

U. S. Bureau of Investigation

Department of Justice
Room 1403
370 Lexington Avenue
New York, N. Y.

FEB-11-1934



FXO'D:PS
62-3206

January 29, 1934.

Director,
Division of Investigation,
U. S. Department of Justice,
Washington, D. C.

Re: THEODORE J. WOZNIAK
JOHN (IVAN) BARAN
Conspiracy to Defraud the United States
Espionage

Dear Sir:

This is to advise you of a request received by telephone from the office of Cravath, DeGersdoff, Swaine & Wood, 15 Broad St., New York City, by Agent O'Donnell of this office relative to the above entitled case. The specific information asked for was, whether or not mention of the names Ernst Franz Haenstaengle, Jim Larkin and Albert Hickland might be included in any files at this office bearing upon the Black Tom and Kingsland explosions. Mr. Dillon, who made the inquiry, was advised that it would be better for his office to seek this information by addressing a letter of inquiry to you in view of the fact that this procedure had been generally followed by his office and the offices of other parties interested in this matter under similar circumstances in the past. It is quite likely, therefore, that you will shortly receive a request from the above named law office for the information indicated.

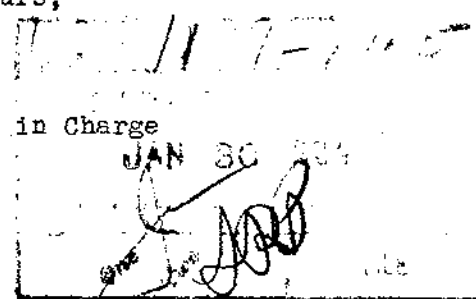
I might state that a search of our files here does not reflect the connection of any one of the three above named individuals with the investigation into the Black Tom and Kingsland explosions. The James Larkin referred to is the more or less well known anarchist who is presently living in England and from whom Mr. Dillon stated a statement has been secured dealing with the participation in the Black Tom and Kingsland explosions of several individuals, among whom were probably the other two previously mentioned. Mr. Dillon stated that he had not as yet had an opportunity of seeing the affidavit and could therefore not be more explicit as to its contents. The affidavit has undoubtedly been secured as a result of further efforts on the part of his firm to secure information of interest to the side of the American claimants in future efforts to be put forth by them to re-establish their claim against the German government for liability in the disasters named.

8/9/96 SP6 Bolkow 91-1926
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/1/91 BY 8123 pcr/pet
#297,965

Very truly yours,

F. X. FAY
Special Agent in Charge

RECORDED
&
INDEXED



JER/erk

June 14, 1934.

MEMORANDUM FOR MR. TAMM.

Colonel Gates advised this afternoon in telephone that the New York Evening Sun has a story to the effect that when the "Dirceps" arrives here on Sunday this Division is supposed to take into custody one Earnest Hanfstaengl, alleged to be connected with the Black Tom arsenal explosion in New Jersey.

I advised Colonel Gates there is no truth to this report, as this Division does not even have the power of arrest, and that I had heard nothing about the matter.

I stated I understood this man was mentioned in an affidavit made by a man named James J. Parkin, in which he was charged with having been a participant in the Black Tom explosion, and that apparently the newspapers are working on the conclusion that the affidavit is proof.

Very truly yours,

Director.

8/9/96 SP6 Bw 91-1290
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/1/91 BY 8123 WCH/BAK
297,968

RECORDED
&
INDEXED

62-1117-164

KDD:AEK

RECORDED

62-1179-165

August 15, 1934

Major Frank Pease,
221 Centre Street, 4th Floor,
New York, New York.

My dear Major Pease:

I am in receipt of your letter under date of August 9, 1934, with reference to the activities of Mr. Ernest P. Hanfstaengl and his possible connection with the "Black Tom" explosion.

The Division of Investigation, U. S. Department of Justice, is precluded by legislative enactment from making any inquiry in matters relative to communistic or radical activities. As suggested in my letter under date of July 18, 1934, you should, in the event you possess any information relating to the "Black Tom" explosion, communicate with Mr. H. H. Martin, Counsel and Assistant to the American Agent, Mixed Claims Commission, United States and Germany, 1511 K Street, Northwest, Washington, D. C., which agency has, as you probably know, been conducting extensive inquiry into this matter in connection with its general work.

Sincerely yours,

John Edgar Hoover,
Director.

EW

4th Floor,
221 Centre St.,
New York City,

Aug. 9, 1934.

Mr. J. Edgar Hoover,
Chief Bureau of Investigation,
U.S. Dept. of Justice,
Washington, D.C.

My dear Mr. Hoover:

Thank you for your informative letter of some days since. As an inveterate propagandist, I have been almost too busy getting out my latest propaganda, a copy of which, to ^{WENT} you a few days ago, to make a detailed reply to your points.

Every since returning, or since first word came over that Hanfstaengl was threatening us with a visit, I have been in close touch with the Cong. Comm. Congressman Dickstein wired me to meet him in New York when I first read about Hanfstaengl and communicated with him about steps which might be taken to get Hanfstaengl on the carpet. I told him that Hanfstaengl, simply by taking a ship, could not divorce himself from his official function, both in the German Government ~~for~~ and in the Nazi Party, and told him that Hanfstaengl could be pulled in on the technical-legal basis of arriving as "an official not accredited to the State Department." It was my opinion that the Congressman was very anxious at that time to get Hanfstaengl in for at least a questioning. But later, as you know, this did not come off as expected, though why not, I do not know to this day.

Meanwhile (in that intervening two months between the first announcement and Hanfstaengl's actual coming), the tale of Jim Larkin's alleged statement that he, Larkin, had been in touch with or knew about an "Umptstaengl" who was connected with the Black Tom explosion developed. At just that time, and as I then wrote your offices, I had what looked like an entirely independent "lead" towards Hanfstaengl. This I promptly conveyed to the offices of the Naval Intelligence, the Military Intelligence, the Secret Service. I did not send it to the people actually handling that case, because I did not know their names. As I wrote you last, this possible "lead" was never taken up by anyone, yet in my recitation to those offices, I covered all the data as I had learned it, and certainly it looked then, and I may add, still looks as though it were bona fide.

I am assuming that what happened is what too frequently happens, at least in my own experience, and that is that those

RECORDED

INDEXED

AUG 15 1934

J. Edgar Hoover,
Aug. 9, 1934.

II.

received my communication, not themselves having any official connection or orders in the matter, simply placed my letter on file.

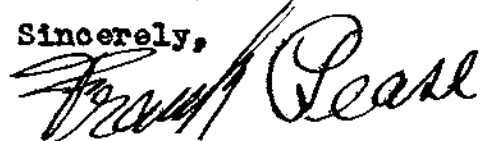
I thought then, and still think, that it would have been a very good thing to have Hanfstaengl in for a thorough going over.

It is extremely to be regretted that you are not given sufficient funds for complete survey and action in this highly inimical field of alien propagandas here. It seems to me as though a major part of the problem, is not only to secure some legislation with teeth in it, but some funds, too, as a first step. I hope you are fortunate enough to get these one of these days...

May I hope that you will find time to go through my document. It will interest you to learn that it, receiving enthusiastic endorsement everywhere, no one but Nazis and communists opposing it, and that a big firm here is ordering 100,000 for sale, as well as all the leading bookstores and newsstands now selling it briskly.

Again with all thanks for your every attention and courtesy, I am,

Sincerely,



Frank Pease (Maj.)

AM. DEF'ND'R PRESS
221 CENTRE ST.
NYC. NY.

Sign the Examiner Olympics Petition!

To the Members of the American Olympic Committee:

We, the undersigned, profoundly grieved by the destruction in Germany of the spirit of fair play and good sportsmanship, and deeply loyal to the true Olympic ideals to which Hitlerism is absolutely opposed, do petition your committee:

To reject the invitation of the German Olympic Committee to compete in the Berlin Olympiad; to refuse to certify entries from the United States to the Olympiad if held in Berlin; to transmit to the International Olympic Committee your disapproval of the treatment accorded German Jewish athletes, and to urge upon the International Olympic Committee the necessity of transferring the XIth Olympiad to a site more in harmony with Olympic ideals than Nazi Germany.

Name

Address

**FORWARD TO EXAMINER OFFICE
186 JORALEMON STREET, BROOKLYN, N. Y.**

62-1177-165

SECRET
10-10-70

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1633211-000

Total Deleted Page(s) = 11

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Page 151 ~ Duplicate;
Page 314 ~ Duplicate;
Page 315 ~ Duplicate;
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Page 322 ~ Duplicate;

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January 18, 1924.

Captain Luke McNamée,
Director, Naval Intelligence Division,
Washington, D. C.

My dear Captain,-

27326

I will appreciate it if you will forward
to me for my examination all the files in your
Bureau relating to the "Black Tom" explosion.

Very truly yours,

M. J. Quinn
Director.

62-1199-1

January 14, 1922.

Lieutenant-Colonel Stuart Heintzelman,
Director, Military Intelligence Division,
Washington, D.C.

My dear Colonel,-

27325

I will appreciate it if you will forward to me
for my examination all the files in your Bureau re-
lating to the "Black Tom" explosion.

Very truly yours,


Director.

62-1137-7

Department of Justice

Bureau of Investigation

15 PARK ROW, 14TH FLOOR

NEW YORK, N. Y.

January 17th, 1922.

JAN 17 1922

27324

Director,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

Att. Mr. George F. Ruck

Dear Sir:-

RE: BLACK TOM EXPLOSION

Agreeable to your telephonic instructions of even date, I have caused a very careful search to be made of the files of this office, and fail to find any specific file under the above caption. I do, however, find that in New York file #30866 re: Albert Giessen, alias A. L. Geisen and in New York file #40604 re: John Kristoff, alias John Christie, there are references of interest to the explosion in question. I am enclosing both these files in their entirety and will thank you to return them when they have served their purpose. It is the recollection of some of the older agents in this office, that little, if any work was done in investigating the explosion in question, in view of the fact that at the time it was not looked upon particularly as a Federal matter, being considered more of interest to the railroads, which at the time (July 30th, 1916) had not yet come under the control of the Government.

In addition to the above steps, I also called up Agent Burpo at the Newark Office, who informed me that he had no file either on the subject. This can be explained possibly by reason of the fact that the Newark office was not opened until 1917, whereas, as previously stated the explosion occurred on July 30th, 1916.

Truly yours,

EDWARD J. BRENNAN
SPECIAL AGENT IN CHARGE.

FXO'D/MJB

2 enclosures
1-18-22

JDS

January 18, 1944

62-1199

Capt. J. V. McConville,
Military Intelligence Division,
War Department,
Washington, D. C.

Dear Sir:-

I desire to thank you for the file on 27323
the Black Tom Explosion matter, which I am returning
herewith.

Very truly yours,

Director.

62-1199-4

In replying refer to

10095-544

WAR DEPARTMENT
OFFICE OF THE CHIEF OF STAFF
WASHINGTON

January 19, 1922.

Mr. W. J. Burns,
Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

27321



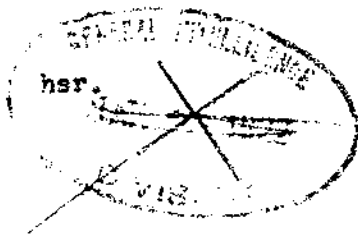
My dear Mr. Burns:

Receipt is acknowledged of your letter of January 16, 1922 (JEH-H) in which you request that all the files in this Division relating to the "Black Tom" explosion be forwarded to your Bureau for examination. In this connection I wish to state that Mr. J. D. Sadler of the Bureau of Investigation came to this office January 17th and was given access to all of these files and took with him for further examination our file No. 10541-268 which contained the most pertinent information bearing upon this case.

Very truly yours,

For the A.C. of S., G-2.

W. H. Cowles,
Major, Cavalry,
Chief, M. I. 4.



JAN 27 1922

h7R

January 19, 1922.

Mr. W. J. Burns,
Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

27322

My dear Mr. Burns:

Receipt is acknowledged of your letter of January 16, 1922 (JSH-H) in which you request that all the files in this Division relating to the "Black Tom" explosion be forwarded to your Bureau for examination. In this connection I wish to state that Mr. J. D. Sadler of the Bureau of Investigation came to this office January 17th and was given access to all of these files and took with him for further examination our file No. 10541-268 which contained the most pertinent information bearing upon this case.

Very truly yours,

For the A.C. of S., G-2.

W. H. Cowles,
Major, Cavalry,
Chief, M. I. 4.

her.

GPR: JDS

January 21, 1941.

Mr. E. J. Brennan,
Box 241,
City Hall Station,
New York City.

27320

Dear Sir:-

There is enclosed herewith file #30866
belonging to your office.

This file should have been forwarded to
you in my communication of the 19th instant, but
its enclosure was inadvertently omitted.

Very truly yours,

Director.

Black Lou
Explosion
62-1199

62-1199

January 18, 1931.

Mr. E. J. Brennan,
Box 241,
City Hall Station,
New York City.

27319

Dear Sir:-

I desire to thank you for your files #30866
and #40604, which I am returning herewith.

Very truly yours,

W. J. Davis
Director.

62-1477-7

62-1199

WJB:JBD

February 14, 1922

27318

Hon. George Sutherland,
c/o Mr. Wade Ellis,
Southern Bldg.,
Washington, D.C.

My dear Senator:

I forgot to give you the memorandums
showing what we have in our files on the Black Tom
Island explosion, and I am enclosing the same herewith.
The real information, however, will be gotten from
Dr. Altendorf.

Very truly yours,

Director.

62-1199-8

EDWARD J. BRENNAN

February 21, 1925.

Mr. J. Edgar Hoover,
Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

In re: U.S. IN BEHALF OF THE LEHIGH
VALLEY R.R. vs. GERMAN GOVERN-
MENT.

New York File No. 62-123

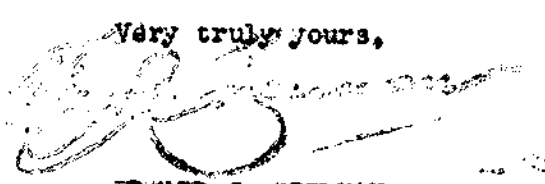
Dear Sir:-

I am transmitting you herewith original letter addressed to you under date of February 21st, 1925 signed by Amos J. Peaslee of the firm of Peaslee, Brigham & Gennert, Attorneys-at-Law, 501 Fifth Avenue, New York, which is attached thereto copy of an affidavit drawn up by Mr. Peaslee for the signature of Special Agent Charles J. Scully of this office, concerning certain activities of Special Agent Scully during May, 1916, which it appears is very important information by the plaintiffs in the above entitled matter.

In the event that there is no objection of the Department or the Bureau for Agent Scully making this affidavit, Mr. Peaslee requests that, if possible, I be advised by wire on next Tuesday, February 24th, so it could be arranged for Special Agent Scully to sign the original of this affidavit on next Tuesday, which Mr. Peaslee desires to forward to Washington on next Tuesday night.

I do not know of any particular reason why it wouldn't be alright for Special Agent Scully to execute this affidavit.

Very truly yours,



EDWARD J. BRENNAN
Special Agent in Charge.

EJB:MR
enc



**Office of the Attorney General
Washington, D.C.**

January 12, 1922

MEMORANDUM FOR MR. BURNS:

I hand you herewith a brief of the investigation in reference to the persons responsible for blowing up Black Tom Terminal on the Lehigh Valley Railroad.

This was given to me by ex-Senator George Sutherland. I wish you would examine the statement carefully, then examine your files and see if there is anything in the files that would be helpful in substantiating the claim of Senator Sutherland's clients. I would be willing in this instance, in as much as the parties suspected of having committed this offense were inspired by the German government, to give Senator Sutherland and his clients the benefit of any information we have in the files. Kindly take the matter up as quickly as possible and then confer with Senator Sutherland on the matter.

Herbert D. Angell

Attorney General

M E M O R A N D U M.

BLACK TOM ISLAND EXPLOSION.

---000---

This explosion took place at the terminal of the Lehigh Valley Railroad Company, located on Black Tom Island, N. J., in the harbor of New York on the 30th of July, 1916, destroying approximately thirty three earloads and ten barges of munitions and doing considerable damage to the property located in the vicinity of the island. The munitions were awaiting shipment to certain foreign countries to which they had been consigned.

What meager evidence and information is in the possession of this Bureau relative to the identification of those who were responsible for this act, indicates that the same was the work of one Colonel Nekrasoff, a former officer in the Russian forces and a traitor to the Kerensky regime. His alleged sister one Mme. Mirolubskaya is also concerned.

The only direct evidence given to this Bureau in connection with the party responsible for the commission of this crime is contained in a voluntary statement given to the New York office on February 6, 1917 by a Russian calling himself Andriey Moisieff and whose address was given as 821 E. 161st St., New York. This individual divulged his information to Agent L. S. Perkins and in substance was as follows:

Moisieff in effect stated that he came to the United States in 1907 and was a machinist by trade. He stated that he had an acquaintance, one Vassilli Dmitriyev, who was a translator for General Khrabroff, Chairman of the Russian Ammunition Commission in the United States. Gordienko informed this Moisieff that a certain Col. Nekrasoff of this commission was responsible for the explosion at Black Tom Island. He stated that this Col. Nekrasoff was the person who designed the shells destined for the Russian Government and which were manufactured by the Poole Engineering and Machine Co. of Baltimore, Md. His designs and specifications were always strictly adhered to by this concern and it was noticed that the wax covering of the

percussion caps was so designed as to permit the explosive fulminates to easily fall out of the shell which would always cause a serious explosion. This matter was called to the attention of Col. Nekrassoff but was disregarded and the usual method of manufacture continued. The informant thereupon stated that these shells were constructed in this manner by Col. Nekrassoff for the express purpose of having them explode prior to reaching their destination as he was stated to have been in sympathy with the Austrian government and the regime then in power in his own country of Russia. Informant, therefore, states that this individual was responsible for the explosion at Black^{Tom}/Island where these munitions manufactured under the supervision of Col. Nekrassoff had been sent awaiting their shipment presumably to Russia.

The other source of information relative to the connection of this individual Nekrassoff with the crime are statements made by the law firm of Rockwood & Lark, 527 Fifth Avenue, New York City, attorneys for the Lehigh Valley R. R. Co. in the numerous lawsuits brought against the company because of damage done to adjoining property and who have sought to ascertain individuals guilty of the explosion. On July 27, 1921, this firm addressed a communication to the Secretary of State requesting that they be given whatever information that department might have in the matter. In their letter of request, this firm states that during the Kerensky regime in Russia, the Kerensky government caused an investigation into the treasons of one Colonel Nekrassoff and his alleged sister, Mme. Mirolubskaya. It is claimed that Mme. Mirolubskaya, accompanied by a woman named Mme. Cramm, arrived in New York on October 15, 1915, on the Steamship "Kristianiafjord" of the Norway-American line. Mme. Mirolubskaya was stopped by the authorities of the Port of New York who would not permit her to land; whereupon, she informed them that she was the "sister" of Col. Nekrassoff; of the Russian Commission. She notified Col. Nekrassoff of her detention and he presented to the authorities at the Port of New York a certificate from the Russian Consul

Memo Mr. Hoover.

- 3 - Black Tom Island Explosion.

authorities which secured her permission to land. Shortly thereafter Mme. Mirolubskaya began to negotiate with the Austrian or German Consulate in New York looking toward an arrangement whereby ^{for} financial gain she would "steal" from her "brother", Col. Nekrasoff, the secrets regarding munitions and war supplies which were being purchased at that time by the Russian Commission. These negotiations were conducted by her with the enemy Consular authorities at New York and concerned the giving away of information regarding the materials supplied Russia, their exact location and the time when the same would be shipped, etc. These secret negotiations were followed by the Black Tom Island Explosion.

The letter of the above mentioned law firm further stated that Col. Nekrasoff was arrested and placed in confinement in Petrograd, Russia, during November of 1917 and charged with having been a spy and giving aid to the enemy. After the overthrow of the Kerensky regime, Nekrasoff seems to have become lost track of.

On August 18, 1921, the Department of State answered this letter stating that it had no information of value concerning the Black Tom Island explosion.

The information given above is the only authentic and reliable data which the files of this Bureau contain in respect to this matter.

Since the above was written an examination has been made of the files of the Military Intelligence Division of the War Department and some additional information obtained from this source, the most definite of which connects the name of one Lothar Witske, alias Pablo Waberaki with the affair. The records establish this individual as a dangerous radical and an active German spy and agent during the war.

On September 18, 1919, this individual made a statement to L. L. A. Special Investigator T. J. Tunney, in which he expressed the opinion that one Adam Siegal and one Rodriguez were implicated in the Black Tom Island plot, both of these individuals having been in the vicinity of New York at the time of the explosion.

535
On December 29, 1919, Dr. B. P. Altendorf formerly of the Military Intelligence service, protested against the recommendation sent to made to President Wilson by the Department of Justice to the end of granting a pardon to Witke of the sentence imposed upon him for violations of the espionage act. In his statement given to the press, Dr. Altendorf said that Witke "was responsible for the Black Tom Explosion" and various other criminal acts.

On September 19, 1919, one John Shores, formerly a corporal in the 3rd Infantry, U. S. Army, made a deposition in which he stated that about two months prior to the date of same, he had heard Lethar Witke say that "he and another blew up Black Tom Island in New York."

The above is the sum of what valuable information the files of the Military Intelligence contain on this matter.

During August of the past year, the New York office of this bureau had under investigation one Michael Kristoff, alias John Christie in connection with this explosion. This subject was interviewed by an agent of the New York office after he had been placed under arrest at Albany. Agent reported that subject was quite familiar with the date and time of the Black Tom Explosion (see report Agent Spellacy for August 3, 1921). The charge against this individual, however, seems to have been dropped when the authorities at Albany received word from the U. S. Attorney at New Jersey that they had nothing against this subject which would involve him in the explosion at Black Tom.

In October of 1918, charges were made which connected the name of one Albert Giessen, alias, A. I. Geisen, with the Black Tom plot. He was taken into custody at Buffalo, N. Y. and although the Buffalo office under date of October 17, 1918, reported that subject was "nervous and excited when questioned" about this matter, it later developed that the charges were purely hearsay and unfounded and subject was accordingly released.

In the letter of Agent Brennan of New York, under date of January 17, 1922, transmitting the New York file on this

Re: Mr. Hoover.

- 5 -

Black R by Hen.

matter, it is stated that it was the recollection of the older agents in that office, that little, if any, work was done in investigating the explosion in question, in view of the fact that at the time it was not looked upon particularly as a Federal matter, being considered more of interest to the railroads, and which at that time were not under the Federal control. Agent Brennan also states that the Newark office is without information concerning the explosion because at the time of the occurrence thereof, that office had not as yet been opened.

RUMSEY & MORGAN

DAVID RUMSEY
JOHN HILL MORGAN
WILLIAM A. LOCKWOOD
LEROY A. LINCOLN
HENRY N. ARNOLD
MARK W. MACLAY
RICHMOND L. BROWN

BROOKLYN OFFICE
166 MONTAGUE STREET

20 EXCHANGE PLACE
NEW YORK

November 10, 1924.

Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Mrs. Bartley:

62 M
I regret not sooner to have written you concerning the three letters which you thought had been inadvertently carried away by us among our papers. I learned from Mr. Peaslee, however, that these three letters, which had been attached to our exhibits, were removed therefrom and were placed with the documents belonging to the Bureau of Investigation which were to be kept by you in a separate file for subsequent use before the Mixed Claims Commission. I think that you will find them there.

I am very sorry not to have written you sooner in this regard.

Yours very truly,

Henry N. Arnold

HNA:O

RECORDED & INDEXED
62-1179-1
62-9593-1
BUREAU OF INVESTIGATION
NOV 11 1924
DEPARTMENT OF JUSTICE
FILES

Instructions from Special Agent in Charge, Edward J. Brennan.

T.A.S

THIS CASE ORIGINATED AT

REPORT MADE AT: New York City	DATE WHEN MADE: Feb. 21/25	PERIOD FOR WHICH MADE: Feb. 17/20/25 inc.	REPORT MADE BY: CHARLES J. SCHULY
TITLE: IN RE: <u>U.S. IN BEHALF OF THE LEHIGH VALLEY RAILROAD CO. vs GERMAN GOVERNMENT:</u>			CHARACTER OF CASE:

SYNOPSIS OF FACTS:

N.Y. FILE #62-123

Endeavoring to locate HORST von der GOLTZ and other Germans to verify affidavit of MRS. H.E. REISS, who alleges that the German plots for the destruction of factories were formulated at #123 W. 15th St., N.Y.C., during the years 1914 and 1915.

DETAILS:

On February 17, 1925 with Agent JOHN L. HAAS was directed by Special Agent in Charge, EDWARD J. BRENNAN to make an investigation of an affidavit made by MRS. HENA EDWARDS REISS of the Hotel Lafayette, Washington, D.C., the substance of which was to the effect that during the latter part of the year 1914 and early in 1915 a group of prominent Germans held frequent meetings at #123 West 15th St., Manhattan, at a house then operated by a MRS. MARTHA GORDON. The affidavit further set forth that at this address plots were formulated for the destruction of certain manufacturing plants that were then engaged in war work for the Allies, among them being the

DETAILS:
LEHIGH VALLEY RAILROAD YARD at Black Tom, N.J.

The affidavit in question which was loaned to Agent in Charge BRENNAN by LR. A. BRUCE BIRLAHI, Former Chief of this Bureau and now engaged as an Attorney with offices at #120 Broadway this city, was made by MRS. REISS in New York City on

February 13, 1925. This affidavit sets forth that Von

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: 	SPECIAL AGENT IN CHARGE	62-1199-1	RECORDED AND INDEXED: FEB 26 1925
WASHINGTON REFERENCE: #2	COPIES OF THIS REPORT FURNISHED TO: Washington-3: New York-2:	BUREAU OF INVESTIGATION FEB 25 1925 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: MAR 4 1925
	ROUTED TO: Division 1 Division 2	FILE	JACKETED:

N.Y. FILE #62-123

February 21, 1925

CHARLES J. SCULLY

PAPEN, BOY-ED, EUGENE SCHWERDT, KLIPSTEIN, HORST von der GOLTZ, HANS TAUSCHER, LUDWIG MEYER, VON RINTELIN and other Germans whose names figured prominently in the Bureau investigation during the period from 1914 to 1919, were responsible for the explosions throughout the country.

With Agent HAAS conferred with Attorney BIELASKI at his office where we were advised that the LEHIGH VALLEY RAILROAD CO., was seeking cooperation of the affidavit made by MRS. REISS so that same might be offered as evidence.

Efforts were first made to locate Von der GOLTZ who was known personally to both Agents. Inquiries made at his former business address failed to elicit any information up to this writing as to where he might be found. The last heard of this man was about a year ago at the time when he was endeavoring to secure passage for South America, though we had been informed that he was seen in this city about six months ago.

On February 18, 1925 Agents visited #123 W. 15th Street, where we interviewed a MRS. TAYLOR who operates a boarding house at that address. MRS. TAYLOR stated that she has been located there for a period covering about three years and that prior to that time the house had been run as an Italian Club for more than four years. An examination of the premises shows that MRS. REISS, in her affidavit, describes exactly the location of the rooms on the lower floor. Inquiries were then made in the neighborhood but we were unable to locate any person who could recall that MARTHA GORDON had lived at #123 W. 15th Street. We next proceeded to the office of MR. IRVING WELSH, a Real Estate Operator, located at 11th Street west of 6th Avenue. In the absence of MR. WELSH his secretary stated that he had been acting as agent for the property at #123 W. 15th Street since the year 1916, representing a woman who now is said to be living in the state of Washington, but whose name and address the secretary was unable to furnish. Arrangements were then made to call

N.Y. FILE #62-123

February 21, 1925

CHARLES J. SULLY

on MR. WELSH the following day.

At a conference held on February 18, 1925 at MR. BIELASKI'S office we were informed that MR. PEASLEY, a local representative of the LEHIGH VALLEY RAILROAD, had also called on WELSH and was successful in meeting him and that WELSH had stated that MARTHA GORDON had died about three years ago.

During the balance of the 18th and practically all day of the 19th and 20th Agents were engaged in making a search of the records of this office for such information as could be obtained which would tend to show that the house at West 15th Street had been used for the purpose set forth by MRS. REISS in her affidavit.

It was found that on May 3rd, 1916 in company with Agent PASQUALE PIGNIUOLO went to Ellis Island where Von der GOLTZ had been detained and after having him turned over into our custody, proceeded to West 15th Street & 6th Avenue, for the purpose of locating a house at which Von der GOLTZ claimed to have two suitcases filled with dynamite. After a search of sometime Von der GOLTZ designated #123, which house we then entered and interviewed MRS. MARTHA HELD, who was recognized immediately by Von der GOLTZ as the woman from whom he had rented a room more than a year before. MRS. HELD also recognized Von der GOLTZ, and admitted that he had left two heavy suitcases in her house when he departed and that about nine months prior to our visit a man came and carried both suitcases away. From the description given by MRS. HELD it was quite apparent to Agent that the man who carried the suitcases away was CAPT. ALBERT FRITZEN, who figured prominently in the plot to destroy the Welland Canal and who was later convicted in the Southern District of N. Y., for his participation.

Agent has a distinct recollection of his calling at this house with PIGNIUOLO and noted the fact that the woman was a German and apparently a sympathizer with the German Government as there was a painting of the Kaiser on the walls of her

N.Y. FILE #62-123

February 21, 1925

CHARLES J. SCULLY

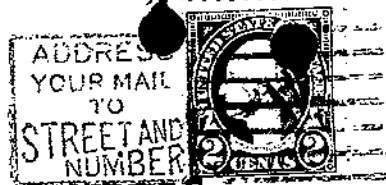
home. The house itself during our visit in the year 1916 bore an unsavory reputation. On February 20, 1925 with Agent HLAS again conferred with MR. BIELASKI and also with MR. PEASLEY and the latter prepared an affidavit covering my investigation of the W. 15th Street house during May 1916. However, these attorneys were advised that prior to my signing and swearing to this affidavit it would be necessary to take up the matter with Director HOOVER and Agent in Charge, EDWARD J. BRENNAN.

Up to this writing the only mention made of a MISS EDWARDS that could be located in the files of this office is embodied in a report of former Agent OLNEY in his investigation of EUGENE SWERDT and MRS. d'ORSAINNVILLE in which report it is set forth that this woman had been telephoned too on several occasion by a MISS EDWARDS. MRS. REISS in her affidavit stated that she was quite friendly during the years 1914 & 1915 with a woman called VERA, who was a close friend of EUGENE SWERDT and who lived in an apartment located at 64th Street and Broadway. The reports of various Agents during these years show that SWERDT and MRS. d'ORSAINNVILLE lived at 10 W. 61st Street about that time and it is quite possible that this woman and VERA are one and the same.

It is also to be noted that MRS. REISS in her affidavit mentions that MARTHA GORDON was also known as MARTHA HELED.

CONTINUED:

WILSON & MORGAN
30 EXCHANGE PLACE
NEW YORK



Bureau of Investigation,
Department of Justice,
Washington,

Mrs. Bartley.

D. C.

PEASLEE, BRIGHAM AND GENNERT
501 FIFTH AVENUE
NEW YORK

AMOS J. PEASLEE
DEXTER BRIGHAM
ALFRED G. GENNERT

RALPH G. ALBRECHT



February 21, 1925.

J. Edgar Hoover, Esq.,
Director, Bureau of Investigation,
United States Department of Justice,
Washington, D. C.

MAR 3 0 1925

62-1199-12	
BUREAU OF INVESTIGATION	
FEB 25 1925 A.M.	
DEPARTMENT OF JUSTICE	
Division 4	FILE

My dear Mr. Hoover:-

Re: United States v. Germany
Black Tom Explosion Case

We have recently located a new witness in this matter who appears to have very important information.

RECORDED & INDEXED

In talking with Mr. Scully, Mr. Bielaski and I find that he remembers some facts which help to corroborate the witness's statement and we should like very much to have Mr. Scully's affidavit in the matter. I enclose an outline of the proposed affidavit which may later be supplemented by other facts if he is able to locate additional matter.

Mr. Bonynge, the American Agent before the Mixed Claims Commission, requested me to check up the witness's statement and procure corroborating evidence if possible.

I will appreciate it very much if you are willing to authorize Mr. Scully to sign an affidavit or affidavits for use in connection with the claim before the Mixed Claims Commission.

Thanking you for your past cooperation, I am,

AJP-RA
Encl. 1

Very sincerely yours,

Amos J. Peaslee

*DS
AJP
RA
Encl. 1*

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss:

CHARLES J. SCULLY, being duly sworn, deposes and says:

1. I am employed as a Special Agent in the Department of Justice of the United States and have been thus employed continuously since March 23, 1909, having had my permanent headquarters during that entire time at the New York office of the Department of Justice now at 15 Park Row, New York City. In that connection I worked on a number of the cases involving German sabotage activities before the United States entered the war.

2. On Monday, February 16, 1925 Mr. A. Bruce Bielaski who was formerly Chief of the Bureau of Investigation of the Department of Justice, gave me a copy of the statement of Mena Edwards Reiss of February 14, 1925, and asked me to read it and see whether I could remember anything about the house described at No. 123 West 15th Street, New York City, or find anything in my records with reference to it.

3. On May 3, 1918, in company with another United States Government Agent, Pasquale Pigninuolo, I was sent to Ellis Island to meet Horst von der Goltz who had been apprehended by the British authorities and sent to the United States. My instructions were to take him in charge and endeavor to check up the statements which von der Goltz had made regarding his part in the plot to blow up the Holland Canal. In those statements t

brings to a

those which he took with him to Buffalo. We were trying to check up his statements and were also endeavoring to locate that extra dynamite that had been left in New York.

4. Von der Goltz told us that he was sure that the house where he had stored it was somewhere in West 15th Street and I remember that the three of us walked up and down the street for some little time until we came to the house at 123 West 15th Street, which is a three story brick house with a high brown stone stoop with an entrance underneath the stoop. Von der Goltz pointed out that house and said that that was the place where he had stored his dynamite used in the Welland Canal plot and also where he had left the other two suit cases of dynamite.

5. Von der Goltz, Pigninuolo and I went into the house on that day, May 3, 1916, and we met there a woman who gave her name as Mrs. Martha Held. Von der Goltz immediately recognized her as the woman from whom he had rented a room in that house a long time before, and asked her about the two suit cases which he had left at her house. He said that these had been left in his room upstairs and insisted on going up to look at the room. We went upstairs I think to the second or third floor to a room in the rear of the house which von der Goltz said was the room that he had occupied.

6. Mrs. Held told von der Goltz in my presence that a man had called for those two suit cases and taken them away about nine months previously. She gave a description of the man which corresponded to the description of Captain Hans Fritzen who subsequently confessed to being

62-1179

February 24, 1925.

J. H. HAN
62-1199-12

MAR 5 - 1925 RECORDED & INDEXED

Bronx.

1000 Bow Building.

New York, N.Y.

Reference your letter twenty-first concerning affidavit
Doully, have no objection to affidavit being made. One.

HOOVER.

OFFICE OF
SPECIAL AGENT IN CHARGE
EDWARD J. BRENNAN

Department of Justice

Bureau of Investigation
15 PARK ROW, 14TH FLOOR
NEW YORK, N. Y.

TELEPHONE BARCLAY 8180
POST OFFICE BOX 241
CITY HALL STATION

February 21, 1925.

Mr. J. Edgar Hoover,
Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

In re: U.S. IN BEHALF OF THE LEHIGH
VALLEY R.R. vs. GERMAN GOVERN-
MENT.

New York File No. 62-123

Dear Sir:-

I am transmitting you herewi a original letter addressed to you under date of February 21st, 1925 signed by Amos J. Peaslee of the firm of Peaslee, Brigham & Gennert, Attorneys-at-Law, 501 Fifth Avenue, New York, which is attached thereto copy of an affidavit drawn up by Mr. Peaslee for the signature of Special Agent Charles J. Scully of this office, concerning certain activities of Special Agent Scully during May, 1916, which it appears is very important information by the plaintiffs in the above entitled matter.

In the event that there is no objection of the Department or the Bureau for Agent Scully making this affidavit, Mr. Peaslee requests that, if possible, I be advised by wire on next Tuesday, February 24th, so it could be arranged for Special Agent Scully to sign the original of this affidavit on next Tuesday, which Mr. Peaslee desires to forward to Washington on next Tuesday night.

I do not know of any particular reason why it wouldn't be alright for Special Agent Scully to execute this affidavit.

Very truly yours,

Edward J. Brennan
EDWARD J. BRENNAN
Special Agent in Charge.

EJB:LR
enc

RECORDED & INDEXED

62-1199-12
BUREAU OF INVESTIGATION
FEB 25 1925 A.M.
DEPARTMENT OF JUSTICE
Division 1
Division 2
FILE

MAR 5 - 1925

Instructions from Special Agent in Charge, Edward J. Brennan.
THIS CASE ORIGINATED AT

RECEIVED
FEB 28 1925
DIVISION

REPORT MADE AT: New York City	DATE WHEN MADE: Feb. 26/25	PERIOD FOR WHICH MADE: Feb. 21, 24 & 25/25	REPORT MADE BY: CHARLES J. SCULLY
TITLE: IN RE: <u>U. S. IN BEHALF OF THE LEHIGH VALLEY RAILROAD CO. vs GERMAN GOVERNMENT:</u>			CHARACTER OF CASE:

SYNOPSIS OF FACTS:

N.Y. FILE #62-123

Located Morst von der Goltz; brought him to Attorney Bielaski's office where he corroborated information already secured concerning the house at #123 W. 15th Street. Further search of the files of this office was made and inquiries made at Police Headquarters this city without additional information being received.

DETAILS:

Continuing on the above entitled matter last reported on by Agent under date of February 21, 1925;

FEBRUARY 21, 1925:

With Agent HAAS visited Police Headquarters, this city, for the purpose of ascertaining whether any records existed there that would tend to show that complaints had been made against the house located at #123 W. 15th Street. Inquiries at Police Headquarters developed the fact that Police Inspector BAILEY who had charge of the District during the years 1914, 1915 and 1916 wherein the above house is located, died several years ago and that the then Captain of the precinct has retired.

Agents located Patrolman NATHANSON at the West 30th Street Police Station, who stated that during the years heretofore mentioned he was engaged with the Police Department at West 15th Street and while numerous complaints had been made

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APPROVED AND FORWARDED:  SPECIAL AGENT IN CHARGE	62-1199-13	RECORDED AND INDEXED: FEB 28 1925
WASHINGTON REFERENCE: #2	COPIES OF THIS REPORT FURNISHED TO: Washington-3; New York-2; CJS:EP	CHECKED OFF: MAR 3 1 1925
BUREAU OF INVESTIGATION FEB 27 1925 P.M. DEPARTMENT OF JUSTICE		JACKETED:
ROUTED TO: Division 1 Division 2		FILE

N.Y. FILE #62-123

February 26, 1925

CHARLES J. SULLY

against #123 and the adjoining houses NATHANSON was unable to recall having ever heard that the house in question was used as a meeting place by the Germans.

FEBRUARY 24, 1925:

Continued efforts to locate HORST von der GOLTZ finally met with success. Agents after making numerous inquiries in upper Manhattan finally learned that Von der GOLTZ was operating a bird store at #335 E. 22nd Street, telephone Lexington 9215. At this address Agents found the store locked.

FEBRUARY 25, 1925:

However, we finally got in communication with him and early today we had him accompany us to the office of A. BRUCE BIELASKI, Attorney, located at #120 Broadway. Here Von der GOLTZ was questioned by MR. BIELASKI and Attorneys PEASLEY and ARNOLD, representing the LEHIGH VALLEY RAILROAD. Von der GOLTZ stated that his reason in selecting the house at #123 W. 15th Street to store the dynamite was at the direction of Von PAPEN, former Military Attache for the German Government and that he, GOLTZ, together with ALBERT FRITZEN visited there on several occasions. The balance of Von der GOLTZ'S story verified the information contained in my previous report concerning the storage of the dynamite and of FRITZEN having taken same away. Von der GOLTZ while apparently endeavoring to assist investigation was unable to offer verification of the affidavit made by MRS. M. E. REISS except in minor details.

Agents were also engaged during the above period in making a search among the records of this office covering the various investigations made during the WORLD'S WAR. There was found a report submitted by a member of the American Protective League who was designated as number 35, which report is undated. This undated report sets forth in substance that the house at #123 W. 15th Street was the place at which the plot to blow up the Welland Canal was planned. It also advises that Von der GOLTZ was present there on many occasions and that the HELD woman was

N.Y. FILE #62-123

February 26, 1925

CHARLES J. SCULLY

probably responsible for the Baltimore & Norfolk fires. It also relates that the house was frequented by German Sea Captains and that MRS. HELD was in constant touch with alien enemies of the "better class" and Von PAFEN, as well as BOY-ED are named among her visitors.

CONTINUED:

Instructions from Special Agent in Charge, New York City.
THIS CASE ORIGINATED AT

~~CONFIDENTIAL~~

INVESTIGATION
MAR 5 1925
DIVISION 2

REPORT MADE AT: New York City	DATE WHEN MADE: Feb. 28/25	PERIOD FOR WHICH MADE: Feb. 26-27/25	REPORT MADE BY: CHARLES J. SCOTT
TITLE: IN RE: U.S. IN BEHALF OF THE LEHIGH VALLEY RAILROAD VS GERMAN GOVERNMENT:			CHARACTER OF CASE: 6-3-1199

SYNOPSIS OF FACTS:

DECLASSIFIED ON 10-27-88
BY 3042 R/W/ab
#261762

N.Y. FILE #62-123

Examination of records in U.S. Attorney's office shows statements of Frederick J. Busse and Horst von der Goltz concerning explosives in the West 15th Street house. Casmir Pilenas, former British Agent believes Jim Larkin responsible for explosion but cannot substantiate story.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

DETAILS:

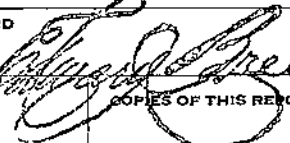
Class. & Ext. By SP5 RSG/ab
Reason-FCIM II
Date of Review 10-29-90
#82,945

Continuing on the above entitled matter last reported on by Agent under date of February 25, 1925;

On February 26th & 27th, was engaged with Agent JOHN L. HAAS in making an examination of the records at the U. S. Attorney's office, Southern District of New York, concerning the case of the U. S. vs. HANS TAUSCHER.

91-1296
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/12/96 BY SP6 AAG/any

It is to be noted that FREDERICK J. BUSSE, who accompanied Von der GOLTZ on the Welland Canal expedition, in a sworn statement made on March 1, 1916 set forth that while he was in Niagara Falls with ALBERT FRITZEN, the latter received a letter from a friend in New York concerning the dynamite which had been left at the West 15th house. That after reading the letter FRITZEN told Von der GOLTZ that he had just received word that the two suitcases of dynamite had to be taken away as the landlady at #123 W. 15th Street had complained about it being there. However, BUSSE

APPROVED AND FORWARDED:  WASHINGTON REFERENCE: #2	SPECIAL AGENT IN CHARGE COPIES OF THIS REPORT FURNISHED TO: Washington-3; New York-2; cjs. CJS:EP	62-1199-14 BUREAU OF INVESTIGATION MAR 2 - 1925 P.M. DEPARTMENT OF JUSTICE ROUTED TO: Division 2	RECORDED AND INDEXED: 3-5-25 CHECKED OFF: MAR 3 1925 FILED APPROPRIATELY INDEXED DATE 11-11-80
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GOVERNMENT PRINTING OFFICE

~~CONFIDENTIAL~~

DATE

N.Y. FILE #62-12

~~CONFIDENTIAL~~

28, 1925

CHARLES J. SCULLY

alleged that when he and FRITZEN wrote to Von PAPEN for funds to return to New York FRITZEN made mention of the complaint against the suitcases.

BUSSE also alleged that when he met GIOVANNI, also an accomplice of Von der GOLTZ in New York during the month of April 1915, GIOVANNI told him that he and Von der GOLTZ had taken away the suitcases containing the dynamite and had thrown them into the sea at Coney Island, for which work GIOVANNI claims he received the sum of \$40.00.

The above statement conflicts with the information obtained at the house by Von der GOLTZ and Agent at the time of their visit there on May 3rd, 1916.

I am attaching an excerpt from a statement made by Von der GOLTZ to the Metropolitan Police, Scotland Yard, February 2, 1916 in which he states that he paid GIOVANNI to remove the dynamite from the house in 15th Street. ~~XX~~ u

There is no other mention made in any of the papers examined by Agent HAAS and self of the West 15th Street house nor have we any record to show that Von PAPEN, BOY-ED, Von BERNSDORF, CAUSCHER or any other of the prominent German officers named by MRS. REISS ever frequented the house at West 15th Street.

The last heard of ALBERT FRITZEN was that after his release from prison he was employed by the Argos Steel Products Corporation of #170 Broadway, this city, during the year 1920. This concern is no longer located at this address. At that time his wife KATE lived at #546 Palisade Avenue, Jersey City Heights, N. J.

During the examination of Von der GOLTZ by Attorney BIELASKI on the 25th inst., he made mention of the fact that CASMIR PILENAS, a former Agent for the British Government might be in possession of information concerning the explosion at Black Tom.

MR. PILENAS, who now resides at #348 W. 20th Street, New York City, Telephone Chelsea 0571, called at the Office of Bureau yesterday and when questioned

~~CONFIDENTIAL~~

N.Y. FILE #62-126

February 28, 1925

~~CONFIDENTIAL~~
CHARLES J. SCULLY

as to his knowledge concerning the aforementioned explosion stated that it was his belief that the affair was caused by JIM LARKIN, the Irish Anarchist and that he, PILENAS, believes that he furnished Commander GUY GAUNT, who was in charge of the British Intelligence here during the years 1915, 1916 and 1917, with sufficient evidence to show conclusively that LARKIN was responsible for the happening. However, PILENAS when questioned by Agents yesterday was unable to furnish any information whatsoever that would tend to show that LARKIN had caused the explosion, saying that he could not recall the substance of his reports but that it was quite possible that GUY GAUNT, who is said to be in London at the present time could substantiate his theory.

CONTINUED:

~~CONFIDENTIAL~~

Excerpt from statement made by Horst Von Der Goltz to the Metropolitan Police, Scotland Yard, February 2nd, 1916. ~~SECRET~~ u

Page 22 -

~~CONFIDENTIAL~~

Having arrived at New York I went to report to v. Papen at the G. Club, and when asked by him why I had not acted on his instructions replied that I had not received any instructions from Ryan, and that I had temporized awaiting further orders. ~~SECRET~~ u

The matter having been explained to his satisfaction he asked me if I was ready to go to Germany. Receiving a reply in the affirmative he said that he would arrange with Count Bernstorff for my passage, and that I should present myself at my arrival at Berlin at the Department, III. B. General Staff. ~~SECRET~~ u

Some days later I received from him \$200 to pay for my passage, although I had myself money enough, and I then paid off Govani, giving order that he should remove from a house in 15th Street, N. Y., if I remember rightly No. 113 or 115, two suit-cases, filled with 60% dynamite. ~~SECRET~~ u

Whether he complied with the order I am unable to say as I left the same day, Oct. 8th for Italy. ~~SECRET~~ u

~~CONFIDENTIAL~~

March 7, 1925.

J H/LME

CODE

RUSH

62-1199-

Brennan,

Park Row Building,

New York, N.Y.

German-American Mixed Claims Commission advises Mr. Arnold, attorney with claim before them has located certain papers your office necessary for use in brief. You may allow Arnold make copies of these papers. Such copies as are made must be paid for by Arnold as work cannot be performed by Bureau. No.

HOOVER.

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62-1199-15	
BUREAU OF INVESTIGATION	
MAR 7 1925 P.M.	
DEPARTMENT OF JUSTICE	
	FILE

T.A.S.

Instructions from Special Agent in Charge, Edward J. Brennan.

THIS CASE ORIGINATED AT

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REPORT MADE AT: New York City	DATE WHEN MADE: Mar. 11/25	PERIOD FOR WHICH MADE: Mar. 9-10/25	REPORT MADE BY: CHARLES J. SCULLY
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TITLE AND CHARACTER OF CASE:

IN RE: U. S. IN BEHALF OF THE LEHIGH VALLEY
RAILROAD VS. GERMAN GOVERNMENT;

62-1199

~~EXCLUDED FROM INDEX~~

SYNOPSIS OF FACTS:

N.Y. FILE #62-123

Conferred with Attorneys Arnold and Bielaski. Turned over to former copies of report of Agents as directed. Interviewed Benjamin Rushmore, former official, American Protective League who stated the communication bearing on this matter and numbered "85" was not a report submitted by any member of the A.P.L. Mr. Rushmore believes the letter was one of the many anonymous communications that was received by the various Government Investigating Agencies during the period of the World's War.



DETAILS:

Referring to all previous reports made by this Agent on this matter;

On March 9, 1925 together with Agent JOHN L. HAAS proceeded to the office of Attorney HENRY N. ARNOLD, Southern District, #22 Exchange Place, for the purpose of turning over to him a copy of my report dated May 3, 1916, a copy of former Agent PIGNIUOLO'S report for the same date and a copy of a memoranda found in the files of this office signed number "85", which was believed to be a report submitted by a representative of the American Protective League and

DO NOT WRITE IN THESE SPACES

Approved and forwarded;

Edward J. Brennan

FILE NO. 62-1199-16	
BUREAU OF INVESTIGATION MAR 12 1925 A.M. DEPARTMENT OF JUSTICE	
ROUTED TO: Division 2	FILE

MAR 3 1925
RECORDED & INDEXED

REFERENCE:
#2

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84
JCS:EP

N.Y. FILE #62-123

March 11, 1925

CHARLES J. SCULLY

which bore no date, these reports being furnished MR. ARNOLD upon the authorization of the Director who under date of March 7, 1925 directed that MR. ARNOLD be given same.

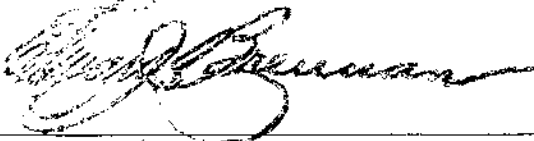
MR. ARNOLD advised Agents that he was to proceed to Washington, D.C. late on the evening of the 9th inst., for the purpose of appearing before the GERMAN-AMERICAN MIXED CLAIMS COMMISSION on the 10th; that he was to submit his proofs but was unable to get together such exhibits as he desired to call to the attention of said Commission. He also said that he would visit the Director of the Bureau and take up with him the question of our continuing on this investigation particularly to assist him in locating certain persons from whom he desires to secure statements.

We later visited and conferred with Attorney A. BRUCE BIELASKI at his office #120 Broadway, this city, after which we visited the ROTARY CLUB at the Hotel McAlpin where MR. BENJAMIN RUSHMORE, the Secretary was interviewed.

MR. RUSHMORE, who was formerly an official of the AMERICAN PROTECTIVE LEAGUE, when shown the copy of the letter to which was affixed in place of a signature the number "85", immediately stated that he was positive that this memoranda was not a report submitted by any member of his former organization and that he bases his conclusions on the fact that there was no member who was designated with such a low number in the New York District nor was the memoranda in a shape of the usual report submitted during the work of the AMERICAN PROTECTIVE LEAGUE. MR. RUSHMORE further stated that it would appear to him that the memoranda in question was an anonymous communication sent either to his former organization or to the New York Office of this Bureau or possibly to the Military Intelligence.

CONTINUED:

Instructions from Special Agent in Charge, Edward J. Brennan

REPORT MADE AT: New York City	DATE WHEN MADE: 3/13/25	PERIOD FOR WHICH MADE: 3/9-10-11/25	REPORT MADE BY: JOHN L. HAAS						
TITLE AND CHARACTER OF CASE: RE: UNITED STATES ON BEHALF OF THE LEHIGH VALLEY R.R. vs. THE GERMAN GOVERNMENT.									
FACTS DEVELOPED: SYNOPSIS OF FACTS: Agent accompanied Agent Scully of this office in his search for records and in endeavoring to locate various individuals. Agent also attended, with Agent Scully, conferences with Messrs. BIELASKI, ARNOLD and PEASLEE. For particulars see reports of Agent Scully on this matter. DETAILS: Acting under instructions, Agent accompanied Special Agent Charles J. Scully in searching records and endeavoring to locate various individuals. Agent also attended conferences with MESSRS. BIELASKI, ARNOLD and PEASLEE. For full particulars, see reports of Agent Scully on this matter. CASE CLOSED.									
APPROVED AND FORWARDED: 		MAR 20 1925 DO NOT WRITE IN THESE SPACES <table border="1"> <tr> <td>FILE NO. 62-1199-17</td> <td rowspan="3">RECORDED & INDEXED</td> </tr> <tr> <td>BUREAU OF INVESTIGATION MAR 14 1925 P.M.</td> </tr> <tr> <td>DEPARTMENT OF JUSTICE</td> </tr> <tr> <td>ROUTED TO: Division 2</td> <td>FILE</td> </tr> </table>		FILE NO. 62-1199-17	RECORDED & INDEXED	BUREAU OF INVESTIGATION MAR 14 1925 P.M.	DEPARTMENT OF JUSTICE	ROUTED TO: Division 2	FILE
FILE NO. 62-1199-17	RECORDED & INDEXED								
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JLH:MC

T.A. 5

Instructions from Special Agent in Charge, Edward J. Brennan.

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REPORT MADE AT: New York City	DATE WHEN MADE: Mar. 13/25	PERIOD FOR WHICH MADE: Mar. 11-12/25	REPORT MADE BY: CHARLES J. SCULLY
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TITLE AND CHARACTER OF CASE:

IN RE: U.S. IN BEHALF OF THE LEHIGH VALLEY
RAILROAD vs GERMAN GOVERNMENT:

~~EXCLUDED COPY~~

SYNOPSIS OF FACTS:

N.Y. FILE #62-123

Interviewed MR. JOSEPH PALMA, Chief Operative of local Secret Service, who stated his division had no information whatsoever concerning MARTHA GORDON alias MARTHA HELED or of her former residence, #123 W. 15th St, this city. Assisted HENRY N. ARNOLD in securing documents for which he had received authorization to have copies made. Signed affidavit concerning Von der GOLTZ'S statement made at Atty. Bielaski's office, #120 Broadway, on February 25, 1925. CLOSED;

DETAILS:

Referring to report of March 11, 1925 on the above entitled investigation;

During the above mentioned period called at the office of the United States Secret Service at the Customs House, this city, and interviewed Chief Operative, JOSEPH PALMA, for the purpose of ascertaining whether the local office of the Secret Service had visited the house at #123 W. 15th Street during the year 1918 for the purpose of interrogating or investigating MARTHA GORDON alias MARTHA HELED. After a search of the records and nothing appearing therein MR. PALMA communicated with Chief MORAN at Washington and later stated that his records in that city make

DO NOT WRITE IN THESE SPACES

Approved and forwarded:

Edward J. Brennan

FILE NO.

62-1199-18

BUREAU OF INVESTIGATION

MAR 16 1925 A.M.

DEPARTMENT OF JUSTICE

ROUTED TO:

Division 2

REFERENCE

#2

COPIES OF THIS REPORT FURNISHED TO:

Washington-3; New York-2;

CJS:EP

N.Y. FILE #62-123

March 13, 1925

CHARLES J. SCULLY

no mention whatsoever of any investigation of MARTHA GORDON alias MARTHA HELD or of any other person residing at #123 W. 15th Street.

On the afternoon of the 11th instant, accompanied by Agents HAAS and JENTZER went to the Federal Building where we met Attorney HENRY N. ARNOLD, who stated he had been informed that Acting Attorney General had authorized U. S. Attorney BUCKNER to permit him to examine the files in the case of U. S. vs. HANS TAUSCHER and to photostat such documents as he, MR. ARNOLD desired.

Agent after an examination of the files turned over to MR. ARNOLD the original statement made by Von der GOLTZ at the time he was imprisoned in England, also the sworn statement made by BUSSE a co-conspirator with Von der GOLTZ, together with several other documents, all of which MR. ARNOLD arranged to have photostat copies made in the Federal Building.

At the request of MR. ARNOLD and with the permission of Agent in Charge, EDWARD J. BRENNAN, I signed a second affidavit, the substance of which concerned the statement made by Von der GOLTZ on February 25, 1925 at MR. BIELASKI'S office. For the benefit of the Bureau, Von der GOLTZ was unable to add anything of importance to his previous story other than he heard that RUSHINS had been responsible for the Black Tom Explosion.

In the absence of further instructions this investigation will be considered closed.

CLOSED:

PEASLEE, BRIGHAM AND GENNERT
501 FIFTH AVENUE
NEW YORK



CABLE ADDRESS
GROTIAN

March 14th, 1925

Mr. J. Edgar Hoover,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Mr. Hoover:

Re - Claims against Germany

In connection with the claims before the Mixed Claims Commission regarding which Mr. Bielaski and I were examining some of the Department's files some time ago, there are some other matters which we would now like to check up and I am planning to be in Washington part of next week for that purpose. I shall probably arrive on Tuesday morning.

If it is convenient for you to arrange for me to work on some of the papers which we were examining before, I will very much appreciate it.

Thanking you on behalf of Mr. Bonyng and ourselves, for the courtesies that you have extended in this matter, I am

Very sincerely yours

AJP/HGC

62-1199-19
62-9006-17

BUREAU OF INVESTIGATION
MAR 16 1925 P.M.
DEPARTMENT OF JUSTICE
Division 1
Division 2

Wm. J. Peaslee

RECORDED & INDEXED

P.O. Box 507
San Francisco, California

August 24, 1931.

CCS:IS
Refer file
RECEIVED #62-986.

62-1199

Special Agent in Charge,
Bureau of Investigation,
P.O. Box 536,
Los Angeles, California.

Dear Sir:

Re: CARL VON MOLTKE, alias CARL
VON MOLTKE HUITFELDT.

Reference is made to your letter of the 21st instant, in which you advised that the above named Subject is confined in the Los Angeles County Jail, and the length of his confinement is considered quite indefinite.

In view thereof, I am transmitting herewith a copy of all serials in our file pertaining to this matter, together with the exhibits referred to in Bureau letter to this office dated July 29, 1931, with request that you conduct the investigation suggested by the Bureau. Your attention is invited to the instructions of the Bureau concerning the return of certain of the exhibits pertaining to the case.

In view of the fact the case has been opened in this office, this office is being considered the office of origin, and will keep this matter pending until same has been disposed of in Los Angeles.

Very truly yours,

C. C. SPEARS,
Acting Special Agent
in Charge.

cc. Director.
Encs.

062-1199-1000

Kingsland Explosion
Reports.

JHE:LMH

June 3, 1925.

62-1199-20

JUN 13 1925

Mr. E.J. Brennan,
P.O. Box 241, City Hall Station,
New York, N.Y.

Dear Sir:

I have had before me for consideration your communication of the 7th ultimo relative to certain requests made of you by Mr. J. F. Cavanagh, who is stated to be a special representative of the Canadian Car & Foundry Company of Montreal, Canada. I note that Mr. Cavanagh called at your office and presented a letter of introduction signed by Mr. A. J. Peaslee. It is further noted that Mr. Cavanagh desired to be shown copies of certain files of your office.

It is, of course, understood that no individual will be given access to any papers in the field offices except upon specific authorization from this office and I will not authorize any such action unless directed to do so by the Attorney General or one of his Assistants. It is true that Mr. Peaslee has been given access to certain papers at Washington but this was in accordance with an understanding which he had with the Attorney General's office. Such authority, of course, does not extend to any other individual and, consequently, Mr. Cavanagh is not entitled to see any papers in your office. In this connection, in fact Mr. Peaslee is not authorized to examine any papers in your office other than those he was specifically authorized to see some time ago.

Very truly yours,

Director.

12

Yln

RECORDED & INDEXED

OFFICE OF
SPECIAL AGENT IN CHARGE
EDWARD J. BRENNAN

Department of Justice

Bureau of Investigation
15 PARK ROW, 14TH FLOOR
NEW YORK, N. Y.

TELEPHONE BARCLAY 3100
POST OFFICE BOX 241
CITY HALL STATION

May 7, 1925.

Mr. J. E. Hoover,
Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

In Re: EXPLOSIONS AT KINGSLAND
and HASKELL, N. J. --
Neutralized Matter

Dear Sir:

N. Y. File #41-1

This is to advise that today Mr. J. F. Cavanagh, a Special Representative of the Canadian Car & Foundry Co. Ltd. of Montreal, Can., called at the office and presented to me a letter of introduction signed by Mr. Amos J. Peaslee of the firm of Peaslee, Brigham & Genert of #501 - 5th Avenue, this city.

Mr. Cavanagh, who is now working with Mr. Peaslee in connection with the investigation of the explosion at the Canadian Car & Foundry Plant at Kingsland, N. J., during the earlier part of the World's War, had in his possession a copy of a report submitted by Mr. J. Wallace Kemp and he requested that I furnish him with such information that might appear among the files of this office to support Mr. Kemp's report, that he, Cavanagh, together with Peaslee might make a further effort to determine the responsibility for the happening at Kingsland.

Prior to the arrival of Mr. Cavanagh at the Office Mr. Peaslee telephoned me stating that the copy of Mr. Kemp's report was located by Mr. Bielaski and he in Washington.

Search of the records of this Office show a number of reports submitted by the various Agents engaged on the investigation of the Kingsland explosion and Mr. Cavanagh expressed himself as desirous of securing copies of same.

Your opinion on this matter is respectfully requested and should you decide to permit either Peaslee or Cavanagh to have copies of these reports made it is respectfully requested that I be advised of same by wire.

Very truly yours,

EDWARD J. BRENNAN
Special Agent in Charge

CJS:EP

JCH:JMA

May 14, 1925.

62-1199-2

MAY 18 1925

Mr. A. Bruce Bielaski,
Equitable Building,
New York, N.Y.

Dear Mr. Bielaski:

I am returning to you herewith the copy of the document left with Mrs. Bartley when you were in the office a few days ago. Mrs. Bartley informs me that she has files on the following persons:

"French"

Mox

Eugene Schwerdt or Schwardt

Martha Held

Ludwig Meyer or Mayer

J. Von Bruck

F. L. Zimmermann

One Klipstein

Kurt Miller

One Miller of Tuchen's restaurant

Lt. Koch, N.Y.

With expression of my best regards, I remain

Sincerely yours,

Director.

Incl.

MCB mcr

Department of Justice
Bureau of Investigation
Washington, D. C.

May 13, 1925

MEMORANDUM FOR MR. HOOVER.

With reference to the index cards and book on telephone calls requested by you for Mr. Bielaski, you are advised that the index cards and book cannot be found. Mr. Bielaski asked that the following names be searched to ascertain if we had files on them and to let him know the result as soon as possible. I find that we have files on the following persons:

"Frenchy"

Mox

Eugene Schwerdt or Schwardt

Martha Held

Ludwig Meyer or Mayer

J. Von Bruck

F. L. Zimmerman

One Klipstein

Kurt Miller

One Miller of Tuchon's restaurant

Lt. Koch, N.Y.

I am attaching hereto the statement left with me by Mr.

Bielaski.

Respectfully,

M. C. Bartley

62-1199-37

MAY 19 1925

RECORDED - MAY 19 1925

JEH:IMH

May 20, 1925.

62-1199-22

44-2-225

Mr. Amos J. Peaslee,
501 Fifth Ave.,
New York, N.Y.

My dear Mr. Peaslee:

I received your communication of the 16th instant, with which you were kind enough to enclose one of the Digests of Volumes I-V of the Evidence relating to the Kingsland Explosion, together with a copy of a supplemental brief prepared for the Lehigh Valley Railroad Company relating to the Black Tom explosion.

I want to express to you my appreciation of your kindness in sending these to me and can assure you that they will be treated very confidentially.

With expression of my best regards, I remain

Very truly yours,

Director.

RECORDED & INDEXED

PEASLEE, BRIGHAM AND GENNERT
501 FIFTH AVENUE
NEW YORK

AMOS J. PEASLEE
DEXTER BRIGHAM
ALFRED G. GENNERT

CABLE ADDRESS
GROTIAN

RALPH G. ALBRECHT
JOHN L. BUCKLEY
A. LEWIS SPITZER

May 16th, 1925

Mr. J. Edgar Hoover,
Chief of the Bureau of Investigation,
Department of Justice,
Washington, D. C.

My dear Mr. Hoover:

I am handing you herewith one of the Digests of Volumes I-V of the Evidence relating to the Kingsland explosion which is being submitted to the Mixed Claims Commission, together with a copy of a supplemental brief which we have prepared for the Lehigh Valley Railroad Company relating to the Black Tom explosion.

You of course understand the very confidential nature of these documents.

Again thanking you for your cordial and most helpful cooperation in the preparation of these claims, I am

Very truly yours

AJP/HGC
Encls. 2

Amos J. Peaslee

MAY 22 1925

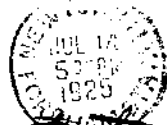
62-1199-22

INDEXED & INDEXED

New York City N.Y.
July 14, 1925

Dear Sir

There is a party by the
name of Joseph Weiner
living at 187 Winfred Ave
Sherwood Park Yonkers
N. Y., he is 5 ft. 7. had red
hair but he dyed it a
blond, he is a Stowaway
he arrived in Brooklyn
N. Y. City before or at the
time of the World war,
he was working at Camp
Upton New Jersey,
he might be one of the
party that the Government
is looking for when the
black Tom was blown
up. (see other side)
Yours Respected,
J. A. American



The Dictator of
Dept. of Justice
Washington
D. C.

62-1199-24

June 22, 1928.

RECEIVED

JUN 23 1928

Mr. Amos J. Peaslee,
501 Fifth Avenue,
New York, N.Y.

Dear Sir:-

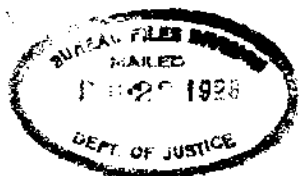
There is transmitted herewith,
a photostatic copy of a receipt for
certain papers taken from the files
of this Bureau under date of March
17th, 1925.

Will you please return to the
Bureau, as promptly as possible,
the reports and other documents listed
in this receipt, which were taken by
you from the files of this Bureau on
March 17th, 1925?

Very truly yours,

Director.

Enc.#76895



June 19, 1928

(2)

MEMORANDUM FOR THE DIRECTOR:

(Attention Mr. Nathan)

For your information Mrs. Bartley handed me the attached sheet which apparently is a receipt for some papers loaned to Mr. Amos Peaslee on March 17, 1925.

Mrs. Bartley advised me she was going through her desk and came across it.

Respectfully,

C. F. Seyfarth

12.6

JUN 23 1928

Mr. Nathan:

Enclosed please find these
three items returned.

7/2/28 J. E. B.

62-11779-346

BUREAU OF INVESTIGATION	
JUN 23 1928 A. M.	
DEPARTMENT OF JUSTICE	
Div. One	FILE
Dis. Two	

March 17, 1925

Received from the Bureau of Investigation of the
Department of Justice for use by the American Agent
before the United Claims Commission - U.S. and
summarizing the following papers:

- ① Copies of ^{two} statements issued to the newspapers
by Dr. Albert Weiss of his brief case (CO 151)
- ② Report of Wm. Neunhoffer Feb. 25, 1918 re
Pablo Wabuski (138 651)
- ③ Abstract of report received re Witches Apr 17, 1918
sent by M. J. D. To Bureau ^{see}
Witches - 59138651
- ④ Special Board report re Witches Feb 2, 1918
- ⑤ Summary for Capt. Keppel re Witches 3-6-1918
- ⑥ Special Board report Feb 7, 1918 of Lipscomb re Yankel
- ⑦ " " Feb 4, 1918 " " re W. H. Gears

Amos P. ...

62-1197-24

March 17, 1925

Received from the Bureau of Investigation of the Department of Justice for use of the American Agent before the United Claims Commission - U.S. and Germany the following papers:

- ① Extra copy letter Dr. Albert to his mother Oct 3, 1915
File 00151
- (2) " " Memo of Von Igel re trial of Kremer (File 130 / 0069)
- (3) " " Receipt March 28, 1916 - Futzers for \$200 (File 0069)
- (4) " " Letter Haniel to Von Igel Nov. 8, 1916 \$4.00 (File 0069)
- (5) " " " " Dec 29, 1916 re Juler (File 0069)
- (6) " " Receipt Paul Kory. to Von Igel Dec 25, 1916 (
- (7) " " " Oriskany for \$238 (File 00327)
- (8) " " Memo by Igel re Fran Futzers 15, V. 16
- (9) " " Letter to State Secy of Interior Feb 3, 1916 (File 00113)
- (10) " " Code entries from von Igel's ledger (File 00107)
- (11) " " Letter July 1, 1915 - Von Popen to Otto Block (00107)
- (12) " " ^{Gene} War Ministry demands re von Popen Nov 23, 1916 (150)
- (13) " " Letter Col. van Duman to Bielaski Mar 5, 1918)
- (14) " " Memo March 7, 1918 re Nabyski

Amos J. Preslee

JPM:JC
62-1199

July 6, 1928.

Mr. Amos J. Peaslee,
501 Fifth Avenue,
New York, N.Y.

Dear Sir:-

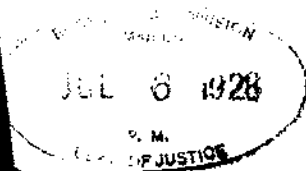
The Bureau will appreciate a
reply to its communication of June
22, 1928, with which was transmitted
a photostatic copy of a receipt for
certain papers taken by you from
the files of this Bureau under date
of March 17th, 1928.

Will you please return to the
Bureau as promptly as possible, the
reports and other documents listed
in the referred to receipt, which
were taken by you from the files
of this Bureau under the date above
mentioned?

Very truly yours,

Director.

62-1199-287	
FEDERAL BUREAU OF INVESTIGATION	
JUL 7 1928 A. M.	
DEPARTMENT OF JUSTICE	
	FILE



JED:BOG

62-1179-25

JUL 15 1928

July 12, 1928.

MEMORANDUM FOR MR. LUHRING.

There is transmitted, attached hereto, a copy of a communication received by the Bureau from Mr. Wilhelm Tannenbergl, Counsel to the German Agent of the Mixed Claims Commission, United States and Germany.

It will be noted that Mr. Tannenbergl is desirous of making an examination of the files of the Bureau concerning investigation of the fire and explosion of the Black Tom Terminal of the Lehigh Valley Railroad, which occurred during the night of July 29th. and 30th., 1915, this explosion appearing to have been the work of German agents.

The claim of the United States on behalf of the Lehigh Valley Railroad against Germany is at present pending before the Mixed Claims Commission, United States and Germany.

Recently Mr. Tannenbergl called at the Bureau and personally requested to be permitted to examine the files of the Bureau in regard to this matter. At that time he was informed by Mr. MacFarland that the proper procedure to be followed in the matter of bringing his request for the information desired by him before the proper Governmental authorities, would be to have the German Embassy request the information through the Department of State, which in turn, would, if advisable, request the Department of Justice to afford the Counsel to the German Agent permission to make an examination of the files in question. The files of the Bureau relating to the explosion of the Black Tom Terminal contain confidential data that might not be proper to

FILES DIVISION
MAILED

12 1928

M.
F. JUSTICE

The Bureau will appreciate being advised as to what reply it should make to Mr. Tannenbergs letter.

Very truly yours,

Director.

am 100727.

MIXED CLAIMS COMMISSION
UNITED STATES AND GERMANY
GERMAN AGENCY

INVESTMENT BUILDING
WASHINGTON, D. C.

July 7, 1928

Mr. Edgar Hoover,
Director, Bureau of Investigation,
Department of Justice,
Washington, D.C.
(Room 321)

Sir:

There is pending before the Mixed Claims Commission, United States and Germany, a claim of the United States of America on behalf of the Lehigh Valley Railroad Company vs. Germany, by which the United States seeks to recover from Germany for the damage caused by the fire and explosion at the Black Tom Terminal of the Lehigh Valley Railroad Company, which occurred during the night of July 29/30, 1916. The cause of the explosion was investigated at the time by the Department of Justice and the German Agent has been informed that there exists various records showing the result of such investigation.

The Agent of the German Government desires to be given access to these records so that they may be examined in connection with the preparation of the Brief about to be filed. I would be grateful if you would inform me whether the Department of Justice is willing to extend this courtesy to the German Agent, or whether it will be necessary for the two Agents to make a joint application.

Yours very truly,

Wilhelm Stuenkel

Counsel to the
German Agent

WT:T

RECEIVED
JUL 13 1928

JUL 8 1928

PEASLEE, BRIGHAM AND GENNERT
501 FIFTH AVENUE
NEW YORK

AMOS J. PEASLEE
DEXTER BRIGHAM
ALFRED G. GENNERT

RALPH G. ALBRECHT
A. LEWIS SPITZER
THOMAS K. O'BRIEN

July 12, 1928

Mr. J. Edgar Hoover,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Mr. Hoover:

I have been absent in California and find upon my return your letter of June 22nd. I have also just received your letter of July 6th, on the same subject.

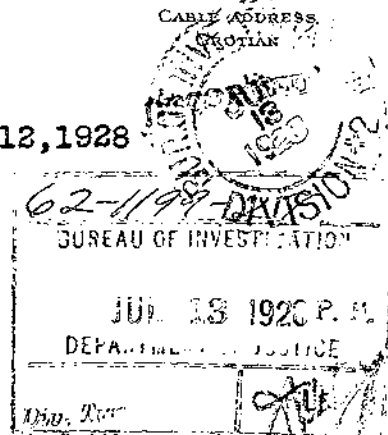
As you will perhaps recall, and as the receipts which are enclosed with your letter so state, these copies of documents from your records were very kindly supplied for use by the American Agent before the Mixed Claims Commission, United States and Germany. In most, if not all, instances they have been forwarded to him in connection with certain cases which the Government is prosecuting on behalf of American citizens against Germany. I will have our records checked and in so far as any copies are still in our possession I shall be glad to send them to you.

Thanking you for the kind assistance which your office rendered in connection with these matters, I beg to remain

Very truly yours

AJP/HGC

Amos J. Peaslee



HN:DSS

July 11, 1928.

MEMORANDUM FOR THE DIRECTOR.

Tannenberg

On Saturday, July 7, 1928, a Mr. Tellingner who claimed to be the Counsel for the representatives of the German claimants in the case arising out of the Black Tom explosion in the case of the ~~Atlantic~~ Railroad against the German Government, called at this office and requested permission to make an examination of the files of the Bureau in regard to the facts ascertained by the Bureau in the investigation of this matter.

Mr. Tannenberger was informed that in view of the fact that he apparently was a representative of a foreign Government, it would appear proper that his request should be made through the German Embassy to the Department of State. He wanted to know whether or not a request from the German Agent of the Mixed Claims Commission for information he was seeking would be acceptable to the Bureau. He was informed that it would appear that the proper procedure for him to follow in the matter of procuring the information would be to take the matter up through official diplomatic channels. He then remarked that if he had to follow that procedure it would take so long before action could be taken on his request that it would be doubtful when information was obtained if it would be of any value to him.

In my belief that should a request be received from the German Government to permit Mr. Tannenberger to examine our files, Mr. Tannenberger should be permitted to submit in writing the specific information which he is seeking. In view of the fact that our files on this matter contain matters that should not be brought to the attention of representatives of a foreign Government. It is believed that if this request followed the specific information that Mr. Tannenberger would be secured for him.

In connection it might be well to state that Mr. Tannenberger was the former Chief of the Bureau Bielaski had made an appointment with representatives of the German Government indicating that an examination conducted by this Bureau of the Black Tom explosion

failed to fix the responsibility for that explosion on German Agents.
Mr. Tamm asked me the specific question if it was definitely
shown that German Agents were responsible for the Black Tom explosion
and he was advised that the information contained in the files of the
Bureau is strictly confidential and for official use only.

Very truly yours,

Department of Justice

Bureau of Investigation

Washington, D. C.

July 11, 1928.

MEMORANDUM FOR THE DIRECTOR.

On Saturday, July 7, 1928, a Mr. Tannenberg who claimed to be the Counsel for the representatives of the German claimants in the case arising out of the Black Tom explosion in the case of the Lehigh Valley Railroad against the German Government, called at this office and requested permission to make an examination of the files of the Bureau in regard to the facts ascertained by the Bureau in the investigation of this matter.

Mr. Tannenberg was informed that in view of the fact that he apparently was a representative of a foreign Government, it would appear proper that his request should be made through the German Embassy to the Department of State. He wanted to know whether or not a request from the German Agent of the Mixed Claims Commission for the information he was seeking would be acceptable to the Bureau. He was informed that it would appear that the proper procedure for him to follow in the matter of procuring the information would be to take the matter up through official diplomatic channels. He then remarked that if he had to follow that procedure it would take so long before any action could be taken on his request that it would be doubtful when the information was obtained if it would be of any value to him.

It is my belief that should a request be received from the German Agent to permit Mr. Tannenberg to examine our files, Mr. Tannenberg should be requested to submit in writing the specific information which he is seeking, in view of the fact that our files on this matter contain confidential matters that should not be brought to the attention of representatives of a foreign Government. It is believed that if this procedure is followed the specific information that Mr. Tannenberg desires could be secured for him.

In this connection it might be well to state that Mr. Tannenberg informed me that former Chief of the Bureau Bielaski had made an affidavit to representatives of the German Government indicating that the investigation conducted by this Bureau of the Black Tom explosion

62-1192-25
JUL 14 1928
RECORDED
INDEXED
Div. One

failed to fix the responsibility for that explosion on German Agents. Mr. Tannenberg asked me the specific question if it was definitely shown that German Agents were responsible for the Black Tom explosion and he was advised that the information contained in the files of the Bureau is strictly confidential and for official use only.

Very truly yours,



JSH:MO'B

-1199-2

REAN:ADP

July 13, 1928.

1199

MEMORANDUM FOR MR. MACFARLAND.

I have noted your memorandum of the 11th instant, detailing the substance of a conversation which you had with Mr. Tannenberg, who claimed to be the Counsel for the representatives of the German claimants in the case arising out of the Black Tom explosion. I believe that there has now been received a letter which has been forwarded to you for action formally requesting the information.

My opinion is that any request of the character which has been received should be referred to the Department for decision and I concur with your suggestion that the person requesting the information should be required to state definitely what is desired. There fore, when the letter reaches you making this request, I wish that you would transmit to the proper Departmental official requesting advice as to whether the request can be granted and stating in this memorandum that, should the Department look with favor upon furnishing pertinent information to the German claimants, they be required to state definitely what they want.

I am strongly of the opinion that the files of the Bureau should never have been made available in the manner in which they were to Mr. Peaslee, who represented some claimants in this matter. However Mr. Peaslee's request was made and granted before I became Director of the Bureau. According to the records of the Bureau, Mr. Peaslee has removed certain papers from the files and we have been unable, up to this time, to have them returned. Furthermore, during almost the four years examination which Mr. Peaslee conducted of these files at intermittent intervals, the services of employees of the Bureau were required, this constituting a considerable amount of time which could not be spared from the regular work of the Bureau.

Consequently, I think that we should indicate to the Department that if the representatives of the German claimants are to be given any information whatsoever they should state exactly what they want so that it will not be necessary for them to examine the files, but they could secure the information, if it is available, and then give it to them.

BUREAU FILES DIV.
MAILED

JUL 13 1928

P. M.
DEPT. OF JUSTICE

2

Mr. MacFarland

7-13-28

The responsibility for the giving of information to the German claimants must rest upon the authority given by the Department and I wish that you would see that this is properly emphasized in the memorandum to the Department about the matter.

Very truly yours,

Director.

JAM:JC

62-1199-29

July 18, 1928.

JUL 18 1928

Mr. W. Tannenbergh,
Counsel to the German Agent,
Mixed Claims Commission,
United States and Germany,
Investment Building,
Washington, D. C.

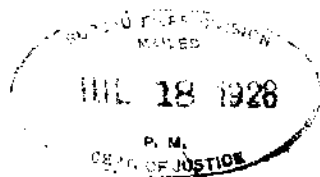
Dear Sir:-

With reference to your communication of July 7, 1928, requesting permission to examine the files of this Bureau covering its investigation of the fire and explosion of the Black Tom Terminal of the Lehigh Valley Railroad, which occurred during the night of July 29th and 30th, 1916, please be advised that the files of this Bureau are strictly confidential and the information contained therein is for official use only.

Further consideration will be given to the matter of your request for information contained in the files of this Bureau, if you will outline, in detail, the information which you are desirous of obtaining from the files of this Bureau.

Very truly yours,

Director.



62-1199

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

ORL- *HSR*

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HSR-BGL

July 13, 1928.

MEMORANDUM FOR THE BUREAU OF INVESTIGATION.

In reply to your attached memorandum of the 12th instant, with enclosure, it is suggested that you advise Mr. Tannenbergh, your correspondent, that the Department files covering the investigation of the Black Tom Terminal explosion are confidential, and that if he will outline in detail the information which he is seeking, the Department will be glad to give consideration to furnishing it if such information is found among its files.

O. H. Lurhing
O. H. LURHING
Assistant Attorney General.

RECORDED

JUL 18 1928

62-1199-23
BUREAU OF INVESTIGATION
JUL 16 1928 A. M.
DEPARTMENT OF JUSTICE
JUL 16 1928

*See from Dr. [unclear]
7-18-28*

Ans [unclear]

JHM:JC
62-1199

August 11, 1928.

Mr. Amos J. Peaslee,
501 Fifth Avenue,
New York, N.Y.

62-1199

Dear Sir:-

The Bureau is in receipt of your communication dated July 19, 1928, in response to its letter of July 6th, wherein a request was made of you to return as promptly as possible to the Bureau, certain reports and other documents listed in a receipt, a photostatic copy of which was transmitted to you, taken from the files of the Bureau in connection with an investigation of certain claims pending before the Mixed Claims Commission, United States and Germany.

The Bureau will appreciate being advised when the reports and other documents listed in the referred to receipt will be returned to the files of this Bureau.

Very truly yours,

Director.

62-1199

RECEIVED
AUG 11 1928
U. S. DEPT. OF JUSTICE

1071213

62-1177-31
RECORDED

August 22, 1928.

Mr. Robert W. Bonyage,
American Agent,
Mixed Claims Commission,
United States and Germany,
Investment Building,
Washington, D. C.

Dear Sir:

I am in receipt of a communication from Mr. Amos J. Peaslee, of the firm of Peaslee, Brigham and Gennert, of New York City, in reply to a communication forwarded to the writer of said letter, requesting that there be returned to the Bureau papers which were furnished Mr. Peaslee from the files of the Bureau for use in connection with a claim of said firm before the United States Mixed Claims Commission, United States and Germany.

The documents referred to in the foregoing were made available to Mr. Peaslee and loaned to him at the specific request of the representative of the Mixed Claims Commission, United States and Germany Section. For this reason, in view of the fact that Mr. Peaslee now states that the documents, letters, etc., have been filed with the Mixed Claims Commission and that it will therefore be impossible for him to return them directly to the Bureau's files, the Bureau desires, at the present time, to request that when said papers have served their purpose they be returned by you directly to the Bureau. The papers and documents in question furnished to Mr. Peaslee are listed as follows:

- Copy to Mr. W. B. Bonyage
Dic #4 C.*
1. Copies of two statements issued to the newspapers by Dr. Albert, re loss of his brief case (00151).
 2. Report of Wm. Neunhoffer, Feb. 25, 1918, re Pablo Wabriske (138651).
 3. Abstract of records re Witcke, April 17, 1918, sent by M. I. D. to Bureau.
 4. Special Border report re Witcke, Feb. 2, 1918.

5. Summary for Capt. Keppel re Witke, March 6.
6. Special border report, Feb. 7, 1918, of Lipscomb re Yarko.
7. Special border report, Feb. 4, 1918, of Lipscomb re Wm. Gleaves.
8. Extra copy letter Mr. Albert to his mother, Oct. 3, 1915, File 00151.
- X 9. Extra copy memo of Von Igel re trial of Koenig (File 1500069).
10. Extra copy receipt March 28, 1916, Putzen for \$200 (File 0069).
11. Extra copy letter Hamil to Von Igel, Nov. 8, 1916 re \$4,000.00 (File 0069).
12. Extra copy letter Hamil to Von Igel, Dec. 29, 1916, re Tucker (File 0069).
13. Extra copy receipt Paul Koenig to Von Igel, Dec. 25, 1916.
14. Extra copy receipt Olasky for \$238.00 (File 00337).
15. Extra copy memo by Igel re Fran Fritzen
16. Extra copy letter to State Secretary of Interior, Feb. 5, 1918, (File 00113).
17. Extra copy code entries from Von Igel's ledger (File 00197).
18. Extra copy letter July 1, 1915, Von Papen to Otto Block (00103).
- X 19. Extra copy German War Ministry's denials re Von Papen, Nov. 25, 1918 (150).
20. Extra copy letter Col. Von Goman to Bielaski, March 8, 1918.
21. Extra copy memo March 7, 1918 re Habriske.

Thanking you for your courtesy and attention to
this matter, I beg to remain

Very truly yours,

Director.

5. Summary for Capt. Keppel re Witke, March 6, 1918.
6. Special border report, Feb. 7, 1918, of Lipscomb re Yarks.
7. Special border report, Feb. 4, 1918, of Lipscomb re Wm. Gleaves.
8. Extra copy letter Dr. Albert to his mother, Oct. 3, 1915, File 00151.
9. Extra copy memo of Von Igel re trial of Koenig (File 130069). -
130 - 0069
10. Extra copy receipt March 28, 1916, Putzen for \$200 (File 0069).
11. Extra copy letter Hamil to Von Igel, Nov. 8, 1916 re \$4,000.00 (File 0069).
12. Extra copy letter Hamil to Von Igel, Dec. 29, 1916, re Tucker (File 0069).
13. Extra copy receipt Paul Koenig to Von Igel, Dec. 25, 1916.
14. Extra copy receipt Ofsky for \$238.00 (File 00327).
15. Extra copy memo by Igel re Frau Fritzen
16. Extra copy letter to State Secretary of Interior, Feb. 3, 1916, (File 00118).
17. Extra copy code entries from Von Igel's ledger (File 00107).
18. Extra copy letter July 1, 1915, Von Popen to Otto Block (00108).
19. Extra copy German Army Ministry's denials re Von Popen, Nov. 23, 1916 (150).
20. Extra copy letter Col. Von Daman to Bielaski, March 5, 1918.
21. Extra copy memo March 7, 1918 re Wabriske.

Thanking you for your courtesy and attention to
this matter, I beg to remain

Very truly yours,

Director.

BB: B-3

62-1199-31

RECORDED

August 22, 1928.

checked of Aug 23-28

Mr. Robert W. Benyaga,
American Agent,
Mixed Claims Commission,
United States and Germany,
Investment Building,
Washington, D. C.

Dear Sir:

I am in receipt of a communication from Mr. Angus J. Peaslee, of the firm of Peaslee, Brigham and Gonnert, of New York City, in reply to a communication forwarded to the writer of said letter, requesting that there be returned to the Bureau papers which were furnished Mr. Peaslee from the files of the Bureau for use in connection with a claim of said firm before the United States Mixed Claims Commission, United States and Germany.

The documents referred to in the foregoing were made available to Mr. Peaslee and loaned to him at the specific request of the representative of the Mixed Claims Commission, United States and Germany Section. For this reason, in view of the fact that Mr. Peaslee now states that the documents, letters, etc., have been filed with the Mixed Claims Commission and that it will therefore be impossible for him to return them directly to the Bureau's files, the Bureau desires, at the present time, to request that when said papers have served their purpose they be returned by you directly to the Bureau. The papers and documents in question furnished to Mr. Peaslee are listed as follows:

1. Copies of two statements issued to the newspapers by Dr. Albert, re loss of his brief case (00151).
2. Report of Wm. Neunhoffer, Feb. 25, 1918, re Pablo Wabriske (138051).
3. Abstract of records re Witcke, April 17, 1918, sent by M. I. D. to Bureau.
4. Special Border report re Witcke, Feb. 2, 1918.

PEASLEE, BRIGHAM AND GENNERT
501 FIFTH AVENUE
NEW YORK

AMOS J. PEASLEE
DEXTER BRIGHAM
ALFRED G. GENNERT

RALPH G. ALBRECHT
A. LEWIS SPITZER
THOMAS K. O'BRIEN

CABLE ADDRESS
GROTIAN

August 16, 1928

J. Edgar Hoover, Esq.
Director, Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Mr. Hoover:

I write in reply to your letter of August 11th which supplemented your letters of July 26th and June 22nd, 1928 regarding certain papers which you have kindly furnished from the files of the Bureau from time to time for the use by the American Agent before the Mixed Claims Commission -- United States and Germany.

As I explained to your secretary and to Mr. Nathan in person at the time of my call at your office yesterday, these documents are at present in use by the American Agency before the Mixed Claims Commission, located in the Investment Building, Washington, D. C. and by the Commission itself. The American claims in support of which the documents have been used as evidence have not as yet been adjudicated and will probably not be completed for a period of from three to six months from the present time. After they are adjudicated there will, I think, be a little difficulty in having the

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62-18294-31
BUREAU OF INVESTIGATION
AUG 23 1928 A.M.
DEPT. OF JUSTICE
FILE

J. Edgar Hoover, Esq. - #2

August 16, 1928

documents returned to your files if you so desire. I think you will find that in practically every instance, however, you furnished merely extra copies or photostatic copies with a view to avoiding in any way any depletion of your complete records. If you wish these extra copies returned to the files, if you will take the matter up with me after the cases are adjudicated I shall be very glad to cooperate in trying to arrange for their return.

Thanking you again for your kind cooperation, I beg to remain

Very sincerely yours,

A handwritten signature in cursive script, appearing to read "Amos F. Peaslee". The signature is written in dark ink and is positioned to the right of the typed name "Amos F. Peaslee".

AJP:KCD

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

ND HGR.

217890-

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

1199

HAF-muh

September 6, 1930.

MEMORANDUM FOR THE BUREAU OF INVESTIGATION.

There is attached hereto, for your information, a copy of a letter received from one L. Beckmann, Emden, Germany, in which he intimates that he has information of interest to this government in connection with the Black Tom disaster.

A copy of the same has been transmitted to the American Agent of the Mixed Claims Commission.


EUGENE DODDS,

Acting Head of Criminal Division.

RECORDED

SEP 11 1930

62-1199-22

Red

COPY

L BECKMANN

Enden August 24 1930

Furbringerstrasse 52

Enden
Germany

Mr. Attorney General

Washington, D. C.

U.S. A.

Being duly informed, through german Newspapers
about proceedings of german defense in the Black-tom
and Kingsland-plant destruction case of pre war time,
I am able to state, that I could contradict german
witness, special Mr. Hinsch to a certain extend, if duly
paid for it.

yours truly

L. Beckmann

62-1199-32

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

62-1199-33

RECORDED September 15, 1930.

SEP 17 1930

MEMORANDUM FOR THE DIRECTOR

On September 9, 1930, Mr. Appel called my attention to the fact that Bureau file 62-1199, relating to the destruction of the Lehigh Valley Railroad Terminal by an explosion which is known as the "Black Tom" explosion case, appears to be incomplete.

Serial #31 in this file is a letter dated August 22, 1928, which was addressed by the Bureau to Mr. Robert W. Bonyng, American Agent, Mixed Claims Commission, United States and Germany, requesting the return to the Bureau of certain papers which were furnished by the Bureau to Mr. Amos J. Peaslee, attorney for the Lehigh Railroad, for the use of the Mixed Claims Commission in the preparation of its claim for damages in connection with the destruction of the railroad terminal. This letter has never been acknowledged by Mr. Bonyng.

The file reflects that the interest of Attorney Peaslee, representing the Lehigh Valley Railroad as legal counsel in the preparation of its claim against the German Government, was identical with the interest of the Mixed Claims Commission, United States and Germany, and that his activity in connection with this case was for the purpose of aiding the Commission. The file further reflects that during March, 1925, after receiving due authorization, Mr. Peaslee was allowed to examine the Bureau's files in connection with the "Black Tom" explosion and was furnished certain reports and correspondence. It appears that although this material was delivered to Attorney Peaslee, it was being obtained by him for the use of the Mixed Claims Commission.

The Bureau's file contains two receipts, dated March 17, 1925, which were prepared by Mr. Peaslee, in which he states: "Received from Bureau of Investigation, Department of Justice, for use by the American Agent before the Mixed Claims Commission, United States and Germany, the following papers." These receipts itemize the twenty-one papers received by Mr. Peaslee, and in every instance except six refer to the papers as copies. Under dates of June 22 and July 6, 1928, the Bureau addressed letters to Mr. Peaslee, requesting that the material from the Bureau's file which was furnished to him be returned. In reply to these inquiries Mr. Peaslee advised by letters of July 12 and August 16, 1928, that all of the "copies" of papers from the Bureau's file which were furnished him were turned over by him to the American Agent, Mixed Claims Commission, United States and Germany, for use in the preparation of its claim.

62-1199

Under date of August 22, 1928, the Bureau addressed a letter to Mr. Robert W. Bonyng, American Agent, Mixed Claims Commission, United States and Germany, itemizing the Bureau papers which were furnished to Mr. Peaslee, advising him that Mr. Peaslee stated that he had turned these papers over to the Commission, and requesting that the papers be returned to the Bureau when they had served their purpose. Mr. Bonyng has never replied to this letter.

Mr. Seyfarth informs me that all of the papers furnished Mr. Peaslee were a part of what are known as the "Dr. Albert Papers", which were formerly filed in folders, in steel cabinets, in Room 421, and that these files are now in a vault at 13th and Pennsylvania Ave. Mr. Seyfarth further advised that due to the condition of these files it would take at least several days to make a thorough search for the papers furnished Mr. Peaslee, and that even then he did not believe the results would be satisfactory. I took the matter up with Mr. Baughman, and he also commented upon the condition of the "Dr. Albert" files and the difficulty of locating the serials contained in them. Mr. Baughman stated that it is his recollection that during the several days Mr. Peaslee was engaged in the examination of the "Dr. Albert Papers" in Room 421, arrangements were made whereby a Bureau representative could be present at all times, in order to make sure that Mr. Peaslee did not take any part of the files, unless it was charged to him. It is also Mr. Seyfarth's recollection that the Bureau representative was present at all times while Mr. Peaslee was examining these files. Mr. Baughman further stated that it is his recollection that only duplicate copies or photostatic copies of the papers were furnished to Mr. Peaslee. Mr. Baughman suggested that the only satisfactory way in which to ascertain whether all of these papers turned over to Mr. Peaslee were furnished to the Mixed Claims Commission, and whether these papers were originals or copies, would be to check the papers in the files of the Commission.

In accordance with your instructions, I have today attempted to check this material in the files of the American Agent, Mixed Claims Commission, United States and Germany. Mr. John J. Edwards, an attorney with the Commission advised that the American Agent, Mr. Bonyng, Mr. H. H. Martin, and most of the staff of the Commission are now in Geneva, Switzerland, presenting a number of cases for final settlement, and that the "Black Tom" case is one of the cases being presented. Mr. Edwards examined his files and advised that practically all of the files of the Commission relating to this case were taken to Geneva by Mr. Martin. I examined the few files which were left in the Commission relating to this case but found nothing pertaining to the papers which were furnished Mr. Peaslee. Mr. Edwards advised that he personally is not familiar with the "Black Tom" case and has no recollection of the papers which were secured by Mr. Peaslee, supposedly for the Commission. He stated that it will be sometime before Mr. H. H. Martin returns to this country with the files relating to this claim.

Mr. Edwards suggested that a letter might be directed to Mr. Bonyage or Mr. Martin, inquiring concerning the papers which were furnished Mr. Peaslee. However, unless otherwise instructed by you, I shall wait until Mr. Martin returns with the Commission's files in connection with the "Black Tom" claim before attempting to obtain further information concerning the papers which were furnished to Mr. Peaslee, as I believe this course of action will be more satisfactory, although it necessitates some delay.

Respectfully,

A handwritten signature in cursive script, appearing to read "Rhea Whitley".

Rhea Whitley.

A handwritten flourish or mark, possibly a checkmark or a stylized signature, located below the typed name.

RW:KP
62-1199

September 18, 1930

Mr. Robert W. Bonyngs,
American Agent,
Mixed Claims Commission,
United States and Germany,
Investment Building,
Washington, D. C.

62-1199-31	
RECEIVED	
SEP 20 1930	60
	FI

Dear Sir:

During March, 1925, Mr. Amos J. Peaslee, Attorney, of New York City, representing the Lehigh Valley Railroad in connection with their claim for the destruction of their terminal, in what is known as the "Black Tom" Explosion case, was allowed to examine the Bureau's files, and was furnished certain papers and documents from the files. Mr. Peaslee was allowed to examine the files, and the papers and documents were furnished him at the specific request of the Mixed Claims Commission, U. S. and Germany. According to the receipts dated March 17, 1925, which were given by Attorney Peaslee at the time the papers were furnished to him, he received the following:

1. Copies of two statements issued to the newspapers by Dr. Albert, re loss of his brief case (00151).
2. Report of Wm. Neunhoffer, February 25, 1918, re Pablo Wabriske (138651).
3. Abstract of records re Witeks, April 17, 1918, sent by M.I.D. to Bureau.
4. Special border report re Witeks, Feb. 2, 1918.
5. Summary for Capt. Keppel re Witeks, March 6, 1918.
6. Special border report, Feb. 7, 1918, of Lipscomb re Yarks.
7. Special border report, Feb. 4, 1918, of Lipscomb re Wm. Gleaves.

8. Extra copy letter Dr. Albert to his mother, Oct.3, 1915, File 00151.
9. Extra copy memo.of Von Igel re trial of Koenig (File 150-0069).
10. Extra copy receipt March 28, 1916, Putzen for \$200 (File 0069).
11. Extra copy letter Hamil to Von Igel, November 8, 1916, re \$4,000.00 (File 0069).
12. Extra copy letter Hamil to Von Igel, Dec.29, 1916, re Tucker (File 0069).
13. Extra copy receipt Paul Koenig to Von Igel, December 25, 1916.
14. Extra copy receipt Orsky for \$233.00 (File 00337).
15. Extra copy memo.by Igel re Frau Fritzen.
16. Extra copy letter to State Secretary of Interior, Feb.3, 1916 (File 00113).
17. Extra copy code entries from Von Igel's ledger (File 00107).
18. Extra copy letter July 1, 1915, Von Papen to Otto Block (00102).
19. Extra copy German War Ministry's denials re Von Papen, November 23, 1916 (150).
20. Extra copy letter Col. Von Daman to Bielaski, March 5, 1916.
21. Extra copy memo. March 7, 1916 re Wabriske.

Under date of August 22, 1928, the Bureau addressed a letter to you with reference to this matter.

In view of the fact that the above papers and documents were furnished by the Bureau to Mr. Peaslee for the use of the

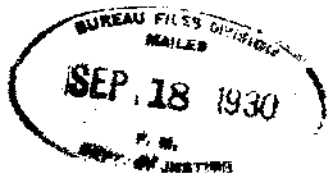
-3-

Commission, it is requested that they be returned directly to the Bureau when they have served their purpose.

Thanking you for your courtesy and attention to this matter, I beg to remain

Very truly yours,

Director.



JEM:DSS

September 16, 1930.

62-1199-33

RECORDED

SEP 17

MEMORANDUM FOR MR. APPEL.

With reference to the memorandum of September 15, 1930, prepared by Mr. Whitley concerning certain papers and documents belonging to the Bureau of Investigation which are believed to be in the possession of the Mixed Claims Commission incident to the "Black Tom" explosion case, I believe it would be desirable to write the letter suggested by Mr. Edwards, Attorney for the Commission. This certainly would complete the record and I can see no objection to the letter being sent to the Claims Commission at the present time.

Very truly yours,

Director.

62-1199

A

167:PKS

September 15, 1930.

MEMORANDUM FOR THE DIRECTOR

On September 9, 1930, Mr. Appel called my attention to the fact that Bureau file 62-1199, relating to the destruction of the Lehigh Valley Railroad Terminal by an explosion which is known as the "Black Tom" explosion case, appears to be incomplete.

Serial #31 in this file is a letter dated August 22, 1928 which was addressed by the Bureau to Mr. Robert W. Bonyngs, American Agent, Mixed Claims Commission, United States and Germany, requesting the return to the Bureau of certain papers which were furnished by the Bureau to Mr. Amos J. Peaslee, attorney for the Lehigh Railroad, for the use of the Mixed Claims Commission in the preparation of its claim for damages in connection with the destruction of the railroad terminal. This letter has never been acknowledged by Mr. Bonyngs.

The file reflects that the interest of Attorney Peaslee, representing the Lehigh Valley Railroad as legal counsel in the preparation of its claim against the German Government, was identical with the interest of the Mixed Claims Commission, United States and Germany, and that his activity in connection with this case was for the purpose of aiding the Commission. The file further reflects that during March, 1928, after receiving due authorization, Mr. Peaslee was allowed to examine the Bureau's files in connection with the "Black Tom" explosion and was furnished certain reports and correspondence. It appears that although this material was delivered to Attorney Peaslee, it was being obtained by him for the use of the Mixed Claims Commission.

The Bureau's file contains two receipts, dated March 17, 1928, which were prepared by Mr. Peaslee, in which he states: "Received from Bureau of Investigation, Department of Justice, for use by the American Agent before the Mixed Claims Commission, United States and Germany, the following papers." These receipts itemize the twenty-one papers received by Mr. Peaslee, and in every instance except six refer to the papers as copies. Under dates of June 22 and July 6, 1928, the Bureau addressed letters to Mr. Peaslee, requesting that the material from the Bureau's file which was furnished to him be returned. In reply to these inquiries Mr. Peaslee advised by letters of July 12 and August 16, 1928, that all of the "copies" of papers from the Bureau's file which were furnished him were turned over by him to the American Agent, Mixed Claims Commission, United States and Germany, for use in the preparation of its claim.

Under date of August 22, 1938, the Bureau addressed a letter to Mr. Robert W. Bonyng, American Agent, Mixed Claims Commission, United States and Germany, itemizing the Bureau papers which were furnished to Mr. Peaslee, advising him that Mr. Peaslee stated that he had turned these papers over to the Commission, and requesting that the papers be returned to the Bureau when they had served their purpose. Mr. Bonyng has never replied to this letter.

Mr. Seyfarth informs me that all of the papers furnished Mr. Peaslee were a part of what are known as the "Dr. Albert Papers", which were formerly filed in folders, in steel cabinets, in Room 421, and that these files are now in a vault at 13th and Pennsylvania Ave. Mr. Seyfarth further advised that due to the condition of these files it would take at least several days to make a thorough search for the papers furnished Mr. Peaslee, and that even then he did not believe the results would be satisfactory. I took the matter up with Mr. Baughman, and he also commented upon the condition of the "Dr. Albert" files and the difficulty of locating the serials contained in them. Mr. Baughman stated that it is his recollection that during the several days Mr. Peaslee was engaged in the examination of the "Dr. Albert Papers" in Room 421, arrangements were made whereby a Bureau representative could be present at all times, in order to make sure that Mr. Peaslee did not take any part of the files, unless it was charged to him. It is also Mr. Seyfarth's recollection that the Bureau representative was present at all times while Mr. Peaslee was examining these files. Mr. Baughman further stated that it is his recollection that only duplicate copies or photostatic copies of the papers were furnished to Mr. Peaslee. Mr. Baughman suggested that the only satisfactory way in which to ascertain whether all of these papers turned over to Mr. Peaslee were furnished to the Mixed Claims Commission, and whether these papers were originals or copies, would be to check the papers in the files of the Commission.

In accordance with your instructions, I have today attempted to check this material in the files of the American Agent, Mixed Claims Commission, United States and Germany. Mr. John J. Edwards, an attorney with the Commission advised that the American Agent, Mr. Bonyng, Mr. H. H. Martin, and most of the staff of the Commission are now in Geneva, Switzerland, presenting a number of cases for final settlement, and that the "Black Tom" case is one of the cases being presented. Mr. Edwards examined his files and advised that practically all of the files of the Commission relating to this case were taken to Geneva by Mr. Martin. I examined the few files which were left in the Commission relating to this case but found nothing pertaining to the papers which were furnished Mr. Peaslee. Mr. Edwards advised that he personally is not familiar with the "Black Tom" case and has no recollection of the papers which were secured by Mr. Peaslee, supposedly for the Commission. He stated that it will be sometime before Mr. H. H. Martin returns to this country with the files relating to this claim.

Mr. Edwards suggested that a letter might be directed to Mr. Sonyage or Mr. Martin, inquiring concerning the papers which were furnished Mr. Peaslee. However, unless otherwise instructed by you, I shall wait until Mr. Martin returns with the Commission's files in connection with the "Black Tom" claim before attempting to obtain further information concerning the papers which were furnished to Mr. Peaslee, as I believe this course of action will be more satisfactory, although it necessitates some delay.

Respectfully,

Rhea Whitley.

HW:FBS

62-1199

October 22, 1930.

Mr. Robert W. Bonyngs,
American Agent,
Mixed Claims Commission,
United States and Germany,
Investment Building,
Washington, D.C.

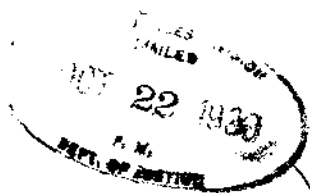
62-1199

Dear Sir:

Please refer to letter dated September 18, 1930, from the Bureau of Investigation with reference to certain papers and documents which were furnished to Mr. Amos J. Peaslee of New York City for the use of the Mixed Claims Commission, United States and Germany, and advise if these documents will be available for return to this Bureau when they have served their purpose.

Very truly yours,

Director.



62-1199	
BUREAU OF INVESTIGATION	
OCT 23	30 A. M.
FILE	

Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1511 K STREET

WASHINGTON

October 24, 1930.

J. Edgar Hoover, Esquire,
Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

RECORDED

OCT 25 1930

62-1199	
BUREAU OF INVESTIGATION	
OCT 25 1930 A M	
Div. Four	FILE

Sir:

I beg to acknowledge the receipt of your letters of September 18, and October 22, 1930, respectively, in reference to certain documents and papers belonging to the Bureau of Investigation and delivered to Mr. Amos J. Peaslee at the request of this office for use in connection with the sabotage claims pending before the Mixed Claims Commission.

All of the records relating to the claims in question are now in the possession of H. H. Martin, Counsel for the Agency, who is abroad at the present attending the meetings of the Commission being held at the Hague and at Hamburg, Germany. Your letters will be brought to the attention of Mr. Martin upon his return which is expected the early part of November.

Very truly yours,

For the American Agent, Robert W. Bonynges:

John J. Edwards
Counsel.

RW:JOM
62-1199

December 27, 1930.

Mr. Robert W. Bonyaga,
American Agent,
Mixed Claims Commission,
United States and Germany,
Investment Bldg.,
Washington, D. C.

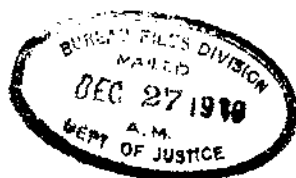
62 - 1199

Dear Sir:

The Bureau of Investigation will appreciate a reply to its letters of September 18th and October 22d, 1930, relative to certain papers and documents which were furnished to Mr. Amos J. Peaslee of New York City for the use of the Mixed Claims Commission, United States and Germany.

Very truly yours,
For the Director:

Assistant Director.



62-1199-37
DEC 29 30

123
11

RM:AMP
62-1199-38-

January 7, 1931.

Mr. H. H. Martin, Counsel,
Mixed Claims Commission,
United States and Germany,
1811 - K Street, N. W.,
Washington, D. C.

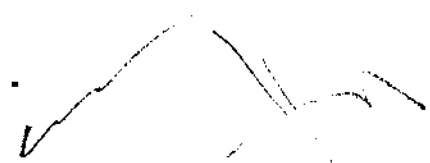
Dear Mr. Martin:

Receipt is acknowledged of your letter dated December 29, 1930, with reference to certain documents described in a letter from the Bureau of Investigation, dated September 18, 1930, which were obtained from the Bureau on March 17, 1925 by Mr. A. J. Peaslee of New York City for use in certain sabotage claims pending before the Commission. It appears from your letter that all of these documents were turned over to you by Mr. Peaslee and have been located with the exception of those numbered 2, 3 and 21; that these documents are all copies of the originals contained in the Bureau's file and that most of the documents have been filed as exhibits with the Commission.

In view of this fact, it will not be necessary to return these copies which have been identified. It is noted that further efforts are being made to locate the missing documents (2, 3 and 21) and the Bureau will appreciate being advised further when information is obtained concerning these documents.

Very truly yours,

Director.

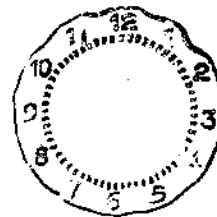


Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1611 K STREET
WASHINGTON



DEC 30 1930

December 29, 1930.

J. E. Hoover, Esquire,
Director, Bureau of Investigation,
Department of Justice,
Washington, D.C.

Dear Mr. Hoover:

This will acknowledge receipt of your letter of the 27th instant in which you ask for information in relation to certain documents described in your letter of December 18, 1930 copies of which are said to have been obtained from the Department of Justice on March 17, 1925 by A. J. Peaslee, Esquire, 501 Fifth Avenue, New York, New York, for use in the sabotage claims pending before the Commission, Docket Nos. 8103, 8117, et al.

I have had the documents as described in your letter of September 18, 1930 looked up in our records with the following results:

- "1. Copies of two statements issued to the newspapers by Dr. Albert, re loss of his brief case (00151)."

There was filed with the Commission in the sabotage claims as Exhibits 211 and 212 original Vol. V, carbon copies of these particular documents as obtained from your files. Exhibit 211 appears at p. 582 of the printed record in the sabotage cases; Exhibit 212 was not printed.

- "2. Report of Wm. Neunhoffer, February 25, 1918, re Pablo Fabriske (138651)."

I have not as yet been able to locate the copy

of this particular document as obtained from the Department of Justice. A photostat copy, however, of this document as obtained from the files of the War Department was filed with the Commission as Order Exhibit 288, original Vol. VII of the Order exhibits. This document appears in the printed record at p. 4206.

- ✓ "3. Abstract of records re Witcke, April 17, 1918, sent by M.I.D. to Bureau."

I have not as yet been able to locate this particular document.

- "4. Special border report re Witcke, Feb. 2, 1918."

A carbon copy of this document as obtained from your files was filed as Exhibit 228, Vol. V, original exhibits. This document appears at p. 623 of the printed record. The document in question was apparently sent by Major Barnes of Army Intelligence to the Bureau.

- "5. Summary for Capt. Keppele re Witcke, March 6, 1918."

A carbon copy of this particular document as obtained from your files bearing your number 138651 was filed as a part of Exhibit 227, Vol. V original exhibits. It appears at p. 620 of the printed record.

- "6. Special border report, Feb. 7, 1918, of Lipscomb re Yarke". (This should be Jahnke).

A carbon copy of this particular document as obtained from your records bearing number 138651 was filed with the Commission as part of Exhibit 227, Vol. V original exhibits. This is reproduced at page 619 of the printed record.

- "7. Special border report, Feb. 4, 1918, of Lipscomb re Wm. Gleaves."

Carbon copy of this particular document as obtained from your files was filed with the Commission as Exhibit 228, Vol. V original exhibits. It is reproduced at p. 609 of the printed record.

- "8. Extra copy letter Dr. Albert to his mother [wife], Oct. 3, 1915, File 00151."

Carbon copy of translation of this particular document as obtained from your files was filed as Exhibit 23 Vol. II original exhibits. It is reproduced at p. 53 of the printed record.

- "9. Extra copy memo. of Von Igel re trial of Koenig (File 130-0069)."

Carbon copy of translation of this particular document as obtained from your files was filed as Exhibit 217, Vol. V, original exhibits. It is reproduced at p. 599 of the printed record.

- "10. Extra copy receipt March 28, 1916, Futzen for \$200 (File 0069)."

Typewritten copy of translation of this document as obtained from your files was filed as Exhibit 216, Vol. V, original exhibits. It is reproduced at p. 599 of the printed record.

- "11. Extra copy letter Hamil to Von Igel, November 8, 1916, re \$4,000.00 (File 0069)."

Copy of translation of this particular document as obtained from your files was filed as Exhibit 215, Vol. V, original exhibits. It is reproduced at p. 598 of the printed record.

- "12. Extra copy letter Hamil to Von Igel, Dec. 29, 1916, re Tucker (File 0069)."

Copy of translation of this particular document as obtained from your files was filed as Exhibit 218, Vol. V, original exhibits. It is reproduced at p. 601 of the printed record.

- "13. Extra copy receipt Paul Koenig to Von Igel, December 25, 1916."

Photostatic copy of this receipt in the form of a voucher dated December 25, 1916 by Paul Koenig's bureau of investigation and endorsed received payment Paul Koenig, December 16, 1916, was filed as Exhibit 219, Vol. V, original exhibits. This is not reproduced in our printed record.

- "14. Extra copy receipt Orsky for \$238.00 (File 00327)."

Photostatic copy of this particular document was filed as Exhibit 222, Vol. V, original exhibits. This was not reproduced in our printed record.

- "15. Extra copy memo. by Igel re Frau Fritzen."

Photostatic copy of this particular document dated New York May 18, 1916, signed Igel re payment of \$60. to Frau F. A. Fritzen through Pastor Bruckner

was filed as Exhibit 221, Vol. V, original exhibits. It is not reproduced in the printed record.

- "16. Extra copy letter to State Secretary of Interior, Feb. 3, 1916 (File 00113)."

Carbon copy of translation of this particular document as obtained from your files was filed as Exhibit 214 Vol. V, original exhibits. This is reproduced at p. 597 of the printed record.

- "17. Extra copy code entries from Von Igel's ledger (File 00107)."

Carbon copy of this particular document deciphered by your office as obtained from your files was filed as Exhibit 223, Vol. V, original exhibits. This is reproduced at pp. 602-606 of the printed record.

- "18. Extra copy letter July 1, 1915, Von Papen to Otto Block (00102)."

Carbon copy of translation of this particular document as obtained from your files was filed as Exhibit 220, Vol. V, original exhibits. This document is not reproduced in the printed record.

- "19. Extra copy German War Ministry's denials re Von Papen November 23, 1916 (150)".

Photostat copy of translation of this document was filed as Exhibit 213-A, Vol. V, original exhibits. It is reproduced at pp. 594-596 of the printed record.

- "20. Extra copy letter Col. von Deman to Bielaski, March 5, 1918."

Carbon copy of this particular document as obtained from your files was filed as Exhibit 225, Vol. V, original exhibits. It is reproduced at pp. 607-608 of the printed record.

- ✓ "21. Extra copy memo. March 7, 1918, re Wabriske."

I thus far have not been able to locate this document.

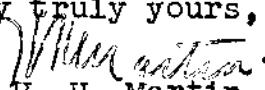
These documents were obtained by Mr. Peaslee, attorney for claimants in the sabotage claims at the suggestion of the Agency. As above indicated the majority of the documents so

obtained have been filed of record with the Commission in the form in which they were obtained from the Department of Justice. As they are all apparently copies of documents from your files and are now a part of the Commission record, I assume that in so far as they have been filed with the Commission you do not care to have them returned to your files. If, however, you feel that it is desirable that the copies as obtained from your files be returned thereto, I shall be glad to file a Motion with the Commission asking permission to withdraw the documents from the Commission files and substitute photostatic copies, returning to your office such of the documents as were obtained.

I am having some difficulty in definitely locating the missing documents as above indicated for the reason that Mr. Peaslee is abroad at the present time and his office has not as yet been able to finally trace them. I am certain however, that they will eventually be accounted for, either in his office or in our office. As you know, the record in the sabotage claims is very voluminous and we have obtained through the courtesy of your office a great many documents relating to German activities some of which documents have not, for various reasons, been filed with the Commission.

You may rest assured, however, that any documents that have been obtained from your office in relation to these claims have not been allowed to get into unauthorized hands.

Very truly yours,


H. H. Martin,
Counsel.

HHM:CVB

CGS:FRS

62-1199-38

February 24, 1931.

Mr. H. H. Martin, Counsel,
Mixed Claims Commission,
United States and Germany,
1511 - K Street, N.W.,
Washington, D.C.

62

Dear Mr. Martin:

Reference is made to previous correspondence concerning documents relating to the "Black Tom" Explosion case.

This Bureau will appreciate being advised whether your office has been able to locate the three documents mentioned as missing in your letter of December 29, 1930. These documents are described as follows:

"Report of William Neunhoffer, February 25, 1918,
re Pablo Wabriske (138651).

Abstract of records re Witeke, April 17, 1918,
sent by M.I.D. to Bureau.

Extra copy memo. March 7, 1918, re Wabriske."

Very truly yours,

Director.

62-1199-38

CGS:EB
62-1199-

April 10, 1931.

Mr. H. H. Martin, Counsel,
Mixed Claims Commission,
United States and Germany,
1511 K Street, N. W.,
Washington, D. C.

Dear Mr. Martin:

Please refer to previous correspondence concerning documents relating to the "Black Tom" explosion case, and particularly to this Bureau's letters dated January 6 and February 24, 1931.

I shall appreciate being advised whether your office has been able to locate the three documents which were missing at the time of the transmittal of your letter dated December 29, 1930.

Very truly yours,

Director.

RECORDED

BUREAU FILES DIVISION
APR 10 1931

CCB:TAM
62-1199

May 23, 1931

Mr. H. H. Martin, Counsel,
Mixed Claims Commission,
United States and Germany,
1511 K Street, N. W.,
Washington, D. C.

Dear Mr. Martin:

With reference to the "Black Tom" explosion case, this Bureau is still desirous of locating the three documents which were missing at the time of the transmittal of your letter dated December 29, 1930.

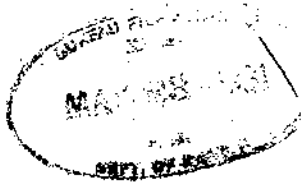
Will you please advise whether you have been able to find these papers?

Very truly yours,
For the Director,

Assistant Director.

62-1199-

RECORDED



Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1811 K STREET
WASHINGTON

May 25, 1931.

MAY 23 1931

Mr. H. Nathan,
Assistant Director,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

62-1199

Dear Mr. Nathan:

This will acknowledge receipt of your letter of the 23rd instant in which you make inquiry in relation to the following three documents, copies of which were obtained from the files of the Bureau for use in connection with the sabotage claims against Germany pending before the Commission, Docket Nos. 8103, 8117, et al.:

- (1) "Report of Wm. Neunhoffer February 25, 1918, re Pablo Wabriske (138651)."
- (2) "Abstract of records re Witke, April 17, 1918, sent by M.I.D. to Bureau."
- (3) "Extra copy memo. March 7, 1918, re Wabriski."

I am sorry to say that I have not as yet been able to locate these particular documents either in our files or in the files in Mr. Peaslee's office. I have, however, a distinct recollection of having had these particular papers and I have no doubt but that they will turn up sometime in the future.

RECORDED 22-7-31

FILED
MAY 25 1931
JES

-2-

As I advised you in my letter of December 29, 1930, you may rest assured that these papers were not allowed to get into unauthorized hands.

Very truly yours,


H. H. Martin,
Counsel.

HRM:CVB

WIC:CG

62-1-42

July 29, 1931.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS.

Receipt is hereby acknowledged of your memorandum dated July 25, 1931, relative to the request made by Mr. H. H. Martin, Counsel and Assistant to the American Agent, Mixed Claims Commission, that an agent of the Bureau interview Carl Von Moltke, who is serving a sentence in the California State Penitentiary at San Quentin, California.

Please be advised that the San Francisco office has been instructed to conduct the necessary investigation.

Very truly yours,

Director.



WIC:CG

July 29, 1931.

1199-42
RECEIVED IN
Special Agent in Charge,
Bureau of Investigation,
Box 507,
San Francisco, California.

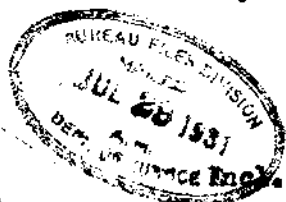
Dear Sir:

There are enclosed herewith a copy of a memorandum received from Mr. Nugent Dodds, Assistant to the Attorney General, dated July 25, 1931, a letter addressed to the Attorney General by Mr. H. H. Martin, Counsel and Assistant to the American Agent, dated July 23, 1931, a copy of a letter addressed to Mr. W. H. Orrick, care of Orrick, Palmer and Dahlquist, Attorneys at Law, San Francisco, by Woodruff, Musick and Martke, Attorneys at Law, Los Angeles, California, dated June 30, 1931, a photostatic copy of a newspaper clipping taken from the Los Angeles Record during the last week of June, 1931, relative to Carl Von Moltke, five photographs of Friedrich Hinsch, alias Graenator, a photostatic copy of a letter addressed to Mr. Ed. Felton, Baltimore, Maryland, signed by F. K. Hinsch, General Manager, Eastern Forwarding Company, dated at New London, Connecticut, January 2, 1916, and supplemental petition for rehearing signed by H. H. Martin, Counsel for the Agent for the United States at Washington, D. C., June 30, 1931, in the case entitled THE UNITED STATES ON BEHALF OF LEHIGH VALLEY RAILROAD, AND BLACK TOM UNDERWRITERS; AND AGENCY OF CANADIAN CAR AND FOUNDRY COMPANY, LTD., AND KINGSLAND UNDERWRITERS AGAINST GERMANY, Docket #8103, et al, and #8117, et al.

In compliance with the request contained in the letter of Mr. H. H. Martin dated July 23, 1931, you are instructed to assign an agent to interview Carl Von Moltke at the California State Penitentiary, San Quentin, California. Upon the completion of the investigation, you are instructed to return to the Bureau the above described photographs of Captain Hinsch, together with the supplemental petition for hearing in order that these exhibits may be returned to the Mixed Claims Commission.

Very truly yours,

Director.



743584.

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kcc

ND *HAF*
217890

July 25, 1931.

MEMORANDUM FOR MR. HOOVER.

There is attached hereto a letter from H. H. Martin, Counsel and Assistant to the American Agent, Mixed Claims Commission, together with the enclosures referred to therein, in which it is requested that an Agent of the Bureau be authorized to interview Carl von Moltke, who was recently sentenced in Los Angeles to a term of imprisonment of from one to fifteen years in San Quentin Penitentiary on a charge of second degree burglary, for the purpose of obtaining from him any information that he may have tending to identify one Friedrich Hinsch as having used the name of Graentor, the information to be used in connection with sabotage claims pending before the Commission involving the fires and explosions at the Lehigh Valley Railroad Terminal, Black Tom, Jersey City, New Jersey, in July, 1916, and of the Assembling Plant of Agency of Canadian Car & Foundry Company, Ltd., Kingsland, New Jersey, in January, 1917, Docket Nos. 8103, 8117, et al. Mr. Martin also requests that it would be desirable, if practicable, to have von Moltke's statement in the form of an affidavit and that the Agency would appreciate being furnished with a copy of the report covering the interview.

The letter and enclosures are self-explanatory and it is requested that the desired information be obtained if possible, furnishing copies of the reports to this Division in order that they may be transmitted to the Mixed Claims Commission.

Will you please return the attached papers for the Department files when they have served your purpose.

Respectfully,

42-1114-100
Nugent
NUGENT DODDS,
Assistant Attorney General.

2-1-32
Am. Agt.
Div. 1122

2-1-32
Am. Agt.
Div. 1122

COPY

WOODRUFF, MUSICK & HARTKE
Attorneys at Law
1200 Security Title Insurance Building,
530 West Sixth Street

Los Angeles

June 30, 1931.

Mr. W. H. Orrick,
c/o Orrick, Palmer & Dahlquist,
Attorneys at Law,
San Francisco, California.

Dear Mr. Orrick:

We are enclosing herewith a newspaper clipping which appeared several days ago and may be of interest to you in connection with the Von Moltke situation.

We again had a talk with Mr. Vincent Kuvisak, the reporter for the "Record", and he states that from the additional information he has been able to obtain from Von Moltke, he does ~~know~~ and could testify from his own knowledge as to the identity of Frederick Hinsh, alias Grantnor.

Apparently Von Moltke will be in safe keeping for some little time to come, and if the circumstances demand, we should have no trouble getting in touch with him.

Very truly yours,

WOODRUFF, MUSICK & HARTKE

By Michael Bilz

62-1199-43

MIXED CLAIMS COMMISSION

COPY

United States and Germany

United States Agency
1511 K Street N.W.
Washington.

July 23, 1931.

The Honorable

The Attorney General.

Sir:

Reference is made to previous correspondence with the Department of Justice in relation to the sabotage claims pending before this Commission involving the fires and explosions at the Lehigh Valley Railroad Terminal, Black Tom, Jersey City, New Jersey, on the night of July 29-30, 1916, and of the Assembling Plant of Agency of Canadian Car & Foundry Company, Ltd., Kingsland, New Jersey, on January 11, 1917, Docket Nos. 8103, 8117, et al.

There is enclosed herewith copy of a letter dated June 30, 1931, from Messrs. Woodruff, Musick & Hartke, Attorneys at Law, 1200 Security Title Insurance Building, Los Angeles, California, to Messrs. Orrick, Palmer and Dahlquist, Attorneys at Law, San Francisco, California, enclosing a copy of a clipping from the Los Angeles "Record" of the latter part of June 1931, containing a story in relation to an alleged German sabotage agent named Carl von Moltke, who was recently sentenced in Los Angeles to a term of imprisonment of from one to fifteen

62-1199-13

years in San Quentin Penitentiary following conviction on a charge of second degree burglary. A copy of the clipping is likewise enclosed.

The clipping refers to the fact that von Moltke, during the period of neutrality of the United States, was employed by Friedrich Hinsch and that he was at that time in New York engaged in decoding messages for Hinsch.

In the letter of June 30, 1931, the writer says that he has recently had a talk with Mr. Vincent Kuvisak, a reporter on the Los Angeles "Record" and that Mr. Kuvisak told the writer that "from the additional information he was able to obtain from von Moltke, he does know and could testify from his own knowledge as to the identity of Frederick Hinsch, alias Grantnor."

The record in the sabotage cases that the Agency has been able to make up very strongly points to the fact that Hinsch in his operations on the East Coast in 1916 was using the alias of Graentnor, spelled various ways.

Frederick L. Herrmann, a prominent German sabotage agent, who in his written statement sworn to April 1, 1930, admitted being responsible for the fires and explosions at Kingsland, New Jersey, says in referring to happenings shortly after the explosion:

"I then saw Hinsch who greeted me with 'Hello, Mr. Rodriguez'; to which I replied, 'Mr. Graentnor', for Hinsch used this name on several occasions. I told Hinsch that things were not looking any too good and that Weehst was fooling around too much with several ladies and we would have to get rid of him." (Printed record p. 5428).

In an affidavit of Mr. L. A. Peto, dated July 14, 1930, outlining an interview that he had in Detroit with Herrmann and Carl Ahrendt, the following appears:

"I remember telling Ahrendt that we had had the impression that Fritz Herrmann himself had possibly assisted in setting fire to Kingsland, and that he had taken the place of a man named Ridriguez, due to the fact that Herrmann had later been referred to as Ridriguez whilst in Mexico. I stated that Hinsch had testified that Herrmann was known in Mexico City exclusively as Rodriguez. Herrmann told Ahrendt that he had not taken the name of Rodriguez but that Hinsch had wished it on him. Herrmann said, 'Why would I take a Spanish name when at that time I could not speak Spanish'. Herrmann also stated that Hinsch had used the name of Grantnor and said 'I don't know why the hell he would take an Irish name with that Dutch face of his.' Ahrendt stated that he had not known Hinsch used the name of Grantnor but he said he had known that Hinsch had registered with a girl as Mr. and Mrs. Fred Herrmann, * * *. I remarked that Hinsch in using the name of 'Grantnor' might have known a man of that name, just as he had used Herrmann's name, and just as he had applied the name of 'Rodriguez' to Herrmann." (Exhibit 798, record pp. 5910, 5911).

One Michael Kristoff, who, it is believed as established by our record, was an active participant in the Black Tom fire and explosion, was arrested by the Jersey City Police shortly after the explosions. He was held by the Police for about a month and then released for the reason that with the evidence they had at that time, the authorities did not feel justified in holding him any longer.

On September 1, 1916, while still in the custody of the Jersey City Police, there was a lengthy examination (Exhibit 326, record p. 1180, et seq.) of Kristoff in the

course of which Kristoff outlined at considerable length a trip that he claims to have taken in January and February 1916 with a man that he knew as Francis Graentor, also spelled Graentsor.

According to Kristoff's statement, he met Graentor at the Pennsylvania Station, New York City, about January 3, 1916. Graentor engaged Kristoff as a handy man to take on a trip and look after Graentor's luggage, among which Kristoff says were a number of blue-prints. On this trip the two of them went to Philadelphia, then returned to New York; from there they went to Bridgeport, Connecticut; then to Cleveland, Akron and Columbus, Ohio; then apparently to Chicago, Illinois; from there they went to Kansas City, Kansas; and then to St. Louis, Missouri, where they separated.

Kristoff claims not to have seen Graentor again until about the first week of August 1916, when he met him in Fulton Street, New York, and made an engagement to see him at the Hotel McAlpin, New York, that evening. Graentor, however, did not keep this engagement.

While the Commission in their decision at Hamburg on October 16, 1930, say that this "story is suspicious enough in all conscience" they qualify their statement by saying further that:

"If Grantnor can be shown to be Hirsch, we can easily get a good deal of truth out of the story, and add a great deal of detail."

The Commission in their decision also has this to say with specific respect to Kristoff and Hinsch:

"We cannot be sure that Kristoff did not set fire to Black Tom or take some part in so doing. We cannot be sure that Graentsor, or Grantnor, or Graentnor was not Hinsch, and that Hinsch did not employ Kristoff and other who are unknown. But it will sufficiently appear from the foregoing that, as we have said, the evidence falls far short of enabling us to reach the point, not merely of holding Germany responsible for the fire, but of thinking that her agents must have been the cause, even though the proof is lacking."

Again the Commission says:

"The name Grantnor is of great significance in this case. The connection between Kristoff and Hinsch, who was a German agent and who is alleged to have used Kristoff as his tool in Black Tom, depends substantially on whether Hinsch used the name Grantnor as an alias. One Frank Oscar Granson seems to have been actually an individual who later was a witness in the Rintelen case, whom Hinsch is supposed to have known. The theory pressed upon us is that Hinsch in seeking aliases was accustomed to adopt names familiar to him and so adopted Granson. Why he should have changed it to Grantnor, or Graentnor, as it is more commonly spelled in the evidence, and why he should have changed Frank to Francis, is not explained."

Further the Commission says:

"The persons alleged to be responsible for causing these two fires to be 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 special 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 certain German agents."

There are now pending before the Commission Petitions for Rehearing in these sabotage claims, which Petitions are based in a large measure on certain newly discovered contemporaneous evidence that in the Black Tom case is believed to definitely establish the fact that Kristoff was a German agent and that he was known to Hinsch. A copy of our Supplemental Petition for Rehearing is enclosed herewith for your information. The newly discovered contemporaneous evidence relating to the Black Tom explosion will be found under the heading Exhibit 904, beginning at page 24 of the Supplemental Petition.

In view of the statements above referred to, appearing in the Los Angeles "Record", and in the letter of June 30, 1931, of Messrs. Woodruff, Muske and Hartke, indicating that the man von Moltke is in a position to definitely

identify Hinsch as a man who used the alias Graentor, the Agency would very much appreciate your authorizing the Bureau of Investigation to have one of its agents interview von Moltke for the purpose of obtaining from him any information that he may have tending to identify Hinsch as having used the name Graentor.

The records in the Bureau of Investigation contain a great deal of information relating to the activities of Hinsch in this country during the period of neutrality and also his activities in Mexico after we entered the war, where he became the head of the German military secret service. These records show that Hinsch came into this country in September 1914, as Master of the ex-German S.S. NECKAR that tied up in Baltimore. He made his headquarters at Baltimore during our period of neutrality where he was closely associated with Paul Hilken, particularly in connection with matters relating to the commercial submarine DEUTSCHLAND that arrived in Baltimore on her first trip in July 1916 and in New London on her second trip in October 1916.

That Hinsch during our period of neutrality was actively engaged in sabotage operations in this country was finally definitely established by Hinsch's own admissions made in a third affidavit of his submitted by the German Agent following the confession of Herrmann and also following

affidavits obtained by us from Hirsch's underlings.

The following excerpt was taken from a third deposition taken in Berlin early in August 1930, at which time the American Agent was not given an opportunity to be present for the purpose of a proper cross-examination (German Exhibit CXXVIII, pp. 109-110):

"Q. You stated that since the return of Paul Hilken in April 1916, you occupied yourself exclusively with the matters of the submarine service and that you had discontinued all other matters at the time of your first conference with Paul Hilken after his return from Germany when he told you of the contemplated submarine service: Is that correct?

A. Yes.

Q. Were you then, prior to that time, engaged in other matters?

A. Yes, I attempted at first to instigate strikes among the stevedores in ports, and furnished for that purpose negroes hired by me at the time with circulars which I caused to be distributed in Norfolk, Newport News and Baltimore. After that we attempted to infect horses and mules transports (sic.) with anthrax germs. I used the negroes also for that purpose. Finally we manufactured so-called dumplings in order to cause fires on munitions ships and ships with contraband. I used Ed Reiton and his negroes also for this purpose.

Q. When did you start these activities?

A. In May 1915, after I had talked with Rintelen personally.

Q. How long did you go on with these sort of things?

A. Until Paul Hilken returned from Germany. Then, I discontinued everything and destroyed the balance of the supplies.

Q. Did you, during that period, practice also sabotage against American munitions factories or other plants

on American soil?

A. No, never."

Ed Felton, the negro mentioned by Hinsch, executed an affidavit under date of April 11, 1930 (U.S. Exhibit 761, printed record pp. 5631-5636), in which he describes his work with Hinsch in the following language:

"In the fall of 1914 - I do not remember the exact date - I met Captain Frederick Hinsch. He came into port in Baltimore on the steamer Neckar, a North German Lloyd ship, which came there to unload the remainder of her cargo. * * *

"A short time after the Neckar arrived, it may have been two or three months, Capt. Hinsch sent for me and asked me to come up to his house in Baltimore. * * *

"Capt. Hinsch first gave me a package of printed circulars and told me to take them down to Norfolk and distribute them among the stevedores and try to get them to go out on strike. I went to Norfolk and did this work for Capt. Hinsch. He paid me some money for my expenses and time. * * *

"After I had been working on this strike matter for about a month Capt. Hinsch told me that he had some other kind of work that he wanted me to do in helping set fire to some of the supplies that they were getting ready to ship to Europe. This was early in 1915. There was a lot of grain and horses, cotton and other supplies at and near Baltimore, Norfolk and Newport News. Capt. Hinsch gave me some things to start fires with. They were about the size of a small egg. Capt. Hinsch told me that some of his men were making these on the Neckar. He showed me how to fill them with acid and gave me instructions as to how they would cause a flame and start fires. They did not explode, they merely sent out a big sissing flame which set fire to things around them. They had been prepared with other substances in them when they were given to me by Capt. Hinsch and all that we had to do was to pour on some acid which he gave me also. After we put in the acid we closed up a little spout and then they were ready to work. I gave them to my men who were working for me to put around among the wheat and cotton and

other supplies on the docks and in warehouses and on the ships, which was what Capt. Hinsch told me to do.

* * *

"My first work with these fire things for Capt. Hinsch commenced some time early in 1915. From then on for about a year or two I was receiving regularly things for use in starting fires. I also was receiving expenses and an allowance of money of about \$150. to \$200. a week, which I used in paying other men to distribute these fire things.

* * *

"I knew during this time while I was working for Capt. Hinsch that a good many white fellows were doing these same things for Capt. Hinsch. He often spoke of other fires in factories and warehouses and on ships as being to his credit. He called them usually 'good jobs'. * * *

"A few months after I commenced work on trying to start fires Capt. Hinsch explained to me that he had some further work for me to do in connection with with some germs to start disease among the horses that were being collected at different shipping points. That work commenced, as near as I can remember, about the late summer or early fall of 1915. From then on for a period of nearly a year I was working regularly under Capt. Hinsch in also distributing disease germs. I did this work in Norfolk, Newport News, and in New York City.

* * *

"The germs were given to me by Capt. Hinsch in glass bottles about an inch and a half or two inches long, and three-quarters of an inch in diameter, with a cork stopper. The bottles were usually contained in a round wooden box with a lid that screwed on the top. There was cotton in the top and bottom to protect the bottles from breaking. A piece of steel in the form of a needle with a sharp point was stuck in the under side of the cork, and the steel needle extended down in the liquid where the germs were. We used rubber gloves and would put the germs in the horses by pulling out the stopper and jabbing the horses with the sharp point of the needle that had been down among the germs.

* * * *

"Capt. Hinsch was accustomed to giving me brown paper packages filled with these tubes and with the fire things. Sometimes he would give me these at his apartment in Baltimore and sometimes he would meet me at New York, Norfolk or Newport News."

In Hinsch's deposition of August 1930 (Exhibit CXXVIII, pp. 39, 40), which deposition was given after Hinsch had had an opportunity to read this affidavit of Felton's, he gives Felton the following indorsement:

"Ed Felton was a smart fellow, always on the job from morning to night. He got the best out of his negroes and he worked hard and did not hesitate to take a hand himself during the whole time he was employed by me with the Eastern Forwarding Company."

There are also enclosed herewith the following described photographs of Hinsch:

- (1) This is a copy of a photograph identified as Hinsch and submitted as Exhibit 1 to German Exhibit XCVI. This photograph was apparently taken in May, June or July, 1917.
- (2) In this group photograph Hinsch is the man standing under the American flag. It is a copy of a photograph found among the effects in a trunk in El Paso, which trunk was consigned to Harry Imbold, Mexico City, an alias Hinsch was using at the time. The photograph was taken in Baltimore in front of the house that Hinsch occupied in 1916. One of the women shown in the photograph is supposed to be a Mrs. Dirlan who was Hinsch's housekeeper at the time and the woman that he later married.
- (3) This photograph shows, reading from left to right Hinsch, Paul Koenig of the DEUTSCHLAND and Paul Hilken. The photograph was probably taken in 1916 while the DEUTSCHLAND was in Baltimore.
- (4) This is a copy of a copyrighted photograph taken

of Hinsch by Underwood & Underwood apparently shortly before Hinsch left this country for Mexico early in the Summer of 1917.

- (5) This is a photograph showing Hinsch and Mrs. Dirian in Mexico City, which was taken in 1917 or 1918. The original was furnished the Agency by a former German agent operating in Mexico.
- (6) This is a photostat of an original letter from Hinsch to Ed Felton dated January 2, 1916, which date should be 1917. This letter contains Hinsch's signature.

It would also be very desirable for the Bureau of Investigation agent interviewing von Moltke to attempt to get from him a story as to his relations with Hinsch and other German agents in and around New York in 1916 and early in 1917. von Moltke, if his story contains any truth, probably knew not only Hinsch, but also Paul Koenig who was formerly connected with the Hamburg-American Line and who during our period of neutrality operated a so-called bureau of investigation under the supervision of the German Military Attache in this country, von Papen. von Moltke also probably knew Fred L. Herrmann, Wilhelm Woght and other German agents operating in and around New York in 1916 and 1917 before this country entered the war.

It would be desirable, if practicable, to have von Moltke's statement in the form of an affidavit.

The agency would also appreciate being furnished with a copy of the report of the Bureau of Investigation

agent covering his interview with von Moltke.

Very truly yours,

(signed) H. H. Martin,

H. H. Martin,
Counsel and Assistant
to the American Agent.

Enclosures:

Letter of June 30, 1931;
Copy of clipping;
Petition for Rehearing;
Photographs.

WHL:CVB

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kcc

ND *HAF*

217890

July 30, 1931.

MEMORANDUM FOR MR. HOOVER.

62-1199

Referring to my memorandum of the 25th instant, transmitting a letter from H. H. Martin, Counsel and Assistant to the American Agent, Mixed Claims Commission, relative to interviewing one Carl von Moltke, a further letter has been received from Mr. Martin in which he states that since his previous letter was written he is advised that von Moltke also uses the name Carl von Moltke Ruitfeldt, and that the Agency does not know his true name. This additional information is furnished you for use in connection with the proposed interview with subject.

Respectfully,

Nugent Dodds

NUGENT DODDS,
Assistant Attorney General.

62-1177-11

11. 11.

11. 11.

11. 11.

8/13/31

RECORDED

WIC:AMP
62-1199-44-

August 3, 1931.

Special Agent in Charge,
Bureau of Investigation,
Box 507,
San Francisco, California.

Dear Sir:

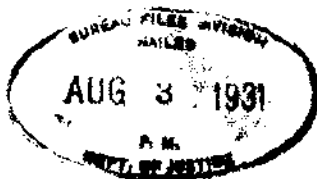
With further reference to Bureau letter dated July 29, 1931, wherein you were instructed to interview one Carl Von Moltke, who is at present incarcerated in the California State Penitentiary, San Quentin, California, there is enclosed herewith a copy of a memorandum received from Mr. Nugent Dodds, Assistant Attorney General, dated July 30, 1931, which is self-explanatory.

Upon the completion of the investigation in your District, you are instructed to return to the Bureau all exhibits forwarded to your office in Bureau letter dated July 29, 1931, with the exception of the memorandum received from Mr. Dodds, dated July 25, 1931, and a copy of the letter addressed to The Attorney General by Mr. H. H. Martin, Counsel and Assistant to the American Agent, Mixed Claims Commission, dated July 23, 1931.

Very truly yours,

J. Edgar Hoover, Director.

Encl. #759193.



Form No. 1

THIS CASE ORIGINATED AT

San Francisco, California.

LA FILE NO. 62-758

REPORT MADE AT: Los Angeles, Calif.	DATE WHEN MADE: 9-1-31	PERIOD FOR WHICH MADE: 8/28-31/31	REPORT MADE BY: H. J. Kneen	HO
TITLE: CARL VON MOLTKE alias CARL VON MOLTKE HUNTFIELD			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)	

SYNOPSIS OF FACTS:

Affidavit obtained from Carl von Moltke outlining sabotage activities of German destruction agents in the United States from 1914 to 1917; also identifying Friedrich Himsch, accredited German destruction agent, as Fred Grantner.

RUC

REFERENCE:

Letters from the San Francisco Bureau Office dated August 19th and August 24th, 1931.

This is a joint report of Special Agents H. J. Kneen and Robert F. Walos.

DETAILS:

AT LOS ANGELES, CALIFORNIA

Agents interviewed CARL VON MOLTKE in the Los Angeles County Jail where he is confined pending removal to San Quentin Penitentiary, having been sentenced on June 17, 1931, in the State Court at Los Angeles to one to fifteen years in the San Quentin Prison on a burglary charge. He stated that he has made a motion for appeal and that the length of his stay in the Los Angeles County Jail pending such appeal will be quite indefinite.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	62-1127-445	RECORDED AND INDEXED:
COPIES OF THIS REPORT FURNISHED TO:		BUREAU OF INVESTIGATION	CHECKED OFF:
3 Bureau 2 San Francisco 2 Los Angeles		DEPARTMENT OF JUSTICE	JACKETED:
		ROUTED TO:	FILE

When questioned as to his identity and alleged wartime sabotage activities he stated that his real name is CARL VON MOLTKE; that he is entitled, however, to use an additional family name of HUITFELDT which, however, he has not used for a number of years; that he was born in Paris, France, in 1890, of Danish father and French mother; that he received his education in the University of Bonn, Germany, and the Sorbonne, Paris, France; that his uncle, HELMUTH VON MOLTKE, was the Chief of Staff of the Imperial German Army during 1914; that in 1914 he came to the United States as a special representative of the German Secret Service charged with the duty of coding and decoding telegrams. VON MOLTKE expressed his willingness to dictate an affidavit to Agents, outlining his relations as Secret Service agent of the Imperial German Government and his activities in connection with accredited German sabotage destruction agents in the United States. VON MOLTKE dictated an affidavit to Agent Kneen, in the presence of Agent Hales, which he signed and which was sworn to on August 31st, 1931. Copies of this affidavit are attached to copies of this report as Exhibit 1, the original copy of said affidavit being attached to the original copy of this report to the Bureau.

After dictating and signing the affidavit above described VON MOLTKE informed Agents that he is very much interested in the so-called Mooney and Billings Defense League which is a nation-wide organization established for the purpose of releasing Mooney and Billings from life imprisonment at San Quentin, California, for the Preparedness Day bombing in San Francisco in 1916. VON MOLTKE stated that he had been in communication with representatives of the Mooney and Billings Defense League and that he had informed them that he had information to the effect that FRIEDRICH HINSCH, German sabotage destruction agent, had been in San Francisco at the time of the bombing of the Preparedness Day Parade; and that he, HINSCH, had telegraphed the New York office of the German Sabotage Organization, under the name of FRED CRANTINOR, at approximately the time of the bombing of the said parade.

Agents wish to call attention to the fact that CARL VON MOLTKE appeared to be quite concerned about the incarceration of Mooney and Billings for the San Francisco Preparedness Day bombing and expressed his sympathy for the work now being carried on by the Mooney and Billings Defense League. He seemed to be so obviously biased in favor of Mooney and Billings that it raised a doubt in Agents' minds as to the truthfulness of any of his statements. VON MOLTKE seemed to have but little difficulty in remembering names or dates of events which occurred approximately fourteen or fifteen years ago, and seemed to be repeating a rehearsed story.

VON HOLTMER also informed agents that he had documents to substantiate his information concerning FRIEDRICH HINSCH which had been placed in a sea chest in 1916 in a ship chandler's warehouse. Attention is called to VON HOLTMER's affidavit wherein he mentions the sea chest above referred to. VON HOLTMER informed agents that he had disclosed the existence and location of the sea chest to a representative of the Mooney and Billings Defense League and that representatives of said Defense League had been unable to locate the sea chest in question.

The following exhibits forwarded from the Bureau to the San Francisco office and re-forwarded from the San Francisco office to the Los Angeles office are attached to copies of this report to the Bureau as per Bureau instructions:

- Five photographs of Friedrich Hinsch, alias Gruentnor.
- Photostatic copy of a letter addressed to Mr. Ed. Felton, Baltimore, Md., signed by F. Hinsch, General Manager, Eastern Forwarding Company, dated at New London, Conn., January 2, 1916.
- Supplemental Petition for Rehearing, by H. H. Martin, Counsel for the Agent for the United States at Washington, D. C., June 30, 1931, in the case entitled, "The United States on Behalf of Lehigh Valley Railroad, and Black Tom Underwriters; and Agency of Canadian Car & Foundry Company, Ltd., and Kingsland Underwriters, against Germany," Docket Nos. 8103, et al and 8117, et al.

RECEIVED UPON COMPLETION TO OFFICE OF ORIGIN

Form No. 1

CASE ORIGINATED AT

SAN FRANCISCO, CALIFORNIA

(S.F. #82-966)

REPORT MADE AT:

DATE WHEN MADE:

PERIOD FOR WHICH MADE:

REPORT MADE BY:

San Francisco, Cal.

9/4/31

9/3/31

C.C. Spence--IC

TITLE:

CARL VON MOLTKE, alias CARL VON MOLTKE HUITFELDT

CHARACTER OF CASE:

MISCELLANEOUS
(WARTIME SABOTAGE ACTIVITIES)

SYNOPSIS OF FACTS:

Investigation requested by the Bureau having been completed by the Los Angeles office, no further investigation necessary.

C.

27316

REFERENCE:

Report of Special Agent H. J. Kneen, Los Angeles, California, dated 9/1/31.

DETAILS:

Inasmuch as the reference report concludes the investigation requested by the Bureau in this matter, there appears to be no further investigation necessary.

CLOSED

DETAILS:

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APPROVED AND
FORWARDED:SPECIAL AGENT
IN CHARGE

RECORDED AND INDEXED:

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BUREAU OF INVESTIGATION

CHECKED OFF:

DEPARTMENT OF JUSTICE

JACKETED:

ROUTED TO:

FILE

3 Bureau
1 Los Angeles
2 San Francisco.

Form No. 1

THIS CASE ORIGINATED AT

SAN FRANCISCO, CALIFORNIA.

(S.F.#62-966)

REPORT MADE AT: San Francisco, Cal.	DATE WHEN MADE: 9/3/31	PERIOD FOR WHICH MADE: 9/3/31	REPORT MADE BY: C.C. Spears--IS
TITLE: CARL VON MOLTKE, alias CARL VON MOLTKE HUITFELDT			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)

27315

SYNOPSIS OF FACTS:

Investigation requested by the Bureau having been completed by the Los Angeles office, no further investigation necessary.

C.REFERENCE:

Report of Special Agent H. J. Kneen, Los Angeles, California, dated 9/1/31.

DETAILS:

Inasmuch as the reference report concludes the investigation requested by the Bureau in this matter, there appears to be no further investigation necessary.

CLOSED

DETAILS:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>C. C. Spears</i> SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED SEP 9
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 1 Los Angeles 2 San Francisco.	CHECKED OFF: SEP 12 1931 JACKETED:
ROUTED TO:	DEPARTMENT OF JUSTICE

1 copy to Harrison 9-21-31

Form No. 1

CASE ORIGINATED AT

SAN FRANCISCO, CALIFORNIA

(S.F. #62-906)

REPORT MADE AT:

DATE WHEN MADE:

PERIOD FOR WHICH MADE:

REPORT MADE BY:

San Francisco, Cal.

9/3/31

9/3/31

C.C. Spears--IS

CHARACTER OF CASE:

CARL VON MOLTKE, alias CARL VON MOLTKE HUITFELDT

MISCELLANEOUS
(WARTIME SABOTAGE ACTIVITIES)

SYNOPSIS OF FACTS:

Investigation requested by the Bureau having been completed by the Los Angeles office, no further investigation necessary.

C.

27317

REFERENCE:

Report of Special Agent H. J. Kneen, Los Angeles, California, dated 9/1/31.

DETAILS:

Inasmuch as the reference report concludes the investigation requested by the Bureau in this matter, there appears to be no further investigation necessary.

CLOSED

DETAILS:

DO NOT WRITE IN THESE SPACES

APPROVED AND
FORWARDED:

SPECIAL AGENT
IN CHARGE

RECORDED AND INDEXED:

COPIES OF THIS REPORT FURNISHED TO:

BUREAU OF INVESTIGATION

CHECKED OFF:

JACKETED:

3 Bureau
1 Los Angeles
2 San Francisco.

DEPARTMENT OF JUSTICE

ROUTED TO: FILE

W

P O Box 556
Los Angeles, California.
August 21, 1931.

Special Agent in Charge,
Bureau of Investigation,
Box 507,
San Francisco, California.

62-1199

Dear Sir:

Re: Carl Von Moltke alias Carl Von
Moltke Hartfeldt

With reference to your letter of inquiry of the 19th instant in the case of this Subject, please be advised that he is confined in the Los Angeles County Jail pending removal to San Quentin Penitentiary.

On June 17, 1931, he was sentenced in the State Court here to one to fifteen years in the San Quentin prison on a burglary charge. He made a motion for appeal, which in all probability will not be perfected, and the length of his stay in the Los Angeles County Jail is quite indefinite.

Please advise whether it is desired that he be interviewed here and, if so, forward the necessary information upon which to base such interview.

I am returning herewith the photostatic copy of the newspaper clipping as requested.

Very truly yours,

J. E. P. DUNE,
Special Agent in Charge.

ERG:EB
ene
cc Bureau

62-1199

P. O. Box 507
San Francisco, Calif.
August 19, 1931.

DWY/LL
Refer R.P.
File #62-966

Special Agent in Charge,
Bureau of Investigation,
P. O. Box 536,
Los Angeles, California.

Dear Sir:

RE: CARL VON MOLTKE alias CARL VON MOLTKE
HUITFELDT

The San Francisco Bureau Office has been requested by the Bureau to interview subject Carl von Moltke alias Carl Von Moltke Huitfeldt at the California State Penitentiary, San Quentin, California, relative to his knowledge of the activities and identity of subjects believed to be involved in the sabotage cases at Black Tom and Kingsland, New Jersey during the war.

Special Agent L. W. Pague conducted an investigation at San Quentin Penitentiary on August 15, 1931, interviewing Clinton T. Duffy, Chief Clerk to Warden Holohan, and subject Carl von Moltke alias Huitfeldt could not be located as an inmate of that institution under that name or alias.

Among the enclosures forwarded to the San Francisco Bureau Office by Bureau letters of July 29th and 30th, 1931, was a photostatic copy of a clipping taken from the Los Angeles record, a newspaper at Los Angeles, California, printed some time the last week of June 1931, which is forwarded the Los Angeles Bureau Office, to be returned upon their ascertainment of the name under which subject Von Moltke was sentenced to San Quentin for a one to fifteen year term for second degree burglary.

The San Francisco Bureau Office file indicates that a newspaper reporter in the Los Angeles Record, by the name of Vincent Kuvizak, knows the identity of Carl Von Moltke, and transmitted information to a firm of attorneys - Woodruff, Musick & Hartke, Los Angeles, relative to a conversation had by him (Kuvizak) with Von Moltke. It is requested, however, that

Special Agent in Charge.
Los Angeles, Calif.
#2

should either the firm of attorneys or the newspaper reporter, Kurisak, be interviewed relative the name under which subject is confined in the San Quentin Penitentiary, no information be given them concerning the Government's interest or purpose on this case.

It is believed that the Superior Court records in the Court of Superior Judge Walton J. Wood, will indicate the name under which subject was sentenced to San Quentin, and if not, a personal interview with Superior Judge Walton J. Wood should be had to ascertain that name, so that subject may be located and interviewed, as requested by the Bureau.

The Los Angeles Bureau Office is requested to return the photostatic copy of the newspaper clipping of the Los Angeles Record, when it has served its purpose.

Very truly yours,

C. C. SPEARS
Acting Special Agent in Charge.

Enc. 1
cc
3-Bureau

Form No. 1

THIS CASE ORIGINATED AT **San Francisco, California.**LA FILE NO. **62-758**

REPORT MADE AT: Los Angeles, Calif.	DATE WHEN MADE: 9-1-31	PERIOD FOR WHICH MADE: 8/26-31/31	REPORT MADE BY: H. J. Kneen	HG
TITLE: CARL VON MOLTKE alias CARL VON MOLTKE RUTTELDY			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)	

SYNOPSIS OF FACTS:

Affidavit obtained from Carl von Moltke outlining sabotage activities of German destruction agents in the United States from 1914 to 1917; also identifying Friedrich Hinsch, accredited German destruction agent, as Fred Grantnor.

RUC

REFERENCE:

Letters from the San Francisco Bureau Office dated August 19th and August 24th, 1931.

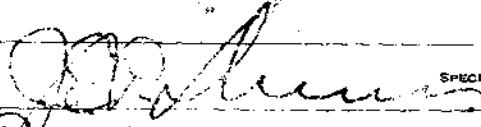
This is a joint report of Special Agents H. J. Kneen and Robert F. Wales.

DETAILS:

AT LOS ANGELES, CALIFORNIA

Agents interviewed CARL VON MOLTKE in the Los Angeles County Jail where he is confined pending removal to San Quentin Penitentiary, having been sentenced on June 17, 1931, in the State Court at Los Angeles to one to fifteen years in the San Quentin Prison on a burglary charge. He stated that he has made a motion for appeal and that the length of his stay in the Los Angeles County Jail pending such appeal will be quite indefinite.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: 	SPECIAL AGENT IN CHARGE	62-1199- BUREAU OF INVESTIGATION 5 DEPARTMENT OF JUSTICE ROUTED TO: FILE EAT	RECORDED AND INDEXED: SEP 8 1931 CHECKED OFF:
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 2 San Francisco 2 Los Angeles			JACKETED:

When questioned as to his identity and alleged wartime sabotage activities he stated that his real name is CARL VON MOLTKE; that he is entitled, however, to use an additional family name of HUITFELDT which, however, he has not used for a number of years; that he was born in Paris, France, in 1890, of Danish father and French mother; that he received his education in the University of Bonn, Germany, and the Sorbonne, Paris, France; that his uncle, HELMUTH VON MOLTKE, was the Chief of Staff of the Imperial German Army during 1914; that in 1914 he came to the United States as a special representative of the German Secret Service charged with the duty of coding and decoding telegrams. VON MOLTKE expressed his willingness to dictate an affidavit to Agents, outlining his relations as Secret Service agent of the Imperial German Government and his activities in connection with accredited German sabotage destruction agents in the United States. VON MOLTKE dictated an affidavit to Agent Kneen, in the presence of Agent Wales, which he signed and which was sworn to on August 31st, 1931. Copies of this affidavit are attached to copies of this report as Exhibit 1, the original copy of said affidavit being attached to the original copy of this report to the Bureau.

After dictating and signing the affidavit above described VON MOLTKE informed Agents that he is very much interested in the so-called Mooney and Billings Defense League which is a nation-wide organization established for the purpose of releasing Mooney and Billings from life imprisonment at San Quentin, California, for the Preparedness Day bombing in San Francisco in 1916. VON MOLTKE stated that he had been in communication with representatives of the Mooney and Billings Defense League and that he had informed them that he had information to the effect that FRIEDRICH HINSCH, German sabotage destruction agent, had been in San Francisco at the time of the bombing of the Preparedness Day Parade; and that he, HINSCH, had telegraphed the New York office of the German Sabotage Organization, under the name of FRED GRANTINOR, at approximately the time of the bombing of the said parade.

Agents wish to call attention to the fact that CARL VON MOLTKE appeared to be quite concerned about the incarceration of Mooney and Billings for the San Francisco Preparedness Day bombing and expressed his sympathy for the work now being carried on by the Mooney and Billings Defense League. He seemed to be so obviously biased in favor of Mooney and Billings that it raised a doubt in Agents' minds as to the truthfulness of any of his statements. VON MOLTKE seemed to have but little difficulty in remembering names and dates of events which occurred approximately fourteen or fifteen years ago, and seemed to be repeating a rehearsed story.

VON MOLTKE also informed Agents that he had documents to substantiate his information concerning FRIEDRICH HINSCH which had been placed in a sea chest in 1916 in a ship chandler's warehouse. Attention is called to VON MOLTKE's affidavit wherein he mentions the sea chest above referred to. VON MOLTKE informed Agents that he had disclosed the existence and location of the sea chest to a representative of the Mooney and Billings Defense League and that representatives of said Defense League had been unable to locate the sea chest in question.

The following exhibits forwarded from the Bureau to the San Francisco office and re-forwarded from the San Francisco office to the Los Angeles office are attached to copies of this report to the Bureau as per Bureau instructions:

- Five photographs of Friedrich Hinsch, alias ~~Graentnor~~.
- Photostatic copy of a letter addressed to Mr. Ed. Felton, Baltimore, Md., signed by F. Hinsch, General Manager, Eastern Forwarding Company, dated at New London, Conn., January 2, 1916.
- Supplemental Petition for Rehearing, by H. H. Martin, Counsel for the Agent for the United States at Washington, D. C., June 30, 1931, in the case entitled, "The United States on Behalf of Lehigh Valley Railroad, and Black Tom Underwriters; and Agency of Canadian Car & Foundry Company, Ltd., and Kingsland Underwriters, against Germany," Docket Nos. 8103, et al and 8117, et al.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN

(Six page statement by Subj. Carl Von
Moltke)
Enclosure to original
removed to go to San Francisco
Field office. —

By R. O. Kettelsen.

6-19-43

JDE.

(copies of statement attached
to copying report)

STATE of CALIFORNIA
COUNTY of LOS ANGELES

SS

I, Carl von Melcke, being first duly sworn, depose and say:

That I was born in Paris, France, on July 4, 1890, of a father and French mother; that my name originally was Carl von Melcke-Buitfeldt, the name Buitfeldt being a family name which I dropped at the time I was naturalized as a United States citizen in 1923. I received my education in Germany and in France. I had relatives in the German Army, one of them being my uncle, Helmuth von Melcke, who was Chief of Staff of the German Army in 1914.

I first came to the United States about April, 1914, in the capacity of a special representative of the German Secret Service under Arthur Zimmerman, then one of the secretaries to the German Minister of the Interior. I had received, previously, training in the German Secret Service School in Berlin, which was conducted at 88 Koenigsplatzstrasse. My superior after arrival in Washington, D. C., in 1914, was Captain von Papen, Military Attache to Count von Bernstorff, then German Ambassador at Washington, D. C. Captain von Papen was the unofficial head of the German Secret Service in the United States at that time. Captain Bey-Eid, then Naval Attache in the German Embassy, Washington, D. C., was also an unofficial representative of the German Secret Service at that time. At this time the Secret Service organization in the United States was very loosely knit, but was thoroughly reorganized in the latter part of 1914 and attained its highest state of efficiency by the middle of 1915.

When I first arrived in Washington, D. C., I reported to von Papen. I remained only about three months in Washington and was then sent to New York City where I went to work in offices rented by Captain von Papen at 60 Wall Street. Captain von Papen would come to New York, or at least he would come to the offices at 60 Wall Street, about three times each week to give us instructions. My duties at this office were to code and decode messages between Secret Service representatives in the United States and the Imperial German Secret Service in Berlin, Germany. I did not meet or hear of Friedrich Hinsch or Paul Koenig, sometimes called Captain Paul Koenig, until sometime after I had started my duties at our New York City Office.

Exhibit 1

During the middle part of the year 1915 Captain von Papen placed Paul Koenig and Friedrich Hinsch in charge of waterfront sabotage, and it was during their contacts with the office at 60 Wall Street that I met these individuals. I also met Horst Van Der Goltz, former major in the Mexican Army, but recalled for German Secret Service duty, and who acted in the capacity of adviser to Captain von Papen. I also met at the office, 60 Wall Street, New York City, or at the home of Martha Held, German opera singer who had a home at 183 West 15th Street; the following individuals: Kurt Jahnske, Lothar Witake, Frantz von Rentelem and Wolf von Igle. These men above mentioned were all sent to the United States from Germany by von Falkenhayn, then Chief of Staff of the German Army. They were all special Secret Service agents with carte blanche. All of these agents above mentioned received their pay from a Dr. Heinrich Albert of the Astor Hotel, New York, who was the treasurer of the German sabotage fund.

I wish to state with reference to Captain Friedrich Hinsch that he was known to be the same person as Fred Grantmor. I first knew that Friedrich Hinsch answered to the name of Fred Grantmor by his own admission in August, 1915. I frequently met Friedrich Hinsch at the home of Martha Held who often joked with Hinsch about a "squarehead using a limsy name" and Hinsch told Martha Held that he was using the fictitious name of Fred Grantmor. I recollect also that Hinsch used several Spanish aliases but I do not remember the aliases themselves.

A Maria von Kretschmann, an accredited Secret Service agent, also came to Martha Held's home during Christmas, 1915, where she met Hinsch. The association of Martha Held and Maria von Kretschmann and their joking with Hinsch relative to his use of the name Grantmor have caused me to retain in my memory the fact that Hinsch used the alias Fred Grantmor.

About April, 1916, Friedrich Hinsch, von Igle, Paul Koenig and Karl Eisinger held conferences in my presence in New York about sabotage activities on the Pacific Coast. We had received several messages from Arthur Zimmerman, then the active head of the German Secret Service in Berlin, as well as messages from Dr. Fisher, also connected with the German Secret Service, to get busy on the West Coast, particularly in connection with the landing of Japanese troops at Vancouver, Canada; and the shipment of munitions from San Francisco to the Allied Forces. Captain Friedrich Hinsch and Karl Eisinger were selected to take personal charge of sabotage activities and were sent to San Francisco about May 15, 1916. They had with them a large

quantity of chemicals for making explosive and incendiary bombs.

Before Hinsch left New York he made arrangements at our New York City office to send telegrams to our office under the name of Fred Grantnor. I remember that Hinsch stayed at the Palace Hotel until the latter part of July, 1916, and that our office in New York City received many coded telegrams from a Fred Grantnor, Palace Hotel, San Francisco. I assisted in sending money by Postal telegram to Hinsch under the name of Grantnor. I remember that I once wired him the sum of \$5000.00. I also remember that Grantnor sent a code wire to our office stating that a man named von Koolbergen of San Francisco had supplied him with some excellent bombs, and that an individual named Walter Sauerbach was going to assist him in the carrying out of operations on the Pacific Coast. I remember that Friedrich's idea, as discussed in my presence in New York, was to perpetrate a dastardly crime in San Francisco with the hope that it would be blamed on the radical American element in order that the minds of the American people might be taken off German sabotage activities. I remember decoding a wire received from Hinsch from San Francisco under the name of Grantnor on July 25, 1916, which was as follows:

"Scored 100 per cent on a 22nd."

This could have meant nothing other than the successful bombing of the Preparedness Day Parade in San Francisco on July 28, 1916.

About four or five days after receiving the above mentioned wire from Hinsch we held a celebration at 115 West 15th Street, New York, to celebrate the San Francisco bombing and to prepare for the Black Tom bombing in New Jersey. I well remember that there were thirteen persons present at this meeting, all in the employ of the German Secret Service. There were present: von Bruck, Ludwig Mayer, Martin Lange, Vera Dubois, von Igle, Mena Edwards, Martha Held, a printer named Max, Conrad Bower, Dr. Scheele, Paul Koenig and myself. It is my recollection that this meeting took place the night before the Black Tom explosion at Jersey City, New Jersey. I do not know who really carried out the work of the explosion but I understood from what was said that Conrad Bower was doing the work. However, Paul Koenig was actively in charge of the planning of the explosion. Koenig had a high-powered motor launch and it was planned at this meeting to have the destruction party go from New York to New Jersey in Koenig's launch. I remember that Paul Koenig made a remark that it was too bad that Hinsch was not there or Hinsch would have been glad to do the actual work himself. I wish to state at this time that Friedrich Hinsch, alias Grantnor, was known to the other German Secret Service Agents, as well as myself, as a homicidal sadist.

I knew Frederick Herrmann personally, having met him many times at Martha Held's home. He was a chemist and a regular German sabotage agent. One time at Martha Held's home I overheard a conversation between Frederick Herrmann and Friedrich Hinsch in which Herrmann stated, "I have a Hunkey named Wozneck who could plant one of our pencils at Kingland". By "pencil" he meant an incendiary bomb, consisting principally of chlorate of potassium. During this conversation Herrmann and Hinsch discussed the future bombing at Kingland, New Jersey, which was to be for the purpose of destroying munitions there.

At this time I wish to call attention to the fact that I continued my duties in the United States until February 14, 1917, when I left for Copenhagen on the Steamer "Frederick VIII". I booked passage under the name of Willy Woest. There were several hundred other Germans on board, returning to the Fatherland, including Count von Berstorff and Wolf von Igle.

I called attention to the above event because I remember that I left the United States about a month after the Kingland fire and explosion. I well remember that shortly after the Kingland fire and explosion I went to Martha Held's home in the company of Maria Kretschmann who was also known sometimes as Madame Victorina. I remember that a Charles W. Unnenberg, a German destruction agent, made some remarks relative to the Kingland explosion, and that a toast was drunk to the success of the explosion by the entire group at Martha Held's home. I remember that von Igle told me that he had paid Herrmann a special bonus for the perpetration of the Kingland fire and explosion.

Although I did not know him, I had heard of Michael Kristoff who, I understood, was an Austrian. I do not know if he was an accredited German destruction agent or not. I had heard that he was one of Frederick Herrmann's tools. I really do not know if Kristoff had any part in the Kingland explosion and I do not know, personally, of any connection between Michael Kristoff and Friedrich Hinsch.

I do not recollect ever hearing any of the other Secret Service agents being called Grantmor. Hinsch was the only man I ever heard called by that name. I remember hearing Charles Unnenberg and Conrad Bower call Friedrich Hinsch "Frank" but I never heard anyone call him "Francis".

I frequently sent coded messages for Friedrich Hirsch to Hedolny, one of the chiefs of the Political Section of the German General Staff at Berlin. These wireless messages were sent from the Sayville, Long Island, Station to Naun, Germany. I remember that shortly after the Kingsland explosion Friedrich Hirsch sent a wireless message to Arthur Zimmerman of the General Intelligence Section in Berlin, telling him that a great deed had been accomplished.

Paul Hilken was Paymaster of the Baltimore and Newport Divisions of the German Sabotage Service in the United States. I remember that he was frequently mentioned in telegrams which I coded for Friedrich Hirsch or Paul Koenig. I remember that Paul Koenig used to go to Baltimore to see Hilken about once a month.

I also knew Wilhelm Wochst who was an accredited German Secret Service agent and who worked with Paul Koenig and a chemist from Newark, New Jersey. I remember seeing Wilhelm Wochst's pay checks and remember hearing from other sabotage agents that Wochst had planted some bombs on a ship, but this is rather hazy in my mind.

I could corroborate many things which I have mentioned in this affidavit if I had access to a ship chest full of papers which I secreted in a ship chandler's storage place in Brooklyn. These papers were taken out of our office at 60 Wall Street shortly before the Department of Justice raided our place in 1916. We had been tipped off about the raid and I had taken incriminating papers and placed them in this sea chest. I could go to this storage place easily and if the sea chest has not been removed I am sure I could find it. I would like to have someone look up the chest who is responsible, due to the delicate nature of certain documents therein which concern investigations carried out by the German Secret Service relative to the private lives of prominent American citizens. The address of the ship chandler's storage place is the corner of Carroll Street and Hamilton Avenue, Brooklyn, New York. I gave this address to Attorney Frank Walsh of the Mooney and Billings Defense League but, I understand, he had been unable to locate the chest.

I came back to the United States in 1918, being at that time in the uniform of the United States Army. I saw the chest at the above address and at that time paid the Swedish owner of the storage place \$20.00 to keep the chest there indefinitely. The chest is brass-bound with a black top and green sides. It is closed with strong double locks.

I am now an American citizen, having been naturalized in New York City in 1923 under my true name of Carl von Moltke, having dropped the family name of Ruitfeldt.

I have read the foregoing five and a fourth pages and they are true and correct according to my best recollection.

CARL von MOLTKE

Subscribed and sworn to
before me this 31st day
of August, 1931.

C. C. RILEY
Notary Public

Witnesses:

H. J. KNEEN
Special Agent, Bureau of
Investigation, U. S. Department
of Justice, Los Angeles, Calif.

ROBERT F. WALES
Special Agent, Bureau of
Investigation, U. S. Department
of Justice, Los Angeles, Calif.

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kcc

217890

September 28, 1931.

RECEIVED

MEMORANDUM FOR THE DIRECTOR, BUREAU OF INVESTIGATION.

SEP 28 1931

Referring to your memorandum of the 15th instant, concerning one Carl von Moltke, which investigation was made at the request of the Mixed Claims Commission, I beg to advise you that the report in question was forwarded to Mr. H. H. Martin, Counsel for said Commission, and the Department is now in receipt of a reply, which is hereto attached, in which it is requested that further investigation be made with a view to endeavoring to establish whether von Moltke is the same man as Wilhelm Woehst. Mr. Martin further states that he is certain von Moltke would be in a position to furnish a great deal of information in relation to German sabotage activities in this country if this fact could be established.

You will note that Mr. Martin also states that the Agency would appreciate any assistance or suggestions that the Department may offer with respect to obtaining a record of the telegrams referred to by von Moltke as passing between his principals in New York and Hirsch, alias Grantor, in July, 1916, at which time Hirsch is said to have been in San Francisco under the name of Fred Grantnor; and also whether it would be possible for an Agent of this Department in San Francisco to ascertain whether there is any record of such telegrams or whether a man was registered at about that time at the Palace Hotel under the name of Fred Grantnor or some similar name.

The letter from Mr. Martin is self-explanatory and it is requested that an effort be made to obtain as far as possible the information desired, furnishing copies of the reports to this Division for transmission to the Mixed Claims Commission.

Will you please return Mr. Martin's letter when it has served its purpose.

Respectfully,

NUCENT DODDS,

Assistant Attorney General.

SEP 28 1931

DEPARTMENT OF JUSTICE

Howe

RECORDED

CAAT:TR
62-1197-47

October 3, 1931

Special Agent in Charge,
Bureau of Investigation,
Box 507,
San Francisco, Calif.

Dear Sir:

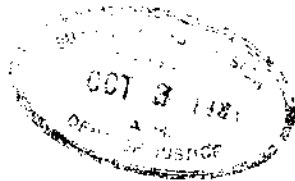
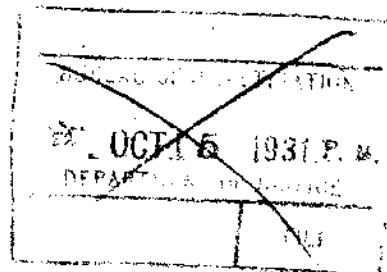
With further reference to the case entitled
CARL VON MOLTKE alias CARL VON MOLTKE HUITFELDT, Miscellaneous
(Maritime Sabotage Activities), your file #62-966,
there are transmitted herewith copies of a memorandum from
Assistant Attorney General Dodds, dated September 28th, with
the enclosures.

Please institute an appropriate investigation.

Very truly yours,
For the Director,

Assistant Director.

Incl. #730314



SACITAN
62-1193-47

October 3, 1931

RECORDED

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS

In reply to your memorandum of September 23, the San Francisco Office has been requested to reopen the investigation entitled CARL VON MOLTKE, with aliases, Miscellaneous, in order to obtain the additional information desired, if possible.

There is returned herewith the original letter from Mr. R. H. Martin, Counsel for the Mixed Claims Commission.

Very truly yours,
For the Director,

Assistant Director.

Incl. 720815

BUREAU OF INVESTIGATION	
OCT 5 1931 A. M.	
DEPARTMENT OF JUSTICE	
	FILE

U. S. Department of Justice

Bureau of Investigation

P.O. Box 507

San Francisco, California.

JRB:IS
Refer file
#62-966.

October 14, 1931.

Director,
Bureau of Investigation,
Department of Justice,
Washington, D.C.

Re: CARL VON MOLTKE - MISCELLANEOUS
(Wartime Sabotage Activities.)

Dear Sir:

The report of Special Agent J. R. Burdge, dated October 13, 1931, is transmitted herewith, the same showing the result of inquiries made in San Francisco, and certain additional inquiries which have been requested through the Los Angeles and New York Bureau offices.

Further review of the data contained in the San Francisco file has led me to make the following suggestions:

Paragraph two of page two in the letter of Mr. Martin, Counsel for the Mixed Claims Commission to the Attorney General, dated September 24, 1931, refers to the report of Agent Billups Harris, dated at Baltimore March 23, 1917, to which was attached several photographs of Wilhelm Woehst, old Department of Justice file No. 2338. It is suggested that one of these photographs be obtained, and forwarded to the Los Angeles Bureau office for submission to Subject Von Moltke for identification.

It is also noted that Wilhelm Woehst made affidavits at Altona, Germany, August 24, 1929 and March 11, 1930 at Berlin, Germany, respectively, in which he has stated that he is forty years of age, born January 21, 1889 at Altona, Germany, whereas in the affidavit of Subject Moltke he claims to have been born in Paris, France, July 4, 1890.

It is also suggested that an examination of the history of the crime for which Subject Von Moltke is now incarcerated at Los Angeles, California, may definitely establish that Von Moltke and Wilhelm Woehst are not one and the same, as it would have been impossible for Von Moltke to have been in Germany at the time the above mentioned affidavits were executed by Wilhelm Woehst.

Very truly yours,

C. C. SPEARS,

Acting Special Agent in Charge.

OCT 20 1931 P.M.

DEPARTMENT OF JUSTICE

REPORT MADE AT: San Francisco, Cal.	DATE WHEN MADE: 10/13/31	PERIOD FOR WHICH MADE: 10/10-12/31	REPORT MADE BY: J. R. Burdge--IS
TITLE: CARL VON MOLTKE, alias CARL VON MOLTKE HUITFELDT			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)
SYNOPSIS OF FACTS: Palace Hotel, Postal Telegraph Company, Western Union Telegraph Company, San Francisco, have no record of Frederick Grantnor in July, 1916.			
P. (2 1197)			
REFERENCE: Bureau letter dated October 3, 1931.			
DETAILS: At San Francisco, California.			
Mr. H. C. Washington, office manager, Palace Hotel, San Francisco, California, upon being advised of the desire of this Bureau to ascertain whether or not Friedrich Hinch, alias Frederick Grantnor, was in San Francisco during the summer of 1916, readily agreed to cause a thorough search of the hotel records to be made.			
Upon returning to the Palace Hotel on the 12th instant, Agent was informed by Mr. Washington that a thorough search of hotel records had failed to reveal the registration of Frederick Grantnor, Friedrich Hinch, or a similar name during the period in question. Mr. Washington also advised that the hotel would have no record of money transfers between the parties in question during that period.			
DETAILS: At the main office of the Western Union Telegraph Company, Agent interviewed Assistant Superintendent H. C. Turri, in an effort to ascertain whether or not there might be some record of telegrams passing between Friedrich Hinch, alias Grantnor, San Francisco, California, and his principals in New York, as outlined in the affidavit of Subject Von Moltke. Agent was informed by Mr. Turri that there is no possibility that such records are still available, as under the ruling of the Interstate Commerce Commission, all telegraphic communications are destroyed after the expiration of one year, and all telegraphic money transfers are destroyed after			
APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE <i>[Signature]</i>		DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT FURNISHED TO: 1 Bureau 2 New York 2 Los Angeles 2 San Francisco.		62-1197-15 BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE ROUTED TO: <i>[initials]</i> FILE	
		RECORDED AND INDEXED: CHECKED OFF: JACKETED:	

a period of six years. It was the opinion of Mr. Turri that no record of the transactions in question could be found in the files of the Western Union Telegraph Company.

At the main office of the Postal Telegraph Company, Agent interviewed Mr. G. C. Soroni, in charge of the Accounting Division, and was informed that all telegrams are destroyed at the expiration of one year, and all money transfers are destroyed after the expiration of six years; that in his opinion no record of the transactions referred to in the affidavit of Subject Von Moltke could be found in the files of the Postal Telegraph Company, San Francisco, California.

Mr. Soroni did state, however, that all telegraphic money transfers are cleared through the General Accounting Office of the Postal Telegraph Company in New York City; that unquestionably the original transfer has been destroyed, but that no doubt a book record of the transfer of money may be found in the General Accounting Office, Postal Telegraph Company, New York City.

For the information of the New York Bureau office, which has not, apparently, received copies of previous reports in this matter, there is transmitted herewith a copy of the report of Special Agent H. J. Kneen, Los Angeles, California, dated 9/1/31; photostatic copy of the letter of H. H. Martin, Counsel, Mixed Claims Commission, United States and Germany, to the Attorney General, dated September 24, 1931; a copy of the memorandum for the Director, Bureau of Investigation, by Nugent Dodds, Assistant Attorney General, dated September 28, 1931, and a photostatic copy of a letter bearing the signature of Wilhelm Woehst, which communications will indicate the basis for the present inquiry, and will advise the New York Bureau office of the scope thereof.

UNDEVELOPED LEADS:

NEW YORK OFFICE: Attention is invited to the affidavit of Subject Von Moltke, which is attached to the report of Special Agent H. J. Kneen, Los Angeles, California, dated 9/1/31, page 1, paragraph 1, wherein it would appear that Subject Von Moltke was naturalized as a citizen of the United States in New York City in 1923. In view of the fact that one of the purposes of the instant inquiry is to determine whether or not Subject Von Moltke and Wilhelm Woehst are one and the same, it is suggested that contact be made with the Examiner who conducted the examination of Subject Von Moltke in the office of the Naturalization Bureau, New York City, and the brief which he prepared at the time of the examination be examined, as the same will no doubt contain full data as to Subject Von Moltke's antecedents and

activities, and will probably conclusively determine whether or not he and Woehst are one and the same. It is to be noted in this connection that the Subject claims to have dropped the family name of Huitfeldt. If so, the change of name should be of record.

At the General Accounting office of the Postal Telegraph Company, search the records to determine whether or not their records contain any information relative to telegraphic money transfers between New York and San Francisco during the summer of 1916 as alleged in the affidavit of Subject Von Moltke. At the General Accounting Office of the Western Union Telegraph Company, similar inquiry should be made.

LOS ANGELES BUREAU OFFICE is requested to obtain and furnish full description of Subject, together with Police and County Jail records, personal history, date and place of birth, etc., for comparison with description of Wilhelm Woehst, which appears on the top of page three of the photostatic copy of the letter from the Counsel for the Mixed Claims Commission.

PENDING

CAA:EB
62-1199-48

RECORDED

OCT 25 1931

October 24, 1931.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS.

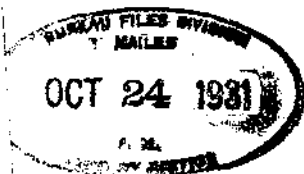
With further reference to your memorandum of September 28th, concerning the request of H. H. Martin, counsel for the Mixed Claims Commission for further investigation to establish whether Carl Von Moltke is the same as William Wosnst, there are transmitted herewith two copies of the report of Special Agent J. R. Burdige, San Francisco, dated October 13, and two copies of a letter from the Acting Special Agent in Charge at San Francisco, dated October 14, 1931.

With reference to the suggestion in paragraph three of the letter, that the photographs of William Wosnst be forwarded to San Francisco, a search for these photographs in the Bureau file will be made, but it may be possible that Mr. Martin has these photographs, or copies.

Very truly yours,
For the Director,

Assistant Director.

Enc. #726508.



Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1611 K STREET
WASHINGTON

RECEIVED
SEP 25 1931

September 24, 1931.

The Honorable
Nugent Dodds,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

217890-

Sir:

This will acknowledge receipt of your letter of the 17th instant initialed ND:HAF-217890, with which you enclosed copy of a report dated Los Angeles, California, September 1, 1931, of Special Agent H. J. Kneen, covering an interview that he had recently with one Carl von Moltke, in the Los Angeles County Jail, where von Moltke is confined pending removal to San Quentin Penitentiary, to serve a sentence for one to fifteen years on a burglary charge.

With the Special Agent's report there was enclosed a copy of an affidavit dated August 31, 1931, executed by Carl von Moltke furnishing information in relation to von Moltke's alleged activities during our period of neutrality as a member of the German secret service operating in this country.

The story told by von Moltke in his affidavit is very interesting. It coincides rather closely with the facts in relation to German sabotage activities that have been developed in the record as submitted to the Commission by this Agency. It would seem that von Moltke either has

an extensive personal knowledge of German activities during our period of neutrality, or else for some reason he has familiarized himself with the record, either for purposes of notoriety or else for some ulterior motive that does not appear clear at the present time. Many of the facts as set out in his affidavit, von Moltke might of course have obtained from a series of articles by Sidney Sutherland that appeared in "Liberty Magazine" during the period February 27 - May 16, 1931.

The following statement in von Moltke's affidavit may be particularly significant:

"I continued my duties in the United States until February 14, 1917, when I left for Copenhagen on the Steamer 'FREDERICK VIII'. I took passage under the name of Willy Woest. There were several hundred other Germans on board, returning to the fatherland, including Count von Bernstorff and Wolf von Igel".

Among the German sabotage agents that were active in this country during our period of neutrality was one Wilhelm Woehst, alias Edward W. Hauten, Herman Rupp, etc. There is among the files in the Bureau of Investigation, Department of Justice, a great deal of information in relation to Woehst's activities. Several photographs of this party will be found accompanying report of Agent Billups Harris, dated Baltimore March 23, 1917 for the period March 22, 1917. This report bears old Department of Justice file No. 2338.

Department of Justice Agent John Kaba, in report dated May 23, 1917 (record pp 2410, 2414), gives the fol-

lowing description of Woehst as furnished him by Woehst's cousin Hildegard Jacobsen, of Rochester, New York:

"She described him as rather good-looking, 30 years of age, 5 ft. 9 inches, brown hair, smooth face, wore tortoise glasses at times, ears small, closely set to head, blue eyes, heavy built, heavy underlip".

If it could be established that von Moltke is the same man as Wilhelm Woehst, I am certain that he would be in a position to furnish a great deal of specific information in relation to German sabotage activities in this country and particularly information with reference to the Kingsland, New Jersey, explosion on January 11, 1917, and probably in relation to the Black Tom explosion on the night of July 29-30, 1916.

I note that von Moltke in his affidavit says he was born in Paris, France, on July 4, 1890; that he came to the United States in April 1914, representing the German secret service; that he was apparently in the United States from that time until his return to Germany on "FREDERICK VIII" sailing from New York February 14, 1917 under the name of "Willy Woest" and that he became a naturalized American citizen in 1923.

The following facts in relation to Woehst and his movements in recent years are taken from the record in the sabotage claims filed with the Commission:

On December 4, 1920, Woehst wrote Paul Hilken's father in Baltimore making inquiry in relation to certain

moneys that were supposed to have been sent over to this country by the Great General Staff for disbursement to German sabotage agents by Paul Hilken. In this letter, Woehst gives his address as Altona Moltkestrasse 22 (Exhibit 583, p. 2287). On May 9, 1921 Woehst from the same address wrote Paul Hilken in Baltimore repeating his inquiry in regard to the money. In this letter he says:

"I would not like to bring the gentlemen Marguerre, Capt. von Huelsen and Mr. Nadolny into difficulties and, therefore, must ask you for your assistance."

Under date of August 24, 1929 Woehst executed an affidavit at Altona, Germany, that was filed with the Commission by the German Agent on September 9, 1929, as Annex 22(a). In this affidavit Woehst describes himself as 40 years old and as a merchant residing in Altona. He also gives a story of his arrival in the United States "about the beginning of November 1916", as a member of the German secret service who had been ordered "to proceed to Italy as a Swiss national residing in America".

Woehst also on March 11, 1930 executed at Berlin a short affidavit giving some further details about his activities in the United States. This affidavit was filed with the Commission by the German Agent on April 16, 1930, as Exhibit XCI. In this affidavit Woehst says that he was born January 21, 1889 at Altona, where he is residing and engaged in business as a merchant. In this affidavit Woehst says that he only had a casual acquaintance with

Friedrich Hinsch, "whom I saw and spoke to in Baltimore and New York about altogether 3 or 4 times. I don't know whether he had anything to do with the affairs of the secret service."

Woehst in this affidavit also admitted that he knew Fritz Herrmann and had lived with him in the Luxor Apartment House in New York in January 1917, but did not know Kurt Jahnke, Lothar Witzke, Wozniak or Siegel (German Exhibit XCI).

The German Agent subsequently on August 18, 1930 filed as Exhibit CXXIV a 77-page deposition that he took of Woehst in Berlin on July 24 and 25, 1930.

The following is a brief statement of facts testified to by Woehst at this time:

Affiant describes himself as a merchant 41 years old, residing in Hamburg. For 10 years prior to 1914 he had been in the employ of the shipping firm D. Fuhrmann, of Hamburg. At the beginning of the war he was the manager of the Hamburg-Boston and Hamburg-New Orleans Department of this firm (p. 2). He reported for war service on August 14, 1914 with the Infantry regiment No. 31 Altona (p. 3), and served on the Western Front until March 1915, when on account of sickness he was assigned in July, August, September or October, 1915, to a reserve battalion where he remained until July 1916, when he reported to Berlin for assignment to the secret service of the German Great General Staff and was assigned to duty under Captain von Huelsen (p. 4). He claimed to

have been in the United States on a visit in 1902 and 1903 (p. 5). On account of his knowledge of affairs in this country he was sent over here in connection with propaganda matters. He was to remain in this country only a short time and then go to Italy for propaganda service (p. 6).

At the end of September or the beginning of October 1916, he was ordered to Berlin from Stuttgart where the Italian section of the Great General Staff was located (p. 7). At Berlin he had a conference with Captain von Huelsen and Captain Marguerre who was in the Sektion Politik of the Great General Staff and was ordered to go by the quickest route via Norway to America; on arriving in America he was ordered to call on Paul Hilken in Baltimore in order to ask for assistance in obtaining an Italian visé (p. 8).

Affiant started on his trip from Berlin October 1 or 2, 1916; he went to Christiania where he found a communication awaiting him from Marguerre. From Christiania he went to Copenhagen where he took passage on the Danish S.S. FREDERICK VIII that left Copenhagen about the middle of October 1916. He "had received false passports in Berlin and went as a Swiss national, Herman Rupp". Affiant arrived in New York the beginning of November 1916 (p. 10).

At the time affiant left Berlin he did not know that Paul Hilken worked in this country for the Great General Staff. "I assumed however later on after I became acquainted with Mr. Hilken that he probably forwarded com-

munications to the Great General Staff in some way through the commercial U-Boat DEUTSCHLAND" (p. 12).

After arriving in New York, affiant remained there two days. He then came to Baltimore where he saw Paul Hilken. In Baltimore he lived with his sister, the wife of Dr. Reeves in Roland Park. In New York he had exchanged four or five thousand Swiss Francs that had been given him by the Great General Staff in Berlin for his expenses for his Italian trip in to American money "the rate of exchange at that time was extremely unfavorable and netted only about \$650." (p. 14).

In Baltimore he saw Paul Hilken on the 5th or 6th of November 1916 (p. 15), and told him he wanted to get "a passport with an Italian vise and that he had to help me therein" (p. 16). Hilken told affiant of the difficulties of securing such a passport and affiant remained in Baltimore with his sister for four or five days and then returned to New York (p. 17). In New York affiant stayed at the Hotel Wellington under the name of Herman Rupp, for a few days. He went to this hotel because his cousin Mr. von Wahrlick was living there with Fritz Kreisler. von Wahrlick and Kreisler were, however, out of the city on a concert tour and affiant then moved to the Hotel McAlpin where he registered under the name of Edward W. Hauten (p. 18).

While in New York this time, he endeavored to make

arrangements with Paul Hilken through Hilken's friend Hoppenberg to get to Italy on a neutral steamer. He also discussed his proposed trip with several North German Lloyd captains in Hoboken (p. 21).

Some time between November 15 and 18, 1916 affiant made and kept an appointment with Hilken at Hoppenberg's office in the Whitehall Building (p. 22), and Hilken introduced him to Fred Marsh, one of the many aliases used at the time by Fred L. Herrmann (p. 23). Sometime between November 20 and 25, 1916, affiant went to New London, Connecticut, with Paul Hilken where he stayed at the Mohican Hotel (p. 24). Here he now says he met Frederick Hinsch for the first time. Hinsch showed him around the pier at New London that had been used by the U-BOAT DEUTSCHLAND, (p. 25).

In his conversation with Hinsch at this time they spoke about "my brother-in-law Witzstein" under whom Hinsch had previously sailed as an officer in the merchant marine (p. 28).

At this point affiant corrects the statement appearing in his affidavit of March 11, 1930 (German Exhibit XCI) about his first meeting with Hinsch. This correction is made in the following language:

"Q. In that sworn deposition of March of this year you said that you knew Captain Hinsch and that you spoke to him in Baltimore and New York three or four times. Did you then testify in that form?

A. Yes, I did. Today, after thinking the matter over once more, I can assert almost with certainty that it was not in Baltimore where I met Captain Hinsch but that it was in New London." (p. 28).

After returning to New York from his first trip to Baltimore, affiant lived with Fred Herrmann at the McAlpin, using the name Hauten (p. 29). He knew that Herrmann was employed in the Intelligence Service of the Great General Staff (p. 30-a). In his conversations:

"Herrmann told me that up to that time he had gathered but very few news in which could be of interest to Germany. We then agreed that we would from them on list the munitions transports which were transferred from the various freight depots in New York to the steamers going to the continent in order to report them to the General Staff". (p. 32).

Woehst remained at the McAlpin until about January 20, 1917, when he and Herrmann moved to an apartment, 600 - 115th Street, New York (p. 32).

Sometime between December 10 and December 16, 1916, while still living at the McAlpin, affiant made a trip to Rochester, New York, to visit relatives, an uncle, Professor Jacobsen (p. 34), and a cousin Hildegard Jacobsen.

Affiant sent Herrmann to Savannah between January 25 and February 15, 1917 (p. 34) to look after making arrangements to send a party of German and Austrian reserve officers back to Germany on a Norwegian sailing vessel:

"The idea came to us upon a conference with an Austrian reserve officer who placed 100,000 Marks at our disposal for that purpose." (p. 35).

Affiant gave Herrmann for this trip \$300. or \$400.
(p. 35).

Affiant lived with Herrmann at the apartment, 600 -
115th Street, New York, until February 14, 1917 (p. 37), when
he returned to Germany on the S.S. FREDERICK VIII:

"I took passage on that steamer under my old
passport and name Herman Rupp. In order to
make the departure as inconspicuous as possible
I told our cook I was going south to Savannah,
and would return in a few days. I left some
trunks and other things in the house." (p. 38).

He reached Berlin sometime between March 17 and 22,
1917, and reported to Major Marguerre of the Great General
Staff (p. 39), and asked for an assignment to his old regi-
ment for active duty. Instead, however, he was sent on April
1st or 2nd, 1917, to a reserve battalion (p. 40) and later
on, about October 1917, was assigned to active duty with his
regiment at the front (p. 41).

While affiant had no instructions from Berlin in re-
gard to activities in this country he discussed with Herrmann
the desire of doing something for the benefit of the father-
land (p. 42). This work that he did with Herrmann he describes
in the following language:

"In the main I ascertained which munitions trans-
ports were directed over the various depots in New
York to the various piers for transatlantic steamers.
Notes were made of those transports, of the number
of cars and of the steamers, where they were loaded,
and, if possible, it was attempted to find out also
the port of destination of those steamers. I for-
warded those reports through two cover addresses.
One of the addresses was in Christiania. From there
they were forwarded to the General Staff." (p. 41).

This work was carried on "principally in the freight yard of the Lehigh Valley, New York Central, Hoboken Switching Yards" (p. 42). No work outside of New York was done "since it was from New York that the main transports left and since everything was directed through the freight yards to New York" (p. 42).

In describing further his work of this character, affiant says that he went to the freight yards:

"at night time, if possible, I made notes of the munitions cars which were easily recognizable, by numbers and ascertained where each car was going to. * * * Those reports were sent at once by telegraph to be forwarded to the Admiralty Staff in order to enable them, if possible, to torpedo those munitions transports on the high seas". (p. 43).

Affiant further says in regard to these reports that:

"Those reports were written with secret ink. The secret writing was invisible, and on top a private letter of harmless contents was written with regular ink addressed to the cover addressee". (p. 46).

These activities were carried on by affiant jointly with Herrmann, but:

"I alone, however, wrote the reports, since Herrmann did not know then how to use the ink". (p. 46).

In making these investigations, affiant says that he "went together with Herrmann. It was necessary that we went together for the one of us could then constantly watch out whether we were observed" (p. 46).

Affiant says that while engaged on this work he paid all expenses including Herrmann's living expenses from funds

received from Hilken and that "Mr. Hilken placed further sums at my disposal" (p. 49).

Affiant also received moneys from Hoppenberg in New York "with whom Mr. Hilken had arranged a credit for me" (p. 49).

In answer to a question as to how much money he received from Hilken through Hoppenberg, affiant says:

"It is very difficult for me, of course, to give exact figures. All I can say with certainty is that I got small amounts from time to time which all in all did by no means exceed the sum of \$1,000". (p. 49-50).

This money affiant says was used:

"to pay for our rent, for our food, for purchases of wearing apparel, for small tips which we handed to the freight yard watchmen here and there, as well as pocket money for Hermann". (p. 50).

In reply to a question as to the purpose of handing money to freight yard watchmen, affiant explains as follows:

"That could have been only once or twice when we gave freight watchmen a dollar and asked him to tell us when a specific steamer the name of which we had happened to read on the cars, would leave New York, since (we said) we belonged to the crew and wanted to enjoy in New York up to the last hour of departure". (p. 50).

The remainder of the deposition is confined in the main to denials of particular activities in this country that the record indicates Woehst may have been connected with.

I am enclosing for purposes of comparison a photostat copy of the signature of Woehst to his affidavit of August 24, 1929 (Annex 22-A to the Report of the German Agent filed September 9, 1929).

In case von Koltke can be identified as probably being

the same person as the above described Wilhelm Woehst, the Agency would very much appreciate it if the Department would authorize its special agent at Los Angeles to again interview von Moltke in the light of the recent information contained in this letter.

The Agency would also appreciate any assistance or suggestions that the Department may offer with respect to obtaining a record of the telegrams referred to by von Moltke as passing between his principals in New York and Hinsch, alias Grantor, in July 1916, at which time Hinsch is said to have been in San Francisco under the name of Fred Grantnor. Would it be possible for a Department of Justice agent in San Francisco to ascertain whether there is any record of such telegrams or whether a man was registered at about that time at the Palace Hotel under the name of Fred Grantnor or some similar name?

Very truly yours,


H. H. Martin,
Counsel.

Enclosure:

Photostat.

HHL:CVB

der Reise auch gewarnt hatte.

Vorgelesen, genehmigt, unterschrieben.

Wilhelm Wöbst

Herr Wöbst erklärte hierauf:

Ich versichere eidlich, dass ich nach bestem Wissen
die reine Wahrheit gesagt habe und nicht verschwiegen
habe.

Unterzeichnet und beschworen vor mir,
heute,

Altona, den 24. August 1929.

[Signature]

Amtsgerichtsrat.

[Signature]

der Reise auch gewarnt hatte.

Vorgelesen, genehmigt, unterschrieben.

Wilhelm Wöbst

Herr Wöbst erklärte hierauf:

Ich versichere eidlich, dass ich nach bestem Wissen
die reine Wahrheit gesagt habe und nicht verschwiegen
habe.

Unterzeichnet und beschworen vor mir,
heute,

Altona, den 24. August 1929.

[Signature]
Amtsgerichtsrat.

[Signature]

[REDACTED]

September 15, 1931.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS

With reference to your memorandum dated July 25, 1931, initialed ND-HAF, your file 217890, concerning one Carl Von Moltke, I am attaching hereto a copy of the report of Special Agent H. J. K... dated at Los Angeles, California, September 1, 1931.

The documents and photographs which accompanied your memorandum are returned herewith.

Very truly yours,

Director.

cc. #757140

cc. [unclear]
6-13-31

[REDACTED]

CAA:EM

~~62-1199-48~~ 2-11

November 4, 1931.

62-1199-48 X

CORDEL

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS

The Bureau received your memorandum of October 22nd, transmitting a letter from H. H. Martin, counsel for the Mixed Claims Commission, and enclosures, which had to do with an investigation made at the request of Mr. Martin in regard to alleged sabotage activities of German agents in this country before the war.

This instant additional investigation was requested in your memorandum of September 28th. The Bureau has now received your informal memorandum of October 28th, relating a request received from Mr. Martin for the assignment of an Agent to interview one Herrman and conduct a further investigation concerning German sabotage activities during our period of neutrality. In that memorandum you state that you advised Mr. Martin that all possible offenses were long ago barred by the Statute of Limitations and there would therefore be no reasonable basis for such investigation.

The purpose of this memorandum is to request advice whether the investigation in regard to VON MOLLKE should be made, in view of your memorandum of October 28th.

Very truly yours,

Director.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-9-80 BY SP-1 BSK/2

HR:DSB

~~62-9006-228~~

62-1198-48X

October 30, 1931.

RECEIVED

INDEXED

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS.

I have your memorandum of the 28th. instant, in connection with the desire of Mr. H. H. Martin, Counsel for the Mixed Claims Commission, that an Agent of the Bureau be loaned to the Mixed Claims Commission for inquiries in connection with alleged German sabotage activities committed during the period of neutrality in this country.

In connection therewith I regret to state that it will be impossible to detail a Special Agent of this Bureau for this purpose. As you know every effort is being made to observe all possible economy in order to meet existing and prospective budget conditions and the demands upon the Bureau's personnel at the present time are such as to preclude, in view of existing conditions, any action of this kind.

The original enclosures to your memorandum are returned herewith for your files.

Very truly yours,

EDirector.

Encl. 746226.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-9-88 BY SP1 GSK/CL

CT 30 1931

RECEIVED

From

Assistant Attorney General Dodds

to

Official indicated below by check mark

MEMORANDUM

The Attorney General

The Solicitor General

OCT 28 1931 PM

Assistant to the Atty. Gen., O'Brian

Assistant Attorney General Richardson

Assistant Attorney General Sisson

Assistant Attorney General Youngquist

Assistant Attorney General Rugg

Assistant Attorney General St. Lewis

Mr. Hoover, Dir. Bureau of Investigation

Mr. Bates, Dir. Bureau of Prisons

Division of Accounts

The Chief Clerk

The Appointment Clerk

Division of Supplies

Mails and Files

Mr. Finch

Mr. Pagan

Mr. Ridgely

Mr. Parrish

Mr. Wixson

Mr. Fisher

Mr. Ramsey

Mr. Wharton

Miss Brookley

October 28, 1931.

Mr. H. H. Martin, counsel for the Mixed Claims Commission, called upon me this morning to request that an agent of the Bureau be assigned to interview one Herrmann and to follow up the interview for further information--all concerning German sabotage activities during our period of neutrality. I advised him that, as all possible offenses were long ago barred by the statute of limitations, we would have no reasonable basis for such an investigation. It was then suggested that the Bureau might loan a man to the Mixed Claims Commission--to be reimbursed by the Commission for such period as he should be absent from here.

I realize that the Commission needs the information that they are thus trying to get and would be glad to learn your reaction to the proposal.

ND

No. We cannot spare any one.

62-1199-46

BUREAU OF INVESTIGATION

OCT 31 1931 P.M.

DEPARTMENT OF JUSTICE

FILE

RECORDED

CAAG:HC
62-1199-43

October 29, 1931

Special Agent in Charge,
Bureau of Investigation,
Box 507,
San Francisco, California.

Dear Sir:

With further reference to the case entitled
CARL VON MOLTKE, Miscellaneous, your file 62-966, there
are transmitted herewith copies of a further letter from
H. H. Martin, Counsel for the Mixed Claims Commission,
and of two affidavits of Carl von Moltke, dated May 22,
1931.

Very truly yours,

Director.

Incl. #739216

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

ND

1142

217890

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kcc

October 22, 1931.

MEMORANDUM FOR THE DIRECTOR, BUREAU OF INVESTIGATION.

There is attached hereto a further letter from H. H. Martin, Counsel for the Mixed Claims Commission, together with copies of two affidavits of von Moltke, dated May 22, 1931, and May 29, 1931, respectively, for our information in connection with the investigation which was requested in my memorandum to you of September 28th.

Respectfully,

W. D. D.
NUGENT DOLDS,
Assistant Attorney General.

*Copy inc. to
Can Francisco
10-29-31*

RECEIVED



OCT 24 1931

62-1199
BUREAU OF INVESTIGATION
OCT 24 A.M.
DEPARTMENT OF JUSTICE

Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1611 K STREET

WASHINGTON

October 13, 1951.

The Honorable
Nugent Dodds,
Assistant Attorney General, (C
Department of Justice,
Washington, D.C.

Sir:

Reference is made to my letter to you of the 24th ultimo and your reply thereto of the 28th ultimo, #217890-ND:HAF, in relation to an affidavit recently obtained by the Bureau of Investigation Agent H.J. Kneen, from one Carl von Moltke at Los Angeles, California, in relation to alleged sabotage activities of German agents in this country during our period of neutrality.

I am enclosing herewith for your information copies of two additional affidavits of von Moltke, one dated May 22, 1931, the other dated May 29, 1931. The Agency has just been furnished with copies of these affidavits by Frank P. Walsh, Esquire, 225 Broadway, New York. Mr. Walsh is the attorney for the Mooney and Billing Defense League.

In his affidavit of May 29, 1931, von Moltke refers to the fact that he had a short time before seen a copy of the "Liberty Magazine" containing an article by Sidney Sutherland, discussing German sabotage activities in this

country.

In his affidavits von Moltke refers among other things to knowing Carl Eisinger and one Lowenstein.

The name Eisinger does not appear in any of the "Liberty" articles nor does this name appear in the Agency record. It may, however, be that the name was intended for Carl Elschner, who was a German chemist with an office in San Francisco in 1915, 1916 and 1917. Elschner is understood to have been the consulting chemist and manager of the Inyo Development Company that during the period 1915, 1916 and part of 1917 maintained a soda works at Keeler, Inyo County, California. Elschner's office was first located at 1916 Home Street, Berkeley, California. This was later moved some time in 1916 to Geary Street, between Octavia and Laguna Streets, San Francisco.

It is significant that Lothar Witzke, the well-known German sabotage agent, who was tried and convicted of espionage before a military court at Ft. Sam Houston, Texas, in 1918, two or three days after his alleged arrival in San Francisco the latter part of May 1916, was employed for a short time by Elschner at the Keeler Soda Works. Elschner was arrested in San Francisco on or about February 16, 1918 as an undesirable alien under the provisions of Section 12 of the President's Proclamation re Alien Enemies. Our record further indicates that Witzke was in touch with Elschner in San Francisco as late as

July 4, 1917 on one of his trips to this country from Mexico.

It may also be significant in relation to the telegram that von Moltke says in his affidavit of May 22, 1931, was sent by Grantnor from San Francisco on July 25, 1916, that Witzke on the same day took out in San Francisco his first papers to become an American citizen. This necessitated a special trip to San Francisco on the part of Witzke. The German Agent in his main brief filed with the Commission makes the following explanation of Witzke's action in taking out these preliminary citizenship papers:

"It is quite possible that Witzke, even if he did not contemplate acquiring American citizenship, was at that time, because of the intelligence work on which he was engaged, anxious to create the impression that he intended to remain in the United States, thereby minimizing his connection with representatives of his home country. Under the circumstances, what he did was natural enough without any such motive as that suggested by the American briefs". (Brief on behalf of Germany, p. 229).

The record in these sabotage claims contains a number of references to a notebook that Witzke kept in 1916 showing his movements in this country. The Commission in an Order of May 1, 1929, at the request of the American Agent, after he had made a number of efforts to have this notebook filed, called on the German Agent to produce this notebook. In response to this Order the German Agent, instead of furnishing the notebook, filed what purports to be photostat copies of two pages thereof.

With respect to his failure to produce the notebook itself, he says in his Report that:

"The German Government is not in a position to file the notebook itself as evidence since the owner does not consent thereto. The situation appears from Mr. Paulig's affidavit of March 25, 1929 filed herewith as Annex 12. The German Government although in actual possession and custody of the note book has no right to deal with it contrary to the will of the owner; in particular it has no right to attach or seize the book for the purpose of putting it in evidence in the present proceedings". (p. 8 of the report of the German Agent).

The affidavit of Mr. Paulig who is an Attache of the Foreign Office, referred to in the report of the German Agent, outlines an interview that Mr. Paulig had with Witzke in Berlin, at which interview Witzke told him about the notebook. Mr. Paulig has the following to say in his affidavit:

"After this had been ascertained I declared to Witzke that, in my opinion, the book was rather important, and asked him to place it at my disposal for filing with the Commission. He declined politely but most decidedly, giving the following reasons for his refusal:

"The book, he said, contained, as I might ascertain myself by a superficial inspection, mainly personal entries, principally names and addresses of numerous persons known to him. He realized what pains were being taken by the attorneys for the claimant companies in order to collect evidence against him and to pump persons who might have been acquainted with him. The experiences which he had undergone during the time of his imprisonment in America and the evidence now produced in the present proceedings furnished, he said, sufficient proof of this fact. There could be no doubt, in his opinion, that the Americans would seek out the persons mentioned in the book and approach them if possible. Since he had had nothing to do with the two destructions none of those persons could, of course, say anything against him in that respect. He wished, however, in the

interest of his former acquaintances, to avoid dragging in their names, the more so as this might perhaps in one case or another, result in serious trouble for these people, particularly those with whom he had been in contact during his two expeditions from Mexico.

* * *

** * *He thought possibly that one or another of his acquaintances, who could be located with the aid of the notebook, might be prevailed upon to make similar baseless statements against him. On the basis of such testimony it would then be possible to argue against him that his very entries in the book proved his connection with the witness in question; in other words, the book would furnish the nucleus of truth to which new inventions could be added.* * *

** * * At this last meeting I again returned to the notebook and asked Witzke to at least leave it with me personally even if he insisted on his refusal to have it filed with the Commission. I pointed out that abroad it would be useless to him and that it might perhaps be useful to me in case his testimony became the subject of discussion at the Foreign Office as I would then be in a position to say that I had assured myself of the correctness of the statements made therein and was in possession of the book. * * * I repeated my request, adding that he would do me a favor even by letting me have the book merely as a private person and out of personal confidence. He then yielded to my request and made me promise, by clasping hands, to respect his wish to consider the book as entrusted to me merely out of personal confidence and never to deliver it to anybody else without his permission. This I promised to him." (Annex 12 to report of German Agent dated August 1, 1929).

The name Lowenstein casually appears in the articles in the "Liberty Magazine" as among those at a dinner at the Hotel Astor in New York a few days after the Black Tom explosion. In gathering together our record we have been able to get very little information on Lowenstein other than the fact that he appears to have been an associate of Paul

Hilken. Hilken was the admitted paymaster in this country of German sabotage agents. He also attended the conference with the General Staff in Berlin in February 1916, at which conference Fred L. Herrmann admittedly received instructions for the commission of acts of sabotage in the United States and was admittedly furnished with a supply of incendiary devices for carrying out these instructions. Hilken was also an intimate friend of Friedrich Hinsch and Anton Dilger, alias Dr. Delmar, and other active and important German agents. His father, H. G. Hilken, is now the German Consul at Baltimore.

Paul Hilken's 1917 diary (Exh. 583, Annex D), has the following entries relating to Lowenstein:

For January 13, 1917 at which time Hilken was in New York, his diary shows the following:

"Lunch with Lowenstein Astor Tea at Ritz
4:30 Dinner 120 Dance at Automobile
Club Home 3 A.M." (Record p. 2327).

For March 29, 1917 when Hilken was again in New York, the diary has the following entry:

"Seville Lunch with Lowenstein and Grebest
Out to Flushing X 6 P.M. Dine Aster" (record
p. 2329).

The Agency has thus far not been successful in obtaining a diary that Paul Hilken kept in 1916. This diary Hilken claims has been destroyed.

Very truly yours,


H. H. Martin,
Counsel.

Enclosures:
Affidavits.

HMM:CVB

COPY

State of California
County of Los Angeles

Affidavit of Carl Von Moltke

Carl Von Moltke, who being first duly sworn says as follows: That my name is Carl Von Moltke; that former Field Marshal Von Moltke of the Franco-Prussian war was my Grand Uncle; That during the years of 1915-1916 and 1917 I was employed as a special representative of one named Zimmerman in the German Intelligence Department in New York City; my co-workers were Paul Koenig, Wolff Von Igel, Frederick Hinsch, also known as Fred Grantnor, and several others; That I arrived in New York City in the year 1916, in the month of January of said year but that I was in the employ of the German Intelligence Department under Zimmerman from the year 1915; That in a suite of rooms at 60 Wall Street, New York City, disguised as an advertising and Commercial Art Studio, I was put to work coding and de-coding messages for the German Intelligence Department; this suite of rooms was leased by Wolff Von Igel who succeeded Von Papen as Chief Operative and Military Attache for the German Government and by Paul Koenig, unofficial head of the German Secret Service in the United States.

That I have a coded account which relates a series of conferences held in April, 1916, on a Sabotage program for the Pacific Coast instituted by the German Home office and urged to be carried out by the German Intelligence Department. These conferences were attended by Von Igel, Karl Hisinger, Lowenstein, Frederick Hinsch, also known as Grantnor and myself. Hinsch and Hisinger were selected to take personal charge of the sabotage to be carried out on the Pacific Coast; these men secured a large quantity of potassium chlorate TNT picric acid for the coast

explosives and left for San Francisco on or about May 15, 1916. The explosives were shipped in a specially constructed trunk and checked through as baggage to San Francisco. About two months later Koenig brought me a report signed "F. Grantnor" relating that certain railroad bridges on the Pacific Coast had been destroyed as part of the aforementioned program. It also mentioned a bombing plan that was to be carried out in San Francisco in July, 1916. This document can be produced from a filing cabinet in Brooklyn, New York. On July 25th, 1916, we received in our New York Office another coded wire message signed by Grantnor which read "scored 100% on the 22nd" I saw this message and decoded it and handed it to Paul Koenig who laughing said "We will score many more yet for this is only the beginning". This message referred to the Preparedness Parade bombing on July 22, 1916, being also part of the sabotage program mapped out by Koenig and Von Igel.

I know that Tom Mooney and Warren Billings are absolutely innocent of having anything whatsoever to do with the bombing of the preparedness Parade held in San Francisco on July 22, 1916 as the bombing and sabotage was a program of the German Intelligence Department as a war measure. At the time of the happening of the bombing and sabotage it was of utmost importance for the German Government to place the blame on persons whom the general public would readily believe would do such a thing and would have a motive for doing so. They, therefor, selected persons known to be belonging to the radical element in order to create a reasonable doubt in the minds of the public regarding this and other acts of sabotage previously believed to have been committed by German Secret Agents.

I did not make this public prior to about two months ago because I did not know that Frederick Hirsch and Fred Grantnor was one and the same person and I was in the German

Intelligence Service and did not care to reveal these matters for fear of my own life.

I make these statements freely and voluntarily and without any hope for financial gain or any reward outside of the fact that the truth should be known and justice be done.

I am now in the Los Angeles County Jail pending a probation hearing and have personally dictated the statements herein to Mr. Saul S. Klein, Attorney at Law, Los Angeles, California, who has shown me a telegram addressed to him from the Tom Mooney Molders Defense Committee authorizing him to secure an interview with me regarding all details of the activities of the German Secret Service on the Pacific Coast and especially in reference to the bombing of the Preparedness Parade in San Francisco on July 22, 1916.

(Signed) Carl Von Moltke

Sworn to and subscribed before me at the Los Angeles County Jail in the Hall of Justice this 22nd day of May, 1931.

(Signed) Saul S. Klein
Notary Public in and for
Los Angeles County,
State of California.

Witnessed by Vincent M. Kubisak
reporter for the Los Angeles Record

(Signed) Vincent M. Kubisak

Copied:CVB

COPY

State of California. }
County of Los Angeles. } ss Affidavit of Carl Von Moltke

Carl Von Moltke, who being first duly sworn says that he desires to make a further statement under oath so as to supplement and to make his sworn statement taken by Attorney Saul S. Klein on May 22, 1931, more complete and therefor further says:

That the telegram sent from San Francisco to New York City was sent over the lines of the Postal Telegraph Co. on or about July 25, 1916; that the message was a straight telegram in Code and which could be decoded by what was known as number 184 code, being the special key for that particular code; that the telegram was signed by "F. Grantnor" and addressed to Paul Koenig, suite 14, 60 Wall Street, New York City and received by Paul Koenig in New York City at about 4:30 P.M. on July 25, 1916.

That the German Intelligence Department occupied 6 rooms in suite 14 which was first leased by Von Papen; they conducted an advertising agency at this place as a "blind" under the name of Universal or Continental Advertising Agency. I am not positive whether it was named Universal or Continental. The agency had two telephone trunk lines but I do not remember the telephone numbers; that Captain James Tunney of the New York Police Department raided our offices at 60 Wall Street, New York City in April, 1916, but obtained nothing as we were tipped off before the raid was made.

That the sabotage program which the German Intelligence Department intended carrying out on the Pacific Coast during the year 1916 was mapped out in their offices in New York City and that Frederick Hinsch, also known as Fred Grantnor, and Eisinger were selected to take personal charge

of the program; that they bought a steamer trunk in New York City of battleship grey and bought the explosives from a German Chemist in the Bronx and the trunk was packed in their offices at 60 Wall Street, New York City, sent to the Grand Central Station by expressman and checked through as personal baggage to San Francisco.

That on or about the 20th day of February, 1931, 2 or 3 days after I was brought from the city to the County Jail, an argument started here in this tank #12 E 2. Cecil Hall and Emmet M. Smith were talking about St. Quentin and Folsom Penitentiaries and the subject centered itself about Tom Mooney and Warren Billings. Cecil Hall knew Billings very intimately from Folsom and Emmet Smith knew Tom Mooney intimately as he was one of the head "Runners" and one of the few persons on intimate terms with Mooney. I asked both of them this question: "between us, do you think that any of them are guilty?" They both answered: "Positively no!" I then asked them if the guards or inmates thought they (Mooney and Billings) were guilty of the crime they were convicted of and they (Smith and Hall) answered me, that they did not think there was a soul within these "Walled cities" who for a minute would believe them guilty. Smith and Hall then asked me as to my opinions and I said: "You fellows only think these two men are innocent, but I know ^{that} they are not guilty. Furthermore, I know who was responsible for that crime. Smith and Hall then both insisted on me telling them my story which I did a day later. I told them the story as it appeared in my sworn statement with the exception, that I, at that time did not know that the person "Grantnor" and the person "Hinsch" were the identical same person. I thought that "Grantnor" was an agent designated by "Hinsch" to carry out this particular "job". He knew our private code as his report was in code and therefore must have had Hinsch's O.K. and confidence. About a couple of

weeks later, Smith came up to me and showed me a copy of "Liberty" where Hinsch admitted having travelled under the alias of Crantnor. It was in an article by Sidney Sutherland, who carried out a complete investigation of German sabotage activities in the United States previous to this country entering the war against Germany. We were all rather elated after reading that statement, because now, that I know that these code reports we had received ^{were} from Hinsch, then I could say definitely, who committed this crime. Both Smith and Hall urged me to write down my story, which I then did. The first persons to whom I showed my story was Detectives Sullivan and Leavis of the Georgia Station, Los Angeles. That was in the first part of March. They came to speak to me one day in the attorney room and as I had just completed my "story of facts" I showed it to them. I then had my attorney send a typewritten copy of it to Assemblyman Quigley in San Francisco but no attention was paid to it there. I then communicated with the city editor of the Los Angeles Record and my collection of facts were published.

I have been asked why we used a cipher code in our communication and not a simpler code especially when using mere communications. This question would never be asked by anyone if he had seen the hundreds of communications dispatched by Western Union and Postal every day in the year. Every important business telegram is usually dispatched in code.

The German Consul in Baltimore states to "United Press" that Frederick Hinsch was in Baltimore on the 22nd of July, 1916. Who is this German Consul? He signs himself H. G. Hilken. Rather strange in view of the fact that Paul Hilken was paymaster for the German Secret Service in the United States and was decorated with the "Iron Cross" when he made a trip back to Germany in 1915. In fact I am sure this is more

than a coincidence - rather.

It is only natural that all German officials should want to discredit me and my statements. If necessary, I can through the records of the United States Army Intelligence prove that I was arrested as a German Spy in France in 1917. I would not care to do so, except that it should be absolutely necessary, because I would jeopardize myself.

I have nothing to gain by these statements as I have refused to accept probation and am depending entirely on a reversal of the verdict in my case by a higher court.

Capt. Tunney of the New York Police Department saw me when the office was raided on or about April 16, 1916 and I do not think that my face has changed enough that he should not be able to identify my picture if it were sent to him.

(Signed) Carl Von Moltke

Sworn to and subscribed before me this 29th day of May 1931.

(Signed) Saul S. Klein
Notary Public in and for
Los Angeles County, State of
California

Witnessed by Vincent M. Kubisak
reporter for the Los Angeles Record.

(Signed) Vincent M. Kubisak

COPY

State of California
County of Los Angeles

} Affidavit of Carl Von Moltke

Carl Von Moltke, who being first duly sworn says as follows: That my name is Carl Von Moltke; that former Field Marshal Von Moltke of the Franco-Prussian war was my Grand Uncle; That during the years of 1915-1916 and 1917 I was employed as a special representative of one named Zimmerman in the German Intelligence Department in New York City; my co-workers were Paul Koenig, Wolff Von Igel, Frederick Hinsch, also known as Fred Grantnor, and several others; That I arrived in New York City in the year 1916, in the month of January of said year but that I was in the employ of the German Intelligence Department under Zimmerman from the year 1915; That in a suite of rooms at 60 Wall Street, New York City, disguised as an advertising and Commercial Art Studio, I was put to work coding and de-coding messages for the German Intelligence Department; this suite of rooms was leased by Wolff Von Igel who succeeded Von Papen as Chief Operative and Military Attache for the German Government and by Paul Koenig, unofficial head of the German Secret Service in the United States.

That I have a coded account which relates a series of conferences held in April, 1916, on a Sabotage program for the Pacific Coast instituted by the German Home office and urged to be carried out by the German Intelligence Department. These conferences were attended by Von Igel, Karl Eisinger, Lowenstein, Frederick Hinsch, also known as Grantnor and myself. Hinsch and Eisinger were selected to take personal charge of the Sabotage to be carried out on the Pacific Coast; these men secured a large quantity of potassium chlorate TNT and picric acid for the manufacture of bomb and incendiary

62-1199-60

explosives and left for San Francisco on or about May 15, 1916. The explosives were shipped in a specially constructed trunk and checked through as baggage to San Francisco. About two months later Koenig brought me a report signed "F. Grantnor" relating that certain railroad bridges on the Pacific Coast had been destroyed as part of the aforementioned program. It also mentioned a bombing plan that was to be carried out in San Francisco in July, 1916. This document can be produced from a filing cabinet in Brooklyn, New York. On July 25th, 1916, we received in our New York Office another coded wire message signed by Grantnor which read "scored 100% on the 22nd" I saw this message and decoded it and handed it to Paul Koenig who laughing said "We will score many more yet for this is only the beginning". This message referred to the preparedness parade bombing on July 22, 1916, being also part of the sabotage program mapped out by Koenig and Von Igel.

I know that Tom Mooney and Warren Billings are absolutely innocent of having anything whatsoever to do with the bombing of the preparedness Parade held in San Francisco on July 22, 1916 as the bombing and sabotage was a program of the German Intelligence Department as a War measure. At the time of the happening of the bombing and sabotage it was of utmost importance for the German Government to place the blame on persons whom the general public would readily believe would do such a thing and would have a motive for doing so. They, therefor, selected persons known to be belonging to the radical element in order to create a reasonable doubt in the minds of the public regarding this and other acts of sabotage previously believed to have been committed by German Secret Agents.

I did not make this public prior to about two months ago because I did not know that Frederick Hirsch and Fred Grantnor was one and the same person and I was in the German

Intelligence Service and did not care to reveal these matters for fear of my own life.

I make these statements freely and voluntarily and without any hope for financial gain or any reward outside of the fact that the truth should be known and justice be done.

I am now in the Los Angeles County Jail pending a probation hearing and have personally dictated the statements herein to Mr. Saul S. Klein, Attorney at Law, Los Angeles, California, who has shown me a telegram addressed to him from the Tom Mooney Molders Defense Committee authorizing him to secure an interview with me regarding all details of the activities of the ~~German Secret Service~~ on the Pacific Coast and especially in reference to the bombing of the Preparedness Parade in San Francisco on July 22, 1916.

(Signed) Carl Von Moltke

Sworn to and subscribed before me at the Los Angeles County Jail in the Hall of Justice this 22nd day of May, 1931.

(Signed) Saul S. Klein
Notary Public in and for
Los Angeles County,
State of California.

Witnessed by Vincent M. Kubisak
reporter for the Los Angeles Record

(Signed) Vincent M. Kubisak

Copied:CVB

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kec

ND *NAJ*

217890

November 3, 1931.

62-1199

MEMORANDUM FOR THE DIRECTOR, BUREAU OF INVESTIGATION. *mer*

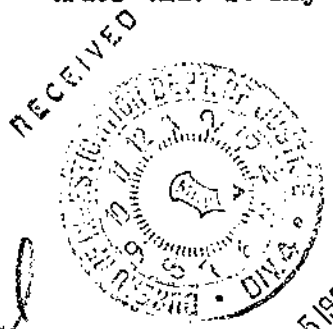
Referring to my memorandum to you of September 28th, concerning one Carl von Moltke, which investigation was made at the request of the Mixed Claims Commission, I beg to attach hereto copies of two communications which have been received from the Counsel of the Mixed Claims Commission, one submitting two photographs of Frederick L. Herrmann, a German sabotage agent during our period of neutrality, and the other referring to the report made by Special Agent J. R. Burdge, of San Francisco, in which it is stated that the Commission assumes that the investigation in New York, as suggested in Agent Burdge's report will be made, and transmitting for use in connection with the matter a copy of a report made March 23, 1917, by Billups Harris in relation to William Woehst, together with copies of photographs of Woehst, referred to in that report. Mr. Martin suggests that from these photographs Agents at Los Angeles should be able to determine whether Woehst and von Moltke are one and the same person.

Will you please furnish this Division with any further copies of reports made in connection with this investigation in order that it may advise the Mixed Claims Commission.

Respectfully,

Good

NUGENT DODDS,
Assistant Attorney General.



NOV 5 1931 AM 10:15
RECORDED

62-1199-50
B. I. DIV. OF INVESTIGATION
NOV 5 1931 P.M.
DEPARTMENT OF JUSTICE
Mr. Rous *gr* FILE

*Recd
ack.
5/11/31
W. R.
K.H.
Bureau
on file
to Bureau 11/7/31*

Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1611 K STREET

WASHINGTON

October 30, 1931.

The Honorable
Nugent Dodds,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

Sir:

This will acknowledge receipt of your letter of the 28th instant #ND-HAF 217390, with which you enclosed copy of report dated the 13th instant by Special Agent J. R. Burdge of San Francisco, together with copy of letter dated the 14th instant from Acting Special Agent in Charge of the San Francisco office, both in relation to investigations covering Carl von Moltke.

I note from Agent Burdge's report that no record could be located at the Palace Hotel, San Francisco, covering registration there in 1916 of Frederick Grantnor, Friedrich Hinsch or any similar name. I also note that no records of telegraphic communications passing between Friedrich Hinsch, alias Grantnor, in San Francisco and his principals in New York could be located. Records of this character are apparently destroyed after a period of one year.

I assume that the investigation in New York as suggested in Agent Burdge's report will be made.

There is enclosed herewith photostatic copy of report dated March 23, 1917 of Agent Billups Harris, in relation to William Woehst. Accompanying this report are photostat copies of two photographs of Woehst referred to in the report. From these photographs the Agent at Los Angeles should be able to determine whether Woehst and von Moltke are one and the same person.

Very truly yours,


H. H. Martin,
Counsel.

Enclosure:

Report and photographs.

HHM:CVB

Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1611 K STREET
WASHINGTON

October 30, 1931.

The Honorable
Nugent Dodds,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

Sir:

Reference is made to my letter to you of the 28th instant in relation to proposed further investigation in and around New York of the activities of Frederick L. Herrmann, a German sabotage agent during our period of neutrality.

There are enclosed herewith two photographs of Herrmann, one being a copy of a photograph taken in June 1915 and submitted to the Department of State at time passport #2130 was issued to Herrmann. The other photograph shows Herrmann and Adam Siegel. This was taken in Mexico some time in 1917 or possibly early in 1918, while Herrmann and Siegel were actively engaged in their work as secret service agents of Germany. The original of this photograph was given to me last year by Fred L. Hadler, another German agent active in Mexico.

Very truly yours,

H. H. Martin
H. H. Martin,
Counsel.

Enclosures:
Photographs.

HFM:CVB







- 1 - Fritz Hermann
- 2 - Adam Siegel

Taken in 1917 or 1918 on the R.R.
near Colima, Mexico.

REPRODUCED BY LEET BROS. WASH. D. C.

62-1199-50



Gary Hermann

REPRODUCED BY LEET BROS. WASH. D. C.

Attached to Passport # 2130,
dated July 1-1915.

Annex B to

Ex. 583

62-1199-50

REPORT MADE BY:

Billups harris

PLACE WHERE MADE:

Baltimore, Md.

DATE WHEN MADE:

March 23, 1917.

PERIOD FOR WHICH MADE:

March 22nd.

TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:

In re William Woehst - Alleged German Secret Agent.

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:

At Baltimore, Md.

The pictures of woehst, mentioned yesterday in my report, were completed today by the photographer and I am forwarding a copy of each photograph to the Bureau and a copy of each to the New York Office.

I learned today from Mrs. Oldershaw, Postmistress at Roland Park, that a letter - the contents showing it to have been written by Dr. Frank Reeves, brother-in-law of woehst, and his wife - addressed to "Edward W. Stanten, Hotel McAlpin, New York City" had been sent to the New York Dead Letter office and being opened there had been sent to the Post Office at Roland Park under No. 2184. The contents of the envelope, which I examined, were a letter signed "Frank" evidently Dr. Reeves, and on the back of this a letter signed "Lottie" to woehst, calling him "Dear Willie", and also three cancelled checks which had been drawn by Woehst signed "William wöhst" on the Baltimore Trust Company. One of the checks was drawn December 2nd to Mr. Willie woehst for \$100, another to the Eastern Forwarding Company for \$200, and another to Dr. Frank Reeves for \$100. I made a tracing of woehst's signature on the checks. The letters mentioned referred to things not seemingly of interest in this connection, to a dinner party that the Reeves had had with Woehst in New York a few days previous. The letters were not dated but they were returned from the Hotel McAlpin to the New York Dead Letter Office on January 20, 1917.

For the purpose of learning something as to woehst's present address, I went to the Baltimore Trust Company and interviewed the President, Mr. Ingle, who showed me Woehst's account. He had

COPY OF THIS REPORT FURNISHED TO:

New York

Billups Harris for March 22, 1917.

In re William Woehst - (Continued.)

deposited \$500 on December 2nd and had drawn out the above \$400 as stated and another check for \$100 payable to Dr. Reeves on January 19th, which closed the account. On this check Dr. Reeves had indorsed "Frank Reeves, Special Account" apparently having a deposit under a special account of his own. Perhaps Dr. Reeves supplies woehst with money from time to time out of this special account.

The only address of woehst that the bank has is 716 Gladstone Ave., where the Reeves live at Mrs. Atterbury's home.

The tracing of woehst's signature is attached to the copy of this report to the New York Office.

The only feature which seemed to be of interest in Reeves' letter to woehst was the statement to the effect that he had just seen Zimmerman and cautioning woehst to be careful. I endeavored to secure these letters, checks, etc. just for future reference, but was advised by the Postmaster that it would be impossible for them to pass out of their hands. He stated that he would have them returned to the New York Dead Letter Office, if possible.

Mrs. Oldershaw advised me that Dr. Reeves is now in Fairmont, W. Va. at 1302 Morgantown Ave., on what business she does not know.



Carl von Moltke.
Los Angeles Co. Sheriff.
143 540

(Barney)

62-1199-11



Ern - bld bl 6-2½ 180 34-29
(Hair) (Eyes)

1 Tt 13
1 U 13

MORRISON, Carl V
" Charles V

CARLSON, Carl

HUITFELD, Eugene Carl

VAN BROCKDORFF, Oscar

VON MOLTKE, Carl (and other aliases)

Los Angeles Police Dept
#28245

62-1199-51

RECORDED
NOV 13 1931

RAM:ON
62-1192-51

November 11, 1931.

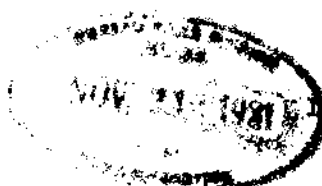
MEMORANDUM FOR Assistant Attorney General Dodds

In the case entitled Carl Von Holtke with
aliases. Miscellaneous (Wartime Sabotage Activities)
there are transmitted herewith copies of the following
reports:

<u>Agent</u>	<u>Office</u>	<u>Date</u>
H. J. Kneen (Two copies)	Los Angeles, Calif.	10-30-31

Very truly yours.

Director.



Incl. #139623

CAA:EM
62-1197-52

November 11, 1931.

RECORDED

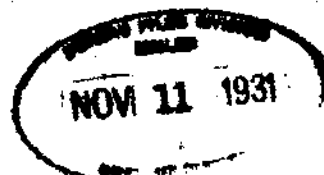
NOV 11 1931
MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS

In view of your memorandum of November 7, in regard to the request of the counsel of the Mixed Claims Commission to have certain investigations made concerning alleged sabotage activities of German agents in this country before the war, and especially in the case entitled GASEL VON MOLTKE, the case is being closed in the Bureau.

In this connection, of course, the Bureau is not responding to the request of the counsel of the Mixed Claims Commission transmitted in your memorandum of November 3, 1931.

Very truly yours,

Director.



654172
62-1127-72

November 11, 1931.

RECORDED

Special Agent in Charge,
Bureau of Investigation,
Box 507,
San Francisco, California.

NOV 13 1931

Dear Sir:

With further reference to the case entitled CARL VIN
HOLTER, Miscellaneous, your file #62-966, a further request
for investigation was received from the counsel to the
Mixed Claims Commission.

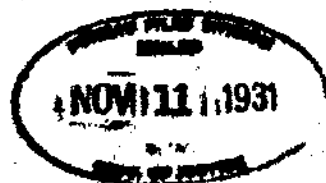
With a memorandum dated November 7, however, Assistant
Attorney General Dodd transmitted a copy of a letter addressed
to the counsel, indicating that the Department has found it
impractical to comply with further requests for investigation.
You may, therefore, close the case.

For your information, there is transmitted herewith a copy
of the letter addressed to the counsel, Mr. H. H. Martin, by
Assistant Attorney General Dodd, November 7th.

Very truly yours,

Director.

Encl. 1727963



A handwritten signature in dark ink, appearing to be "J. H. Martin", written over the bottom right portion of the document.

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kcc

ND

407

November 7, 1931.

MEMORANDUM FOR THE DIRECTOR, BUREAU OF INVESTIGATION.

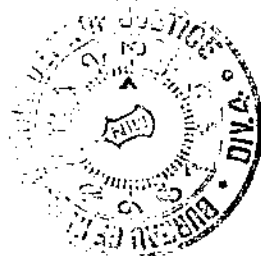
62-1197

over

Replying to your memorandum of the 4th instant, relative to the request of the Counsel of the Mixed Claims Commission to have certain investigations made concerning alleged sabotage activities of German agents in this country before the war, there is attached hereto a copy of a letter which I have written to Mr. Martin explaining the Department's position with respect to such investigations. The statements therein contained are also for your guidance.

Respectfully,


NUGENT DODDS,
Assistant Attorney General.



NOV 9 1931 AM

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HAF-kcc

November 7, 1931.

Mr. E. H. Martin,
Counsel,
Mixed Claims Commission,
1511 K Street N. W.,
Washington, D. C.

Sir:

Receipt is acknowledged of your letter of October 28th, concerning alleged German sabotage activities in this country during our period of neutrality, in which you state that it would be of material assistance to you if an Agent of the Bureau of Investigation could be authorized to interview one Fred L. Hoffmann and follow up in and around New York any leads which may be obtained from him in connection with German sabotage activities.

While the Department has recently endeavored to assist the Commission in obtaining certain information, it is believed that as all possible offenses were long ago barred by the Statute of Limitations and as the only available appropriation is for "Detection and Prosecution of Crimes," the Department is constrained to hold that there is no reasonable basis for using its appropriation for investigations of the character requested by the Commission. I regret therefore that it has been found impracticable to comply with your further requests.

It was my understanding from the telephone conversation with your office that the Commission had funds available for the purpose of making investigations of the character desired but did not have any experienced men for that purpose, which situation occasioned your inquiry as to whether a Special Agent of this Department could not be detailed to the Commission with the understanding that his compensation and expenses would be paid from funds under the control of the Commission. If such is the case, I suggest that should your Commission desire to appoint trained persons to make such investigations, undoubtedly the Department

RECEIVED 62-1199-52

- 2 -

could furnish the names of some persons not connected with the Government service who have the experience to perform the required service, in the event such suggestions are desired.

Your memorandum of October 21st is herewith returned.

Respectfully,

For the Attorney General:

Encl. 759694

NUCENT DODDS,
Assistant Attorney General.

C O P Y

POST OFFICE BOX 1405
Chicago, Ill.

December 3, 1932

Special Agent in Charge,
United States Bureau of Investigation,
Post Office Box 251, Grand Central Station,
New York, New York.

Dear Sir:

On December 2, 1932, Mr. Theodore F. Dutkanyeh, 2000 West Chicago Avenue, Chicago, Illinois, called at this office, and was interviewed by Special Agent W. L. Dickson.

Mr. Dutkanyeh stated that he was formerly connected with the Ukraina Weekly, a newspaper published at 812 North Damen Avenue, Chicago; that the publication of the above mentioned newspaper was discontinued about six months ago.

Mr. Dutkanyeh states that some years ago he met at Chicago a man named John Baran, age 40 years, height five feet 10 inches, weight 180 pounds; black hair; brown eyes; that Baran in his opinion was at that time or had formerly been connected in some way with the German Government; that at the same time Baran was associated with a man named Woznak, who is described as 40 years of age; five feet seven inches tall; 145 pounds; dark hair; brown eyes; wore small mustache, and that from the information he received at that time Woznak was in some way connected with the German government. He states further that about twelve months ago a man called on him at Chicago, using the name of Francis E. Curran; that Curran stated that Baran and Woznak were in some way connected with an explosion or bombing in or near New York City; that Curran was very vague and indefinite as to the date or place of the explosion, or for what purpose he desired to locate the two above mentioned parties, but that it was his opinion from conversation with Curran, that Curran was in some way connected with either the German or English government; that several months later a man using the name of Gillem Dieffenbach, who stated that he resided in Washington, D. C., called and was anxious to locate Baran and Woznak, but at that time he was unable to furnish any information with reference to their present address.

Page 2.

Mr. Dutkanych states that from a conversation with Baran he is of the opinion that Baran and Woznak were either directly or indirectly connected with an explosion which occurred either in New York Harbor or nearly some time during the late World War, and that Baran had told him that Woznak had been sent to Mexico, and later returned to the United States. Dutkanych has a certificate of naturalization issued to John Baran dated Chicago, Illinois, September 24, 1926, U. S. District Court number 2364310, which furnishes the address of Baran at that time as 7181 West Grand Avenue.

There is no file at the Chicago Bureau Office relative to either Baran or Woznak.

On December 3, 1932, Mr. Dutkanych called at the Chicago Bureau office and stated that he had received information that Baran and Woznak were wanted as material witnesses or defendants in a case which possibly involved the Black Tom bombing, which occurred in the port of New York some time during the year 1917 or 1918. He states that the present address of John Baran is in care of STEVEN POPIEL, a violinist, who resides at 2057 E. 37th Street, Brooklyn, New York, and that Popiel and Baran may possibly be located hanging around what is known as the Ukraina headquarters at Brooklyn, N. Y.

If it is ascertained that the New York Office has a pending case in which either of the above mentioned parties are involved, and it is desired to secure further information from Theodore F. Dutkanych, kindly advise the Chicago Office relative to the information desired, and same may be secured at an early date.

Very truly yours,

M. H. PURVIS,
Special Agent

Form No. 1

THIS CASE ORIGINATED AT **San Francisco, California.**LA FILE NO. **62-758**

REPORT MADE AT: Los Angeles, Calif.	DATE WHEN MADE: 10-30-31	PERIOD FOR WHICH MADE: 10-27-31	REPORT MADE BY: H. J. Kneen	HG
TITLE: CHANGED: CARL VON MOLTKE aliases CARL VON MOLTKE HUITFELDT, CARL V. MORRISON, CHARLES V. MORRISON, CARL CARLSON, OSCAR VAN BROCKDORFF, EUGENE CARL HUITFELDT			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)	

SYNOPSIS OF FACTS:

Criminal record of Subject obtained from Los Angeles Police Department and Los Angeles County Identification Bureaus.

RUC

REFERENCE:

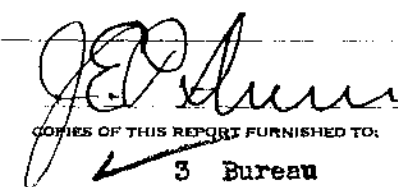
Report of Special Agent J. R. Burdge, San Francisco, October 13, 1931.

AT LOS ANGELES, CALIFORNIA

DETAILS:

Investigation at the Los Angeles Police Department Identification Bureau developed a record of Subject under Los Angeles Police Department No. 28245, police disposition record, Serial 525532, showing arrest under date of February 10, 1931, on a charge of suspicion of burglary. Subject gave his age as 34; nationality, American of German descent.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: 	SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: NOV 8 1931
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 1 New York 2 San Francisco 2 Los Angeles		BUREAU OF INVESTIGATION NOV 8 1931
		DEPARTMENT OF JUSTICE ROUTED TO: FILE
		JACKETED:

Los Angeles Police Department Identification Sheet under date of February 10, 1931, indicates that at the time of arrest Subject gave time in the United States as 34 years, time in California as 30 years. Los Angeles Police Department Identification Sheet dated February 11, 1929, gave Subject's time in the State of California as 34 years and in the United States 34 years.

Los Angeles Police Department records carry Subject under the following aliases:

CARL V. MORRISON, CHARLES V. MORRISON, CARL CARLSON, EUGENE CARL BUTTFELD, OSCAR VAN BROCKDORFF and CARL VON MOLTKE.

Description:

Hair	Brown, bald in front
Eyes	Blue
Build	Slender
Nativity	California
Height	6'2 $\frac{1}{4}$ "
	Round chin
Complexion	Fair
Weight	185 lbs.
Teeth	Poor
Age	34
	German descent

Los Angeles Police Department photo of Subject under No. 28245 was obtained and is attached to copies of this report to the Bureau.

Investigation at the Los Angeles County Sheriff's Identification Bureau develops Subject's record under Los Angeles County Sheriff's No. 143840. Subject's fingerprint classification was obtained, which is as follows:

1	Tt	15
1	UII	13

A photograph of Subject was obtained from the Los Angeles County Sheriff's Identification Bureau under No. 143840, which is attached to copies of this report to the Bureau.

Subject's criminal record found at the Los Angeles County Sheriff's Identification Bureau is as follows:

11-5-28 Oakland P D 6135-W - Inv. passing fictitious checks.
2-11-29 Los Angeles P D 28245, as Carl V. Morrison - en route
to San Francisco - grand theft
2-14-29 San Francisco P D 42388 - charge grand theft, released
from Los Angeles.
1-2-30 Binghamton, N. Y., P D 1835 as Oscar Van Brockdorff -
charged larceny of auto. Turned over to
Cliffside, N. Y. Police.
11-3-25 Placer County Circular 213, wanted stolen motorcycle
Arr. 11-18-25 (Motorcycle recovered)
11-18-25 Placer County 4428, charge grand larceny
2-9-29 San Francisco Circular - wanted grand theft warrant
6-17-31 Convicted of burglary, Los Angeles

UNDEVELOPED LEAD

SAN FRANCISCO OFFICE will investigate the Police Department records of Subject at San Francisco and Oakland.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN

Form No. 1

THIS CASE ORIGINATED AT

SAN FRANCISCO, CALIFORNIA.

(S.F. #62-966)

REPORT MADE AT: San Francisco, Cal.	DATE WHEN MADE: 11/18/31	PERIOD FOR WHICH MADE: 11/18/31	REPORT MADE BY: J. R. Burdge--IS
TITLE: CARL VON MOLTKE, aliases CARL VON MOLTKE HUITFELDT, CARL V. MORRISON, CHARLES V. MORRISON, CARL CARL- SON, OSCAR VAN BROOKDORFF, EUGENE CARL HUITFELD.			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)

SYNOPSIS OF FACTS:

Investigation concluded, and case closed under in-
structions received from Bureau.

C.

REFERENCE:

Bureau letter dated November 11, 1931.

DETAILS:

The letter of reference indicates that there is no author-
ity to continue the investigation. The case is therefore closed.

CLOSED

DETAILS:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: NOV 21 1931
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 1 New York 1 Los Angeles 2 San Francisco.	BUREAU OF INVESTIGATION CHECKED OFF: JACKETED:
ROUTED TO: <i>[Signature]</i>	FILE 11

Form No. 1

THIS CASE ORIGINATED AT

SAN FRANCISCO, CALIFORNIA.

(S.F. #62-966)

REPORT MADE AT: San Francisco, Cal.	DATE WHEN MADE: 11/18/31	PERIOD FOR WHICH MADE: 11/18/31	REPORT MADE BY: J. R. Burdge--IS
TITLE: CARL VON MOLTKE, aliases CARL VON MOLTKE HUITFELDT, CARL V. MORRISON, CHARLES V. MORRISON, CARL CARL- SON, OSCAR VAN BROOKDORFF, NUCHE CARL HUITFELD.			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)

SYNOPSIS OF FACTS:

Investigation concluded, and case closed under in-
structions received from Bureau.

C.

REFERENCE:

Bureau letter dated November 11, 1931.

DETAILS:

The letter of reference indicates that there is no author-
ity to continue the investigation. The case is therefore closed.

CLOSED

DETAILS:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED:	
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 1 New York 1 Los Angeles 2 San Francisco.		BUREAU OF INVESTIGATION	CHECKED OFF:
		DEPARTMENT OF JUSTICE	JACKETED:
		ROUTED TO:	FILE

RECORDED

AMERSON
62-1199-53

November 21, 1931.

NOV 24 1931

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS

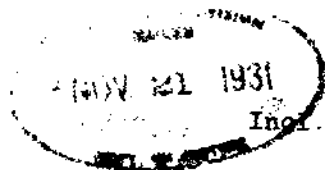
In the case entitled CARL VON MOLTKE alias CARL VON MOLTKE HUITFELDT. MISCELLANEOUS (NORTHWESTERN ACTIVITIES) there are transmitted herewith copies of the following reports:

<u>Agent</u>	<u>Office</u>	<u>Date</u>
James E. Amos	New York City	11-17-31

Two copies of the above report are transmitted herewith, one for the Mixed Claims Commission if you so desire.

Very truly yours.

Director.



Form No. 1

THIS CASE ORIGINATED AT

SAN FRANCISCO, CALIFORNIA N. Y.

FILE NO. 62-2965

PS

REPORT MADE AT: NEW YORK CITY	DATE WHEN MADE: 11/17/31	PERIOD FOR WHICH MADE: 11/10-13/31	REPORT MADE BY: JAMES E. AMOS
TITLE: CARL VON MOLTKE alias CARL VON MOLTKE HUITFELDT			CHARACTER OF CASE: MISCELLANEOUS (WARTIME SABOTAGE ACTIVITIES)

SYNOPSIS OF FACTS:

Subject not naturalized in N. Y. C. under his true name or aliases. Postal and Western Union Telegraph companies advised all records destroyed after a period of 6 years.

R. U. C.

REFERENCE: Report of Special Agent J. R. Burdge, San Francisco, dated 10/13/31.

DETAILS:

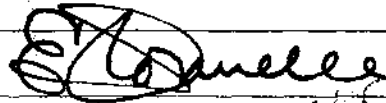
At the Bureau of Naturalization, 132 Nassau St., New York City, Agent contacted Charles E. Miller, Assistant District Director, who advised, after personally searching the records of that office, that Subject had not been naturalized in New York City at any time under his true name or any of the aliases or in the name of Wilhelm Woehst.

At the Postal Telegraph Co. office, 67 Broad St., Agent interviewed Mr. Underhill of the Adjustment Bureau, who referred Agent to C. H. Strickland, Assistant Comptroller. The latter advised that all of the records of this company, including books, are destroyed after a period of six years, in accordance with the provisions of the Interstate Commerce Act, and are not now available.

At the office of the Western Union Telegraph Co., 60 Hudson Street, Agent interviewed Mr. Homer Drocket, Manager, who likewise stated that records of this company were destroyed after a period of six years and that recently he had occasion to search for a record of the year 1923 and found that the same had been destroyed.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: 	SPECIAL AGENT IN CHARGE	62-1199-100	RECORDED AND INDEXED: NOV 24 1931
COPIES OF THIS REPORT FURNISHED TO: (3) Bureau 2 San Francisco 1 Los Angeles 2 New York		BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED OFF: NOV 24 1931 JACKETED:
		ROUTED TO:	FILE

CAAS:ED
62-1199-55

RECORDED

December 12, 1932

The American Agent,
Mixed Claims Commission,
United States and Germany,
Washington, D. C.

Dear Sir:

For your information, there is transmitted herewith a copy of a letter from the Chicago Office to the New York Office of this Bureau dated December 3, 1932, relating information furnished by Theodore F. Dutkanyeh of Chicago, Illinois, concerning John Haran and one Woznak. It is understood that this matter pertains to claims filed before the Commission which you have been investigating.

Very truly yours,

Director.

Encl. #235143
CC: SAC, New York
CC: SAO, Chicago

62-1199-55
DEC 15 1932

[Handwritten signature]

POST OFFICE BOX 1405
CHICAGO, ILLIN IS

December 3, 1932.

Special Agent in Charge,
United States Bureau of Investigation,
Post Office Box 251, Gr. Central Sta.
New York, New York.

Dear Sir:

On December 2, 1932, Mr. THEO F. DUTKANYCH, 2000 West Chicago Avenue, Chicago, Illinois, called at this office, and was interviewed by Special Agent N.L. Dickson,

Mr. Dutkanych stated that he was formerly connected with the Mkrania Weekly, a newspaper published at 812 North Damen Ave. Chicago; that the publication of the above mentioned newspaper was discontinued about six months ago.

Mr. Dutkanych states that some years ago he met at Chicago, a man named JOHN BARAN, age 40 years, height five feet 10 inches, weight 180 pounds; black hair; brown eyes; that Baran in his opinion was at that time or had formerly been connected in some way with the German government; that at the same time Baran was associated with a man named WOZNAK, who is described as 40 years of age; five feet seven inches tall; 145 pounds; dark hair; brown eyes; wore small mustache, and that from the information he received at that time Woznak was in some way connected with the German government. He states further that about twelve months ago a man called on him at Chicago, using the name of FRANCIS E. CURRAN; that Curran stated that Baran and Woznak were in some way connected with an explosion or bombing in or near New York City; that Curran was very vague and indefinite as to the date or place of the explosion, or for what purpose he desired to locate the two above mentioned parties, but that it was his opinion from conversation with Curran, that Curran was in some way connected with either the German or English government; that several months later a man using the name of GILLES DIETENBACH, who stated that he resided in Washington, D.C. called and was anxious to locate Baran and Woznak, but at that time he was unable to furnish any information with reference to their present address.

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Section Chief's Office
Comm. 12-12-32
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61-4266-11. (P) office, information not to be used

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61-7100-1

Page 2.

Mr. Dutkanych states that from a conversation with Baran he is of the opinion that Baran and Woznak were either directly or indirectly connected with an explosion which occurred either in New York Harbor or nearby some time during the late World War, and that Baran had told him that Woznak had been sent to Mexico, and later returned to the United States. Dutkanych has a certificate of naturalization issued to JOHN BARAN dated Chicago, Illinois September 24, 1926, U.S. District Court number 2384310, which furnishes the address of Baran at that time as 7181 West Grand Avenue.

There is no file at the Chicago Bureau Office relative to either Baran or Woznak.

On December 3, 1932, Mr. Dutkanych called at the Chicago Bureau office and stated that he had received information that Baran and Woznak were wanted as material witnesses or defendants in a case which possibly involved the Black Tom bombing, which occurred in the port of New York some time during the year 1917 or 1918. He states that the present address of John Baran is in care of STEVEN POPIEL, a violinist, who resides at 2057 E. 37th St. Brooklyn, N.Y. and that Popiel and Baran are possibly be located hanging around what is known as the Ukranian headquarters at Brooklyn, N.Y.

If it is ascertained that the New York office has a pending case in which either of the above mentioned parties are involved, and it is desired to secure further information from Theo F. Dutkanych, kindly advise the Chicago office relative to the information desired, and same may be secured at an early date.

Very truly yours,

M. H. PURVIS,

Special Agent in Charge.

NLD:JMS

CC Bureau

NJMcN:RD
62-3206

Post Office Box #251
Grand Central Station
New York, New York

December 10, 1932

Special Agent in Charge
United States Bureau of Investigation
P. O. Box 1405
Chicago, Illinois

Dear Sir:

Reference is made to your letter of December 3, 1932, concerning information furnished by Theodore E. Dufkanych relative to John Baran and one Woznak.

This is to advise that there is no file at the New York Bureau office relative to either Baran or Woznak and further, that neither of said individuals is listed as wanted by the New York Police Department nor is either subject of any radical file in said Department.

Very truly yours,

E. P. GUINANE
Assistant Special Agent in Charge

CC:Bureau

DEC 17 1932

62-1199-56
62-7100-22
BUREAU OF INVESTIGATION
DEC 14 1932
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67-1199
CAAM:EM

December 21, 1932.

DEC 21 1932

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL DODDS.

There are transmitted herewith copy of a letter from Mr. H. H. Martin, Counsel, Mixed Claims Commission, United States Agency, 1511 K Street, N. W., Washington, D. C., and copy of a letter, dated December 14, 1932, addressed by the Agent of the United States to the Secretary of State, both of which concern a possible conspiracy of John Haran and Theodore J. Wozniak to perpetrate a fraud on the United States in connection with the litigation before the Mixed Claims Commission of the cases involving fires and explosions at Black Tom, New Jersey, in 1916.

Attention is invited to the fact that the Agent is suggesting to the Secretary of State that the matter be referred to the Attorney General with a view to prosecution. Attention is also invited to the suggestion in the letter of the Counsel to the Bureau that it would be desirable, pending the determination of action to be taken, for appropriate steps to be taken to shadow both Haran and Wozniak. In reply to this suggestion, the Bureau is advising Mr. Martin that such an investigation appears to be impracticable at this time, the Bureau having no jurisdiction in this matter until it is referred by the Attorney General or your Division for attention, and there being no motive apparent at this time for either individual to disappear or to believe that action will be taken now.

The Bureau will await any instructions which you may have in this matter.

Very truly yours,

Director.

Encl. 7338123

CAA:EM

62-111-57
December 21, 1932.

RECORDED

Mr. H. H. Martin, Counsel,
Mixed Claims Commission,
United States Agency,
1511 K Street, N. W.,
Washington, D. C.

Dear Mr. Martin:

The Bureau has received your letter of December 14th regarding John Baran and Theodore J. Wozniak. The copy of the letter to the State Department was read with interest, and you may rest assured that the Bureau will give prompt attention to any future investigation that may be referred to it by the Attorney General or the Criminal Division should the Secretary of State refer the matter to this Department for attention.

With reference to your suggestion that it would appear desirable, pending final determination of the action to be taken in respect to the Agent's letter of the 14th to the Secretary of State, that appropriate steps be taken to shadow both Baran and Wozniak, it would appear that such action at this time may not be taken, until the Bureau acquires some jurisdiction in this matter through a reference in the manner referred to. There would also appear to be no reason to assume that either of the individuals would have any more reason at the present time for disappearing than they had in the past. If there was a conspiracy, apparently it has not yet led to any apprehensions on their part as to any actions which may be taken. Under the circumstances, the suggestion as to the shadowing appears impracticable.

In view of your opinion, however, and believing that this would meet with your approval, the Bureau is taking the liberty of referring the matter to Assistant Attorney General Ladd.

Sincerely yours,

Director.

Mixed Claims Commission

UNITED STATES AND GERMANY

UNITED STATES AGENCY

1811 K STREET

WASHINGTON

December 14, 1932.

62-1199-57

J. E. Hoover, Esquire,
Director, Bureau of Investigation,
Department of Justice,
Washington, D.C.

RECORDED
&

Dear Sir:

DEC 27 1932 INDEXED

This will acknowledge receipt of your letter of the 12th instant with which you enclosed copy of a report dated the 3rd instant from the Chicago Office of the Bureau of Investigation, relating to certain information concerning one John Baran and one Theodore J. Wozniak, recently furnished by Theodore F. Dutkanyek of Chicago.

The information contained in this report is most interesting, particularly in view of the Decision of the Commission rendered by the Umpire on the 3rd instant dismissing the sabotage claims involving the fires and explosions at the Lehigh Valley Terminal, Black Tom, New Jersey, on July 29-30, 1916, and at the ammunition assembling plant of the Agency of Canadian Car and Foundry Company, Limited, on January 11, 1917, Docket Nos. 8103, 8117, et al.

Francis E. Curran mentioned in this report is probably Francis E. Curran, Esquire, of New York, who was formerly associated with the firm of Peaslee and Brigham, 501 Fifth Avenue, New York, New York, of counsel for claimants

in these sabotage claims. As I recall, Mr. Curran severed his connection with this firm early in 1931, so that any interview that he may have had with Mr. Dutkanych is believed to have occurred before that time and considerably more than twelve months ago. Gillem Dieffenbach, also mentioned in the report, is a name entirely unknown to the Agency.

A mimeographed copy of the Certificate of Disagreement of the two National Commissioners and the Decision of the Commission as rendered by the Umpire in these claims, is enclosed herewith for your information.

You will note that the Umpire in his Decision holds that the three recently discovered Wozniak letters, one bearing date St. Louis, August 10, 1917, and the other two bearing dates Mexico City, August 28 and September 16, 1917, are spurious in that they were written recently. The Umpire, however, has no doubt that they were written by Wozniak, who was the principal witness used by Germany in defending her financial liability under the Treaty of Berlin for the damages suffered by American nationals in the Kingsland disaster.

The effect of the Commission's Decision would seem to be a finding that Wozniak and Baran are guilty of a deliberate conspiracy to perpetrate a fraud on the United States that resulted in the presentation by the American Agent to this International Commission of spurious documents

for the purpose of securing an award against the Government of Germany in favor of the United States on behalf of American nationals suffering losses in the Kingsland disaster.

The Agency is this day submitting a recommendation to the Department of State that this matter be taken up with the Attorney General with a view to his taking appropriate steps looking to the punishment of the guilty parties. A copy of the Agency's letter of the 14th instant to the Secretary of State is enclosed herewith for your information. This letter sets out in some detail the facts in relation to the production, investigations of, and use made of these Wozniak letters.

If these letters are in fact spurious, as found by the Umpire, of which fact I am by no means convinced, particularly with respect to the letters bearing date August 10 and September 16, 1917, it is difficult for me to believe that they were the sole work of Wozniak and Baran. This belief of mine is based primarily on the fact that there was not sufficient money paid Baran to induce him to become a party to a scheme to deliberately manufacture documents of this character, particularly when he knew the use that was to be made of them. Baran has too much at stake to risk criminal prosecution with a possible cancellation of his American citizenship, together with deportation from the country, to engineer a job of this character for the sum of \$2500. that was paid him by the claimants to obtain the letters. This sum was the total amount paid Baran and in-

cluded, in addition to the loss of time, reimbursement for his expenses covering several trips between Chicago and New York, and also a trip to Springfield, Massachusetts, and one to Washington. In addition to these expenses it is also reasonable to assume, if the letters are in fact spurious, that Baran must have paid Wozniak for writing them.

So far as the Agency is advised, there has been absolutely no contact between any of the claimants and Wozniak in relation to these letters.

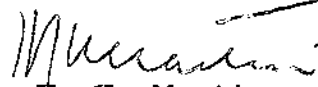
In view of the foregoing and as both Baran and Wozniak are now understood to be living in New York, it would seem to be desirable pending final determination of the action to be taken with respect to the Agency's letter of the 14th to the Secretary of State, that appropriate steps be taken to shadow both Baran and Wozniak.

There are also enclosed herewith the following described documents relating to this matter:

- (1) Photostatic copy, together with translation, of the Wozniak letter dated St. Louis, August 10, 1917;
- (2) Photostatic copy, together with translation, of the Wozniak letter dated Mexico City August 28, 1917;
- (3) Photostatic copy, together with translation, of the Wozniak letter dated Mexico City September 16, 1917;
- (4) Photographic copy of enlargement of photograph of Wozniak appearing on his employment button at Kingsland plant;
- (5) Photostatic copy of photograph of Wozniak taken

in New York the latter part of 1924, or early part of 1925. The photograph was filed by the German Agent as Annex d to German Exhibit LXXXIX(e). This is a very good photograph of Wozniak as he appeared the last time I saw him, over a year ago.

Very truly yours,


H. H. Martin,
Counsel.

Enclosures:
As indicated.

HHM:CBE

December 14, 1932.

The Honorable

The Secretary of State.

Sir:

There is enclosed herewith mimeographed copy of the Certificate of Disagreement of the two National Commissioners and the Decision of the Commission rendered by the Empire, the Honorable Owen J. Roberts, on December 3, 1932, dismissing the Supplementary Petition for Rehearing in the Sabotage Claims, Decret Nos. 8103, 8117, et al. involving the fires and explosions at the Lehigh Valley Railroad Terminal, Black Tom, New Jersey, on the night of July 29-30, 1916, and at the Ammunition Assembling Plant, Kingsland, New Jersey, on January 11, 1917.

The most important evidence used by the Agency in asking on behalf of the United States for a reconsideration of the decision of the Commission in these claims dated Hamburg, October 16, 1930, were certain recently discovered contemporaneous documents comprising:

(1) three letters written in the German language by one Theodor J. Wozniak and bearing dates respectively, St.

62-1117-57

Louis, Missouri, August 19, 1917, and Mexico City, Mexico, August 28, 1917, and September 16, 1917. The originals of these letters, that were addressed to one Ivan Baran, his friend and compatriot, were filed with the Commission by the American Agent as Exhibits 905 (1), (2) and (3) in these claims.

(2) The other document was a secret message written in lemon juice in April, 1917, by Frederick L. Herrmann, a German agent who was then in Mexico City, and sent by Herrmann to Paul G. L. Hilsen of Baltimore, Maryland, by a courier named Raoul Gardts y Pochet, a Colombian national who at the time was in the employ of Herrmann.

Information in relation to the three Yonniak letters was first obtained by Mr. L. A. Peto, of Montreal, Canada, Vice President of the Agency of Canadian Car & Foundry Company, Limited, an American corporation, and owner of the Kingsland Plant, from Ivan Baran in May, 1931. Baran's address at the time was 6537 Irving Park, Chicago, Illinois. He is understood to be now living at the Hotel Imperial, New York City. The letters were first exhibited to Mr. Peto by Baran in New York on or about May 26, 1931. They were first seen by the American Agent and his counsel at a conference in New York on June 15, 1931.

Before the letters were acquired by claimants with a view to being turned over to the American Agent for filing

with the Commission as a part of the evidence of the United States in these claims, they were, at the instance of the American Agent, submitted for examination as to their genuineness to the following experts:

Mr. E. W. Stein, of New York, who examined them as to handwriting;

Captain A. J. McGrail, of Springfield, Massachusetts, who examined them as to artificial ageing, etc. Captain McGrail during the war was in our Military Intelligence Service as an expert in secret writing and suspicious documents;

Dr. Jesse C. Minor, of Springfield, Massachusetts, a well known paper expert; and

The United States Bureau of Standards.

Mr. Stein on the question of handwriting found specifically that the three letters were each written by Wozniak.

Mr. Stein also expressed the opinion

"that there is not sufficient difference between the writing of Wozniak of 1916 and that of 1926 and 1927 to identify the three letters of 1917 as having been written either in 1917 or later. It should be understood that I can not say that these three letters were not written in 1917, neither can I say that it would have been impossible for them to have been written in 1927 or later. The positive part of my opinion is that the 1917 letters were written by the writer of the other letter."

In reaching his conclusions Mr. Stein had samples of Wozniak's handwriting of 1916, 1926 and 1927.

The other experts were unable to find any evidence in the letters to indicate their spuriousness.

Following the examination of the letters by these experts, they were acquired by claimants from Baran for a total consideration of \$2500, that included compensation for a loss of two months' time and expenses for several trips between Chicago and New York, a trip to Springfield, Massachusetts, and one to Washington (See Oral Argument in the Sabotage Cases at Boston, July 30-August 1, 1931, p. 30; also Appendix to Brief of the United States supplementing the Boston Argument, pp. 25, 26, filed with Commission September 15, 1931).

On the acquisition of these letters by claimants, they were turned over to the American Agent and by him filed with the Commission on July 1, 1931, as Exhibits 905 (1), (2) and (3), along with the affidavit, copy herewith, of Ivan Baran, dated June 26, 1931, outlining his story of the history of the letters. This affidavit was filed as Exhibit 905 (4). There were also filed with the Commission the reports of the several experts mentioned above.

While these letters were not of supreme importance in these sabotage claims, they were significant in that, if genuine, they would have completely destroyed Wozniak's alibi as contained in his affidavits of April 24, 1929, filed with the Commission by the German Agent the latter part of

August, 1929, and his affidavit of August 22, 1930, in which he claimed to have been working in a lumber camp near Tupper Lake, New York, in August and September, 1917. I might say that the evidence gathered by the United States prior to the argument at The Hague in September, 1930, tended to place Wozniak, under the name Karowski, in Mexico City consorting with German agents in the summer of 1917.

The record before the Commission in these claims indicates that Wozniak was born in February, 1894, in the village of Wolka Kasowiecka, District of Rawa Russka, Galicia, Austria, now Poland, that he was originally an Austrian national and is now a Polish national, although on March 14, 1929, he took out his first papers before the United States District Court, Southern District of New York, declaring his intention to become an American citizen. At that time his address was given as 505 East 6th Street, New York City. In December, 1931, Wozniak's address appears to have been 277 East 10th Street, New York City, Care of S. Kowbaniuk. After completing his service in the Austrian Army, Wozniak came to the United States in December, 1918, arriving at New York. From there he went to Scranton, Pennsylvania, where for several years he worked in the coal mines. In about March, 1916, he returned to New York and in about June, 1916, obtained employment at the Kingsland Ammunition Assembly Plant. He remained in the employ of this plant up to the day of the destruction thereof on January 11, 1917. It is undisputed that the

fire resulting in the explosions started at Wozniak's bench in the Kingsland Plant where he was engaged in cleaning shell casings preparatory to loading and packing for shipment.

The Agency was successful in uncovering considerable contemporaneous evidence in the files of the British Secret Service in this country; the files of the Russian Military Commission that was supervising the large ammunition contract that the Kingsland Plant had with the Russian Government; and the files of the claimant company, covering their contemporaneous investigation of the circumstances of the fire. This evidence tended to indicate that the fire was deliberately started by Wozniak and that Wozniak was probably in the pay of German sabotage agents operating in this country. This evidence was later substantiated by the confession of Frederick L. Herrmann, the well known German sabotage agent, who admitted employing Wozniak to set fire to the Kingsland Plant and furnishing him with the necessary incendiary devices for this purpose.

Wozniak, early in April, 1929, during the first oral argument in Washington in the sabotage claims, mysteriously turned up at the German Consulate General in New York. He was examined at length by the counsel for the German Agent and denied any responsibility for the fire, although admitting that it started at his bench. The information obtained from Wozniak at these conferences was embodied in two affi-

deavits that were executed by Wozniak on April 24, 1929.

These affidavits along with a large amount of corroborative evidence were finally filed by the German Agent with the Commission in August and September, 1929.

Following the filing of the Wozniak letters with the Commission, the German Agent submitted considerable evidence indicating that these letters, while written by his own witness, were nevertheless spurious in that they were written only a short time before they were turned over to claimants by Baran. The German evidence further indicated that the letters had been artificially aged for the deliberate purpose of giving them the appearance of having been written as early as 1917.

To meet this evidence the American Agent submitted further evidence indicating the genuineness of the letters from Captain McGrail; Mr. E. O. Heinrich, an examiner of disputed documents of San Francisco; the Bureau of Standards, as to the ink used in writing the letters; and from Mr. Charles D. Jacobs, a watermark specialist of South Orange, New Jersey.

The American Agent also made every effort to have Wozniak examined by the Commission. The Government of Germany would not, however, consent to the Commission taking the necessary steps, in accordance with the provisions of the Act of July 2, 1920 (42 Stat. 1002), to secure his appearance.

The Umpire, in rendering the decision of the Commission,

interested in the prosecution of Wozniak for matters connected with the Kingsland explosion, or in his possible prosecution for perjury in his testimony as contained in his affidavits of April, 1929, and August, 1930, that he was not in Mexico in the summer of 1917, but was working at that time in a lumber camp near Tupper Lake, New York. Absolutely no assurances whatsoever were given to any one that the United States would not be interested in the prosecution of Wozniak or any one else, should it turn out that the letters in fact were not genuine. The assurances made in this matter were given by claimants' representatives to Baran, not Wozniak. Of course, no suggestion even of immunity was given Baran covering his connection with these letters. Baran, on the other hand, has been told by counsel for the American Agent on more than one occasion that should it develop that the letters were in fact spurious, steps would undoubtedly be taken looking to the punishment of the guilty parties.

In view of the foregoing and of the finding of the Umpire that these three letters are in fact spurious, I feel it my duty, as the American Agent representing the United States before the Mixed Claims Commission, United States and Germany, to bring this matter to your attention with the recommendation that the matter be referred to the Honorable the Attorney General for such action as may be deemed appropriate

expresses the definite opinion that "the letters are not authentic". He also sets out at considerable length his reasons that justify this opinion (See p. 9 of the Decision of the Commission as rendered by the Umpire).

This finding by the Umpire of course means that he is convinced that a fraud has been practiced not only on the United States, but also attempted to be practiced on the International Tribunal that was established under the Agreement of August 10, 1922, between the United States and Germany, in the preparation and production of these letters for presentation to the Commission.

Your attention is also invited to the following excerpts found in the decision as rendered by the Umpire:

"In connection with the production and examination of these letters the claimants paid Baran \$2,500, and procured assent to a condition named by him that the American Agent should give assurance that Wozniak would not be prosecuted for perjury." (See p. 8 of Decision)

"Let it be here noted that, though unquestionably Wozniak wrote the Baran letters, he has testified that he was not in Mexico in 1917, has not vouched for the letters, and is not to be prosecuted for perjury." (See p. 13 of Decision)

These statements are based on assurances given by the American Agent for use by the representatives of claimants at the time they were endeavoring to obtain the letters from Baran, that with the production thereof the United States would not be

in the premises.

The original Wozniak letters are now on file with the Commission. They may be made available, together with the other voluminous evidence in these claims, for such use and examination as may be necessary. There is enclosed herewith a photographic copy of each of the three letters, together with translations thereof. There are also enclosed two photographs of Wozniak. The one marked "A" is a photographic enlargement of his picture appearing on his identification button worn by him at the time of his employment at the Kingsland Plant in 1916 and 1917. The one marked "B" is a photostatic enlargement of a photograph taken the latter part of 1924 or early in 1925 and filed by the German Agent as Annex (d) to German Exhibit LXXXIX (e).

I have the honor to be, Sir,

Your obedient servant,

Agent of the United States.

Enclosures:

As stated.

BHM:LES

CAA:EB
62-1199-58

RECORDED

JAN 20 1933

January 19, 1933.

Special Agent in Charge,
United States Bureau of Investigation,
Hurley-Wright Building,
Washington, D. C.

Dear Sir:

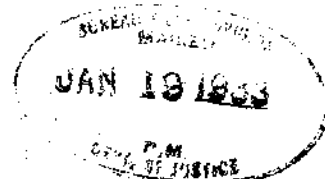
There are transmitted herewith copies of a memorandum dated January 13, 1933, from Assistant Attorney General Dodds, and enclosures, relating to an alleged conspiracy to defraud the United States by John Barron and Theodore F. Womniak, in connection with proceedings before the Mixed Claims Commission in cases involving fires and explosions at Black Tom, New Jersey, in 1916. Please institute the desired investigation.

In this connection it is understood that considerable evidence is in the possession of Mr. Martin of the Mixed Claims Commission. The case should be submitted to the appropriate United States Attorney, as indicated in the memorandum from Mr. Dodds, for consideration as to prosecution. It is understood that in reaching its decision in this case the Mixed Claims Commission considered evidence of a technical character as to the age of the letters. Evidence was introduced indicating that the letters could not have been written on the dates claimed. In this connection it is believed that complete explanations of the conclusions of the experts for and against the American Agent should be obtained, and before this phase of the matter is submitted to the United States Attorney, Mr. Appel should be consulted.

Very truly yours,

Enc. #326083.
CC-New York.

Director.



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kcc

ND 119 J

217890-1

January 13, 1933.

MEMORANDUM FOR THE DIRECTOR, BUREAU OF INVESTIGATION.

Reference is made to your memorandum of December 21, 1932, transmitting a copy of a letter from the Counsel of the Mixed Claims Commission, United States Agency, concerning a possible conspiracy of by John Baran and Theodore J. Wozniak to perpetrate a fraud on the United States in connection with proceedings before the Mixed Claims Commission in the cases involving fires and explosions at Black Tom, New Jersey, in 1916.

The Department has received a letter from the Secretary of State, transmitting a copy of a letter addressed to him from the American Agent of the Mixed Claims Commission, United States and Germany, a copy of which is herewith attached, together with other papers referred to therein, directed to a possible basis for prosecution of certain individuals who are believed to have practiced fraud upon the United States in the above matter. The Secretary states that in the circumstances it is believed that his department is warranted in bringing the matter to the attention of this Department for such action as

62-11111
JAN 13 1933
BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
FILE

may be deemed appropriate.

The Secretary further states that should it be decided that steps can properly be taken to bring the perpetrators of the fraud to justice, the American Agent, as stated in his letter, will be glad to make available any evidence there may be in the files of the Agency in relation thereto. He further states that the State Department is informed that there is a possibility that the persons who are named in the Agent's letter as being the perpetrators of this fraud may be contemplating departure from the United States in the near future.

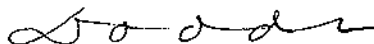
There is also attached hereto a copy of a letter recently received from Mr. H. H. Martin, Counsel of the Mixed Claims Commission, giving further information concerning the above matter. It seems from the papers attached to your memorandum of the 21st ultimo, that you have already been furnished with a Certificate of the Disagreement by the two National Commissioners on the Supplemental Petition for Rehearing and the Decision of the Commission rendered by the Umpire.

In examining this matter consideration has been given to the case of Haas vs. Henkel, United States Marshal, 216 U. S. Reports, pages 462 to 482, in which it was held that a conspiracy to defraud the United States under Section 37 of the Criminal Code does not necessarily involve a direct pecuniary loss to the United States, but

that the statute includes any conspiracy to impair, obstruct or defeat the lawful function of any department of the Government. It would therefore seem from the facts submitted that Theodore J. Wozniak and one John (Ivan) Baran, et al, have possibly violated Section 37 of the Criminal Code in attempting to defraud the United States in connection with the production of alleged spurious documents before the Mixed Claims Commission. As it is understood that these documents were not filed until on or about July 1, 1931, the offense, if any, is not barred by the Statute of Limitations.

It is therefore requested that a thorough investigation be made into this complaint in order that all the facts may be obtained and submitted to the appropriate United States Attorney (possibly the United States Attorney for the District of Columbia, as it would seem that the hearings were held in Washington, D. C.) for consideration as to prosecution. Will you please furnish this Division with copies of the reports made in the premises.

Respectfully,



NUGENT DODDS,
Assistant Attorney General.

Encl.

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MIXED CLAIMS COMMISSION
United States and Germany

UNITED STATES AGENCY
1511 K Street
Washington

January 5, 1933.

The Honorable
Nugent Dodds,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

Sir:

This will acknowledge receipt of your letter of the 4th instant initialled ND-HAN #217890-1, in relation to the possible prosecution of one Theodore J. Wozniak and one John (Ivan) Baran, for conspiracy to perpetrate a fraud on the United States in connection with the manufacture and production of three certain letters from Wozniak to Baran that were filed in evidence by the Agent of the United States in the prosecution before the Commission of the sabotage claims against Germany, Docket Nos. 8103, 8117, et al.

The \$2500. paid Baran for these letters as outlined in the Agency's letter of December 14, 1932, to the Secretary of State was paid by the claimants. No part whatsoever of this money represented funds of the United States.

Claims of American nationals before the Mixed Claims Commission, United States and Germany, established under the Agreement of August 10, 1922 (42 Stat. 2200), are presented solely by

- 2 -

the American Agent as claims of the United States on behalf of the American national suffering the particular loss. The Agency actively co-operates with the particular claimant and his attorney in the proper development and presentation of the claim. While affording every assistance in gathering the evidence, the Agency requires the claimant, in the main, to bear the expense incidental to proving the claim. The evidence when obtained and filed with the Commission by the Agency is of course evidence submitted by the United States.

I understand that copy of the Agency's letter of December 14, 1932, to the Department of State in relation to this matter, was on December 28th, transmitted to the Honorable Attorney General for such action as he may deem appropriate.

With respect to my letter of December 14, 1932 to the Director of the Bureau of Investigation, I might say that Mr. Francis E. Curran, formerly associated with the law firm of Messrs. Peaslee and Brigham, 501 Fifth Avenue, New York, advises me that he was in Chicago in the latter part of July 1930, endeavoring to locate Baran. Mr. Curran says that while he does not recall the name of Mr. Theodore K. Dutkanych, he does recall interviewing at the time an editor of a Ukrainian newspaper in Chicago. This editor told Mr. Curran that Baran had worked for him some months previously. Mr. Curran at this time also said that he had endeavored without success to locate Baran at a Y. M. C. A. address in Chicago.

The lead as to Baran's Chicago address was obtained in the course of an examination in Washington on July 22, 1930. The following excerpt bearing on this matter is taken from the transcript of the Wozniak, testimony:

"Q. You had this friend Baran in Chicago, did you not?

A. Yes, sir.

Q. What is his address?

A. What is his address.

Q. Yes. Where does he live? (The witness left the room and on returning referred to a memorandum book and answered as follows:)

A. 4251.

Q. 4251 what street?

A. Irving Park; but I don't know whether he is still there. The Y.M.C.A. hotel." (German Ex. CXXII, Washington transcript, pp. 111, 112).

In a later affidavit by Wozniak dated August 23, 1930, and filed as German Exhibit CXXXI, Annex J, Wozniak in referring to his visit to Chicago in September 1929, says:

"When I got to Chicago, I looked for my friend, Iwan Baran, the same Iwan Baran who was in the Theological Seminary at Bloomfield, New Jersey, but I was unable to locate him at his old address. From the telephone book I found the address of some secretary of the All-Baptist Church. I went to this secretary who gave me some information which helped me to locate Iwan Baran. I located him at 6537 Irving Park Boulevard. He was connected with a real estate office of M. Sawiak."

According to information received from the Department of Labor, John Baran was naturalized September 24, 1926 before the

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United States District Court, Chicago, Illinois. Baran used as witnesses in these naturalization proceedings, Felix Sawiak, Real Estate Broker, 770 No. Thatcher Avenue, Chicago, and Elias Ostap, Chiropractor, 1942 West Chicago Avenue, Chicago, Illinois. Baran's Naturalization Certificate is #2,364,310; his age on date of naturalization is given as 34 years.

Very truly yours,

Signed: H. H. Martin

H. H. Martin,
Counsel.

HHM:CBE

MIXED CLAIMS COMMISSION
UNITED STATES AND GERMANY

UNITED STATES AGENCY
1511 K STREET
WASHINGTON

December 14, 1932.

The Honorable

The Secretary of State.

Sir:

There is enclosed herewith mimeographed copy of the Certificate of Disagreement of the two National Commissioners and the Decision of the Commission rendered by the Umpire, the Honorable Owen J. Roberts, on December 3, 1932, dismissing the Supplementary Petition for Rehearing in the Sabotage Claims, Docket Nos. 8103, 8117, et al. involving the fires and explosions at the Lehigh Valley Railroad Terminal, Black Tom, New Jersey, on the night of July 29-30, 1916, and at the Ammunition Assembling Plant, Kingsland, New Jersey, on January 11, 1917.

The most important evidence used by the Agency in asking on behalf of the United States for a reconsideration of the decision of the Commission in these claims dated Hamburg, October 16, 1930, were certain recently discovered contemporaneous documents comprising:

(1) three letters written in the Ukrainian language by one Theodore J. Wozniak and bearing dates respectively, St. Louis, Missouri, August 10, 1917, and Mexico City, Mexico, August 28, 1917, and September 16, 1917. The originals of these letters, that were addressed to one Ivan Baran, his friend and compatriot, were filed with the Commission by the American Agent as Exhibits 905 (1), (2) and (3) in these claims.

(2) The other document was a secret message written in lemon juice in April, 1917, by Frederick L. Herrmann, a German agent who was then in Mexico City, and sent by Herrmann to Paul G. L. Hilken of Baltimore, Maryland, by a courier named Raoul Gerds y Pochet, a Colombian national who at the time was in the employ of Herrmann.

Information

Information in relation to the three Wozniak letters was first obtained by Mr. L. A. Peto, of Montreal, Canada, Vice President of the Agency of Canadian Car & Foundry Company, limited, an American corporation, and owner of the Kingsland Plant, from Ivan Baran in May, 1931. Baran's address at the time was 6537 Irving Park, Chicago, Illinois. He is understood to be now living at the Hotel Imperial, New York City. The letters were first exhibited to Mr. Peto by Baran in New York on or about May 26, 1931. They were first seen by the American Agent and his counsel at a conference in New York on June 15, 1931.

Before the letters were acquired by claimants with a view to being turned over to the American Agent for filing with the Commission as a part of the evidence of the United States in these claims, they were, at the instance of the American Agent, submitted for examination as to their genuineness to the following experts:

Mr. E. W. Stein, of New York, who examined them as to handwriting;

Captain A. J. McGrail, of Springfield, Massachusetts, who examined them as to artificial ageing, etc. Captain McGrail during the war was in our Military Intelligence Service as an expert in secret writing and suspicious documents;

Dr. Jesse C. Minor, of Springfield, Massachusetts, a well known paper expert; and

The United States Bureau of Standards.

Mr. Stein on the question of handwriting found specifically that the three letters were each written by Wozniak. Mr. Stein also expressed the opinion

"that there is not sufficient difference between the writing [of Wozniak] of 1916 and that of 1926 and 1927 to identify the three letters of 1917 as having been written either in 1917 or later. It should be understood that I can not say that these three letters were not written in 1917, neither can I say that it would have been impossible for them to have been written in 1927 or later. The positive part of my opinion is that the 1917 letters were written by the writer of the other matter."

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In reaching his conclusions Mr. Stein had samples of Wozniak's handwriting of 1916, 1926 and 1927.

The other experts were unable to find any evidence in the letters to indicate their spuriousness.

Following the examination of the letters by these experts, they were acquired by claimants from Baran for a total consideration of \$2500, that included compensation for a loss of two months' time and expenses for several trips between Chicago and New York, a trip to Springfield, Massachusetts, and one to Washington (See Oral Argument in the Sabotage Cases at Boston, July 30-August 1, 1931, p. 30; also Appendix to Brief of the United States supplementing the Boston Argument, pp. 25, 26, filed with Commission September 15, 1931).

On the acquisition of these letters by claimants, they were turned over to the American Agent and by him filed with the Commission on July 1, 1931, as Exhibits 905 (1), (2) and (3), along with the affidavit, copy herewith, of Ivan Baran, dated June 26, 1931, outlining his story of the history of the letters. This affidavit was filed as Exhibit 905 (4). There were also filed with the Commission the reports of the several experts mentioned above.

While these letters were not of supreme importance in these sabotage claims, they were significant in that, if genuine, they would have completely destroyed Wozniak's alibi as contained in his affidavits of April 24, 1929, filed with the Commission by the German Agent the latter part of August, 1929, and his affidavit of August 23, 1930, in which he claimed to have been working in a lumber camp near Tupper Lake, New York, in August and September, 1917. I might say that the evidence gathered by the United States prior to the argument at The Hague in September, 1930, tended to place Wozniak, under the name Karowski, in Mexico City consorting with German agents in the summer of 1917.

The record before the Commission in these claims indicates that Wozniak was born in February, 1884, in the village of Wolka Mazowiecka, District of Rawa Russka, Galacia, Austria, now Poland, that he was originally an

Austrian



Federal Bureau of Investigation
Office of Public Affairs
Washington, D.C. 20535

The enclosed material is sent to you in response to your request.

RESEARCH UNIT

Austrian national and is now a Polish national, although on March 14, 1929, he took out his first papers before the United States District Court, Southern District of New York, declaring his intention to become an American citizen. At that time his address was given as 505 East 6th Street, New York City. In December, 1931, Wozniak's address appears to have been 277 East 10th Street, New York City, Care of S. Kowbasniuk. After completing his service in the Austrian Army, Wozniak came to the United States in December, 1912, arriving at New York. From there he went to Scranton, Pennsylvania, where for several years he worked in the coal mines. In about March, 1916, he returned to New York and in about June, 1916, obtained employment at the Kingsland Ammunition Assembly Plant. He remained in the employ of this plant up to the day of the destruction thereof on January 11, 1917. It is undisputed that the fire resulting in the explosions started at Wozniak's bench in the Kingsland Plant where he was engaged in cleaning shell casings preparatory to loading and packing for shipment.

The Agency was successful in uncovering considerable contemporaneous evidence in the files of the British Secret Service in this country; the files of the Russian Military Commission that was supervising the large ammunition contract that the Kingsland Plant had with the Russian Government; and the files of the claimant company, covering their contemporaneous investigation of the circumstances of the fire. This evidence tended to indicate that the fire was deliberately started by Wozniak and that Wozniak was probably in the pay of German sabotage agents operating in this country. This evidence was later substantiated by the confession of Frederick L. Herrmann, the well known German sabotage agent, who admitted employing Wozniak to set fire to the Kingsland Plant and furnishing him with the necessary incendiary devices for this purpose.

Wozniak, early in April, 1929, during the first oral argument in Washington in the sabotage claims, mysteriously turned up at the German Consulate General in New York. He was examined at length by the counsel for the German Agent and denied any responsibility for the fire, although admitting that it started at his bench. The information obtained from Wozniak at these conferences was embodied in two affidavits that were executed by Wozniak on April 24, 1929. These affidavits along with a large amount of corroborative evidence were finally filed by the German Agent with the Commission in August and September, 1929.

Following

Following the filing of the Wozniak letters with the Commission, the German Agent submitted considerable evidence indicating that these letters, while written by his own witness, were nevertheless spurious in that they were written only a short time before they were turned over to claimants by Baran. The German evidence further indicated that the letters had been artificially aged for the deliberate purpose of giving them the appearance of having been written as early as 1917.

To meet this evidence the American Agent submitted further evidence indicating the genuineness of the letters from Captain McGrail; Mr. E. O. Heinrich, an examiner of disputed documents of San Francisco; the Bureau of Standards, as to the ink used in writing the letters; and from Mr. Charles D. Jacobs, a watermark specialist of South Orange, New Jersey.

The American Agent also made every effort to have Wozniak examined by the Commission. The Government of Germany would not, however, consent to the Commission taking the necessary steps, in accordance with the provisions of the Act of July 3, 1930 (46 Stat. 1005), to secure his appearance.

The Umpire, in rendering the decision of the Commission, expresses the definite opinion that "the letters are not authentic". He also sets out at considerable length his reasons that justify this opinion (See p. 9 of the Decision of the Commission as rendered by the Umpire).

This finding by the Umpire of course means that he is convinced that a fraud has been practiced not only on the United States, but also attempted to be practiced on the International Tribunal that was established under the Agreement of August 10, 1922, between the United States and Germany, in the preparation and production of these letters for presentation to the Commission.

Your attention is also invited to the following excerpts found in the decision as rendered by the Umpire:

"In connection with the production and examination of these letters the claimants paid Baran \$2,500, and procured assent to a condition named by him that the American Agent should give assurance that Wozniak would not be prosecuted for perjury."
(See p. 8 of Decision)

"Let it be here noted that, though unquestionably Wozniak wrote the Baran letters, he has testified that he was not in Mexico in 1917, has not vouched for the letters, and is not to be prosecuted for perjury." (See p. 13 of Decision)

These statements are based on assurances given by the American Agent for use by the representatives of claimants at the time they were endeavoring to obtain the letters from Baran, that with the production thereof the United States would not be interested in the prosecution of Wozniak for matters connected with the Kingsland explosion, or in his possible prosecution for perjury in his testimony as contained in his affidavits of April, 1929, and August, 1930, that he was not in Mexico in the summer of 1917, but was working at that time in a lumber camp near Tupper Lake, New York. Absolutely no assurances whatsoever were given to any one that the United States would not be interested in the prosecution of Wozniak or any one else, should it turn out that the letters in fact were not genuine. The assurances made in this matter were given by claimants' representatives to Baran, not Wozniak. Of course, no suggestion even of immunity was given Baran covering his connection with these letters. Baran, on the other hand, has been told by counsel for the American Agent on more than one occasion that should it develop that the letters were in fact spurious, steps would undoubtedly be taken looking to the punishment of the guilty parties.

In view of the foregoing and of the finding of the Umpire that these three letters are in fact spurious, I feel it my duty, as the American Agent representing the United States before the Mixed Claims Commission, United States and Germany, to bring this matter to your attention with the recommendation that the matter be referred to the Honorable the Attorney General for such action as may be deemed appropriate in the premises.

The original Wozniak letters are now on file with the Commission. They may be made available, together with the other voluminous evidence in these claims, for such use and examination as may be necessary. There is enclosed herewith a photographic copy of each of the three letters, together with translations thereof. There are also enclosed two photographs of Wozniak. The one marked "A" is a photographic enlargement of his picture

appearing

- 7 -

appearing on his identification button worn by him at the time of his employment at the Kingsland Plant in 1916 and 1917. The one marked "B" is a photostatic enlargement of a photograph taken the latter part of 1924 or early in 1925 and filed by the German Agent as Annex (d) to German Exhibit LXXXIX (e).

I have the honor to be, Sir,

Your obedient servant,

ROBERT W. BONYNGE
Agent of the United States.

Enclosures:

As stated.



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Amex (2)
Exhibit XX

STATE OF NEW YORK
COUNTY OF NEW YORK

} SS:

IVAN BABAN, being duly sworn, deposes and says:

I have turned over to Mr. Leonard A. Peto the originals of three letters, photostats of which are hereto annexed, received by me in the year 1917 from Theodore I. Wozniak, as follows:

- (1) Letter from St. Louis dated 8/10/1917.
- (2) Letter from Mexico City dated August 28, 1917.
- (3) Letter from Mexico City dated September 18-1917.

These letters are all in Theodore Wozniak's handwriting, with which I am very familiar. They have been continually in my possession since they were received by me in 1917. They are written in Ukrainian, which is the same as Ruthenian. Ukrainian is my native language. The following are my literal translations of the letters into English:

No. 1

St. Louis 8/10/1917

Dear Comrade:

I have not seen you for a long time and the reason is because I was in hospital.

When I left hospital some of my friends advised me to go west, to improve my health. How far or how long I am going to be wanderer I don't know, as this does not depend on me but those who are with me.

In St. Louis there are many factories and ships something like in Philadelphia. I don't like it very much.

I wish you could write to me at least few words.

But my Germans somehow are impatient. I believe we will travel further.

I will write when I will have something positive.

Don't tell that I wrote to you.

Regards

F. S. K.

Exhibit 905 (4)

No. 2

Mexico City August 28/1917

S.N.B.

To Ivan Baran
Minister of Labor Temple
E. 14th Street & 2nd Ave.

Dear Friend:

I wanted to write to you sooner but I couldn't. Those damned Germans do not want me to write to anybody. Mexico by itself does not look good to me. Mexicans themselves look like bandits. Homes are not big but there are some better palaces, for instance in this location where the German Ambassador lives, that is on Denham and Liverpool Street. But above all the churches are beautiful and priests are rich.

If you think that soon you would learn to speak Mexican then come there - and we will make living.

I think that I didn't do right that I took trip with Germans - I am not entirely feeling good, terrible nervous, and above all it is terrible hot here. No place to go, and if there were I am in fear and I must listen to Germans.

But I think that I won't be here long. I have some money with me and Germans promising some more to give.

Don't tell to anybody that what I have told you or what I have written to you.

If you want to write then write under the address F. W. Karowsky Poste Restante Mexico City. I will try to be back soon.

G. Heart. (Hearty Greetings).

T. I. Wozniak.

No. 3

Dear Friend:

I waited on letter from you but there was none. I am not getting along here as I thought. Germans are not keeping their word. They are entertaining themselves as at the wedding but forgetting other ones.

I will try to come back to New York soon.

Truthfully, from this heat here a person can almost croak.

I am not meeting any of our people - all Spaniards or Indians or some mixed ones.

Not writing much because next month will be
in New York not far there from King.

Hearty Greetings

Theodore

Mexico September 16-1917

I have been asked to give, in my own language,
a short history of myself, and of my connection with
Wozniak, omitting references to the Kingsland fire, and do
so as follows:

I am a naturalized American citizen since 1926,
and have resided more or less continuously in Chicago since
1918.

I was born in Eastern Galicia, formerly Austria,
on June 11th, 1894. I came to the United States in 1909
via Hamburg on the Hamburg-American Liner Kron Prinz
Friedrich Wilhelm. On arrival I went to live with my uncle,
Zenowiz Chemij. In Scranton, and lived and worked in
Scranton until around October 1914, when I went to study at
the Theological College at Bloomfield, N. J.

While attending college I lived with my sister
on Moore Street, Brooklyn, N. Y., and I used to spend
Saturdays and Sundays and some evenings in New York, at the
Labor Temple Church at Fourteenth Street and Second Avenue.

About October 1917 I left New York to attend
college at Wheaton, Illinois, and was there about one year.

In 1919 and 1920 I was connected with the
Ukrainian Diplomatic Mission in Washington, and at the same
time was Chairman of the Ukrainian-American Relief
Committee of America, which had an office in Chicago. I
visited Washington on this work a number of times, and am
still actively associated with Ukrainian affairs.

I met Theodore Wozniak first in the fall of
1912 or the spring of 1913. As far as I remember it was

early in 1913 in Scranton. Theodore Wozniak was still in Scranton when I went to New York. He reported to the Austrian Consulate at the outbreak of war in Wilkesbarre, Pa. I was very closely connected with Wozniak. I knew where he was working and all about his affairs, and what his plans were. I knew his wife. He lived in the same house for about a year. When the war broke out we were working in the same place in the Lackawanna Coal Company. I used to see him every day. Wozniak was planning to go to Europe to fight and I am sure that he reported to the Austrian Consul at Wilkesbarre, but he changed his mind. In 1915 when he came to New York I saw him. Then he went back to Scranton until about the spring of 1916. I was still at Bloomfield then, but I was in New York on Saturdays and Sundays. I was living in Brooklyn with my sister in 1916. I was in Brooklyn whenever I came to New York. Brooklyn was my home.

Wozniak stayed at the Russian Immigrant Home as far as I can remember when he came to New York in 1916. I saw him quite often at that time.

I saw Wozniak about every second week in New York on Sundays while he worked in Kingsland.

The last time I saw Wozniak before the fire was some time shortly after Christmas in the early part of January. He came over to my place on 14th Street - I don't remember whether it was a Wednesday or a Saturday night. On Wednesday nights we had prayer meetings in my Mission.

He was waiting outside until I came out of church so I don't remember whether it was Wednesday or Saturday.

I saw him about three or four days after the fire. It was on a Sunday after the services. He was wait-

ing outside until the services were dismissed and when I came out he was on the 14th Street side right near the door and he asked me if he could see me for a minute. I saw him about twice during the following month. He told me he was staying in New York but I don't remember where. I think it was at the Russian Immigrant Home. I saw him before a month was up, but I saw him twice within six weeks after the fire.

He told me "I am going to leave very soon. I don't know whether I am going to South America or Mexico or somewhere. I don't know where yet". He shook hands with me and said "Goodbye, I might not see you again. I will drop you a card from somewhere and if I do not give you an address don't think anything of it".

Thereafter I received from Wozniak the three letters which I have handed over to Mr. Peto.

The next time I met him was in the fall of 1919 in New York. He found out through Scranton presumably, that I was around New York, Washington and Philadelphia. He found out that I was the Chairman of the Ukrainian-American Relief Committee of America and was travelling about delivering speeches, etc. He must have found out through Scranton. For about a year I didn't hear anything from him, but in 1919 he discovered that I was here. He told me then that he was working in some summer resort near New York. I just saw him once at that time. I met him in that restaurant on 14th Street between Second and First Avenues on the second floor. It was near the Russian Immigrant Home. I was with a group of Ukrainian leaders there.

Then I saw him in 1922 or 1923 in New York once, and I saw him once in Scranton, but I don't remember

exactly when - around 1922 or 1923. This might have been between 1921 and 1923 I saw him twice, once in New York and once in Scranton. He told me at that time that he was in Pittsburg or around Pittsburg, but he left Pittsburg but was going back. I am not sure whether that was in 1922 or 1923. I think that was in 1922. I didn't see him again until September 1929, when unexpectedly he showed up in my office at 6587 Irving Park, Chicago.

Wozniak left Chicago about the latter part of April or the beginning of May 1930.

After he left Chicago I saw him in New York recently.

IVAN BARAN

Sworn to before me this
28th day of June, 1931.

Peter X. McManus

Notary Public, New York County
N.Y. Co. Clk's No. 76 Reg. No. 58616
Certificate filed in Bronx & Kings Counties
Bronx Co. Clk's No. 11, Reg. No. 3234
Kings Co. Clk's No. 58, Reg. No. 2009
Term Expires March 30, 1932

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своего здравия. ИК дарено
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и в подвиге и в сражении
и в глгоцке и в подвиге

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и *по* *теории* *и* *практике* *и* *по* *теории* *и* *практике*

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John - F. W. K.



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EXHIBIT 905 (1)

* Sant Luis 8/10/917

Dear Comrade: I have not seen you for a long time and this for the reason that I was in the hospital.

Having left the hospital some of my friends advised me to go West--to improve my health. How far or how long I shall wander, this I do not yet know. That does not depend on me but on those who are here with me. In Sant Luis ** there are many factories and ships, something like Philadelphia. I do not like it at all.

I would like that you should write me a few words--but my Germans are impatient for some reason. I think we shall move farther, and I shall write when there will be something more definite. Do not tell that I have written.

Regards.***

-----****

*Sant Luis is here written in the Latin alphabet.
(Note by translator.)

** These two words are written here in Ukrainian and have been accurately transliterated. (Note by translator.)

*** "Pozdorovlyayu"--the word here used--is sometimes translated as "Greetings". It is a very popular form of concluding letters in Ukrainian. (Note by translator.)

**** The letter is signed with three initials which are not quite legible. They appear to be written in the Latin, rather than the Ukrainian, alphabet and look like either F.W.K. or I.W.K. (Note by translator.)

[illegible]

Mexico City, August 28, 1917.

? I. V.*

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 damned 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 to you. If you want to write, then write to the address F. W. Karowsky, Poste Restante, Mexico, M.

I shall try to be back soon.

Hearty regards.

T. I.** Vozniak***

*There is an illegible character before the letters "I. V."

**This letter in transliteration is "I." In translation it, no doubt, is "J." (Note of translator.)

***In transliteration the first letter of this surname is "V". In pronunciation it sometimes sounds like "W". Therefore, it would be a matter of personal choice whether the name would be spelled in English with a "V" or a "W". (Note of translator.)

EXHIBIT 905 (3)

Dear Friend: I waited for a letter from you but there was none. Here I am not getting along as I expected. The Germans are not keeping their word. They entertain themselves as at a wedding but they forget the other fellow. I shall try to come back to New York soon. Here from this heat it is possible to die,* truthfully. I meet none of our kind of people, only Spaniards or Indians or some sort of mixed ones. I do not write much because next month I shall be in New York, there not far from King.

Hearty regards.

Theodore.

Mexico, September 16, 1917.

* In Ukrainian there are two distinct words to express the death of people and the death of animals. The one here used is the latter, which is so used occasionally to express utter disgust with the cause of death, in this case the heat. (Note of translator.)

before the Hague argument, too late to be investigated by the American Agent before the Commission's decision, and both the German Agent and the Commission unwittingly relied upon its authenticity. By a curious coincidence, that report, like one of the Wozniak letters, was written on paper which, by its water mark, was proved not to have been manufactured until after the date on which it purported to have been written.

This report being spurious, and Wozniak himself having been discredited, there is nothing in the record, as the case now stands, to support a finding that the Kingsland fire was the result of an industrial accident. On the contrary, voluminous affidavits and reports have now been submitted negating the possibility of an industrial accident. Accordingly, the question of whether or not Wozniak was a German agent or employed by a German agent at the time the fire started at his work bench becomes a decisive question in this case. Its importance appears from the statement in the Commission's original decision that, in view of the background established in the sabotage cases which showed authorized sabotage activities in the United States by an organized group of German agents, "inferences against Germany were rendered easier than they otherwise would be", which means, in application to the present case, that if Wozniak is shown to have been a German agent at the time of the Kingsland fire, the Commission would be justified in inferring that Germany was responsible, under the Treaty of Berlin, for that fire unless such inference was prohibited by other evidence. The Commission's theory in the earlier decision that this fire was the result of

an industrial accident precluded any such inference because in that situation it was immaterial whether or not Wozniak was a German agent, but, inasmuch as now the fire is no longer regarded as an industrial accident, the inference above indicated can be drawn if it be shown that Wozniak was a German agent. The national Commissioners are in agreement on this point, as stated in their certificate of disagreement.

It is evident from the foregoing brief analysis of the situation that in examining the new evidence we may proceed on the basis that Wozniak's testimony and the Johnson report are wholly discredited, and that the findings of the Commission based on that evidence may be disregarded.

There is much new evidence now before the Commission which is intended to show that Wozniak was a German agent at the time of the Kingsland fire, not only by reason of new facts presented but also by giving a new meaning and value to some of the old evidence on that point which was discredited in the original decision.

Some of the new facts presented to establish Wozniak's presence in Mexico in 1917 are embodied in the affidavits of Sylvester Golka (December 9, 1931) and Peter Panas and his wife (November 14, 1931). Exhibits 929, 930-1, 930-2.

Golka and Panas and his wife were old friends of Wozniak, and were on intimate terms with him in 1917. They are highly reputable and trustworthy people. They set forth in their affidavits, with some convincing detail, the receipt by them of

December 2, 1932.

Sabotage Cases

SEPARATE OPINION ON THE KINGSLAND CASE

BY THE AMERICAN COMMISSIONER

As to the Kingsland Case, I agree with the finding of the Commission that the three so-called Wozniak letters are manufactured evidence fabricated after the dates when they purport to have been written, and have no value as evidence for the purposes for which they were produced. Nevertheless, I draw from the production of these letters certain conclusions which have an important bearing on some of the other evidence in this case.

Wozniak's authorship of these letters, although not admitted by him so far as the record discloses, can be taken as established for the purposes of this case. They are admittedly in his handwriting and they came to the American Agent through his closest friend, one Ivan Baran, who refused to surrender them until he had received an assurance from the American Agent granting Wozniak immunity from prosecution for incendiarism or perjury.

This whole transaction shows a degree of cleverness and subtlety on the part of Wozniak which was not suspected by the Commission at the time of its original decision. Considering that these letters were so skillfully fabricated that they deceived several of the American Agent's most experienced and trusted experts as to their date of production, judged by physical condition and appearance, and also deceived the American

Agent and his counsel as to their trustworthiness, judged by their textual contents, and considering also that the claimants paid \$2,500 for them without Wozniak himself having vouched for their authenticity, while Wozniak at the same time obtained an assurance of immunity from prosecution on account of their bearing on the Kingsland fire or perjury charges, it is evident that the Commission's earlier estimate of Wozniak's mentality, as described in its original decision, must be revised. The Commission then said of Wozniak, "He is in a way smart, though naive, and thinks he is smarter than he really is". He has now demonstrated that he is really smarter than the Commission thought he was, and also that he is even less trustworthy and more formidable and mercenary as a witness than the Commission then assumed him to be. It follows from this conclusion that Wozniak's testimony before the Commission, at the time of the original decision, was given more weight than was justified. In fact, Wozniak has disclosed by his present performance that he is thoroughly untrustworthy as a witness.

The Commission's original finding that Wozniak was not in Mexico at the time he was alleged by other witnesses to have been there in association with German agents rests wholly on Wozniak's own statements. So, also, his alibi story that he was at Tupper Lake, New York, at the time he was reported by other witnesses to have been in Mexico, cannot be accepted if his own statements about it are not accepted. The Commission accepted

his statements on these points in reliance upon his assumed credibility. If, however, his credibility is now destroyed by the newly submitted evidence, both of these points are open for reexamination, and the examination should be unprejudiced by the earlier findings of the Commission.

In the original decision, the question of whether or not Wozniak was in Mexico was really a minor issue and immaterial for the decision of the case, in view of the facts found by the Commission as to the cause of the Kingsland fire. In the present proceedings, however, the question whether or not Wozniak was in Mexico in 1917 is one of the essential issues in its bearing upon his status as a German agent, the decision of which may determine the validity of the claim.

In its earlier decision the Commission adopted the theory that the Kingsland fire was the result of an accident, and was not purposely set by Wozniak, so that whether or not he was a German agent was unimportant. In that decision the Commission stated "Despite Herrmann's confession, the evidence in the Kingsland case has convinced us that Wozniak did not set the Kingsland fire", and expressed the opinion that the fire was caused by sparks from the machine which held the shell Wozniak was cleaning, in other words, that the fire was an industrial accident. The basis of this finding was Wozniak's own story taken in connection with the evidence embodied in the so-called Johnson report.

The new evidence submitted in the present proceeding shows that this Johnson report, like the Wozniak letters, was fabricated and must now be rejected. It came into the record only shortly

three letters in all, written by Wozniak to them from Mexico in the summer of 1917. The only ground on which it has been sought to discredit their receipt of these letters is that in the letter to Golka he requested that it be destroyed upon receipt, which was done, and that later he followed up the letters to Panas and destroyed them himself. It is argued that it was wholly inconsistent that he should be so anxious to have those letters destroyed and at the same time should have made no such request in his letters written contemporaneously to Baran, especially in view of the fact that the Golka and Panas letters were clearly innocent in character, whereas the Baran letters were distinctly incriminating, taken in connection with other facts in the record. This argument obviously is based on a false premise, because having admitted that the Baran letters were forgeries, they cannot be accepted as a basis for discrediting this other evidence. Naturally they did not contain a request that they be destroyed because that would have been inconsistent with the purpose for which they were forged, which was to be produced in this case to prove that Wozniak was in Mexico in 1917. There is nothing in the record which throws any discredit upon these Golka and Panas affidavits, and there is no reason why they should not be believed. They stand, therefore, as credible evidence that Wozniak was in Mexico in 1917, and his desire to have his letters destroyed shows that he wished to conceal his presence in Mexico at the time they were written. It will be noted that by these spurious letters fabricated by Wozniak, he in effect represents himself to have been in Mexico in 1917, and makes himself out a

perjurer when he swore to the contrary in his previous testimony.

An item in the new evidence, which gives new meaning and value to some of the old evidence, is the report of the police official in Poland. Exhibit No. 936. This report is to the effect that in the neighborhood of Wozniak's old home in Rawa Russka there was a forest in which Wozniak once worked, known as the "Karow" forest, and that it was customary in Poland to add to the family name a second name either as a prefix or suffix, descriptive of the person's occupation or place of residence. He says, accordingly, that Wozniak, as a workman in this forest, would have been known as Karowsky-Wozniak, or Wozniak-Karowsky, or perhaps the added name might have been Karifsky instead of Karowsky. This, however, is an unimportant detail. The old evidence, to which this new evidence gives new value, is found in the affidavits of several witnesses who identified Wozniak as a man known as Karowsky, or Karnowsky, or a phonetically similar name, in the Summer of 1917, as an associate of admitted German agents in Mexico. In its original decision the Commission mistrusted this attempted identification largely because there was at that time nothing in the record to show that Wozniak had ever used such a name as Karowsky. In view of this new evidence, however, the name sounding like "Karowsky" no longer appears out of a clear sky and without any connection with Wozniak. Consequently, the earlier affidavits, identifying Wozniak as the

man known by such a name, who was the associate of German agents in Mexico, are entitled to be regarded as seriously important evidence.

Furthermore, the explanation about Wozniak's earlier occupation as a lumberman in the Karow forest has the further value, in connection with his Tupper Lake story, of showing that even if he had never been to Tupper Lake, he knew enough about the life and work in a lumber camp to enable him to invent the rather meager details which he gives in his affidavit about his life there. The information in his affidavit about the wages and terms of employment, and the distance of the camp from the railroad station, and the name of the camp, could have been obtained without going to the camp at all. Most of it was obtainable from the Lumber Company's employment agency in New York, and would be contained in the usual employment application form supplied to applicants. With this information, supplemented by his early experiences in lumber camps, he was clever enough, as a fabricator, to make an affidavit sufficiently accurate in detail to persuade the American Agent that, as he conceded in oral argument, it was certainly possible that Wozniak had been at Tupper Lake at some time before his trip there as a witness in 1929.

Wozniak's status as a German agent is further supported by new evidence in the affidavits of the witnesses Capitula (Exh. No. 902), Noland (Exh. No. 890), King (Exh. No. 891), Palmer (Exh. No. 896(a)), and Clucas (Exh. Nos. 822 and 895). This testi-

mony leaves much to be desired, but, if Wozniak's own testimony in conflict with it be disregarded for the reasons above stated, it stands undisputed, and, taken together with the above mentioned Golka and Panas affidavits and the earlier affidavits identifying Wozniak as the German agent known as Kurewsky in Mexico in 1917, a prima facie case, at least, has been made establishing that Wozniak actually was a German agent at the time of the Kingsland fire.

With Wozniak's status as a German agent established, it is not necessary to prove that he purposely or actually started the fire, because, for the reasons already stated, the Commission, in these circumstances, is justified in drawing the inference that Wozniak was responsible for it, even though proof is lacking as to exactly how it was done.

It may be noted on this point, however, that the Commission is not bound to accept either Wozniak's statement of how it was started or Herrmann's explanation of what his instructions to Wozniak were about the use of incendiary pencils, because in the present view of the value of the testimony of these witnesses, the Commission is at liberty to disregard everything they have said on this subject, and, so far as the record shows, the real truth as to how this fire was started has never been disclosed.

We do know, however, from thoroughly dependable testimony, that, as found in our original decision, the Imperial German Government had authorized the destruction of ammunition plants

in the United States during the period of our neutrality, and that an organization of German sabotage agents had been established for that purpose and had been supplied with funds and implements to be used in sabotage activities. We also know, as a settled fact in this case, that the Kingsland fire started at Wozniak's work bench, and we now find that a prima facie case has been made against Wozniak as a German agent himself at that time. The purpose, the opportunity, the means, and the agent were all there.

In view of these considerations and conclusions, the Commission is justified in holding that on the record, as it stands, the German Government must be held responsible, under the terms of the Treaty of Berlin, for the damages resulting to the claimants by reason of the Kingsland fire.

CHANDLER P. ANDERS ON.

Note: The so-called Herrmann secret message, embodied in the Blue Book Magazine for January, 1917 (Exhibit No. 904), if accepted as authentic, would conclusively prove the liability of Germany in both the Kingsland and the Black Tom cases. Inasmuch, however, as the authenticity of that message is questioned, no reliance has been placed on it in reaching the conclusions stated in the foregoing opinion, which demonstrates that Germany should be held liable in the Kingsland case independently of that evidence, and even if its authenticity should not be accepted.

As appears from the Certificate of Disagreement by the National Commissioners referring both of these cases to the Umpire for decision, the American Commissioner disagreed in the Black Tom case as well as in the Kingsland case.

Jan. 23, 1933
14

10:05 AM

Re the "Peto" call from New York City.
The operator said Mr. Peto would talk with me.

When the connection was made Mr. Joseph Farrell,
Assistant Manager of the Waldorf-Astoria, talked:

Mr. Farrell said that Mr. Amos Peaslee, a lawyer
with the Canadian Car and Foundry Co. of Montreal,
with interests in the United States, and Mr. J. J.
McCloy, would be in to see Mr. Hoover either this
morning or this afternoon to talk with him about
a very important matter, and Mr. Farrell said he
was calling to ask Mr. Hoover to see them personally
and listen to what they have to say.

I advised Mr. Farrell that I had not as yet heard
from Mr. Hoover this morning and asked if, in the
event he should not be here when they called, they
could talk with the Assistant Director. Mr. Farrell
said he would like very much for Mr. Hoover to see
them but that I could suggest to them that they speak
to the Assistant Director. Mr. Farrell said he would
like them to know he had called.

(Mr. Amos J. Peaslee is the man who was attorney
for the Lehigh Valley Railroad in the "Black Tom" case
and was working with the Mixed Claims Commission to
obtain certain papers from the Bureau files.) -

hwg

JAN 23 1933 P

DEPARTMENT

NATHAN

JAN 25 1933

FROM

OFFICE OF DIRECTOR, UNITED STATES BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

Assistant Director Nathan ()
Assistant Director Tolson ()
Assistant Director Edwards ()
Assistant Director Clegg ()
Inspector ()
Division ()
Secretary ()

See Me _____ ()
 Prepare Reply _____ ()
 For Your Information _____ ()
 Note and Return _____ ()
 File _____ ()

Remarks:

JOHN EDGAR HOOVER
DIRECTOR

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

January 25, 1933.

CAA:MAM

MEMORANDUM FOR THE DIRECTOR.

In the case of John Baran, Theodore J. Wozniak, alleged conspiracy to defraud the United States in connection with proceedings before the Mixed Claims Commission, I telephoned Mr. Keith. Mr. Little, to whom the case is assigned, is to interview the writer, and before any leads are sent to New York, I will telephone Mr. Cullen.

Respectfully,

C. A. Appel

C. A. Appel.

RECORDED
&
INDEXED

JAN 30 1933

11-60
NATE

in the United States during the period of our neutrality, and that an organization of German sabotage agents had been established for that purpose and had been supplied with funds and implements to be used in sabotage activities. We also know, as a settled fact in this case, that the Kingsland fire started at Wozniak's work bench, and we now find that a prima facie case has been made against Wozniak as a German agent himself at that time. The purpose, the opportunity, the means, and the agent were all there.

In view of these considerations and conclusions, the Commission is justified in holding that on the record, as it stands, the German Government must be held responsible, under the terms of the Treaty of Berlin, for the damages resulting to the claimants by reason of the Kingsland fire.

CHANDLER P. ANDERSON.

Note: The so-called Herrmann secret message, embodied in the Blue Book Magazine for January, 1917 (Exhibit No. 904), if ~~accepted as authentic, would conclusively prove the liability~~ of Germany in both the Kingsland and the Black Tom cases. Inasmuch, however, as the authenticity of that message is questioned, no reliance has been placed on it in reaching the conclusions stated in the foregoing opinion, which demonstrates that Germany should be held liable in the Kingsland case independently of that evidence, and even if its authenticity should not be accepted.

Post Office Box No. 251
Grand Central Station
New York, N.Y.

FAT:PB
62-3206

January 24, 1933.

Special Agent in Charge,
United States Bureau of Investigation,
Hurley-Wright Building,
Washington, D.C.

Re: JOHN BARAN and ONE WOZNAK.
Miscellaneous - Court of Mixed Claims
Matter.

Dear Sir:

With reference to Bureau letter dated January 19, 1933, concerning the above-entitled case, and with particular reference to the undeveloped leads indicated therein for this office, I will hold in abeyance the interviews with the various handwriting experts mentioned in the Court of Claims documents until such time as a report is received from your office indicating the substance of the testimony given by each handwriting expert in order that it may be used in the questioning of the persons to be interviewed in this district.

Very truly yours,

F. X. FAY, Assistant
Special Agent in Charge.

CC - Bureau

2-11-33
BUREAU OF INVESTIGATION
JAN 25 1933
RECEIVED

CAA:MAM
#62-1199

January 27, 1933.

100-1199-1
JAN 31 1933
Special Agent in Charge,
United States Bureau of Investigation,
Hurley-Wright Building,
Washington, D. C.

Dear Sir:

With further reference to the case of the alleged conspiracy to defraud the United States by John Baran and Theodore J. Wozniak in connection with proceedings before the Mixed Claims Commission in cases involving fires and explosions at Black Tom, New Jersey, in 1916, there are transmitted herewith copies of the Separate Opinion on the Kingsland Case by the American Commissioner, filed among the records of the Commission on January 18th. This was forwarded to the Bureau by Assistant Attorney General Dodds, with the statement that the American Agency considers it a matter of the utmost importance to the United States that every proper effort be made to punish the parties found by the Commissioner to be responsible for the fraud in the manufacture of the letters involved, it being suggested that in addition to the prosecution of Wozniak and Baran, et al, under Section 37 of the Criminal Code, Baran himself is subject to prosecution under Section 1, Title 8, of the Espionage Act.

Messrs. A. J. Peaslee and J. J. McCloy, who have been representing the American claimants before the Commission in this case, called at the Bureau where they talked with Mr. Nathan, and at the Department, where they talked with Mr. Fisher of the Criminal Division, and offered to furnish any and all assistance in connection with this matter. They indicated that they had in New York City considerable data which would throw light on the questions now under consideration, and Assistant Attorney General Dodds requests that arrangements be made to have an agent interview these gentlemen in connection with the investigation. Mr. Dodds further states that as the Mixed Claims Commission will go out of existence shortly, it may be highly desirable to have the investigation of the complaint completed at the earliest practicable time. Messrs. Peaslee and McCloy were told by Mr. Nathan that Agents would call upon them and that the investigation would be thoroughly and expeditiously handled.

100-1199-1
JAN 31 1933
100-1199-1
JAN 31 1933

SAC, Washington

- 2 -

January 27, 1933.

It is desired by the Bureau that the case be given prompt attention and be thoroughly investigated. It is suggested, however, that the agents assigned to this case, either at Washington or other places, before interviewing any persons, should thoroughly familiarize themselves with the information of record. The claims involved in the case represent large money value, and the opinion of the Commission that evidence was forged makes it very necessary that the agents be guided in planning and carrying out their investigation by supervision wholly within the Bureau. Suggestions of any persons heretofore interested in the litigation should not influence the investigative procedure.

The point at issue is who is responsible for the preparation and presentation of the forgeries.

Very truly yours,

Director.

Enclosure #326222

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HAF-kcc

ND *HQ8*

217890-1

January 23, 1933.

MEMORANDUM FOR THE DIRECTOR, BUREAU OF INVESTIGATION.

Referring further to my memorandum of the 13th instant, concerning a possible conspiracy by John Baran and Theodore J. Wozniak to perpetrate a fraud on the United States in connection with proceedings before the Mixed Claims Commission in the cases involving fires and explosions at Black Tom, New Jersey, in 1916, there is transmitted herewith for your information a copy of the separate opinion on the Kingsland case by the American Commissioner, which was filed by the American Commissioner among the permanent records of the Commission on January 18th.

In transmitting a copy of this opinion the American Agency states that it considers that it is a matter of the utmost importance to the United States that every proper effort be made to punish the parties found by the Commission to be responsible for the deliberate perpetration of an attempted fraud upon the United States in the manufacture of the letters involved. The General Counsel suggests that in addition to prosecution of Wozniak and Baran et al under Section 37 of the Criminal Code, that Baran himself is subject to prosecution under Section 1, Title VIII, of the Espionage Act of June 15, 1917 (40 Stat. 226), and it is suggested that this fact be borne in mind in connection with the investigation.

It may be also stated that Messrs. J. J. McCloy and A. J. Peaslee, of 15 Broad Street and 501 Fifth Avenue, New York City, respectively, who have been representing the American claimants before the Commission in the above matter, called at the Department this morning and offered to furnish any and all assistance that they could possibly furnish in connection with this matter. These gentlemen indicated that they had in New York

6:45 AM
W
JAN 24 1933

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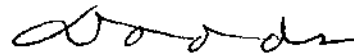
62-117-61
JAN 23 1933 4 M.
DW: [illegible]
[illegible]

- 2 -

City considerable data which would throw light on the questions now under consideration, and it is requested that arrangements be made to have an Agent interview both of the gentlemen in question in connection with the investigation.

As it is understood that the Mixed Claims Commission will go out of existence shortly, it may be highly desirable to have the investigation of the complaint completed at the earliest practicable date.

Respectfully,



NUGENT DODDS,
Assistant Attorney General.

Encl.

JOHN EDGAR HOOVER
DIRECTOR

U. S. Bureau of Investigation

HN:DSS

Department of Justice

Washington, D. C.

January 23, 1933.

Mr. Nathan	_____
Mr. Tolson	_____
Mr. E.A. Tamm	_____
Mr. Clegg	_____

MEMORANDUM FOR THE DIRECTOR.

Mr. A. J. Peaslee, 501 Fifth Avenue, and Mr. McCloy, of the firm of Cravath, Guthrie, etc., Attorneys, called and said they had seen Mr. Fisher in connection with an investigation which Mr. Peaslee said was to be requested of the Bureau (I think it is already in progress) in connection with certain forged letters submitted to the Joint Commission as the Black Tom case. There were three letters. Mr. Peaslee said they purported to have placed a man by the name of Wozniak in Mexico where Peaslee and his associates contended he was at that time. Wozniak was at the bench in which the fire started. The letters were presented to the counsel to the American claimant by a man named Barron. The letters are said to be forgeries. They are either forgeries or Wozniak lied. The purpose of Mr. Peaslee's call was to state that they would be glad to assist our investigators in this inquiry and, of course, they were interested in its expedition. I told them that our Agents would call upon them (although said Agents ought to be very careful not to be guided by them) and that the investigation would be thoroughly and expeditiously handled.

Very truly yours,

H. Nathan.

Whoever is handling this matter in the Bureau should see me, for it is very important & as you say Peaslee should in no way guide it. I would like to discuss it with the supervisor.

1/24/30

JAN 8 1933

62-1177-62	
JAN 24 1933 P.M.	
RECORDED	INDEXED
FILE	FILE

CAA:LC

February 4, 1933.

Special Agent in Charge,
United States Bureau of Investigation,
Hurley-Wright Building,
Washington, D. C.

Dear Sir:

In the matter involving the alleged presentation of forged documents in connection with the German Claim case called BLACK TOM AND KINGSLAND, Mr. Albert D. Osborn, Examiner of Questioned Documents, New York City, who is understood to have been employed on behalf of the German litigants, has transmitted excerpts from the opinion of the Umpire, Mr. Justice Roberts.

The copy referred to above is transmitted herewith for consideration in the current investigation.

Very truly yours,

Director.

Encl. #326653

(No copy of the excerpts from Mr. Justice Roberts' opinion is being retained in Bureau file.)

62-1111-63

RECORDS

HM:100

2-1177-64

February 4, 1933.

FEB 9 - 1933

Mr. Albert S. Osborn,
233 Broadway,
New York, N. Y.

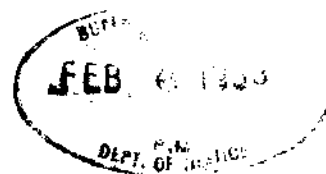
Dear Mr. Osborn:

I beg to acknowledge receipt of your letter of January 30, referring to the German claims recently adjudicated and forwarding excerpts from the decision of Justice Roberts.

I have been very much interested in a perusal thereof and appreciate exceedingly your courtesy in forwarding them to me.

Sincerely yours,

Director.



HM 6210-277

Albert S. Osborn
Examiner of Questioned Documents
233 Broadway
New York City

January 30, 1933.

Mr. J. Edgar Hoover,
U. S. Department of Justice,
Bureau of Investigation,
Washington, D. C.

My dear Sir:-

Perhaps you heard of my connection with the German Claim case and may have suspected that I was on the wrong side, but the Umpire, Mr. Justice Roberts, agreed with me. The outcome was very gratifying indeed in view of the nature and the extent of the opposition.

I am sending excerpts from Mr. Justice Roberts' opinion, which I am sure will be of interest to you or some of your associates.

The next to the last paragraph in the excerpts refers to a condition that surrounded the whole case and would have made it more difficult to win with an ordinary jury or a referee differing from Mr. Justice Roberts.

I have extra copies of these excerpts so that it is not necessary to return this.

Yours very truly,

A. S. Osborn

RECORDED
&
INDEXED

ASO/JF

FEB 9 - 1933

Mr. Nathan	✓
Mr. Tolson	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Carson	✓
Mr. Egan	✓
Mr. Gurnea	✓
Mr. Hendon	✓
Mr. Pennington	✓
Mr. Quinn	✓
Mr. Nease	✓
Miss Gandy	✓

4

62-1194-64
B. S. Osborn
B. S. Osborn
B. S. Osborn

UNITED STATES BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

Washington, D.C.

FILE NO. 46-185

REPORT MADE AT: Washington, D.C.	DATE WHEN MADE: 2/7/33	PERIOD FOR WHICH MADE: 2/7/33	REPORT MADE BY: JOHN B. LITTLE KP
TITLE: JOHN BARAN THEODORE J. WOZNIAK			CHARACTER OF CASE: CONSPIRACY TO DEFRAUD THE UNITED STATES - ESPIONAGE

SYNOPSIS:

Information received through the German Mixed Claims Commission alleges conspiracy on part of Subjects to defraud the United States in submitting fraudulent documents in evidence in connection with a claim resulting from the fires and explosions at Black Tom, N.J. in 1916.

P.

REFERENCE:

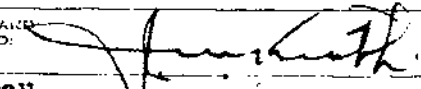
Bureau letters dated January 19, 1933, and January 27, 1933.

DETAILS:

- At Washington, D.C. -

The Bureau letter of January 19th transmitted to the Washington Field office a copy of a memorandum addressed to the Bureau under date of January 13, 1933, from the Honorable Nugent Dodds, Assistant Attorney General. This memorandum indicates that information forwarded through the Counsel of the Mixed Claims Commission, U. S. Agency, reveals a possible conspiracy by John Baran and Theodore J. Wozniak to perpetrate a fraud on the United States in connection with proceedings before the Mixed Claims Commission in the cases involving fires and explosions at Black Tom, N.J. in 1916. It is suggested that the Subjects are contemplating departure from the United States in the near future, and that in examining the information submitted through the Mixed Claims Commission consideration is given to the case of Haas vs. Henkel, U. S. Marshal, 216 U. S. Reports, Pages 482 to 482, in which it was held that conspiracy to defraud the United States

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: 	SPECIAL AGENT IN CHARGE	62-1177-65	RECORDED AND INDEXED: FEB 8 1933
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under Section 37 of the Criminal Code does not necessarily involve a direct pecuniary loss to the United States but that the Statute includes any conspiracy to impair, obstruct, or defeat the lawful functions of any department of the Government. As the allegations will reveal, Wozniak and Baran, et al, have possibly violated Section 37 of the Criminal Code in presenting spurious documents before the Mixed Claims Commission which were filed on or about July 1, 1931, and the offense resulting therefrom is still within the Statute of Limitations.

A letter addressed to Assistant Attorney General Dodds under date of January 5, 1933, from H. H. Martin, Counsel, Mixed Claims Commission (United States and Germany), indicates that the present offense relates to sabotage claims against Germany under docket numbers 8103, 8117, et al. Under date of December 14, 1932 a review of the disputed evidence was furnished the Secretary of State in a letter from the U. S. Agency of the Mixed Claims Commission (U. S. and Germany). This letter reveals that the Agency asks reconsideration on behalf of the United States of a decision of the Commission in the instant claims dated at Hamburg on October 16, 1930, where certain allegedly recently discovered contemporaneous documents comprising, in part, three letters written in the Ukrainian language by one Theodore J. Wozniak, and bearing dates, respectively, St. Louis, Missouri, August 10, 1917, and Mexico City, Mexico, August 18, 1917, and September 16, 1917. The originals of these letters, addressed to one Ivan Baran, were filed with the Commission by the American Agent as Exhibits 905 (1), (2), and (3) in these claims. The effect of these letters, if true, tends to destroy Wozniak's alibi previously presented before the Commission in affidavit form to the effect that he was working in a lumber camp near Tupper Lake, N. Y. in August and September, 1917. However, it is pointed out that evidence gathered by the United States prior to an argument at The Hague in September, 1930, in connection with these claims, tended to place Wozniak, under the name of Karowski, at Mexico City, consorting with German agents in the summer of 1917.

Subsequent to the filing of these Wozniak letters with the Commission, the German Agent submitted considerable evidence indicating that these letters, while written by his own witness, were nevertheless spurious and that they were written only a short time before they were turned over to complainants by Baran. The German evidence further tended to show these papers had been artificially aged for the deliberate purpose of giving the appearance

of having been written as early as 1917.

Photostatic copies of Baran's affidavit, notarized before Peter X. McManus, New York City, on June 23, 1931, together with photostatic copies of the disputed documents and translations thereof, and photostatic copies of photographs of Wozniak, are contained in the Washington Field office file.

The documents submitted to the Bureau reveal the following personal history of Wozniak:

Born in February, 1884, in the village of Wolka Mazowiecka, District of Rawa Russka, Galicia, Austria, now Poland; that he was originally an Austrian national and is now a Polish national, although on March 14, 1929 he took out his first papers before the United States District Court, Southern District of New York, declaring his intention to become an American citizen. At that time his address was given as 505 East 6th Street, New York City. In December, 1931, Wozniak's address appears to have been 277 East 10th Street, New York City, care of S. Kowbasniuk. After completing his service in the Austrian Army, Wozniak came to the United States in December, 1912, arriving at New York. From there he went to Scranton, Pennsylvania, where for several years he worked in the coal mines. In about March, 1916, he returned to New York and in about June, 1916, obtained employment at the Kingsland Ammunition Assembly Plant. He remained in the employ of this plant up to the day of the destruction thereof on January 11, 1917. It is undisputed that the fire resulting in the explosions started at Wozniak's bench in the Kingsland Plant where he was engaged in cleaning shell casings preparatory to loading and packing for shipment.

The documents further reveal that John Baran formerly resided at 4251 Irving Park Blvd., Chicago, Illinois (Y.M.C.A. Hotel), and that at one time he was located at 6537 Irving Park Blvd., Chicago, Ill., connected with the real estate office of M. Sawiak. John Baran was naturalized September 24, 1926 before U. S. District Court, Chicago, Ill., the witnesses to these naturalization proceedings being Felix Sawiak, real estate broker, 770 North Thatcher Avenue, Chicago, and Elias Ostap, Chiropractor, 1942 W. Chicago Avenue, Chicago, Ill. Baran's naturalization certificate is number 2,364,310, and his age at the date of naturalization was given as 34 years.

The Bureau's letter dated January 27, 1933 reveals that Messrs. A. J. Peaslee, and J. J. McCloy, who have represented the American claimants before the Commission in this case have called at the Bureau recently in connection with the instant investigation, indicating they have, in New York City, considerable data that will throw light on the questions under consideration.

In a conference with Mr. Charles A. Appel of the Bureau, it was decided that the Counsel for the German Agents and their experts should first be contacted for their information and opinion, respectively, concerning the spurious character of the letters in question. It is noted that Albert S. Osborn submitted an opinion for the opposition.

Efforts were made to contact Harold H. Martin, Counsel, U. S. Agency, Mixed Claims Commission (U. S. and Germany), but it was ascertained that he was a witness in court and his return to the office problematical.

UNDEVELOPED LEADS:

NEW YORK OFFICE: At this time is requested to contact Mr. Albert S. Osborn, Examiner of Questioned Documents, 233 Broadway, New York City, and ascertain whether he submitted a written opinion in this matter. In the event a written opinion was submitted by him a copy thereof should be obtained. In the event no written opinion was submitted, the New York office will await receipt of the excerpt of Mr. Osborn's testimony before the Commission.

WASHINGTON FIELD OFFICE: Will interview Mr. H. H. Martin, Counsel, German Claims Commission, obtaining from him all the facts and allegations upon which the current investigation is based, and will endeavor to obtain the originals of the disputed documents for examination.

Further leads for the New York office will be set forth as the investigation develops.

Copies of this report are furnished to the Chicago office at this time for their information only.

PENDING.

CAA:JEF

February 8, 1933.

Special Agent in Charge,
United States Bureau of Investigation,
Hurley-Wright Building,
Washington, D. C.

Dear Sir:

Mr. J. J. McCloy of the law firm of Cravath, DeGersdorff, Swaine and Wood of New York, called to state that Mr. C. A. McLain of this law firm is in Europe, his cable address being Crahege 108 Paris, and is in a position to be of great assistance in any investigation in Poland in the case of alleged fraud against the government, concerning documents introduced in the Black Tom and Kingsland mixed claims cases.

Mr. McCloy was thanked for his information and advised that all information will be appreciated, and that the Bureau is conducting a prompt and thorough investigation in this case, it being impossible to permit any outsiders to accompany Special Agents in their investigation. It was stated that, of course, this did not interfere with the receipt of information which might be of value.

Very truly yours,

Director.

cc - New York City office.

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J. EDGAR HOOVER
DIRECTOR

CAA:EMF

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

February 6, 1933.

MEMORANDUM FOR THE DIRECTOR

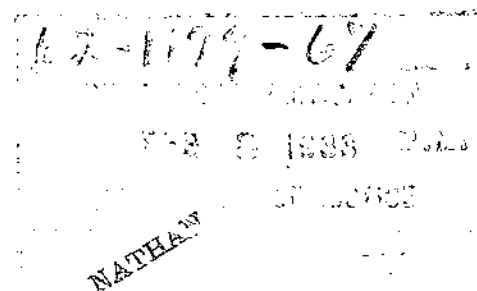
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Respectfully,


C. A. Appel.

FEB 8 - 1933



CAA:EM
62-1199

February 9, 1933.

Special Agent in Charge,
United States Bureau of Investigation,
Post Office Box 251, Grand Central Station,
New York City, New York.

Dear Sir:

Confirming conversation with Mr. Appel, there is transmitted herewith copy of the Bureau's letter of January 27, 1933, addressed to the Washington Field office, relative to JOHN BARAN and THEODORE J. ROZNIAK, Fraud Against the Government, and the so-called Black Tom and Kingsland German Claims cases.

Attention is invited to the information regarding the visit of attorneys representing the American claimants to the Bureau and instructions that the case be given prompt and thorough attention.

Very truly yours,

Director.

Encl. #326500
CC-Washington Field

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&
INDEXED

62-1199-68

JOHN EDGAR HOOVER
DIRECTOR

HN:DSS

U. S. Bureau of Investigation

Department of Justice

Washington, D. C.

February 6, 1933.

Mr. Nathan	☒
Mr. Tolson	☐
Mr. Egan	☐
Mr. Clegg	☐

MEMORANDUM FOR THE DIRECTOR.

Mr. McCloy, of the firm of Gravath, Guthrie and Henderson, of New York City, called. He previously called in connection with a current investigation in the matter of certain German claims in the Black Tom case. He said he had an informant now in Poland who might be useful and that he would only be there for a few weeks. I suggested that before leaving the Bureau he talk to Mr. Appel. This case is now current at the Washington Field Office. It was my opinion that Mr. McCloy called simply in order to ascertain what we had done in the case. I, of course, gave him no information.

Very truly yours,

H. Nathan.

*Please see that this case
is followed up promptly.*

2/6/33 J. C. N.

FEB 13 1933

RECORDED

UNITED STATES BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

Washington, D.C.

FILE NO. 46-185

REPORT MADE AT: Washington, D.C.	DATE WHEN MADE 2/10/33	PERIOD FOR WHICH MADE: 2/8/33	REPORT MADE BY: JOHN B. LITTLE KT
TITLE: JOHN BARAN THEODORE J. WOZNIAK			CHARACTER OF CASE: CONSPIRACY TO DEFRAUD THE UNITED STATES - ESPIONAGE

SYNOPSIS OF FACTS:

Resumé of litigation involving disputed Wozniak letters obtained from Harold H. Martin, Mixed Claims Commission, together with details surrounding the letters in question and allegations as to Wozniak's reported activities during the period covered by the letters.

P.

REFERENCE:

Report of Special Agent John B. Little, Washington, D.C., February 7, 1933.

DETAILS:

- At Washington, D.C. -

Mr. Harold H. Martin, Counsel, American Agency, Mixed Claims Commission (United States and Germany), 1045 Investment Building, was interviewed concerning the progress of the litigation involving the Wozniak letters, the introduction of those letters, and information in his possession concerning Wozniak's activities during the period covered by the letters. The remainder of the details in this report covers the facts elicited from Mr. Martin in this interview:

The so-called sabotage claims, involved in the instant investigation, resulted from the fires and explosions in the Lehigh Valley Railroad Terminal, Pottsville, Pa., on the night of July 29-30, 1916, and in the Ammunition Assembling

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ED AND ARDED: <i>R. E. (Marty)</i>	SPECIAL AGENT IN CHARGE <i>Act</i>	62-1197-70	RECORDED AND INDEXED FEB 14 1933
COPIES OF THIS REPORT FURNISHED TO: Bureau New York Chicago (Information only.) Washington Field San Francisco (Information only.)		FEB 13 1933 AM	CHECKED OFF FEB 15 1933
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Plant, Kingsland, N. J., on January 11, 1917. In view of the fact that these explosions occurred within a short period of each other under similar circumstances, and so close together in distance, the sabotage claims covered both explosions. The Ammunition Assembling Plant at Kingsland, N.J. was a subsidiary company of the Canadian Car and Foundry Company, Limited, and the disputed documents in question relate only to the explosion at the Kingsland Plant.

27311

Claims in the principal sum of \$8,300,000.00 were filed by the United States on behalf of the Lehigh Valley Railroad Company, Agency of the Canadian Car and Foundry Company, Limited, and American Underwriters, et al, against Germany before the Mixed Claims Commission (United States and Germany), in 1922. The American Underwriters, as a claimant, represented some sixty-eight separate underwriters in the United States. There was little evidence at first, and in 1924 sufficient evidence was accumulated to warrant a conference with the German Agent at Berlin, at which time settlement of eighteen million dollars was proffered on the two claims, the settlement being proffered by Germany on the basis of avoiding admission of acts of sabotage on her part. The settlement, however, did not materialize, and the claim relating to the Kingsland explosion was formally filed in March of 1927. An answer was filed by the German Agent in January, 1928, at which time the claim, including interest, amounted to \$12,855,000.00. This claim included only the insured value of the plant at the time of the explosion, which was adjusted through the American Underwriters. In addition to this, some four million dollars were still on the premises, title of which had already been passed to the Russian Government, for whom the plant was filling an eighty million dollar contract for ammunition.

The first oral argument on the claim was held at Washington, D.C. in April, 1929, at which time the hearing was continued and further evidence required.

The American claimants were represented as follows:

A. J. Peaslee, and J. J. McCloy, of the law firm of Cravath, DeGersdorff, Swaine, and Wood, of New York, representing all the American claimants.

Paul D. Cravath, 15 Broad Street, New York City, representing

the Bethlehem Steel Company.

Morgan and Rumsey, 64 Wall Street, New York City,
representing the American Underwriters.

Caudert Brothers, #2 Rutgers Street, New York City,
representing the Kingsland Company.

The German Government was represented by Dr.
Wilhelm Tannenberg, German Agent, and T. J. Healy, Attorney, firm
of Duncan and Mount, 27 Williams Street, New York City.

The explosion at the Kingsland Plant on January 11, 1917 was reported to have been of incendiary origin. This plant, as previously stated, was filling an eighty million dollar contract for ammunition to be supplied to the Russian Government. Subject Wozniak came to America from Austria in 1912, from the Province of Galacia. Upon arriving in the United States he went to Scranton, Pa., where he had friends, and obtained employment in the coal mines there. Wozniak later contacted the Russian Consulate at New York City, of which the Vice-Consul, one Flourinsky, was reputed to be pro-German. The Bureau of Investigation and the Military Intelligence both have reports with reference to Flourinsky. Wozniak obtained a letter of identification from Flourinsky for his return to Austria, through Russia. This letter was obtained early in May, 1915. This letter was endorsed further by Flourinsky in April, 1916, and instead of returning to his native country Wozniak used this letter in obtaining a position in the Kingsland Plant, which was manufacturing ammunition for the Russian Government. Wozniak obtained this position in the Kingsland Plant in June, 1916, as a shell cleaner. The shells were shipped from the sub-contractors, heavily coated with a special grease, which had to be removed before the shells could be loaded. Wozniak worked in a room containing thirty benches, two workers at a bench, where these shells were cleaned with gasoline. In December, 1916, Wozniak wrote two letters to the Russian Ambassador at Washington, D.C. alleging irregularities on the part of the officials of the plant, and suggesting the possibility of explosions. These

letters were dated December 15, 1916 and December 26, 1916, respectively, and were signed Wozniak. These letters were obtained by the Mixed Claims Commission from the Russian military files at the Imperial Russian Embassy, at Washington, D.C. The explosion was the result of a fire which is admitted to have occurred at the bench occupied by Wozniak, and his report of the occurrence was that on the afternoon of the day of the explosion a blinding flash shot forth from one of the shells as he was swabbing it out with gasoline, and the flash ignited a pan of gasoline on the bench.

In April, 1929, Wozniak mysteriously turned up at the German Consulate at New York City, stating that he had read accounts of the Kingsland fire in the papers, in which it was alleged that the fire was started by a German spy, and, incidentally, inferring that Wozniak was that spy. Wozniak stated that he wished to clear his good name, and he was sent by the German Consulate to the German Embassy at Washington, where he executed an affidavit, after a three day conference, under date of April 24, 1929. This affidavit was filed in August, 1929 before the Commission, and it contains a general denial of acts as a German spy in connection with the Kingsland explosion, and relates his travel, subsequent to the explosion, to Tupper Lake, New York, where he was employed in a lumber camp. He stated in his affidavit that the men employed in the lumber camp, which was a considerable distance from the town of Tupper Lake, were known by numbers instead of names; that he could not recall his number; that three other men and himself entered into a dispute at the lumber camp concerning regulations of the camp, and left sometime around the latter part of September or early October, 1917. He could recall the name of only one of these men, that of Alex. Smith, "Smith" being used in lieu of his true name, which was unpronounceable.

Alex. Kulpecha was located by Mr. Martin and Mr. A. J. Peaslee, and a statement obtained from him under date of April 19, 1930. He was well known at the Tupper Lake Lumber Company under the name of Alex. Smith, and it developed that he was absent from the camp from early Spring of 1917 until December, 1917, and was not at the camp in the summer of 1917. He could not identify the photograph of Wozniak as anyone of his acquaintance or anyone whom he had seen at the

lumber camp at Tupper Lake. It developed that subsequent to the execution of his affidavit Wozniak went to Tupper Lake, located Alex. Kulpescha alias Smith and endeavored to have him state that he had seen him, Wozniak, at the Tupper Lake camp in the summer of 1917, but this Kulpescha refused to do.

Efforts were being made to establish Wozniak as a German agent in order to strengthen the claim of the American nationals before the Commission. Considerable affidavit evidence had been secured by the Commission identifying the photograph of Wozniak as a consort of German agents at Mexico City during the summer of 1917. A carbon copy of a memorandum dated August 7, 1931 was furnished by Mr. Martin, which summarizes this evidence as follows:

Paul Altendorf, who was employed as a counter-spy by the U. S. Military Intelligence in Mexico City, submitted an affidavit (Exhibit 87, pages 278, and 279) to the effect that the photograph of Wozniak is a picture of a Russian known to him in Mexico City by the name of Karowski, he having met this individual on the 6th or 7th day of August, 1917, in the ~~Huarez~~^{Hotel} at Mexico City and that he was often in the German Headquarters on Liverpool Street. He also met him a number of times with Pablo Waberaki and Kurt Yancke. On one occasion Altendorf played a game of chess with Karowski and in his conversation he indicated that he was engaged in destruction work for the German Government in New York and was one of the two men who worked on the Kingsland explosion in New Jersey. Altendorf was last known to be following the races in Havana, Cuba, about three years ago.

In a subsequent affidavit, dated November 19, 1928 (Exhibit 614, pages 2710 and 2711) Altendorf identified a yellow slip of paper as having been delivered by him to Judge Fake of Rutherford, N.J. in May, 1920, containing a list of some of the German agents with whom he was associated in Mexico, this memorandum having been prepared on or about August 7, 1917. This slip of paper contains the name of Karowski.

Judge Fake in an affidavit dated November 19, 1928 (Exhibit 613, page 2708), identified this slip of paper as having been handed to him by Altendorf in May, 1920, and that the names appearing thereon were there when he first received the slip.

Mr. H. Gleaves, a former member of the British Intelligence Department in Mexico, in an affidavit dated January 31, 1927 (Exhibit 339, pages 1254 to 1258), identified a photograph of Wozniak as being that of a man he knew in Mexico City with the German agents.

William Neunhoffer, Attorney, of San Antonio, Texas, in an affidavit dated January 29, 1929 (Exhibit 554, pages 1992 to 2000), stated that during the War he was an agent of the Bureau of Investigation, Department of Justice, doing work in Mexico, and that he was acquainted with several German agents, among whom was a man known as "Karowski", and he recognized and identified the photograph of Wozniak as this German agent "Karowski".

John Kent, a British national engaged in business at Mexico City, submitted an affidavit under date of December 17, 1928 (Exhibit 555, page 2000), in which he stated that among German agents with whom he was acquainted in Mexico City was one Karowski, and he identified the photograph of Wozniak as this German agent Karowski, placing him in Mexico City in 1917.

Similar affidavits were submitted by Ernest L. Anderson, American national, under date of December 18, 1928 (Exhibit 556, page 2004), Luis Bertales, a Mexican national (Exhibit 556, page 2008), and Major A. E. W. Mason, in charge of the British Naval Intelligence Service in Mexico City during 1917 (Exhibit 625, pages 2756 to 2763).

A written confession was also obtained from one Fritz Herrmann under date of April 1, 1930. A review of excerpts of this confession fails to indicate that Herrmann ever saw Karowski in Mexico, although he often heard his name mentioned.

- - - - -

In the course of these endeavors to place Wozniak in Mexico during the summer of 1917 as a German agent, Mr. L. A. Peto, of Montreal, Canada, Vice-President of the Agency of Canadian Car and Foundry Company, Ltd., an American corporation and owner of the Kingsland plant, ascertained that Subject Baran was an intimate friend of Wozniak, and finally located him at 6537 Irving Park Blvd., Chicago, Illinois. Upon contacting Baran, Peto stated that he wished to establish Wozniak's presence in Mexico City during the summer of 1917; upon which, Baran recalled that he had received some letters from Wozniak at that time and would endeavor to locate them.

On June 15, 1930 three letters were produced, purported to have been written to Baran by Wozniak, one dated St. Louis, August 10, 1917, and the other two at Mexico City, dated August 28 and September 16, 1917. These letters were written in the Ukrainian language and translations of them are being quoted at this point, together with the translator's notes:

" EXHIBIT 905 (1)

*Sant Luis 8/10/917

Dear Comrade: I have not seen you for a long time and this for the reason that I was in the hospital.

Having left the hospital some of my friends advised me to go to West--to improve my health. How far or how long I shall wander, this I do not yet know. That does not depend on me but on those who are here with me. In Sant Luis ** there are many factories and ships, something like Philadelphia. I do not like it at all.

I would like that you should write me a few words--but my Germans are impatient for some reason. I think we shall move farther, and I shall write when there will be something more definite. Do not tell that I have written.

Regards.***

-----****

(Translator's notes)

* Sant Luis is here written in the Latin alphabet.

(Note by translator.)

** These two words are written here in Ukrainian and have been

accurately transliterated. (Note by translator.)

*** 'Pozdorovlyayu'--the word here used-- is sometimes translated as 'Greetings'. It is a very popular form of concluding letters in Ukrainian. (Note by translator.)

**** The letter is signed with three initials which are not quite legible. They appear to be written in the Latin, rather than the Ukrainian, alphabet and look like either F.W.K. or I.W.K. (Note by translator.) "

EXHIBIT 905 (2)

"

Mexico City, August 28, 1917.

? I. V.*

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 damned 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 to you. If you want to write, then write to the address F.W.Karowsky, Poste Restante, Mexico, M.

I shall try to be back soon.

Hearty regards.

T.I.** Vozniak***

* There is an illegible character before the letters 'I.V.'

** This letter in transliteration is 'I.' In translation it, no doubt, is 'J.' (Note of translator.)

*** In transliteration the first letter of this surname is 'V'. In pronunciation it sometimes sounds like 'W'. Therefore, it would be a matter of personal choice whether the name would be spelled in English with a 'V' or a 'W'. (Note of translator.)

EXHIBIT 905 (3)

" Dear Friend: I waited for a letter from you but there was none. Here I am not getting along as I expected. The Germans are not keeping their word. They entertain themselves as at a wedding but they forget the other fellow. I shall try to come back to New York soon. Here from this heat it is possible to die,* truthfully. I meet none of our kind of people, only Spaniards or Indians or some sort of mixed ones. I do not write much because next month I shall be in New York, there not far from Aing.

Hearty regards.

Theodore.

Mexico, September 16, 1917.

* In Ukrainian there are two distinct words to express the death of people and the death of animals. The one here used is the latter, which is so used occasionally to express utter disgust with the cause of death, in this case the heat. (Note of translator.) "

Mr. Martin stated that this was the first time he observed the letters in question, and that they were produced at the office of Mr. Robert W. Bonyng, American Agent, 50 Broadway, New York City, where a conference of the attorneys of the several claimants was being held. The claimants' representative brought Baran to Bonyng's office with these letters, all of them being intact at that time. When next Mr. Martin saw the letters, on June 26, 1930, part of the second letter, that dated at Mexico City, August 28, 1917, had a section clipped out on the right hand side just below the date. This excision was explained by Baran as having been made by a friend of his, a chemist, in an effort on his (Baran's) part to establish the authenticity of these communications through the age of the paper. No evidence was furnished by him as to the age of the paper and the name of the chemist friend was never revealed. These documents were subsequently subjected to tests by experts in the interests of the claimants to determine their authenticity before being purchased and introduced in evidence by the American claimants. Results of these examinations will be set forth in subsequent reports containing the opinions of the experts on the documents. The letters were purchased at the price of \$2500 by the claimants.

In Mr. Martin's opinion, the second letter, that dated at Mexico City, on August 28, 1917, is spurious. However, he believes the other two are genuine.

A hearing was set on this claim for April, 1930, but was continued to September, 1930, to be held at The Hague. In the meantime, efforts were being made to bring Fritz Herrmann from Chile to testify. He was induced by Peaslee and Peto, upon promise that he

would not be prosecuted in connection with the Kingsland case, and was subsequently met at Havana, Cuba. In his "confession" Herrmann indicates that he made arrangements, through one Hinsch, with Wozniak at the McAlpine Hotel, December 16, 1916, to blow up the Kingsland plant. It was arranged that Wozniak would operate with another party by the name of Rodriguez. Two days after the explosion they were to meet him, Herrmann, at a certain ferry and receive their pay for the job, in the sum of \$500 each. Rodriguez showed up, but Wozniak failed to appear. This confession further reveals that Paul S. L. Hilken was the German sabotage paymaster in America and that Frederick Hinsch was a German agent in the United States until May or June, 1917. He ascertained that a warrant for him as an undesirable alien had been issued and went to Mexico, assisted by Carl Arndt. Hilken's firm in Baltimore was the agent for the North German Lloyd Lines, for which Arndt now is employed in Cleveland, Ohio.

With this information, excluding the Wozniak letters, the hearing was held at The Hague in September, 1930, and on October 16, 1930 at Hamburg, Germany, the petition was dismissed on grounds that it had not been established that Germany was responsible for the explosions. This decision was not announced until November, 1930. A petition for rehearing was then filed in the Kingsland case on January 22, 1931, based upon the obtaining of new evidence. Considerable involved European negotiations were then entered into, without results, in connection with further investigation, and on July 1, 1931 a supplemental petition was filed before the Commission based upon the Wozniak letters in question. The affidavit of Baran, identifying the Wozniak letters, Exhibit 905 (4), is quoted herewith:

"STATE OF NEW YORK)
COUNTY OF NEW YORK) SS:

IVAN BARAN, being duly sworn, deposes and says:

I have turned over to Mr. Leonard A. Peto the originals of three letters, photostats of which are hereto annexed, received by me in the year 1917 from Theodore I. Wozniak, as follows:

- (1) Letter from St. Louis dated 8/10/1917.
- (2) Letter from Mexico City dated August 28/1917.
- (3) Letter from Mexico City dated September 16-1917.

These letters are all in Theodore Wozniak's handwriting, with which I am very familiar. They have been continually in my possession since they were received by me in 1917. They are written in Ukrainian, which is the same as Ruthenian. Ukrainian is my native language. The following are my literal translations of the letters into English:

(Here the translations of the three letters are quoted.)

I have been asked to give, in my own language, a short history of myself, and of my connection with Wozniak, omitting references to the Kingsland fire, and do so as follows:

I am a naturalized American citizen since 1926, and have resided more or less continuously in Chicago since 1918.

I was born in Eastern Galicia, formerly Austria, on June 11th, 1894. I came to the United States in 1909 via Hamburg on the Hamburg-American Liner Kron Prinz Friedrich Wilhelm. On arrival I went to live with my uncle, Zenowiz Chemij, in Scranton, and lived and worked in Scranton until around October, 1914, when I went to study at the Theological College at Bloomfield, N.J.

While attending college I lived with my sister on Moore Street, Brooklyn, N.Y., and I used to spend Saturdays and Sundays and some evenings in New York, at the Labor Temple Church at Fourteenth Street and Second Avenue.

About October, 1917 I left New York to attend college at Wheaton, Illinois, and was there about one year.

In 1919 and 1920 I was connected with the Ukrainian Diplomatic Mission in Washington, and at the same time was Chairman of the Ukrainian-American Relief Committee of America, which has an office in Chicago. I visited Washington on this work a number of times, and am still actively associated with Ukrainian affairs.

I met Theodore Wozniak first in the fall of 1912 or the spring of 1913. As far as I remember it was early in 1913 in Scranton. Theodore Wozniak was still in Scranton when I went to New York. He reported to the Austrian Consulate at the outbreak of war in Wilkesbarre, Pa. I was very closely connected with Wozniak. I knew where he was working and all about his affairs, and what his plans were. I knew his wife. We lived in the same house for about a year. When the war broke out we were working in the same place in the Lackawanna Coal Company. I used to see him every day. Wozniak was planning to go to Europe to fight and I am sure that he reported to the Austrian Consul at Wilkesbarre, but he changed his mind. In 1915 when he came to New York I saw him. Then he went back to Scranton until about the spring of 1916. I was still at Bloomfield then, but I was in New York on Saturdays and Sundays. I was living in Brooklyn with my sister in 1916. I was in Brooklyn whenever I came to New York. Brooklyn was my home.

Wozniak stayed at the Russian Immigrant Home as far as I can remember when he came to New York in 1916. I saw him quite often at that time.

I saw Wozniak about every second week in New York on Sundays while he worked in Kingsland.

The last time I saw Wozniak before the fire was sometime shortly after Christmas in the early part of January. He came over to my place on 14th Street - I don't remember whether it was a Wednesday or a Saturday night. On Wednesday nights we had prayer meetings in my Mission.

He was waiting outside until I came out of church so I don't remember whether it was Wednesday or Saturday.

I saw him about three or four days after the fire. It was on a Sunday after the services. He was waiting outside until the services were dismissed and when I came out he was on the 14th Street side right near the door and he asked me if he

could see me for a minute. I saw him about twice during the following month. He told me he was staying in New York but I don't remember where. I think it was at the Russian Immigrant Home. I saw him before a month was up, but I saw him twice within six weeks after the fire.

He told me 'I am going to leave very soon. I don't know whether I am going to South America or Mexico or somewhere. I don't know where yet'. He shook hands with me and said 'Goodbye, I might not see you again. I will drop you a card from somewhere and if I do not give you an address don't think anything of it'.

Thereafter I received from Wozniak the three letters which I have handed over to Mr. Peto.

The next time I met him was in the fall of 1919 in New York. He found out, through Scranton presumably, that I was around New York, Washington and Philadelphia. He found out that I was the Chairman of the Ukrainian-American Relief Committee of America and was travelling about delivering speeches, etc. He must have found out through Scranton. For about a year I didn't hear anything from him, but in 1919 he discovered that I was here. He told me then that he was working in some summer resort near New York. I just saw him once at that time. I met him in that restaurant on 14th Street between Second and First Avenues, on the second floor. It was near the Russian Immigrant Home. I was with a group of Ukrainian leaders there.

Then I saw him in 1922 or 1923 in New York once, and I saw him once in Scranton, but I don't remember exactly when - around 1922 or 1923. This might have been between 1921 and 1923 I saw him twice, once in New York and once in Scranton. He told me at that time that he was in Pittsburgh or around Pittsburgh, but he left Pittsburgh but was going back. I am not sure whether that was in 1922 or 1923. I think that was in 1922. I didn't see him again until September, 1929, when unexpectedly he showed up in my office at 6537 Irving Park, Chicago.

Wozniak left Chicago about the latter part of April or the beginning of May, 1930.

After he left Chicago I saw him in New York recently.

IVAN BARAN "

"Sworn to before me this
26th day of June, 1931.

Peter X. McManus

Notary Public, New York County

N.Y.Co.Clk's No.76, Reg.No.2Mc16

(SEAL) Certificate filed in Bronx. & Kings Counties

Bronx Co.Clk's No.11, Reg.No.3234

Kings Co. Clk's No.58, Reg.No.2009

Term Expires March 30, 1932."

The branch of Cravath's law office in Paris reported that half a dozen Slavs back in the old country knew that Wozniak was in Mexico during the summer of 1917, and two affidavits from one Panas and one Golka were obtained to the effect that they had received letters from Wozniak, from Mexico City, during the summer of 1917, but they had been destroyed at Wozniak's request, in one instance Wozniak destroying the letters himself.

Upon the filing of the supplemental petition, the German Agent raised the question as to the spurious character of the letters involved. The claimants had no argument or evidence to meet this attack and considerable expert examination was then procured. The opinions of the various experts, for both Agents, were filed, the case argued in November, 1932, and the opinion of December 3, 1932 rendered by the

Honorable Owen J. Roberts, umpire, dismissed the supplemental petition and declined to reopen the Hamburg decision, being in doubt as to the authenticity of the evidence in the form of the Wozniak letters. The umpire's decision was submitted in view of a disagreement of the Commissioners.

Mr. Martin stated that as far as the Commission is concerned the claims are completed at the present time. The American Agent maintains, however, that the petition can be re-opened, upon the submission of new evidence, the Germans claiming that this cannot be done. Although promises have been made, the German Agent has not produced Wozniak to explain the discrepancy between the letter evidence and his affidavit to the effect that he was at Tupper Lake, New York, in the summer of 1917. According to Mr. Martin, the German Agent explains his failure to do this on the fact that Wozniak would try to get more money.

Mr. Martin described Subjects as follows:

THEODORE J. WOZNIAK, Austrian,
Age - 49
Height - 5' 8 or 9"
Weight - 150 lbs.
Build - medium
Hair - black
Eyes - dark
Dark heavy mustache
Eyes - almost pop-eyed.
Complexion - sallow.

Wozniak's photograph is contained on a button in the exhibit files and efforts will be made to locate and obtain a photographic copy, a photo-static copy already being contained in the Washington Field office file.

Wozniak was last heard of as residing in the Russian section of New York City, on East 12th Street.

-17-

JOHN BARAN, Ukrainian,

Age - 41

Height - 5' 7"

Weight - 180

Build - medium heavy.

Hair - dark.

Smooth shaven.

Former Chairman of the National Ukrainian

Relief Society in America.

Last address - Imperial Hotel, New York City.

Copies of the opinions submitted by the several experts, for both the German Agent and the American Agent, have been obtained from Mr. Martin and will be set forth in subsequent reports.

PENDING.

311 Hurley Wright Bldg.,
Washington, D.C.,
February 21, 1933.

27312

Special Agent in Charge,
United States Bureau of Investigation,
Box 251, Grand Central Station,
New York City.

RE: JOHN BARAN;
THEODORE J. WOZNIAK.
CONSPIRACY TO DEFRAUD THE
UNITED STATES; ESPIONAGE.

Dear Sir:

With reference to your letter of February 17, 1933, please be advised that the report of Special Agent John E. Little of this office dated February 17, 1933, contains copies of the various opinions submitted by Mr. Albert S. Osborn relating to the Wozniak letters. It will be unnecessary to obtain copies of the opinions from him.

Very truly yours,

J.M. KEITH,
Special Agent in Charge.

JHL:EP
46-185

cc Bureau

311 Hurley Wright Bldg.,
Washington, D.C.,
February 18, 1933.

Special Agent in Charge,
United States Bureau of Investigation,
Box 251, Grand Central Station,
New York City.

27313

RE: JOHN BARAN.
THE DORE J. WOZNIAK.
CONSPIRACY TO DEFRAUD THE UNITED STATES;
ESPIONAGE.

Dear Sir:

The report of Special Agent John B. Little, Washington, D.C., February 17, 1933, in the above entitled matter is being forwarded to the New York City office today. This report contains leads to interview T. J. Healy, attorney, at 27 William Street, New York City, and to also locate Subject Wozniak for an interview.

Wilhelm Tannenbergh, the German Agent, was interviewed by Agent Little yesterday and furnished photographs of Wozniak which were taken in 1929. A copy of the photograph is transmitted herewith for the use of the New York office in conducting the requested investigation.

Mr. Tannenbergh also advised that he had a recent conversation with Mr. Healy, in which Mr. Healy indicated that Wozniak called at his, Healy's, office sometime before Christmas and stated that he, Wozniak, was at Tupper Lake, New York, in the summer of 1917, during the period that the letters in question are purported to have been written. Mr. Tannenbergh was doubtful whether Mr. Healy would furnish this information to an agent of the Bureau without his authority, and he stated he would write Mr. Healy to furnish the Bureau with whatever information they desired. It is suggested that Mr. Healy be interviewed and this information obtained from him before any efforts are made to locate and question Wozniak.

A full report covering the interview with Mr. Tannenbergh will be submitted later.

Very truly yours,

J.M.KEITH,
Special Agent in Charge.

JHL:MP
46-185
Incl.
cc-Bureau

12-11
FEB 20 1933
Div. Four

Post Office Box #251
Grand Central Station
New York City

February 17, 1933

27314

Special Agent in Charge,
United States Bureau of Investigation,
Hurley-Wright Building,
Washington, D. C.

Re: JOHN BARAN. THEODORE J. WOZNIAK.
Conspiracy to Defraud the United
States. Espionage.

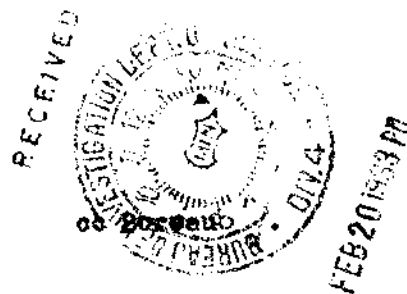
Dear Sir:

Reference is made to the report submitted by Special Agent O'Donnell of this office in the above entitled case, dated February 17, 1933, copies of which are now in your hands, and particularly to the next to the concluding paragraph of same, in which attention is called to the concluding paragraph of the report in the same case submitted by Special Agent John B. Little, your office, dated February 10, 1933.

May I respectfully ask whether the interpretation placed by Agent O'Donnell on the meaning of the concluding paragraph of Agent Little's report is correct or whether further effort should be made at a later date to secure from Albert S. Osborn a copy of the opinion rendered by him in the instant case.

Very truly yours,

T. F. CULLEN
Special Agent in Charge



12-1170

FEB 20 1933

Div. Four W. J. G.