trouble for me. If things break right, I can do what I have to do without help."

"And if they don't," Strong waved an impatient hand. "Cut it out, Elliot. It's rekenny lanky to go through with this. Never did like Selfridge, anyhow, and I ain't got a wife and I don't work for Mac. Why in thunder shouldn't I have some fun?"

Gordon shrugged his shoulders. "All right. Might as well play ball and get things moving, then."

The little miner knocked at the door of Selfridge's house. Wally came and opened. Elliot, from the shelter of the pine, saw the two men in talk. Selfridge shut the door and came to the edge of the porch. He gave a gasp, and his hands went trembling into the air. The six-gauge of the miner had been pressed hard against his fat paunch. Under curt orders he moved down the steps and out of the yard to the tree where Gordon waited.

At sight of Gordon the eyes of Wally stood out in a general. Little sweat beads first on the forehead, for he remembered how busy he had been collecting evidence against this man.

"W-w-what do you want?" he asked.

"Got your keys with you?"

"Yes."

"Come with us."

Wally breathed more freely. For a moment he had thought this man had come to take summary vengeance on him.

They led him by alleys and back streets to the office of the Macdonald Yukon Trading Company. Under orders he knocked on the door and called out who he was. Gordon crossed and closed to the log wall, Strong behind him.

"Get me in, Olson," ordered Selfridge again.

The door opened, and a man stood on the threshold. Elliot was on him like a Panther. The man went down as though his knees were oiled hinges. Before he could gather his slow wits, the barrel of a revolver was shoved against his breast.

"Make it easy, Olson," advised Gordon. "Get us slowly. Now step back into the office. And keep your hands up."

Strong closed and locked the door behind them.

"I want my papers, Selfridge. Dig in your keys and get them for me," Elliot commanded.

Wally did not need any keys. He knew the combination of the safe and opened it. From an inner drawer he drew a bunch of papers. Gordon looked them over carefully. Strong sat on a table and toyed with a revolver which he jammed haphazardly into the stomach of his fat prisoner.

"All here," announced the bell-ringer. The safe robbers locked their prisoners in the office and disappeared into the night. They stopped at the house of the collector of customs, a genial young fellow with whom Elliot had played terms a good deal, and left the papers in his hands for safe-keeping. After which they returned to the hotel

THE BLUE BOOK

RAY LONG, Editor.

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*Frederick Hinsch and His Wife in
Mexico in 1918.*



Raoul Gerdt.

THEY KNOW THE STORY BEHIND THE BLUE BOOK MESSAGE

liquid in which something, presumably phosphorus,* had been dissolved.

The conversation had reached this point when suddenly one of the stenographers coughed. Wozniak jumped up in a rage, rattled the locked door, looked through the keyhole, and claimed that it opened into a closet in which witnesses were hiding. Peto protested that it was simply the door of the adjoining room. This seemed to enrage Wozniak still further. He rushed out of the room and tried to get into the next room through the door leading into it from the corridor. Peto, now thoroughly alarmed, called Joseph Farrell, one of the assistant managers of the Roosevelt, who eventually calmed Wozniak and escorted him out of the hotel.

When the stenographic notes in affidavit form and the Wozniak letters were filed with the Commission, the American Agent moved to have Wozniak examined before the Commission; but Dr. Tannenberg refused his consent, and wrote a letter to Mr. Bonyng, the important part of which stated:

When I returned to this country at the end of March, 1931, I had several conversations with Wozniak. In these conversations he indicated very strongly that he expected payment of a large sum by us. I advised Wozniak that no such payment could be made. Wozniak repeated his requests at every conversation I had with him and, finally, advised me that if his request was not complied with, he would accept an offer which had been made to him and which would cause me great regret. I, thereupon, broke off my relations with Wozniak and have not seen him since.

This letter clearly indicated the defense which Germany intended to adopt.

As a result of the finding of the Herrmann message and the Wozniak letters, and also because of other additional evidence which had been uncovered by the American investigators, a petition for a rehear-

* *Feuerwasser* (fire water), phosphorus dissolved in carbon disulphide, or other solvent, was a well-known German incendiary device. The solvent evaporated rapidly, leaving the finely divided phosphorus to burn spontaneously with a white hot flame that ignited all inflammable material in reach.

ing of both the Black Tom and Kingsland cases and a reconsideration of The Hague decision on the basis of this newly discovered evidence was filed by the American Agent with the Mixed Claims Commission on July 1, 1931.

A hearing was held upon this petition at Boston in the summer of 1931. But before a decision was reached Mr. Boyden, the Umpire, died.

Some time after that, by the agreement of both governments, Mr. Justice Owen J. Roberts of the Supreme Court of the United States was appointed to succeed Mr. Boyden, and from November 21 to 25, 1932, the Mixed Claims Commission once again met to consider not only the new evidence presented at the Boston hearing but also a large amount of additional evidence which had been filed by both governments in the interim.

The arguments based on the evidence which has already been fully covered in the preceding chapters were forcefully presented by the Agents appearing for their respective governments. So able was the presentation, and so controversial was the nature of the evidence, that when it came time for the Commission to render its decision, the American and German Commissioners, the two Judges, were in complete disagreement. Accordingly, on November 28, 1932, they executed and filed a certificate of disagreement in these cases, and thereby certified to the Umpire for a decision all the evidence covered at the hearing (except the question of the jurisdiction of the Commission to reopen a decision previously rendered by it at The Hague). The Umpire in a decision handed down on December 3, 1932, (the German Commissioner concurring), dismissed the petition for a rehearing. The American Commissioner filed a separate opinion on December 2, 1932.

In his opinion, the Umpire adjudged the Wozniak letters to be fraudulent. With regard to the Herrmann message, the authenticity of which it was incumbent on the Americans to prove, he was unable to decide whether it was genuine or not. In analyzing its context, Mr. Justice Roberts stated in part:

The document comprises 254 words. Those that have to do with the request for money amount to only twenty. All the remainder are wholly irrelevant to the purpose in hand. . . . But enough has been said to show in

how extraordinary a manner this document dovetails with all the important and disputed points of the claimants' case and how pat all these references are, not to the request for funds but to the claimants' points of proof. . . .

Concerning the testimony of the experts, the Umpire said:

It remains to consider whether these doubts can be resolved by recourse to the expert testimony. This consists of about one thousand pages. The questions submitted to the experts are in my belief novel. They involve at the foundation certain known qualities of ink and paper. But as one reads the testimony on both sides one is impressed with the fact that the experts themselves had to resort to experiment with lemon-juice writing on new and old paper to reach their conclusions. Many of the opinions of the experts on the one side are countered by diametrically opposite results stated by those on the other. I agree with the arguments of both Agents that certain of the experiments and tests which they criticize are not beyond fair criticism and fail to carry conviction. I entertain no doubt that all the experts retained by both litigants were inspired by a desire to do their honest best with a very difficult problem . . . on the expert evidence alone my judgment would be left in balance as to the authenticity of the document . . . at best, expert evidence can usually be only an aid to judgment, and not always in and of itself so conclusive as to carry conviction.

In summarizing his opinion on the message, the Umpire stated:

As has been indicated, the testimony offered on both sides with respect to the message, to say the least, raises grave doubts with regard to it. The sources from which it comes [the evidence of Hilken and Herrmann had been disbelieved at The Hague hearing], the circumstances of its production, the evidence as to the time and circumstances in which it was written, and the silent but persuasive intrinsic evidence which is drawn from its contents, makes impossible an affirmative conclusion in favor of the claimants and against Germany. The claimants have the burden to establish, by a fair preponderance of evidence, that this document was written and sent at the time claimed. With every disposition to avoid technicality, to be liberal as to the interpretation and effect of evidence, and to regard the great difficulties under which the claimants have labored in the production of their proofs, I yet find myself unable to overcome the natural doubts and misgivings which cluster about this document. I am not, therefore, prepared to make a

finding that this is the missive which Herrmann dispatched to Hilken in 1917.

Prior to handing down his decision, he went on to add:

It must be borne in mind that whatever may be the belief of any Member of the Commission with respect to Germany's general attitude and the motives or purposes of its agents, or with respect to the equities of the claimants, or that Germany is disentitled to favorable consideration by reason of her general policy as to American-made munitions and supplies for the Allies, this Tribunal sits as a court with the obligation to ignore any such considerations and, however liberally construing rules of evidence, is still bound to act only upon proof which reasonably leads to the conclusions upon which liability is consequent.

And finally he concluded his opinion by handing down the following decision:

...it is my opinion that if the new evidence were formally placed on file and considered in connection with the whole body of evidence submitted prior to the Commission's opinion of October 16, 1930, the findings then made and the conclusions then reached would not be reversed or materially modified. . . .

As soon as the findings were handed down by the Commission, the American Agent referred the matter of the Wozniak letters to the Department of Justice in order that Wozniak and Baran might be indicted if it were found that a fraud against the United States had been committed. After fourteen months the Department of Justice reported to the State Department that it was not disposed to seek an indictment as, among other things, it "entertains considerable doubt...as to whether the letters are in fact spurious."

It must also be stated that the American lawyers themselves entertained some doubt about the authenticity of the letters, chiefly because they were not entirely satisfied that the watermark was in existence in 1917. In view of this they suggested to the American Agent that he withdraw the letters from evidence rather than allow them to remain subject to doubt as to the date of the watermark. After giving the

matter consideration, the American Agent took the responsibility of not withdrawing the letters, mainly for the reason that even if the letters were false, as neither he nor counsel were convinced was the case, they would still serve to prove what had been contended from the start,—that Wozniak was a perjurer and fraud whose statements and protestations of innocence filed by Germany could not be believed.

There is no doubt, however, in the minds of the American lawyers that actually the submission of the letters was a tactical error; for, in their opinion, the Wozniak letters undoubtedly influenced the Commission in its consideration of the Herrmann message.

On June 7, 1933, Congress passed a special act which for the first time permitted the American Agent to have process issued for the appearance of witnesses. Making use of this power, Wozniak was subpoenaed to appear before the United States District Court for the Southern District of New York on August 22, 1933. Here once again he was examined as to his participation in the Kingsland fire.

In the course of this examination he repeated most of the information which he had given to Peto at the Roosevelt Hotel. He confessed that he had been in contact with German agents prior to the fire but refused to testify as to matters which he believed would involve him in direct perjury by reason of his former statements on behalf of Germany. With regard to the origin of the fire, he now stated definitely that it was caused by a rag soaked in phosphorus, which had been put on his bench by a German agent. He spoke of rewards which he claimed had been promised him and of the failure of Dr. Tannenberg to make good such promises. He also produced a letter he had written to von Papen, then the Chancellor of the German Reich, complaining of his treatment by the German Agent and asserting that Germany had been responsible for the destruction of Kingsland.

By this time, however, Wozniak was a completely discredited witness. But even if his admissions were now of little value, the American lawyers had gained a point. They had piled up enough evidence to prove that Wozniak, one of Germany's principal witnesses prior to The Hague hearing, was not the truthful, frugal, honest type of laboring man that Germany had then painted him to be.

If the Commission was right in its verdict on the Wozniak letters and they are fraudulent, immediately a whole host of baffling questions clamors for an answer. Who inspired the forgeries? Was it a fraud hatched by Wozniak and Baran? Or did the Germans deliberately foist them on Peto with a view to discrediting the Herrmann message? It must be remembered that Hilken discovered the message in his attic just before Christmas, 1930. Prior to this the Germans undoubtedly knew both from Gerdt's affidavit of 1929, and from Hinsch, who was in Germany, that a message had been written, and that, therefore, there was always a possibility of its being produced one day. In fact the Germans never tried to deny the existence of such a message but merely attempted to prove that the one Hilken produced was not the true original.

We will leave the reader to his own speculations on these matters and turn now to what we know was a definite attempt to defraud the American investigators by means of forged documents. But this time they were too smart to be caught.

In January 1931 a certain party who had previously been connected with the Alien Property Custodian's office learned from a Parisian gentleman by the name of Michel de Taube that certain documents were available in Europe which would prove Germany's responsibility beyond doubt for the destruction of Black Tom and Kingsland.

This information was passed on to McCloy, who was stationed in Paris at the time. He soon found out that de Taube was a professor of international law and a former member of the faculty of the University of Petrograd. De Taube had little information to give McCloy beyond the fact that Count Alexander Nelidoff, a Russian then living in Berlin, had come to him and said that he had access to vitally important documents bearing on the case. The Count had further stated that his interest in the cases had been aroused by what he had heard about The Hague hearing, then but recently concluded. The Count's reason for consulting de Taube, or at least so de Taube told McCloy, was to seek advice on the best way of disposing of them to the Americans. De Taube had suggested bringing them first to a neutral country before opening up negotiations.

At McCloy's behest, de Taube promised to communicate immedi-

ately with the Count in Berlin. McCloy was anxious to get possession of the documents as soon as possible, but for some reason or other their delivery kept being delayed. De Taube alternately assumed an air of mystery or pleaded that he was a simple intermediary and did not know what was happening in Berlin. At length, after putting through several long-distance calls to Berlin, a meeting between Nelidoff and McCloy was arranged at The Hague. Then, at the last moment, it was canceled; and the rendezvous was transferred to Spa, Belgium; but when McCloy arrived there, he found a telegram from Nelidoff which announced in guarded language that he had suddenly had to change his plans.

Finally, after a delay of several weeks, McCloy traveled to Berlin and there had several clandestine meetings with Nelidoff. Nelidoff appeared constantly on his guard, took the greatest precautions against being followed, and carried a tear-gas pistol in the shape of a fountain pen, which to Nelidoff's consternation nearly exploded one night when in his presence McCloy hastily sought a pen with which to take some notes. After attempting to get a large sum of money out of McCloy, eventually, on April 18 Nelidoff handed him the documents on the understanding that payment would be made only after they had been examined and found authentic.

On inspection, the documents proved to consist largely of a number of reports from Nadolny under various dates in 1916 and 1917 relative to sabotage in the United States. There were also several letters ostensibly written by Stresemann concerning the investigation of certain of the activities of von Papen and von Bernstorff in the United States. The contents of the documents were such that, if they were proved genuine, the evidence supplied by them would be conclusive.

Immediately McCloy sent for Gerald Francis Gurrin, the well-known British handwriting specialist and examiner of questioned documents, who came to Berlin at his request.

After a cursory examination, Gurrin announced that they had all the earmarks of being genuine and that, if they were forgeries, they were remarkably well done. He reserved judgment, however, until he could make further tests and have a chance to compare the signatures with genuine specimens, which he was in a position to secure.

These final tests, however, resulted in Gurrin's giving McCloy an opinion that the documents could not be relied upon as genuine. McCloy simultaneously consulted Admiral Hall as to Nelidoff's background and found out through Hall that Nelidoff was well-known to the British Secret Service. Shortly afterwards McCloy received a full report from one of its members who seemed to be well informed about Nelidoff's activities. This report showed that Nelidoff was at the head of a number of forging experts in Berlin, whose business it was not only to forge documents of every description but also to deliver them with such secrecy and mystery as to make the recipients believe that they were stolen originals. Their work was almost perfect, and they were able to get at the material to enable them to forge any document for which they thought there would be a sale. The report went on to read that Nelidoff was often employed by the German Secret Service to plant so-called official documents on foreign powers.

It was suggested to McCloy that he lead Nelidoff on to see what he would produce. At the same time, he was advised to be careful and not to trust any of Nelidoff's associates, but to play with them with the knowledge that he was dealing with a shrewd and powerful band of super-crooks.

McCloy preferred, however, to let well enough alone. After taking photostats of the documents he returned them to Nelidoff and for the time being heard no more of him.

On November 13, 1931, the *B. Z. am Mittag*, the Berlin midday newspaper, carried the following story (translated from the German):

COUNT ALEXANDER NELIDOFF ARRESTED ACCUSED OF COUNTERFEITING

The erstwhile Russian Guard Officer, Count Alexander Nelidoff, a striking and elegant figure out of the Czarist Court circles, a near relative of the Russian Ambassador who died in Paris in 1910, is at present in the Berlin jail under the serious accusation of counterfeiting.

After the collapse of the Russian Empire, Count Nelidoff, who has enjoyed a first-class education, his first teachers being Jesuits of Brussels, put his great military knowledge at the service of various governments. He left Manchuria

with the remnants of the Horvath Army, came to Constantiople by way of Japan, participated in the Wrangel campaign, and finally stranded again on the Bosphorus. There the English and French struggled for influence in Asia Minor. During the Graeco-Turkish War, and during the Revolution against Kemal, Count Nelidoff had a finger in the game, now on one, then on the other side. Afterwards, he came to Berlin, where he managed to gain entrance into political circles.

In January of this year, the former Russian Officer Mammonoff was arrested in Stockholm, in whose baggage were found bundles of false English pound notes. Mammonoff and Nelidoff are friends from Russian days, and are said to have been in touch with each other since. Mammonoff was later extradited to Germany from Stockholm, on account of criminal acts committed in Germany.

A few months ago, Count Nelidoff had managed to obtain connections with some German authority, from whom he received large amounts for necessary traveling expenses and disbursements, for services which he promised to render. When Nelidoff found it impossible to carry out the objectives he had undertaken, he came into conflict with his employer. He offered to repay the amount advanced to him,—and paid with English pound notes, which came from Mammonoff's workroom.

As it was suspected that he was working in collusion with Mammonoff, he was arrested, but he denied energetically having received the bank notes from Mammonoff. In regard to his source of income during recent years, he is very reticent, and seeks to draw in an alleged British journalist, to whom he claims to have furnished political documents for some large work.

It would be interesting to know who the German authority was "from whom he received large amounts for necessary traveling expenses and disbursements for services which he promised to render." One cannot help speculating on what objectives he had undertaken and found "impossible to carry out." Of course they may not have had anything to do with McCloy, but then it is also possible that they may have.

One piece of information which Nelidoff gave McCloy was genuine. He spoke of a printed report (unpublished) of a commission headed by a Professor Delbrück which had included references to German sabotage activities in the United States. From other sources, it is known that a few years after the war such a commission was consti-

tuted to inquire into certain phases of the war; but the publication of its report was later suppressed by the German authorities. This report, together with the minutes of the Reichstag hearing which took place in 1921 respecting von Rintelen's sabotage mission to the United States, are yet further examples of evidence which Germany failed to produce before the Mixed Claims Commission.

Chapter XXV

THE BATTLE CONTINUES

IT MIGHT be well at this point to pause a moment and take stock of the position of the American claimants' cause. In The Hague decision given in 1930 the original claims for damages had been tried and the American evidence had been adjudged inconclusive in proving German responsibility for the explosions. And now for a second time their hopes had been dashed by the Commission's decision of December 3, 1932, rejecting their plea to reopen the cases on the basis of the new evidence contained in the Wozniak letters and the Herrmann message.

But undaunted they continued the fight, believing firmly that Germany was guilty and that sooner or later they would succeed in convincing the Commission. Soon after the second decision they came upon important evidence which they felt justified them in petitioning the Court in May 1933 to reopen the cases on the ground that

... Certain important witnesses for Germany, in affidavits filed in evidence by Germany, furnished incomplete, collusive and false evidence which misled the Commission and unfairly prejudiced the cases of the claimants.

Witzke was again located just at this time in Hankow, China, in the employ of the Hamburg-American Line. Mindful of the fact that Germany had cited his refusal of permission as an excuse for not filing the notebook with the Commission, the American Agent, through the Secretary of State, sent the Consul in Hankow the following telegram:

Dec. 22, 1933, 5 p.m.

Confidential

American Consul

Hankow (China) via V.R.

Your telegram No. 47, Nov. 1, noon.

Please interview Lothar Witzke and endeavor obtain authority from him permitting German Agent Mixed Claims Commission to file with Commis-

sion notebook delivered by Witzke to Paulig German Foreign Office Berlin Summer of 1927 under condition that it is not to be delivered to anyone else without Witzke's permission. This notebook according to record is now in possession of German Agent who takes the position that in the absence of authority from Witzke his Government has no right to deal with it contrary to the will of the owner. Witzke may be advised that United States not interested in possible criminal prosecution relating to matters before Commission. Telegraph results interview.

Phillips Acting

To this the American Consul at Hankow replied as follows:

Hankow via N.R., dated Dec. 31, 1933

Secretary of State

Washington

Dec. 31, 4pm

Department's Dec. 22, 5pm

Have interviewed Witzke whose attitude in brief is, first, that inasmuch as he turned over five or six notebooks and many papers to Paulig he would like to know which notebook is referred to and, second, that he wishes the German Agent or German Government to instruct him that it has no objection to the suggested procedure.

Adams

Thereafter Mr. Martin addressed a letter to Dr. Lohmann, the then German Agent, requesting him to instruct Witzke that the German authorities had no objection.

Thereupon, three days after Mr. Martin communicated with Dr. Lohmann, Witzke had an interview with the American Consul at Hankow, who reported as follows:

Hankow, (Via N.R.) Dated Jan. 5, 1934

Secretary of State

Washington, D.C.

Jan. 5, 6pm

Witzke called today and stated that since the interview mentioned in my unnumbered telegram of Dec. 31, 4 p.m., he has examined his personal records and finds that the notebook which the Mixed Claims Commission desires to use is one which he has declined to make available to the Com-

mission and that, with the exception of one page which he has already agreed to make available, he must again decline to allow the notebook to be used because it contains the names of casual acquaintances who have no real knowledge of the matters under investigation and whom he does not wish to expose to inquiry.

Adams

Although he had received no reply to his first letter, Mr. Martin then wrote to Dr. Lohmann again and stated on the basis of the Consul's radio that Witzke only objected to the filing of the one notebook, and therefore he requested Germany to file the other four or five.

To this letter Dr. Lohmann merely sent the following acknowledgment:

Mixed Claims Commission
United States and Germany
German Agency

Washington, D.C. Jan. 20, 1934

Mr. H. H. Martin
Counsel to the American Agent
Mixed Claims Commission
State Department Building
Washington, D.C.

Dear Mr. Martin:

This is to acknowledge receipt of your letter dated January 19, 1934, which you wrote me subsequent to your communication of January 2nd, concerning the same matter.

Yours very truly,

[Dr.] Joh. G. Lohmann
German Agent.

It was thus evident from these telegrams and correspondence that, first of all some one must have prompted Witzke to change his mind; and secondly, that it was Germany, and not Witzke, who objected to the filing of the four or five other notebooks.

In connection with the search by the American investigators for new evidence, there come once again into the picture the Irish agitators whom Germany had so consistently tried to exploit during the war.

Of all the Irishmen who could have been of help in sabotage work, there was no one who had greater potentialities in 1914 than Jim Larkin. He was a powerful figure in the Irish movement and in the radical labor movement. He had the very widest acquaintance among factory workers and longshoremen, the particular men among whom German agents admit they were especially active. He was quite above the level of the ordinary rank and file of those Irishmen who were working under or with German agents in this country. He was peculiarly talented as a labor orator; and, with his radical social views, he was in an excellent position to effect strikes amongst the munitions workers or to encourage sabotage.

O'Leary, MacGarrity, Keating, Maguire, and Devoy, famous Irish leaders at that time, were working closely in this country with the Germans; but Larkin had qualities which none of them possessed.

The American investigators judged that Larkin must know something about the German sabotage campaign, and clues supplied by the Military Intelligence Division of the War Department bore them out. In 1933 he was located in Ireland, and McCloy had an interview with him in Dublin and obtained an affidavit which outlined his connections with German agents in the United States.

Larkin testified that he himself never took part in the actual sabotage campaign but, rather, confined himself to the organizing of strikes to secure both higher pay and shorter hours for workmen and to prevent the shipment of munitions to the Allies. But because of these labor activities, which were highly beneficial to the Germans, they accepted him as one of themselves; and Boy-Ed and other German leaders constantly tried to get him to use labor for sabotage purposes. They also admitted him to their inner councils. He was told of the sabotage headquarters at Lakewood, New Jersey, and was shown various incendiary devices, one of which, in the light of Wozniak's later testimony, is of special interest. This device, as he described it, consisted of small "scent bottles" filled with phosphorus in solution, a few drops of which sprinkled on papers or rags would cause them to burst into flames as soon as the liquid evaporated.

Early in 1916 Larkin was present at a meeting of German sabotage agents. Various sabotage objectives were discussed; and the destruction

of Black Tom among other places was decided upon. A plan was worked out by means of which a barge laden with explosives at one of the Black Tom piers was to be detonated.

Larkin was walking along Broadway with friends when Black Tom blew up. Although he had an airtight alibi, he decided it would be expedient to disappear for a time. He went, therefore, to Mexico City, where he stopped at the Juarez Hotel. There he met several of the German agents and had several interviews with von Eckhardt.

The Germans were still intent on his participation in their sabotage schemes. He told of a map they showed him on which munitions works marked for destruction were shown. Enraged by his continued refusal, they got Otto Paglash, the proprietor of the Juarez Hotel, to throw him out of the hotel. He was broke and was forced to sleep on a park bench until he received funds from the United States, when he moved to a more comfortable lodging. It was the luckiest move he ever made, for on the very morning after he had left the park the tramp who had taken the bench he had vacated was found stabbed to death.

Concluding that he knew entirely too much for his own good, he thereupon decided to return to the United States. On the way to the border he was attacked on the train by three Mexican desperadoes. He succeeded in beating off their attack, however, and got across the border safely.

Shortly afterwards he was arrested as an anarchist, was convicted, and was sentenced to Sing Sing. After the war he was released by Governor Alfred E. Smith and deported.

On McCloy's return to the United States, he proceeded to check up on Larkin's statements. In the files of the Military Intelligence Division of the War Department a report on Larkin and copies of two telegrams sent by him from Mexico were found. One telegram read:

Mexico City, Mex.

Oct. 17, 1917

Bankson,

Hotel Fresno Eddy St., San Francisco, Calif.

See Markin Pacific Building cable me money through bank vital need repay later Hotel Turbide.

James Larkin

The other read: "Answer urgent need derelict forward letters Hotel Juarez cable reply."

The report stated in part:

There is no information concerning the purpose of James Larkin's presence in Mexico City. From his past conduct it might be inferred that he was arranging coöperation between German agents and radicals in this country. However, if this were the case it would hardly seem that he would be wiring to Bankson in San Francisco for funds.

When Larkin's affidavit was filed the Germans followed their basic defense by issuing a denial and branding the statement as a lie. Furthermore, through some channel or other they obtained a copy of a cable from Larkin to McCloy requesting the latter to pay him £50 he had promised. Germany attempted to prove that McCloy had bought Larkin's evidence. The explanation of the £50 is that when McCloy met Larkin in Dublin, the latter insisted that his attorney should be present at the interview, and also stated that it was only fair McCloy should pay the attorney's fees. This he agreed to do immediately on his return to London. But in the rush of sailing for the United States the next day, he forgot to send the promised sum. On his arrival in New York, he found a cable from Larkin reminding him of the matter.

After all these varied investigations, the possibilities of finding new sources to search for evidence seemed about exhausted; and the Black Tom and Kingsland investigation appeared to be entering upon its final stages. But suddenly, through a former British Secret Service officer, it was learned that there existed in Austria documents which proved the responsibility of Germany for the destruction of both Kingsland and Black Tom. Means were pondered of obtaining the documents without arousing the suspicion of Germany; experience had abundantly proved that nothing could be expected of her except opposition. Furthermore, as there were many indications that Austria and Germany had collaborated to some extent in the commission of sabotage in the United States, it was not thought that Austria would willingly permit her files to be laid open to the Commission. Any direct questions would have put Austria on guard, and therefore Peas-

lee and McCloy, with the help of their secret service adviser, decided to use a little guile in their Austrian investigations.

It was decided that the subtlest plan would be to interest a publisher in the publication of material from the pertinent files relating to the diplomatic relations of the Central Powers with the United States during the World War. As many years had passed since the war and as students of history were gaining more and more access to files once closed, they thought some progress in this direction might be made. Peaslee and his espionage expert realized that two things were necessary—an author and a publisher. A well-known Hungarian historian, Dr. Otto Ernst, who had published books and articles on material in the Austrian archives was offered the job of writing a book along the lines indicated, and Lovat Dickson & Thompson, Limited, of London, which had published books dealing with German material of a somewhat similar nature, was engaged as the possible publisher. Mr. Lovat Dickson expressed a willingness to undertake the publication of any material which Dr. Ernst could furnish, and so advised him. The publication would certainly have taken place had the studies not been interrupted, and the contract with Dr. Ernst was entirely bonafide.

Dr. Ernst commenced his work and started sending material to the publisher. Gradually he was led to direct his researches more and more to matters relating to the causes of the United States's entering the war and to matters shedding light on the existence of a sabotage campaign there during the period of neutrality. Of course, all this was done with the hope that Dr. Ernst would get on the right track and produce in the ordinary course of his permitted studies of the Austrian files the documents in which the claimants were interested.

In the course of his researches Dr. Ernst had the assistance of two Austrian official archivists, a Dr. Hausknecht and a Herr Schnagl; but neither of these men had any contact with Peaslee. They were perfectly innocent officials of the War Archives, who quite openly and properly supplied material to Dr. Ernst, who they knew would furnish the material to a London publisher interested in making public the material they were supplying.

In this way a number of documents relating to German sabotage in the United States came to light. One of them, which is in the form of

a resumé of information distributed by the Austrian Military Intelligence Service, is particularly significant. This resumé was based on information received from German Army Headquarters, and read as follows (translation from the German):

United States of America.

According to the latest news 21 more ammunition factories have been blown up.

The explosion in Kingsland, New Jersey, is reputed to have caused damages of \$17,000,000, while that in the Du Pont Powder factory \$2,000,000.

Still further "surprises" are said to be impending.

Vienna, April 27, 1917.

The distribution list at the foot of this document is as follows:

Military Chancellery of His Majesty in Baden and Vienna.....	1 each
Operations Division, Supreme Army Command, War Minister	1 each
War Minister (MS—Operations Chancellery).....	6
Col. Kundmann	1
Asst. Chief of the General Staff.....	1
Representative of the Foreign Minister with Supreme Army Command	2
German Representative O. with Supreme Army Command....	1
Commander of the SW Front.....	1
Army Group EH Josef.....	1
Army Group FM Conrad.....	1
Information Division—Supreme Army Command.....	3
Group E	4

This document and the evidence relating to it show that in 1917 the German sabotage organization was sufficiently well established in the United States for German Army Headquarters to report with confidence to the Austrian General Staff that "still further 'surprises' are impending." The general wording of the report, taken in conjunction with the last sentence, indicates that the 21 ammunition factories, including those of Kingsland and Du Pont, were blown up by the German sabotage organization.

In view of Germany's repeated assertion that all documents relative

to the wartime activities of her agents in the United States had been destroyed, it is of interest to read the following affidavit of Dr. Ernst's:

At the time that this attached document [the resumé quoted above] referring to destruction of factories in the United States was discovered, which was early in April, 1935, I discussed that aspect of my subject with some of the employees in the Archives, and was advised that it was quite certain there were in Berlin many documents on this subject. Herr Schnagl referred to the fact that there is a current exchange of information between Berlin and Vienna with respect to official records and that frequently employees of Archives in Berlin visit Vienna and vice versa, and he told me that he thought it would be easy to have the subject looked into and verified, and that he would make an effort to do so before my work was completed. He suggested that a request could be sent by the Austrian Government to the German Government in Berlin for such records or that he could have some of the Austrian Archivists who are from time to time in Berlin make a personal investigation. Not long after that Herr Schnagl advised me that he had caused a request to be sent to Berlin for the files of Washington reports from the German Embassy to the Foreign Office in Berlin during the period 1914 to 1917 to be sent down on loan to Vienna. Subsequently I inquired of Herr Schnagl whether the files from Berlin had been requested and had arrived and I was advised that they had been requested but had not arrived. Herr Schnagl assured me, however, that he had the matter in mind and would verify the existence of such records in some way before I concluded my researches. Later Herr Schnagl told me that while he had not yet been able to procure from Berlin the file requested he had succeeded in verifying the existence of such files through one of the officers of the Kriegarchiv in Vienna, Dr. Albin Hausknecht, who had personally been in Berlin. Dr. Hausknecht is a Major in the Austrian Army and is also employed as an official in the Austrian Archives. I asked Dr. Hausknecht to supply me with a letter to my publishers confirming the results of his investigations in Berlin. A photostatic copy of that letter dated May 20, 1935, is attached hereto marked "Annex O." I also saw Dr. Hausknecht again two days later and discussed with him again his visit to Berlin and asked him to give me more of the details respecting it. He said that he examined records in Potsdam, am Branhausberg in charge of Dr. Musebeck, Direktor des Reichsarchivs in Potsdam and particularly documents under the title "Group A" in charge of Oberregierungsrat Rupprecht. I discussed with him the question whether the archives were at present easy of access. He said that

he thought it would be very difficult for anyone not an official to have any access to them for scientific or literary purposes and he mentioned the fact that he noted that there was a man at the door of the building who took a very careful record of the times to the minutes when persons entered and left the building. He said that such a record of his visit should be in existence.

Dr. Hausknecht, an official of the Austrian Kriegarchiv in a perfectly open manner, with no effort or apparent purpose to do other than obtain information contained in the Potsdam Archives, in ordinary course ran across a file which he described in brief but definite manner in a letter which he wrote to the London publishers:

In connection with the letter [sic] to you of today, you may be also interested to know, that in the last week (16-19 May 1935), while I was on an official archive mission in Berlin, I examined in the German State Archives a file of reports from the German Embassy in Washington during the period while Count Bernstorff was Ambassador there,—which described numerous destructions accomplished by Germany of ammunition factories and stores in the United States during that period.

Unfortunately before the researches of Dr. Ernst were completed the time schedule fixed by the Mixed Claims Commission compelled the filing of the results of such researches as had been completed. As soon as they were filed the German Government, of course, was in a position to locate the leak and plug it.

Through von Papen, who was now the German Ambassador to Austria, pressure was brought to bear to bar Ernst, Schnagl, and Hausknecht from further research in Vienna.

The statements of the Austrian Archivists given above are evidence of the existence of the documents they refer to, and they are statements of men who were unaware of the significance their statements might have upon the issues of the Black Tom and Kingsland claims. And yet as we have already shown, Germany has consistently refused to produce these documents.

In rebuttal of this testimony, Germany introduced no evidence to destroy the implications of the above resumé, but presented two

statements of denial from Dr. Hausknecht and Herr Schnagl. With regard to the above letter which he wrote to the English publishers, Dr. Hausknecht claimed that Dr. Ernst wrote the letter for him on official stationery of the War Archives, and that he signed it without reading it. Dr. Musebeck, Director of the Reichsarchiv in Potsdam, testified that his recollection is that Dr. Hausknecht did visit the archives on May 16, 1935, and that he asked for an inspection of the files of the Supreme Army Command concerning sabotage activities in the United States, but that he was advised that he would have to conform to certain regulations before these files could be opened to him.

Chapter XXVI

THE FIRST AMERICAN VICTORY

IT WAS not until May 1936 that a hearing was held by the Commission on the United States' petition of May 4, 1933, alleging that the Commission had been misled by Germany in the presentation of her evidence. The three years' lapse of time had been caused by Germany. She had first attempted to claim that The Hague decision was final and that the Commission lacked the authority to reopen the cases. When overruled on this point, she had shifted her efforts to impeding the taking of testimony by the American Agent in the American courts. She had also used every type of ingenious pretext for delaying the filing of her evidence.

But at last the Commission met in Washington in May 1936—three years after the petition had been filed. The whole issue of perjury, collusion, and suppression of evidence was argued. But the Commission limited itself to ruling on one point only: the question of whether the Commission had been misled at the time of the hearing on the Herrmann message and the Wozniak letters by a statement of the German Commissioner's to the effect that the American claimants had suppressed a report by Elbridge W. Stein adverse to the authenticity of the documents. In view of this failure to decide the complete issue, we shall limit ourselves to a summary of the arguments on the Stein report and on the allegations of collusion between Osborn and Stein.

In his brief Mr. Bonyng pointed out that Osborn had been the first to say anything about a suppressed report of Stein's:

Mr. Osborn prepared the way for the story later conveyed to the Commission that claimants had suppressed a report by one of their own experts adverse to the authenticity of the document. On August 13, 1932, in one of his three reports of that date, he wrote (An. 78, pp. 1-2): "The second sur-

prising reports are from Mr. Elbridge W. Stein, of New York, which merely express the opinions that the Herrmann message was written by Herrmann and that the Wozniak letters were written by Wozniak, regarding which there is no controversy. Mr. Stein is not merely a handwriting expert but an expert of national reputation on all classes of problems relating to questioned and disputed documents including paper and ink problems relating to age of documents. . . .”

This insinuation of Osborn's had aroused some speculation among the American lawyers at the time, but no particular importance was attached to it. But suddenly, on the eve of the hearing, Stein wrote a letter to counsel on November 4, 1932, alleging suppression of a report he asserted he had made on June 10, 1931 (nearly a year and a half previously), adverse to the authenticity of the Wozniak letters and the Herrmann message. He stated in this letter:

The printed report of the argument at Boston [July 30-August 1, 1931] in the Black Tom case leaves no doubt but that the use of my supplementary report on the handwriting in the Wozniak letters only is a distinct detriment to my reputation as a document examiner of ability and integrity.

He further stated in this letter that “if my complete report had been used as evidence no one could misunderstand what my opinion was regarding the documents.” He also alleged that the failure of the claimants to file the report of June 10 and the use only of the reports on handwriting had created the impression that he supported the genuineness of documents which he believed to be fraudulent. He said specifically, “This I can never allow . . . I have sent a copy of this letter to Mr. Bonyngé so that voluntary action may be taken immediately to correct the unfairness.”

Amazed at this letter Mr. Bonyngé sent for Stein and in the presence of three lawyers for the claimants demanded to know how his handwriting report had been improperly used at the Boston hearing. Stein was unable to give any satisfactory explanation, and on the next day retracted his letter “in its entirety.”

At the interview on November 5, Stein was also asked point-blank whether or not Mr. Osborn or anyone connected with the Commission

knew of his letter of November 4. In reply Stein gave his absolute assurance that the story of suppression had not been communicated to Osborn or to the Commission, and thereupon the matter was allowed to drop.

This report of June 10, Stein said, took up the entire question of the authenticity of the documents. However, the claimants contended that he had been engaged only to report on the handwriting. He produced an alleged copy of the suppressed report, the original of which he maintained he had sent to the claimants.

In his brief Mr. Bonyngé attacked the truth of these statements on the following major grounds: (1) His services had not been engaged until June 16—six days after he claimed to have made the report. He therefore had had no reason to make any report whatsoever on June 10. Furthermore, he had never been informed that the Wozniak letters even existed until June 16. Yet his alleged report of June 10 contained a report on them. (2) His alleged report must have been written without any real study of the Herrmann message. The originals of the Herrmann message and the Wozniak letters had never been left with him for more than a few hours, but had been studied from photostats adequate only for the purpose of passing on the handwriting. (3) The copy of the alleged report of June 10 was typewritten, but the date was written in by hand.

In summing up, Mr. Bonyngé's brief went on to discuss the relations between Stein and Osborn:

After the Washington decision of December 3, 1932, the American Agent and the claimants were shocked to learn that, notwithstanding their interview with Mr. Stein on November 5 and the assurances then given, the story of suppression had in fact been conveyed to the Commission before the decision. The story was false. The reasons which had been given by Mr. Stein as to why the Commission should be informed of his alleged report were baseless. The letter of November 4 had been retracted. Mr. Stein in fact had no personal or professional reason for conveying a false story to the Commission.

The claimants recalled Mr. Osborn's connection with the Qualters hoax, and his use of Mr. Stein to obtain from them the information with which that story started. It was Mr. Osborn who would be benefited by the passing on to the Commission of this story of suppression. It seemed apparent that

the only avenue by which this story could have reached the Commission was from Mr. Stein to Mr. Osborn and through him to the German Agent. Mr. Osborn has indignantly denied collusion with Mr. Stein, but he has not specifically denied that he passed this story on to the German Agent.

The facts above reviewed speak for themselves and the American Agent wishes only to add thereto the facts stated below, which show Mr. Osborn's attitude from the very beginning, without further comment or characterization.

... Mr. Osborn, when approached by claimants, stated to them that he would request his release from Germany in order to enable him to act for them, whereas actually, according to Dr. Tannenberg's letter to the Umpire of September 8, 1931, he made no attempt whatever to obtain such a release. Instead, he urged claimants to employ Mr. Stein. Having accomplished this, as he thought, he refused to substitute a neutral retainer for a partisan one, the value of which would depend "on the results" obtained. Mr. Stein and Mr. Osborn talked together about this case, and Mr. Stein's alleged report is strikingly like Mr. Osborn's own and contains some of the same manifest errors made by Mr. Osborn. . . .

Further on the brief stated:

These sabotage cases are in point. Mr. Stein was not opposing Mr. Osborn, he was merely occupying a position in the opposing camp. The only question on which Mr. Stein testified was the question of handwriting, and in this Mr. Osborn was in agreement. And if Mr. Stein had been employed to pass on other questions, his alleged report shows that he would still have been in agreement with Mr. Osborn. The testimony of those who heard his alleged report read aloud on November 5, 1932, is that it was strikingly similar to Mr. Osborn's—even to the making of the same obvious errors, such as that the writing fluid used was colored; and that in writing the letter "h" in the word "bunch" the pen cut through the paper and wrote the "h" on the page below. . . . The absurdity of the first of these errors, and the manifest impossibility of the second, are discussed under the heading "The Expert Evidence." But it may here be noted that even if Mr. Stein had not admitted, as he did, that he and Mr. Osborn talked the sabotage cases over in general together, this fact would still have appeared from the similarity existing between Mr. Osborn's report and Mr. Stein's alleged report. It would seem to be impossible that both men, without conference, could have made both errors.

In rebuttal to these arguments of Mr. Bonyng's the German Agent filed only a short affidavit by Osborn in which he denied collusion with Stein and called the charge "a cruel and unwarranted slander." He also stated that he considered it "unnecessary to dignify these astonishing charges by reciting them and answering them in detail." Apart from this Germany filed no evidence in denial.

The identity of the person who had told the German Commissioner the suppressed report story was never disclosed. We do know, however, that the Commission had never questioned the American Agent concerning any unfiled report by Stein. During the course of the argument the Umpire himself gave an account of what had happened:

I have known Mr. Albert S. Osborn (handwriting and questioned document expert who appeared for Germany) for many years. When I was in practice I retained him in connection with several problems arising with respect to documents whose authenticity was contested. At some time he referred me to Mr. Elbridge W. Stein as a competent expert in similar matters. Mr. Stein, at that time, had an office in the Bulletin Building, Philadelphia. On one or more occasions I consulted him.

Just before the date set for hearing in the sabotage cases (probably sometime in November, 1932), Mr. Stein attempted to get into communication with me by telephone. He wished an interview with me concerning the sabotage cases in which I knew he was a witness for the claimants. I refused to allow him to communicate with me.

During the meetings of the Commission preliminary to the hearing, Dr. Kiesselbach (the German Commissioner) advised Mr. Anderson (American Commissioner) and me that the claimants had suppressed an expert report adverse to the authenticity of the Wozniak letters and the Herrmann message. I cannot say that Dr. Kiesselbach specifically stated the source of his information.

The communication naturally disturbed me but I knew of no action that the Commission or I, as Umpire, could take in the premises and so stated.

My impression that there had been some such suppression was strengthened by Mr. Osborn's statement, in one of his affidavits, that it was remarkable that no opinion by Mr. Stein, a competent expert in such matters, had been submitted as to the age of the documents but only an opinion as to handwriting, a matter that was uncontested.

In the oral argument, the German Agent made no reference to this matter and as the American Agent did not refer to it the impression remained that

there had been a withholding of a report which might have shed light on the question argued before the Commission.

When the Commission had heard the arguments of both Agents on all phases of the American petition for the rehearing, it adjourned to consider the evidence. It announced its decision on June 6. In the decision the Commission limited itself to adjudicating one question only—the effect of the suppressed report story on its decision concerning the authenticity of the Herrmann message and the Wozniak letters:

In addition, this Commission states through its members present at the time that there can be no doubt as to the entire good faith of the then German Commissioner when he made his communication. The Umpire and the American Commissioner hold, and claimants have shown, that there was no sufficient ground for suspicion, and that for this reason claimants are entitled to a reconsideration. The German Commissioner, whilst doubting that the claimants were actually wrong (especially as in his view mere suspicions never can be a basic element of juridical findings) takes the stand, that in international arbitration it is of equal importance that justice *be done* and that *appearances show clearly* to everybody's conviction that justice *was done*. He does not think that the second requirement was satisfactorily complied with in the present case, and for this reason he accedes to the conclusion of the other members of this Commission. It is therefore decided, that the decision of this Commission rendered at Washington on the 3rd of December, 1932, be set aside. This decision reinstates the cases into the position they were before the Washington decision was given. It has no bearing on the decision rendered at The Hague and does not reopen the cases as far as that decision is concerned. Before The Hague decision may be set aside the Commission must act upon the claimants' petition for a rehearing.

The Commission also issued a supplementary order for Germany to produce at a subsequent hearing, the date of which was to be fixed later, all the documents which she had hitherto refused to surrender. It also ordered the American claimants to produce certain records which were needed to clarify the evidence. And, finally, it decided to call in Stein and Osborn for a special interrogation. The Commission then recessed preparatory to holding a meeting on June 17 to fix the procedure to be followed in view of its decision.

Chapter XXVII

THE WILES OF DIPLOMACY

ON MAY 28, 1936, six days before the Umpire rendered his decision setting aside the Washington decision of December 1932, Germany sprang a surprise. Hauptmann von Pfeffer, a representative of the German Government, handed to the American Chargé d'Affaires in Berlin a memorandum for telegraphic dispatch to the Department of State extending an invitation to the American Government to send over a representative to Berlin in June to discuss an amicable settlement of the sabotage cases, and at the same time adding the information that Germany had instructed her representative before the Commission to apply for "immediate postponement of the pending process discussion before the Mixed Claims Commission."

On June 4 this was followed up by another memorandum from Hauptmann von Pfeffer delivered to the American Embassy in Berlin for transmission to the State Department, and which read as follows:

As has become known the proceedings before the Mixed Claims Commission, Washington, have just been terminated (with the result that the United States may reopen the main proceedings). The last point of the declarations of the German Government of May 28, 1936, which had to do with the postponement of the proceedings now terminated has thus been transcended and settled by the developments.

The German Government believes that hereby no change has occurred in the other points of its declaration and in the mutually discussed arrangements. Minister President Goering would be pleased to receive the American representatives in the course of the month of June in Germany.

The result was that when the Commission met on June 17 the German Agent asked for a postponement; and the American Agent, in consenting, explained that it was for the purpose of negotiating a settlement.

The claimants were jubilant over this development, and their hearts quickened at the thought of the shower of gold that was about to end the twice seven lean years of litigation. Mr. Bonyng and Mr. Martin lost no time in taking ship for Germany, where they were soon joined by Peaslee. There were few in the American camp who let their minds dwell on the last time their champions had set forth on the same mission.

On reaching Bremen, Bonyng and Martin were met by Herr von Deichmann, who had with him credentials establishing that he was a representative of the German Government; and they were advised that the German Government desired the negotiations to be held in Munich with Hauptmann von Pfeffer. Thereupon, accompanied by von Deichmann, they left at once for Munich.

Acting in accordance with his instructions from the State Department, the American Agent on the first day of the meeting with Hauptmann von Pfeffer stated that "his position and that of his counsel were those of Agent and Counsel respectively before the Mixed Claims Commission, United States and Germany, and that they were not authorized or privileged to discuss any other matter pertaining to the general relations between the two countries and that settlement of the sabotage claims must be unconditional and not based upon the consideration of any other matter."*

Von Pfeffer accepted this statement, and the negotiations were limited to a discussion of the sabotage claims. Throughout the conference von Pfeffer was in constant communication with the Chancellor himself. Finally, on July 6, both parties reached an agreement; and von Pfeffer signed the accord for Germany, presumably with the full authorization of his government. This document is known as the Munich Agreement. Its terms provided that the Black Tom and Kingsland claims (153 in all, if we add in those of the insurance companies) should be paid on the following basis: 50 per cent of each claim was to be paid immediately in cash out of the Special Deposit Account created by the Settlement of War Claims Act; on some of the claims additional amounts were to be paid pro rata out of the German bonds which the

* This quotation is taken from a report which the American agent submitted to the Mixed Claims Commission on April 15, 1937.

German Government had deposited with the United States Treasury to secure Germany's obligations under the Act. The equivalent of 50 per cent of the principal and interest of the awards as of September 17, 1936 (the date to which the Commission had adjourned), amounted actually to \$25,072,572.77; but only \$20,000,000 was left in the Special Deposit Account at the time.

The reason for this was that some 6,900 awards had been made by the Mixed Claims Commission, covering all manner of claims which could possibly arise from the disruption of the economic and social relationships between the citizens of two great modern states. For the payment of these claims the Act had set up some thirteen categories dealing with the manner and the order of payment of funds from the Special Deposit Account. The awards to American nationals relating to death or personal injury were paid first. The small awards of under \$100,000 were paid next. Awards of over \$100,000 were paid last, and then only up to 80 per cent of the principal plus interest accruing before January 1, 1928, until 80% of the aggregate of all payments authorized to American nationals had been paid. Thus the last group of award holders still have certain payments coming to them.

Since the Black Tom and Kingsland claims alone remained to be adjudicated, and as there was only \$20,000,000 in cash left in the account, none of this money would be available to the other award holders if the Black Tom and Kingsland claims were paid. It can be seen from this that the interest of the other award holders in this balance * was highly contingent. There were still, of course, the German bonds; but, as Germany had defaulted on their interest payment, they were eyed askance.

But no sooner did certain award holders learn that Mr. Bonyng and Mr. Martin had gone to Germany to negotiate a settlement than some of them set out to wreck the negotiations. In this they were not immediately successful; for, before they could take action, the Munich Agreement had already been signed. But there were still ways and means of upsetting the agreement.

A prominent New York attorney was retained by some of these

* Actually the award holders were only interested in this balance to the extent of \$7,000,000.

award holders and immediately sent to Germany. Although armed with no credentials from the United States Government, he called at the German Foreign Office and there had an interview with a high official.

The official later reported that the lawyer had informed him that the United States Government held that the Munich Agreement was not binding because Hauptmann von Pfeffer had no official standing, as far as it was concerned, which would enable him to sign international agreements regarding the sabotage cases. According to the official's recollections of the conversation, the attorney said his clients were afraid that the German Government might file the Munich Agreement with the Commission and ask for awards to be made in accordance with its provisions.

According to the official, the award holders were determined to fight this move in every way possible: by representations to the United States Government, by Federal court action, and by a newspaper campaign. They had already induced the Government to permit them to file a brief with the Commission. If the Commission should rule against them they planned to take legal action to prevent the Secretary of the Treasury's paying out money from the Special Deposit Account. The official further added that the lawyer had told him that his clients had wanted to start an immediate publicity campaign, but he had managed to restrain them long enough to give him this opportunity of attempting to convince the appropriate German officials of the soundness of the award holders' position.

Naturally the American claimants were greatly incensed at the action of the award holders—especially when they stopped to consider that these fortunate ones had already received on an average 107 per cent of the face value of their initial claims. Mr. Bonyngé, however, ignored the actions of the lawyer and his clients. On January 5, 1937, he filed motions with the Commission for the entry of awards in favor of the sabotage claimants in accordance with the Munich Agreement. In answer to this the German Agent advised the Commission that he would forward the motions to the German Foreign Office for consideration and that it was his "intention to submit an answer in writing."

At the same session of the Commission, on January 6, 1937, certain award holders filed a petition, as the attorney had told the German official they would, asking for leave to be heard in support of a petition requesting that the Munich Agreement be rejected as a basis for the entry of a decree of award in favor of the sabotage claimants. The award holders claimed that the Munich Agreement was in the nature of an assignment of funds and that this was illegal, since these funds could only be disposed of by the Commission after it had made a formal ruling that Germany was responsible for the destruction of Black Tom and Kingsland.

The German Government, however, was willing to go through with the Munich Agreement only if it would open the way for general diplomatic discussions designed to effect a thoroughgoing improvement in the relations between the two countries. When it saw that the American Government was unwilling to accept this view, it calmly presented the State Department on April 5, 1937, with a note repudiating the Munich Agreement in toto. This communication blandly asserted that the award holders' intervention had cast doubt on the possibility of ending the litigation before the Commission by an independent agreement and also maintained that the German Government had never looked on the Munich Agreement as other than a preparatory basis for formulating official steps to be taken before the Commission by the German Agent. The note then went on to say that the German Government considered diplomatic negotiations of a general nature a prerequisite to taking any action before the Commission for putting the Agreement into force. For these reasons, therefore, the German Government wished to continue the cases pending before the Commission in the status they were in before the Munich conversations.

During a special hearing before the Commission Mr. Bonyngé vigorously attacked these German assumptions concerning the Munich Agreement, maintaining that Germany may have hoped that the settlement of the sabotage cases would pave the way to other collateral agreements with Germany, but that at Munich it was specifically understood on both sides that the Agreement was not dependent on the settlement or discussion of any other matter of difference between the two governments. Affirming that the Munich Agreement was a solemn and

binding engagement on the part of Germany, he called on the Commission to make awards in favor of the American sabotage claimants in accordance with the Agreement.

After listening to the arguments of both Agents, the Umpire handed down a decision on July 7, 1937, that the Munich Agreement was not enforceable by the Commission as the interpretation of international agreements was outside its jurisdiction. The Commission also set September 15, 1937, as the date of the hearing ordered in the ruling of June 6, 1936.

Thus once again the American claimants had been deceived by Germany, and once again Germany had gained valuable time in which to prepare her defense. But the Americans were not discouraged. Since the Washington decision of 1932, the tide had definitely turned in their favor, and slowly but surely Germany was being entwined in the coils of her own deception.

As the position now stands the Black Tom and Kingsland cases have automatically reverted to the position they were in at the time of The Hague decision in 1930. The American claimants are pinning hopes of ultimate victory on the Herrmann message; on the mountain of proof they have collected that Germany furnished incomplete, collusive, and false evidence which misled the Commission at The Hague hearing; and, finally, on the suppressed documents which the Commission has ordered Germany to produce. Whether Germany will produce all these documents, and in their original form, remains to be seen. During the course of this long investigation, in which both sides have accused each other of fraud, the production of any vital document has immediately raised a cloud of suspicion.

There is little more to tell now. Both sides are girding up their loins in preparation for the coming battle before the Commission and striving to plug every possible loophole in their arguments. It might be worth recording, however, that the perennial Wozniak bobbed up again once more. Without the knowledge of the Commission, he applied for American citizenship, and on April 26, 1937, was examined in New York City by Examiner Luther W. Throckmorton of the U. S. Immigration and Naturalization Service.

At this examination Wozniak freely admitted having been in contact with German agents while employed in the Kingsland plant. He stated that he was first approached by a fellow employee named Nick, who was either a Russian or a German and who spoke both languages fluently. Nick subsequently put him in touch with Herrmann, and several meetings were held at night in the Kingsland Cemetery, a hundred yards from the plant. At these meetings several German agents from Hoboken also were present. The destruction of Kingsland was discussed, and Wozniak admitted that Herrmann gave him an incendiary pencil. Wozniak claimed, however, that his object in attending the meetings was to report the plans of the German agents to the Russian Supply Committee, and that he wrote a letter and a postcard to warn them. On their paying no attention, he destroyed the pencil and let the matter drop. He also conceded that the fire broke out at his bench but disclaimed responsibility for it. He gave it as his opinion that some one had impregnated with an inflammable material the dry rags he had used to swab out the shell in the last process of cleaning.

The most interesting revelations were made, however, when the examiner came to his relations with Dr. Tannenberg. His story was to the effect that one day in 1929 he was sitting on a bench in Battery Park, New York, when a stranger approached him and showed him a newspaper in which his name was mentioned in connection with the Kingsland fire. On Wozniak's admitting his identity the man advised him to get in touch with the German Consul. This he did, and in due course he was sent to see Dr. Tannenberg. Thereafter he was employed by the Doctor for about forty days at a salary of \$10 per day looking for witnesses.

When questioned about the three letters he had written to Baran, Wozniak was evasive. He admitted that he had written several letters to Baran at the dictation of German agents and that he had given these letters to them to mail; but he could not or would not give any explanation of the motive. When the examiner tried to pin him down as to when he had written these letters he maintained he had done so in 1917 and that he had probably given them to Nick to mail. (It must be borne in mind that if Wozniak had admitted these letters

had been written shortly before Baran handed them to the American claimants he would have made himself liable to prosecution under a conspiracy charge.) Wozniak definitely stated, however, that he had never been in Mexico. Although his testimony was evasive in regard to the letters and the examiner did not press him concerning them, the deduction is obvious that they contained false statements. It seems not improbable that he was telling the truth concerning their being dictated by German agents but was moving the date back to 1917 to avoid incriminating himself.

When questioned about the total amount of money he had received from Dr. Tannenberg, he stated that he had received in all \$2,000, and had been promised a large sum to be paid later when the cases were finished.

He produced a copy of his letter to von Papen in which he complained that Dr. Tannenberg had not kept his promise. He admitted that he had given false evidence in the affidavits he had given Dr. Tannenberg but claimed that the Doctor had misled him by telling him that the claims for damages in the Black Tom and Kingsland cases had been brought by private companies and not by the United States Government.

Needless to say, when Wozniak's petition came up in the United States District Court in June it was denied.

A final humorous touch was contributed by Peaslee on the occasion of his sailing for Europe on business connected with the cases. On the evening of May 5 he boarded his ship, the S.S. *Bremen*, about half an hour before sailing time. By chance he took up the passenger list and as his eye wandered down the alphabet it was suddenly arrested by the name of Kurt Jahnke. The thought immediately flashed through his mind that the Germans had again tricked him and had had Jahnke over here secretly aiding Dr. Tannenberg in preparing his defense. The boldness of this did not surprise him—the Germans had tried many risky maneuvers before. With the forlorn hope that there was still time to get a subpoena served, he dashed into the North German Lloyd shed to telephone McCloy. But it was impossible to get a marshal down to the pier quickly enough.

After his return Peaslee had a hearty laugh at his own expense when he discovered through the Immigration authorities that this Kurt Jahnke was only 35 years old. While he had a lively appreciation of the former secret agent's achievements, he was not quite prepared to number rejuvenation among them.

Chapter XXVIII

THE ENEMY WITHIN

WHAT the outcome of the Black Tom and Kingsland cases will be, no one yet knows. It is one thing to feel convinced that Germany is guilty in both cases; it is another thing to prove it in an international court of law, which almost inevitably is inclined to believe the word of a government as against that of individual witnesses. Furthermore, German agents did not stand on street corners and advertise what they were doing. By 1916 Germany's sabotage directors in the United States had become veterans in the field and were sufficiently well versed in secret service methods to cover up their tracks. A Hinsch would not reveal his identity to a Kristoff. He would employ just the methods that Graentnor used.

Starting out on a cold trail nearly six years after the destruction of Black Tom and Kingsland, and after most of the German agents and officials involved had scattered to the four corners of the globe, the American investigators have had an almost superhuman task. Precious years had been lost during which many of the contemporary clues had disappeared. The Germans had also been given a breathing spell; and by 1924, the period when the investigation really got under way, the German Secret Service had once again come to life, the backbone of the German Government had been stiffened, and both were ready to fight tooth and nail.

Had the American investigators been on the scene in Berlin just after the Armistice their task would have been simple. They could have demanded and would have received the sabotage documents which the German Government has since either destroyed or secreted. Proof that the German Secret Service files were intact at the period was furnished by Felstead, a British officer attached to the Inter-Allied

Control Commission, who marched into the archives and took the Edith Cavell file, which he still has in his possession.

It has also been especially difficult for the American lawyers to convince the three judges of the Mixed Claims Commission that a sovereign country such as Germany would resort to fraud and trickery; yet such artifices are the stock in trade of all secret services; and in the Black Tom and Kingsland cases, the American claimants have had to cross swords with the German Secret Service. The German Government is the façade; it is her secret service which has supplied the organization which has kept a close eye, not only on all the German wartime sabotage agents involved, but also on the movements of the American investigators. In the opinion of this author, who spent several years of his life combating the German Secret Service, the methods it has employed fighting the American claimants run true to form.

In no large country other than the United States could Germany have carried out the wholesale sabotage campaign which she conducted here during the neutrality period. Even a country like Holland, caught between the Germans and Allies as though in a nut cracker, would not have tolerated for a moment any spy or sabotage activity conducted against her. The secret services of all the belligerents used Holland as a spy base during the war, but all of them were extremely careful to avoid any act which might have been interpreted as directed against the Dutch. Her police knew the identity and whereabouts of the directors of the various secret services, and, precarious though Holland's position was, they would quickly have been held responsible for any hostile acts of their agents.

The weakness of the United States both then and now is that there was, and still is, no American counter-espionage service. The Department of Justice does investigate whatever reports of suspected spy activities are sent in from time to time by private citizens, but there is no check-up on spies in any way comparable with that which exists in other countries. Foreign spies can operate here in comparative safety.

At least \$150,000,000 damage was done in the United States by sabotage agents during the World War—not to mention the huge loss in potential profits caused by the destruction of factories holding

millions of dollars' worth of contracts. The same objectives exist today and are just as vulnerable. Twenty men willing to give their lives could probably put the Panama Canal out of action. Furthermore, germ warfare was in its infancy twenty years ago. But tremendous strides have been made since, both in developing more deadly and concentrated strains of disease bacteria and in perfecting super and easier methods of disseminating them. It would be too late to start organizing a counter-espionage defense after the outbreak of hostilities, for in a few days a handful of agents could initiate a nation-wide epidemic of plague, cholera, or other deadly diseases. A grim portent of this coming form of attack is the recent news from Spain that several secret agents have been sentenced to death for spreading sleeping sickness and typhus behind the Insurgent lines.

A counter-espionage service cannot be created overnight. Its efficiency depends on an experienced personnel, on the possession of accurate records of suspects, on watching these suspects, and on piecing together information obtained from all parts of the country. Twenty-four hours after the declaration of war in 1914 every suspected German spy in France either was under lock and key or had been escorted across the frontier.

Foreign key agents for sabotage and espionage are already here in waiting; and when needed others will be quickly recruited from among those Fascist, Communist, or other alien organizations which, through the chance of war, happen to be lined up on the side of the enemy. All this was demonstrated during the World War. Foreign spy activities in Mexico are also of special interest. We have seen how Mexico was used as a spy base during the war, and it is probable that today even in time of peace it is still being used as such.

Apart from protecting naval and military secrets from the foreign spy, and being ready to combat the saboteur in the event of war, a counter-espionage service would amply justify its existence by keeping a watchful eye on internal subversive movements. In addition it would serve to coördinate all pertinent information collected by the various law enforcement agencies of the Government, by the local police forces, reserve Army Intelligence officers and the American Legion. Under present conditions such information tends to be hidden in

watertight compartments. The Immigration and Naturalization Service, the Federal Bureau of Investigation, and finally the Secret Service Division of the Treasury Department could all be used as channels of information and action without in any way interfering with their present functions.

When we turn to the field of secret service, we find the United States in an even weaker position. She is the only large nation that does not employ such a service to obtain the war plans of prospective enemies and learn about their new weapons. The small Intelligence units maintained by the Army and Navy are the only organizations of the kind, and their principal object is to serve as a nucleus for expansion in time of war. The Military Intelligence, a small section of the General Staff, consists of a few officers and stenographers. When we consider that its yearly grant is only \$30,000, we are not surprised to learn that its sole function is to act in an advisory capacity to the Staff and to digest the information from foreign press clippings and such data as the military attachés are able to gather by keeping their eyes and ears open. The Cryptographic Bureau, which functioned so efficiently during the latter part of the war and immediately afterward, has been discontinued.

Today, nearly every European country not only has large and active Military and Naval Intelligence Services, as well as effective counter-espionage organizations, but also a central secret service operating an army of spies whose reports are distributed to the Navy, Army, and Foreign Office.

The combined efforts of American armament manufacturers, research laboratories, and the specialists of the Army and Navy have probably succeeded in keeping equipment up-to-date and may possibly have developed some surprise weapons of their own; but in these times of rapid changes it is truly dangerous for any country not to be fully posted on the military developments of the rest of the world. It is futile to think that weapons which are considered inhuman will not be employed. Military experts and foreign statesmen agree that all international laws will be broken and the most destructive weapons that can be devised will be used. Effective defense against new weapons can be prepared only if they are known in advance.

Before the World War, there was an interchange of information between the different international armament manufacturers. The result was that the heavy siege guns used by the Germans in their attacks on Liège and Antwerp were the only weapons of any importance which were not common to all armies at the outbreak of hostilities in 1914. Today almost every country has an official secrets act which prevents the interchange of information.

Spying is undoubtedly on the increase. Hardly a week passes without the European press's reporting some important spy arrest; and yet those who have secret service experience realize that these newspaper reports only reflect the bubbling at the surface—that underneath, secretly and cautiously, extensive spy networks are being established in every country.

In France alone more spies have been caught since the Armistice than were arrested throughout the whole of Europe during the twenty-five years preceding the World War. It is disturbing to discover that many of the spies arrested in Europe during the last few years have been Americans in foreign secret service employ.

For an annual expenditure of less than one per cent of what we lost from German sabotage during the neutrality period we could maintain a secret service and counter-espionage organization the peer of any in the world. This indeed seems a low rate of insurance to pay for rendering the country safe from military surprise and from the ravages of subversive agents both foreign and domestic.

Appendix

CHRONOLOGY

- July 7, 1914*—Count von Bernstorff sailed for Germany.
- August 2, 1914*—Count von Bernstorff started his return journey to America.
- January 1, 1915*—Incendiary fire at the John A. Roebbling Company plant at Trenton.*
- January 3, 1915*—Mysterious explosion on the S.S. *Orton* in Erie Basin.†
- January 18, 1915*—Captain von Papen paid Werner Horn \$700 by check Number 87 for his work in attempting to destroy the Vanceboro Bridge in Maine.
- January 26, 1915*—Radio from the General Staff in Germany, signed Zimmermann, to the German Embassy, in Washington, for the Military Attaché. See page 8.
- February 1915*—Werner Horn attempted to blow up the Vanceboro bridge at Machias, Maine.
- February 2, 1915*—Captain von Papen sent the German Consulate at Seattle a check for \$1300.
- About February 3, 1915*—A bomb was found in the cargo of the S.S. *Hennington Court*.
- Toward the end of February, 1915*—The S.S. *Carlton* took fire mysteriously.
- March 1915*—Carl Schmidt was first employed by Kaltschmidt in Detroit for sabotage activities.
- March 1915*—Gustave Steven was employed by Kaltschmidt to blow up bridges on the Canadian Pacific Railway.
- March 5, 1915*—Explosion at Du Pont Plant at Haskell, N. J.
- April 1, 1915*—Explosion of Equitable Powder Plant at Allon, Illinois.
- April 4, 1915*—Mysterious explosion of caps for shells at the New Jersey Freight Depot, Pompton Lakes.
- April 1915*—Lieutenant von Rintelen arrived in the United States.
- April 9, 1915*—Letter from Captain von Papen to General von Falkenhayn regarding Lieutenant von Rintelen, and expressing thanks that "the army administration is prepared to employ large funds to curtail the supply of war materials for our enemies in every way possible."
- April 20, 1915*—Dr. Albert in a letter to the State Secretary of the Interior confirmed the understanding that "all measures necessary for the purpose" were to be taken to prevent the shipment of munitions to the Allies.
- April 23, 1915*—Robert Fay arrived in the United States from Berlin, with specific orders to engage in sabotage activities and to report to Captain von Papen.
- April 29, 1915*—The S.S. *Cressington Court* caught fire at sea.
- April 1915*—Two bombs were found in the cargo of the S.S. *Lord Erne*.
- April 1915*—A bomb was found in the hold of the S.S. *Devon City*.
- April 1915*—Koolbergen met von Brincken in the Heidelberg Café in San Francisco, and arrangements were made for his employment in sabotage activities by the German Consul and Vice Consul in San Francisco.
- May 3, 1915*—Explosion at the Anderson Chemical Company at Wallington, New Jersey, costing three lives.
- May 5, 1915*—Count von Bernstorff wrote to Dr. Albert asking him to place \$30,000 out of the Loan Fund at the disposal of William Wilkie, who had been employed under a formal contract, to assist the German Government in work "to obstruct and hinder the delivery of orders and toluol and picric acid which have been contracted for by the Allies."

* This was about the beginning of a long series of mysterious unexplained incendiary fires and explosions in properties where supplies for the Allies were being manufactured.

† As Captain Tunney says regarding the many similar occurrences which followed, "There was a maddening certainty about it all that suggested that every ship that left port must have nothing in her hold except hungry rats, parlor matches, oil waste and free kerosene."

May 8, 1915—Two bombs were found in cargo the S.S. *Bankdale*.

May 10, 1915—Explosion in Du Pont plant at Carney's Point, N. J.

May 11, 1915—Captain von Papen sent the German Consulate at Seattle \$500.

May 13, 1915—The S.S. *Samland* took fire at sea.

May 15, 1915—Two explosions occurred at the Du Pont plant, Carney's Point, N. J.

May 21, 1915—A bomb was found on board the S.S. *Anglo-Saxon*.

May 25, 1915—An explosion occurred at Du Pont plant, Carney's Point, N. J.

May 30, 1915—Explosion in Seattle Harbor of dynamite manufactured at Pinole, California, which was then located on a barge in Seattle Harbor. The evidence establishes the relations of the German Consul General at San Francisco and also the fact that Captain von Papen was in Seattle shortly before this explosion and paid money to the German Consul there apparently for use in connection with it.*

May 1915—The S.S. *Kirk Oswald* out of New York laden with supplies for France docked at Marseilles and in four sugar bags in her hold were found bombs.

Early in June 1915—Captain Bode went to see Robert Fay "at the Riverside Garage at Weehawken," which Fay used as a workshop, and asked Fay to produce some bombs for blowing up ships.

June 2, 1915—The S.S. *Strathway* mysteriously took fire at sea.

June 4, 1915—A bomb exploded on the S.S. *Minnehaha* while she was at sea.

June 26, 1915—Incendiary fire at the Aetna Powder plant at Pittsburgh.

Summer of 1915—Kaltschmidt and his associates were engaged in sabotage activities in Detroit.

July 2, 1915—In a corridor of the main floor of the Senate wing of the United States Capitol at Washington used to stand a telephone switchboard—on the night of Friday, July 2, 1915, an explosion near it blew fragments of the board through the walls of the telephone booths adjoining . . . Plaster was rent from the walls and ceilings, every door near by was blown open . . . (one was a door into the Vice President's office) . . . The east reception room was wrecked. A hole was torn in the wall and fragments of windows, mirrors, crystal chandeliers and other crystal apparatus flew in every direction.

July 3, 1915—An attempt was made to assassinate J. Pierpont Morgan at his home on Long Island by a man named Holt, who was identified as of "German origin" and who also apparently participated in the placing of dynamite on ships.

In running Holt down the authorities discovered, as part of his property, a trunk filled with 134 sticks of dynamite . . . several bottles of sulphuric acid and nitric acid and 197 detonating caps.

July 7, 1915—Explosion at the Philadelphia Benzol plant at Harrison Brothers.

July 7, 1915—Incendiary explosion at the Du Pont plant at Pompton Lakes.

July 13, 1915—The S.S. *Touraine* took fire mysteriously while at sea.

July 14, 1915—The S.S. *Lord Downshire* took fire mysteriously while at sea.

July 15, 1915—Incendiary fire Central Railroad grain elevator at Weehawken.

July 16, 1915—Incendiary explosion and fire at the Aetna plant at Sinnemahoning, Pennsylvania, costing five lives.

July 19, 1915—Incendiary explosion at the Du Pont plant at Wilmington.

July 20, 1915—A mysterious fire was discovered in the hold of the S.S. *Knutford*.

July 20, 1915—Report by Paul Koenig to Captain von Papen with respect to the payment of \$150 secured by cashing check of Captain von Papen's, Number 146, on the Riggs National Bank, in Washington, dated July 16, 1915, which funds were paid to a man who had exhibited a sample bomb, of a kind previously described by Captain von Papen to Paul Koenig, made to resemble a lump of coal.

July 21, 1915—Dr. Albert's letter to his wife refers to his collaboration with Herr von Papen "in the field known to you."

July 24, 1915—Five mysterious fires started in the hold of the S.S. *Craigside*.

July 25, 1915—Munitions train mysteriously wrecked at Metuchen, N. J.

July 27, 1915—Two bombs were found on board the S.S. *Arabic*.

* The detailed dates in connection with this piece of sabotage work have been omitted from this chronology. The German Consul and Vice Consuls in San Francisco were indicted and convicted in connection with this matter.

July 28, 1915—Mysterious explosion at the Du Pont works in Wilmington.

July 29, 1915—Mysterious destruction of a glaze mill in the American Powder Company at Acton, Massachusetts.

August 1, 1915—Wolf von Igel rented offices at 60 Wall Street, New York, under a lease extending to May 1, 1916, which was later renewed to May 1, 1917.

From these offices much of the sabotage work was directed. They were known as the headquarters of the "War Intelligence Center" or "Bureau of the Military Attachés" in German official circles. The owner of the building was told at the time of the renewal of the lease that von Igel was engaged in the "advertising business."

August 9, 1915—The S.S. *Asuncion de Larringa* mysteriously took fire at sea.

August 11, 1915—Incendiary fire Westinghouse Electric Plant, Turtle Creek, Pennsylvania.

August 13, 1915—Bombs were found in the cargo of the S.S. *Williston*.

August 16, 1915—The denial of the participation of the German Embassy in the work of fomenting strikes in munition factories, found in Dr. Albert's files, bears this date.

August 27, 1915—Johannes Hendrickus Koolbergen, in a sworn statement, confesses to the sabotage work for which he was employed by Mr. Franz Bopp, the German Consul at San Francisco.

August 27, 1915—The lighter *Dixie* mysteriously took fire while being loaded.

August 29, 1915—Explosion in Du Pont Plant at Wilmington, Delaware.

August 30, 1915—Michael Kristoff was convicted at Rye, New York, for carrying a revolver.

August 1915—Train loaded with 7,000 pounds of dynamite was destroyed at Pinole, California.

September 1, 1915—The S.S. *Rotterdam* took fire mysteriously at sea.

September 2, 1915—The S.S. *Santa Ana* took fire mysteriously at sea.

September 29, 1915—Dynamite was found on the pier where the S.S. *San Guglielmo* was about to depart.

Early Part of October 1915—Captain von Papen's office telephoned Robert Fay to come to 60 Wall Street, and Captain von Papen gave Fay orders regarding the destruction of a "plant somewhere in the southern part of Kentucky."

October 3, 1915—Dr. Albert wrote to his wife saying: "I prefer not to say anything in detail about what I am doing here. Mr. von P.'s experience is a warning."

October 4, 1915—Captain von Papen paid Dr. A. W. Reissling's expenses for a "journey to Actna."

October 5, 1915—A deposit of \$25,000 was made to Kaltschmidt's credit by the Chase National Bank as directed by Dr. Albert.

October 11, 1915—A mysterious fire occurred in the Baldwin Locomotive Works at Eddystone.

October 24, 1915—Robert Fay was placed under arrest and examined at Police Headquarters, New York City. He testified then that he was told by Captain von Papen not to make any trouble. Robert Fay's examination at Police Headquarters on Oct 24, 1915, is in part as follows:

"A. I had to say something and I made a bluff that I could do these things and they said it was up to the officials on the other side. I can never go back again. I have been told strictly not to make any trouble.

"Q. Who told you that?

"A. Von Papen."

October 25, 1915—Paul Daeché, a German sabotage agent connected with Robert Fay, was arrested at Weehawken, N. J.

October 26, 1915—Statement of C. L. Wettig regarding the participation of Max Breitung, Dr. Kienzle and others in the sabotage work under Captain von Papen.

October 26, 1915—The S.S. *Rio Lages* mysteriously took fire at sea.

October 28, 1915—Statement by Louis J. Smith, regarding the orders from the German Consul General, von Bopp, of San Francisco, to blow up various things.

October, 1915—A mysterious fire destroyed shops of the Bethlehem Steel Co.

November 3, 1915—A mysterious fire broke out in the hold of the S.S. *Euterpe*.

November 6, 1915—A mysterious fire broke out on the S.S. *Rochambeau* while at sea.

November 7, 1915—An explosion occurred on the S.S. *Ancona* while at sea.

November 8, 1915—The German Government in a note to the United States State Department flatly denied that any German officers had been connected with passport frauds.

November 10, 1915—Mysterious fire at Bethlehem at the Bethlehem Steel Company "of which all Germany had had warning and on which the German press was forbidden to comment."

November 12, 1915—Theodore Otto reported to Captain von Papen regarding "an incendiary fire" at Bethlehem, saying "the place of the fire presents a sight which does the eye and heart good."

November 26, 1915—Incendiary fire in the Roebling Plant at Trenton, N. J., where wire cables were being made for the Allies.

December 4, 1915—The president of the United States requested the recall of Captain Von Papen and Captain Boy-Ed.

December 4, 1915—Two mysterious fires occurred on board the S.S. *Tynningham* while at sea.

December 7, 1915—The President of the United States sent a message to Congress regarding the recall of Captain von Papen and Captain Boy-Ed and officially charged the German Government with conspiracies against our neutrality.

December 8, 1915—The Secretary of State of the United States wrote again to Count von Bernstorff repeating the request for the immediate recall of Captain von Papen and Captain Boy-Ed, saying, "The relations of the two attachés with individuals who participated in illegal and questionable activities are established."

December 10, 1915—The German Ambassador formally notified the Secretary of State that the Emperor had recalled Captain Boy-Ed and Captain von Papen in accordance with the wishes of the United States Government.

December 10, 1915—Dynamite was found in the coal tender of a munitions train in the Baltimore & Ohio Railroad at Callery Junction, Pa.

December 18, 1915—Paul Koenig and Richard Leyendecker were arraigned and held in \$15,000 bail for sabotage activities. Fred Schliendl was arrested the same day.

December 18, 1915—The German Government in an authorized wireless to the *New York Times* denied that it ever "accepted the support of any person... seeking to promote the cause of Germany... by contravention of law or by any means whatever that could offend the American people..." and also "absolutely denies" responsibility in any way for the "attacks upon property and various of the rights of the American Government."

December 21, 1915—Fred Metzler, Paul Koenig's secretary, and Richard Emil Leyendecker went before a grand jury in New York and confessed to their part in Koenig's trip to Canada in connection with the second attempt to blow up the Welland Canal.

December 23, 1915—Captain Von Papen sailed for Europe, after his recall at the request of President Wilson and on leaving made a statement saying that he had a "clean record" and denying all "misrepresentations and calumnies."

December 23, 1915—Paul Koenig, Richard Leyendecker and a man named "Justice" were indicted by a Federal Grand Jury for the Southern District of New York for a second attempt to blow up the Welland Canal.

December 24, 1915—Dynamite was found in the cargo of the S.S. *Alston* while at sea.

December 26, 1915—A mysterious fire was discovered in the hold of the S.S. *Inchmoor*.

December 26, 1915—A mysterious fire was found in the hold of the S.S. *Manchuria*.

December 28, 1915—Von Rintelen was indicted for fomenting strikes in munitions factories.

December 29, 1915—Captain Boy-Ed sailed for Europe, after his recall by President Wilson, saying that he "refrained" from "refuting all the stories which were told about me in the American newspapers."

December, 1915—Schleindl, the German reservist who was employed by Paul Koenig to work in the National City Bank and procure the reports of movements of munitions, was arrested.

January 2, 1916—Captain von Papen's papers disclosing various details of the sabotage campaign were seized by the British authorities at Falmouth.

January 1916—The German Government placed \$3,500,000 at Dr. Albert's disposal.

January 10, 1916—Explosion in the Du Pont powder plant at Carney's Point, N. J.

January 11, 1916—Explosion at Du Pont plant in Wilmington, Del.

- January 15, 1916—Explosion in the Du Pont plant at Gibbstown, N. J.
- January 15, 1916—Count von Bernstorff, when the contents of Captain von Papen's papers seized at Falmouth were reported to him, said, according to the newspapers—"I don't believe it."
- January 19, 1916—A mysterious fire occurred on the S.S. *Sygna* while at sea.
- January 19, 1916—A bomb explosion occurred on the S.S. *Ryndam*.
- January 22, 1916—Two bombs were discovered in the cargo of the S.S. *Rosebank*.
- February 2, 1916—Von der Goltz made a statement to the British Metropolitan Police at Scotland Yard, in which he described his relations to Captain von Papen, and told of the dynamite for sabotage work furnished to him by Captain von Papen and Captain Hans Tauscher.
- February 3, 1916—Dr. Albert, in a report "to the State Secretary of the Interior, Berlin," pledged the same support to von Igel which he had previously given to Captain von Papen in the work of preventing the delivery of war materials to the Allies.
- February 3, 1916—A bomb was discovered in the cargo of the S.S. *Hennington Court*.
- February 12, 1916—Bethlehem Projectile Plant destroyed.
- February 16, 1916—A mysterious fire occurred in the S.S. *Dalton* while at sea.
- February 19, 1916—Explosion in the Union Metallic Cartridge Company plant in Bridgeport, Conn.
- February 20, 1916—Explosion in the Middlesex Analine Co. plant at Bound Brook.
- February 21, 1916—A bomb explosion occurred on S.S. *Tennyson* while at sea.
- February 26, 1916—A mysterious fire occurred on the S.S. *Livingston Court* in Gravesend Bay.
- February 1916—An incendiary fire was started in Houses of Parliament in Ottawa.
- End of February 1916—The S.S. *Carlton* caught fire at sea mysteriously.
- April 4, 1916—A cargo of supplies for the Allies on the S.S. *Marta* was damaged.
- April 13, 1916—Du Pont plant at Bluefields, W. Va., wrecked by an explosion.
- April 18, 1916—Wolf von Igel was arrested for sabotage activities and many incriminating documents were taken from him.
- April 19, 1916—Eight men were arrested in New Jersey, principally employees of the North German Lloyd Company in connection with the placing of fire bombs upon cargoes on ships.
- April 19, 1916—Robert Fay confessed to his employment as a German sabotage agent, his work with von Papen, and his relations to Paul Koenig.
- April 27, 1916—Fred Schleindl confessed to the United States officers his relations to Paul Koenig and his sabotage conferences at the Café Bismarck.
- May 10, 1916—The Atlas Powder mixing plant was destroyed.
- May 11, 1916—A plot was discovered to destroy the William Todd Company plant at Youngstown, Ohio.
- May 14, 1916—The munitions cargo of the S.S. *California* was mysteriously damaged.
- May 14, 1916—A mysterious fire was discovered in the hold of the S.S. *Kandahar*.
- May 16, 1916—The Du Pont Powder Company plant at Gibbstown was mysteriously destroyed.
- May, 1916—A large chemical plant in Cadillac, Michigan, was mysteriously destroyed.
- June 7, 1916—Du Pont plant at Wayne, N. J., destroyed.
- July 1, 1916—Congress authorized the Bureau of Investigation of the Department of Justice to investigate matters at the request of the State Department. Prior to that time the Bureau's power of investigation had been very limited.
- July 22, 1916—Explosion in Hercules Powder Works.
- July 26, 27, 28, 29, 1916—Michael Kristoff, who had been working at the Eagle Oil Works plant at Bayonne, near Black Tom, was absent from the works.
- July 22 to August 4—It is interesting to note that Dr. Albert's diary, which rarely misses a day in recording his social and business activities, is a complete blank for the days July 22, 23, 24 and 25, and all of the days from July 28 to August 4 inclusive.
- August 18, 1916—Two attempts were made to blow up the piers of the Pacific Coast Steamship Company.
- August 1916—Robert Fay, who had been in prison at Atlanta, escaped and was assisted

in reaching Mexico by Paul Koenig and Leyendecker, and various German consuls in Savannah, Baltimore, Philadelphia, Chicago, and San Francisco.

October 2, 1916—A mysterious fire was discovered in the hold of the S.S. *Philadelphia*.

October 8, 1916.—A mysterious fire occurred on the S.S. *Antilla*.

October 28, 1916—A mysterious fire broke out in the hold of the S.S. *Chicago*, and she was taken into the Azores.

November 5, 1916—A fire broke out in the S.S. *Ponus* and it was put ashore in Falmouth bay.

November 21, 1916—Twenty unexploded bombs were found in the sugar cargo of the American S.S. *Sarnia*. She was beached and flooded near Cherbourg.

November 27, 1916—Michael Kristoff told Alexander Kassman that "in the middle of the night with two men he went over to Black Tom. One man told Michael Kristoff to watch the place all round, and he, Michael Kristoff, with another man, went to a big steamboat with ammunition aboard. . . . Around the ship where I put the dynamite were steamboats and on the boats were cars of ammunition. My friend also put on one boat between the cars, and half an hour later there was an explosion. . . ."

November 27, 1916—The cargo of the S.S. *Regina d'Italia* was partly destroyed by a mysterious fire.

About December 1, 1916, or Earlier—Fiodore Wozniak, a Russian workman, was planted in the munitions assembling plant.

December 9, 1916—The Midvale Chemical Co. building at Bayway was destroyed by a fire and explosion.

December 27, 1916—The Bethlehem Steel Co. gas plant was destroyed by an explosion.

December 31, 1916—The *New York Times* estimates that the "incendiary loss in 1916 was easily twenty-five million dollars, or fifteen million dollars above normal."

January 11, 1917—The Kingsland Assembling Plant was destroyed.

January 16, 1917—Clarence Tomlinson, one of the workmen in the Kingsland factory, identified Wozniak as the man at whose machine in the factory the fire started.

January 17, 1917—Maurice Chester Musson, another workman at the Kingsland plant, furnished a statement to Judge Fake confirming the probably incendiary origin of the fire.

March 7, 1917—C. J. Scully, a United States officer, reported regarding Fritz Kolb, who was at the Commercial Hotel, 212 River Street, Hoboken, "directly opposite the piers of the North German Lloyd Line" and says that "in this man's room were found two bombs, one loaded, as well as powder and various ingredients used in the manufacture of nitroglycerine."

April 2, 1917—President Wilson, in addressing Congress regarding the declaration of war, repeated the charge that the German Government has engaged in a sabotage campaign.

April 4, 1917—Siegel and Rodriguez [Herrmann] left the United States for Cuba with the intention of going to Mexico, according to the statement of Witzke. Witzke indicates that these men participated in the arrangement for the Black Tom explosion.

April 6, 1917—United States declared war on Germany. Nearly all the German agents fled to Mexico as rapidly as possible. Destruction of factories, etc., ceased very quickly after this date.

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