

STATE CLOSES CASE AGAINST FIVE SOCIALISTS

Letter From Speaker Sweet Read Into Record Sums Up Evidence.

HEAR DEFENCE TO-DAY

Peter W. Collins Declares Many Radical Organizations Are One in Purpose.

Special Despatch to THE SUN AND NEW YORK HERALD.

ALBANY, Feb. 5.—Speaker Sweet of the Assembly today in a letter he wrote to the American Anti-Socialist League in Brooklyn that "it was difficult to see how any of the five Socialist Assemblymen on trial for disloyalty could be true to their own party and at the same time support the Constitution of this State and the United States."

Read into the record with the closing of the State's case against the five Assemblymen, the Speaker's letter is in effect a summing up of the evidence presented in the three weeks of testimony. Maintaining his opposition to the Socialists, Mr. Sweet's strong statement indicated clearly he had in no way changed his position that the suspended members "must go," and is accepted generally to-night in the capital as forecasting the Judiciary Committee's decision.

The letter was prepared after long consultation by Assembly leaders and counsel who have handled the prosecution. Peter W. Collins of the Knights of Columbus, who qualified as a labor expert and student of Socialism, the last witness for the State, closed by declaring he knew that 70 per cent. of the members of the Socialist party were aliens; that the Communists, I. W. W., Socialists and other radical organizations were one in purpose that the Socialist party under different names to catch members, and that the American Socialists were in sympathy with the Kaiser in the war and did all in their power to defeat American arms.

New Rumors of Opposition.

With the conclusion of the first phase of the trial reports were revived that a movement was in progress to organize an opposition to the Speaker and Republican majority and try to reelect the Socialists. Lieut.-Col. Theodore Roosevelt was mentioned again as leader of the insurgents. None of those named would confirm the reports, which, however, have grown out of a dinner given last night at the Fort Orange Club by members of the Legislature who served in the war. The trial was discussed frankly. It is understood, and some criticism was voiced. The belief prevails, however, that whatever opposition exists to suspending the Socialists will not find expression until the Judiciary Committee presents its final report and then will be shown by the vote on the floor.

Opening the afternoon session, Seymour Stedman, chief counsel for the Socialists, asked permission to read a letter just received from the American Anti-Socialist League, Inc., stating that Miss Helen B. Chivers, who testified she saw Charles Solomon spit on an American flag at a Socialist gathering, was not a member of that organization. The letter was signed by Joseph W. Nolan, a secretary, and stated that Miss Chivers had never been a member of the league. "As the Socialist," John B. Stanchfield, counsel for the State, explained that there was a confusion of names, and that Miss Chivers was a dues paying member of the Anti-Socialist League, which had headquarters in Aime Hall, Brooklyn. The two branches were rivals, he said.

Then Mr. Stanchfield read Speaker Sweet's answer to Mr. Nolan's letter to Mr. Stedman.

Rebuked by Speaker Sweet.

"If the American Anti-Socialist League is really interested in a sincere effort to suppress the socialist activities which we are attacking," said Mr. Sweet, "it would try to measure the truthfulness of Miss Chivers' testimony rather than try to minimize the influence of an association endeavoring to honestly fight the battle of Americanism against those who are endeavoring to destroy our form of government."

The Speaker said he was not interested in a controversy about league names and that his sole purpose in this entire proceeding "has been to ascertain whether the Socialist members of the Assembly have by their votes and speeches endeavored to hamper and impede the activities of this State in an endeavor to bring the war to a successful conclusion."

The Speaker's letter practically summarized the leading points scored in the prosecution.

"As a citizen and a man," he wrote, "I am also very much interested in endeavoring to ascertain whether or not the five members belong to a party which is controlled by a subsidiary branch known as the 'dues paying' branch of the Socialist party and have promised to hand their resignations to a committee of this 'dues paying' branch if they failed to comply with its requirements. The 'dues paying' branch, as the evidence of Mayor Lunn of Schenectady already demonstrates, has on its roster of membership both aliens and minors. This 'dues paying' branch, which controls the policy and votes of the Socialist members of the Assembly, represents a small percentage of the votes cast for the Socialist party."

The constitution of the Socialist party forbids on pain of expulsion its members when elected to such office to

vote for any measure making provision for the support and maintenance of the army or navy. The Constitution of the State of New York requires the maintenance and support of a standing army of not less than 10,000 men and makes it mandatory upon the Legislature annually to make provision for the support of such force.

"It is difficult to see how any of these Socialist members of the present Assembly can be loyal to their party, as they most solemnly declare they are, and at the same time can conscientiously take the oath as a member of the Assembly wherein they swear solemnly to support the Constitution of the State and the Constitution of the United States."

Louis Martin, chairman of the committee, ruled that the letters were addressed to the court of public opinion and therefore would be published by the committee but not considered as part of the evidence. Mr. Collins was on the witness stand all day answering questions asked by members of the committee and counsel regarding the several phases and activities of the many societies which preach radical doctrines. Mr. Martin asked the witness to show how the several radical organizations differ.

"The Communists, the I. W. W., the Left Wing Socialists, the Radical Socialists and the Socialists are classed by Victor Berger as one," Mr. Collins answered. "There is only one kind of socialism—international socialism—upon which all these branches agree. The tactics of these several groups are part of the same game. One group can go into the colleges in the guise of professors and preach socialism to students; the I. W. W. have their varieties to get into homes; other branches reach into the churches. But their socialism is a philosophy which they seek to spread. When that is done all boundaries are wiped out, there will be no countries or patriotism—nothing except this vast international Socialist cooperative conference."

The witness was asked by Mr. Martin and other members of the committee whether he could state what percentage of the Socialists were Americans. Mr. Collins quoted from a speech made by Morris Hillquit in 1903 stating that seventy per cent. were Americans.

"I believe," he added, "conditions have so changed that now 75 per cent. of the dues paying members of the party are aliens. If many Socialists in localities had not been expelled purely as a matter of political expediency, so that control of the party might be kept with a certain group, the party would today be eighty per cent. aliens."

On cross-examination by Mr. Stedman the witness admitted he never had access to the books of the locals and had no first hand information on the subject. "Spit on the Uniform."

An article in the New York Call, of February 10, 1912, produced by the Socialists only after John B. Stanchfield had threatened to send the Assembly Sergeant at Arms to New York to get it, was offered in evidence when the morning session convened. Stanchfield objected to it, declaring it too remote to be taken into consideration in this case, and then claiming the article had nothing to do with the five Assemblymen.

The article was read into the record by Mr. Stanchfield. "Honor the uniform? Oh, surely; honor the trappings and the gold lace upon which they are dressing up their wicked minds," the article charged, "capital was trying to create an artificial respect and love of the uniform and the American flag. Honor the uniform? No. Spit on it!" And as for the American flag, the article stated: "To hell with your flag!" and concluded: "Down with the Stars and Stripes! Run up the red flag of humanity!"

The hearing was adjourned to next Tuesday, when the Socialists will present their side. John Block, of the counsel for the Assemblymen, said their presentation would not be as much of a defence as giving information, "which appears to be needed." He said the defence would demand as much latitude as was given to the prosecution and would go into the "realities" as contrasted with the "romancing" of the last three weeks.

Morris Hillquit is expected to return to conduct the case. It has not been decided whether the Socialists will try to compel Speaker Sweet, Senator Lusk and others of the Legislature to go on the witness stand.

Berger's appeal from the sentence passed by Federal Judge Landis is pending. In September District Attorney Clynne brought the suit to have him sent to Leavenworth to serve his sentence.

The negro earlier in the evening had killed a detective who had gone to arrest him for the shooting of another negro.

Between—the commercial and the ambiguous kind.

PIRIE MAC DONALD Photographer of Men.

576 FIFTH AV. COR. 47th ST.

Roosevelt Takes No Stand. Declines to Discuss Attitude Toward Suspended Socialists.

Lieut.-Col. Theodore Roosevelt, Assemblyman from Onondaga district, declined to say whether he would try to have the five suspended Socialist Assemblymen reelected on Monday.

"Those rumors have been cited to me ever since I have been in Albany," Col. Roosevelt said. "I have not said a word on the matter and I don't intend to."

February Sale of Ovington Lamps

WITH the distinction and quality of these lamps and shades in mind, it seems incongruous to urge their purchase because of their price.

But the fact that they have been reduced in price by 10 per cent to 50 per cent does not lessen the distinction or reduce their quality one whit!

February Sale of Ovington Lamps

"The Gift Shop of Fifth Avenue"

312-314 Fifth Ave. Near 32nd St.

GITLOW GUILTY OF CRIMINAL ANARCHY

Former Assemblyman First to Be Indicted on Lusk Committee Evidence.

HE FACES 10 YEAR TERM

Trials of Larkin and Other Communist Associates to Be Rushed.

"Red" sympathizers who have been protesting against the deportation of Communists on the ground that the question of their guilt should be passed upon by juries received a severe setback yesterday.

It took a jury in the Criminal Term of the Supreme Court just a few minutes to decide that Benjamin Gitlow, former Socialist Assemblyman and one of the Communist leaders here, has committed criminal anarchy, a crime carrying with it a maximum penalty of ten years imprisonment. It had taken Clarence Darrow, chief counsel for Gitlow, just seven court days to question the talesmen called in the case and get a jury panel that satisfied him.

In commending the jury and scoring Gitlow, Justice Bartow S. Weeks asserted that the Socialist party's policy of plotting its members to vote against military appropriations, characterizing this as an opening wedge for the overthrow of the Government by making it incapable of defending itself.

Gitlow was the first member of the Communist party to be indicted on evidence presented by the Lusk legislative committee on Bolshevism. He was arrested with "Big Jim" Larkin and upward of two scores of other Communists in the raids conducted by Archibald E. Stevenson and Deputy Attorney-General Berger and Rich last November. The complete success of the prosecution of his case is considered by the committee as a public vindication of its work. Alexander I. Rorke, Assistant District Attorney, who prosecuted Gitlow and who has cooperated with the Lusk committee, announced that the trials of the other indicted Communists will be rushed, both here and in Kings county.

Only a handful of Reds were in the courtroom when the verdict was announced. The jury had taken only one ballot. Detective Sergeants James J. Gegan, Cornelius Browne and others of the police bomb squad stood guard in the doorway. Gitlow was clean shaven and had undergone a haircut, which was a complete transformation in his appearance. Instead of the venomous tongue of violence that he has been in Communist meetings here, he stood before the court a humble and shy man, emphasizing upon the existence of an aged mother and father in an apparent effort to win sympathy. Although he said they were partly dependent on him for support, it appeared he had not been a legitimate wage earner for many months.

Justice Weeks will sentence Gitlow on Wednesday.

DEFICIENCY BILL OF \$2,854,000 REPORTED

\$50,000 for Lusk Committee, Albany Hears.

Special Despatch to THE SUN AND NEW YORK HERALD.

ALBANY, Feb. 5.—Senator Henry M. Sage, chairman of the Senate Finance Committee today reported the annual deficiency bill, carrying a total of \$2,854,000. More than \$1,000,000 of this is for increased cost of food, fuel and clothing for State institutions.

The measure contains one item of \$50,000 for the legislative contingent funds, and it was reported that this was for the Lusk committee that has been investigating Bolshevism, but the legislative leaders state that a special resolution must be passed by the Senate and Assembly in order to get any of this money for the Lusk committee.

The deficiency bill included \$116,000 for continuing the State Excise Department until June 30, the end of the fiscal year. The department still has considerable work ahead of it, and the Legislature is expected to pass a bill turning it into a prohibition enforcement bureau.

NEGRO IN FIRE TRAP WOUNDS 5 IN MOB

Arkansas Slayer on Burning Roof Finally Is Slain.

PINE BLUFF, Ark., Feb. 5.—Shooting from the top of his burning home, in which he was holding a mob at bay, a negro here tonight wounded four men and a boy in the crowd before he was killed.

The negro earlier in the evening had killed a detective who had gone to arrest him for the shooting of another negro.

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576 FIFTH AV. COR. 47th ST.

SEES BIG BUSINESS FUTURE IN POLAND

Lodz Textile Mill Representative Here Says Boom Is Sure to Come.

RESOURCES UNBOUNDED

Country Not Injured by Large Issues of Paper Money, as Other Parts of Europe.

An extraordinary commercial future awaits Poland, in the opinion of Vincent Strelecki, representative of one of the textile milling companies at Lodz, who is in this city to purchase cotton and other raw materials. Mr. Strelecki, who is staying at the McAlpin Annex, declared yesterday that Poland's advance up the commercial ladder waits only on the resumption of trade between the Allies and Russia.

"Poland will be the natural gateway through which such trade must pass," he said. "Her importance will be emphasized both because of her geographical position and the familiarity of her technical men and merchants with Russian affairs. The imminent peace between Poland and Russia, while it may hold dangers for the future against which Poland must prepare herself, promises immediate and huge benefits."

American manufacturers appear to

be poorly informed regarding the resources and industrial and agricultural potentialities of Poland.

"I have heard a great deal while I have been in this country regarding Poland's poverty. It is true that she is poor in light of her resources today, but I do not believe it is realized that the total sum of all the currencies now in issue in Poland does not exceed \$4,000,000 in American gold at the present rate of exchange. She has an overwhelming war debt and no tremendous expenditures to make for governmental purposes."

"Against her liabilities she places a country as large as France, containing 33,000,000 people, and resources in coal, oil, metals and agricultural products not exceeded anywhere in the world on the basis of area and population."

Arrivals at the hotels include:

St. Regis—Mrs. Edward Earl and Mrs. Marguerite Earl, Montreal; D. Hammerich, Copenhagen; Mr. and Mrs. William T. Wright, and William A. Cary and Henry D. Hudson, Philadelphia, and Mrs. Walter Wilcox, Washington.

Hotel Carlton—Mr. and Mrs. Burnett B. Higgins, Detroit; L. J. Charles O. Belden, South Orange, N. J.; Mr. and Mrs. J. O. H. Piny and J. O. Piny, Jr., Morristown, N. J.; J. E. Case, Chicago; Thomas F. Logan, Washington, and Mr. and Mrs. Daniel Guggenheim, New York.

McAlpin—Arthur L. Blackmer, New Bedford, Mass.; C. E. Temple, Jr., Youngstown, Ohio; Joseph H. Miller, Eldorado, Kan.; Mr. and Mrs. Charles M. Marshall, Atlanta, and J. R. Upchurch, Raleigh.

Bituminous—Lindsay Loring, Boston; George D. Wisk, Youngstown, Ohio; Lansing B. Warner, Chicago; John W. Lippert, Detroit, and Mrs. Wellington Smith, Lee, Mass.

Imperial—Miss Rachel Carter, Lynchburg; Miss Myrtle Fuller, Kingston, N. C.; Mr. and Mrs. Alexander McKay, Philadelphia; Miss L. Marcell, St. Joseph, Mo.; W. J. Foster, Washington, and Mr. and Mrs. J. W. Wheeler, New York.

Waldorf-Astoria—Mr. and Mrs. A. G. Pennington and Mr. and Mrs. N. M. Piller, Philadelphia; Mr. and Mrs. Henry Russell, New York; Mr. and Mrs. Thomas J. Laffer, Wilmington, Del.; Edward F. Gould, St. Louis, and John B. Wootley, Birmingham, Ala.

Commodore—C. C. Bogart and H. W. Chasney, Newburgh; John W. Crawford, Syracuse; Edward E. Gould, St. Louis; W. J. Hyland, Hoosick Falls, N. Y.; C. D. Lockwood, Stamford, and Thomas M. Murphy, Philadelphia.

Adventures in Crime Set Down.

Young Mr. Hull had been thinking things over and had decided that two men were wanted on the simple art of burglary. Thereafter they worked alone, Hull tackling one job and sending Schulte to attempt another. He had begun to keep a diary (of the keenest interest to the police of several cities now) in which he set down their more interesting adventures. The Albany tour begins with this entry:

"Entered home of M. Nellis, New Scotland avenue. Found nobody home. Stole watch, pin and toy bank with \$17, which I emptied out and took. Threw the bank away. Also got some neckties."

Young Schulte was reclining in their hotel room when the successful partner returned and inquired what his contribution was to be to the firm's capital.

"No luck," said young Schulte, a little too nonchalantly, thought Hull. The following day Hull entered another house and stole jewelry, and again when he returned to the hotel Schulte said "No luck."

"The hell you say," exploded the minister's son. "Well, me, I've killed a man."

Young Schulte sprang from the bed, straightening on his lank six feet, his eyes wild with fear.

"We've got to get out of here, then," he growled. Hull nodded, but there was a queer smile about his mouth. So they came to New York city and found that

SON OF A MINISTER TURNS TO THIEVERY

Continued from First Page.

ter keys stuck in a bedroom door lock. I thought they might be a help to us in our business, so I borrowed them and went to Albany."

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their profession was so highly specialized here that the takings were slim for beginners. However, their bugs bulged with loot from Albany homes and they figured it would be safe to try a little business with the pawnshops.

The day before yesterday Hull was dicker with a sharp eyed money lender of the Bowery over how much he should get as a loan on a vanity case worth \$100 when Detective Sylvester Brierton lounged in with a wink at the pawnbroker. In five minutes young Mr. Hull talked much too much and was accompanying Brierton to Police Headquarters, from where he was taken first to the Children's Court, and from there, after arraignment by Judge Collins, to the rooms of the Children's Society at Fourth avenue and Twenty-second street.

Wanted Badly by Two Cities.

In the meantime the police authorities of Newark and Albany want him urgently and are competing sharply. The police of Newark have applied for extradition papers to Gov. Smith and the Albany police insist that he should be taken back there since the bulk of his robberies took place there. Detective Dean, down from Albany yesterday to see Vincent T. Pessari, assistant superintendent of the Children's Society, said last evening that Hull and his chum are accused of forty-two burglaries within a period of a month.

The boy himself seemed totally unconcerned over his plight and could not talk of his doings without boasting. Pessari brought him out for inspection and sat him down upon a bench in the outer office. On that bench he bulked as big as a husky grown man, for his lad of 15 is 5 feet 10 inches tall and weighs close to 160 pounds.

"Well, it is kind of tough to get nailed just when we were on our way to \$10,000 apiece," said Hull. "I hear they've got Schulte in jail over in Newark for the Lissner job. Is that right?"

"That's the truth," said Brierton.

"He wasn't cut out for a neat worker, anyway," resumed Hull, placidly. "I

had to do all the thinking and planning. I invented the scheme of wearing thin silk gloves, so we wouldn't leave fingerprints. I was the one who had to open all the locks, for I certainly am a wit with a hairpin. I had to do the scouting and furnish the nerve, and I was getting kind of tired of that. I tell you—

"How about that man you killed in Albany, the one you told Schulte about?" asked Pessari, pointing to a page in Hull's diary which read: "Jan. 29, I killed a man in Second avenue, Albany."

"Oh, that's the bunk. That was just for Schulte's benefit," the boy chuckled.

Schulte was too lazy to move. So I faked up a story of being caught by a man while hiding under his bed and of a fight, and of my killing the man by banging him over the head with a chair. No, I'm not a murderer, even if I am a damned smart burglar."

"Which is the truth," remarked Mr. Brierton, who has had plenty of experience with craftsmen outside the law; "too smart to be at large."

"Where did you get the notion?" somebody asked the boy. "From the movies?"

"No; never cared much for the movies. They aren't real enough. I tell you I wanted to avoid being a poor old duff, and it looked like the only way was to grab other folk's money. They got me, but I made 'em stop some."

"Hates himself, doesn't he?" said Mr. Pessari, as he tucked Robert away for the night.

\$500,000 Damage Near Norfolk.

Norfolk, Va., Feb. 5.—Damage estimated at more than \$500,000 was done by wind and high tides today at Ocean View and Willoughby. More than fifteen houses on the beach toppled under a thirty mile wind after being undermined by the tide that smashed through the bulkhead. Many other buildings are threatened. In four places across the low lying sand of Willoughby Spit, the water has cut channels connecting the Chesapeake with Little Bay.



Percy Grainger

Marie Sundelius

Maurice Dambois

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AEOLIAN CONCERT HALL Friday Afternoon at Three

MARIE SUNDELIUS . . . Soprano PERCY GRAINGER . . . Pianist MAURICE DAMBOIS . . . Cellist

THE three great artists who appear at Aeolian Hall this afternoon are too well known to need detailed mention here.

We desire to announce, however, that they will all appear in person;—

That the glorious voice of Marie Sundelius will be heard in a famous operatic number and in beautiful ballads.

That Percy Grainger, the famous young pianist-composer, will play several solos and a charming two-piano number.

That Maurice Dambois, the great Belgian Cellist, mentioned by critics as the greatest living master of the cello, will play the famous and tremendously difficult Boellman "Symphonic Variations" and several other delightful numbers.

The Duo-Art Piano will accompany Mme. Sundelius; will play with Dambois and with Grainger in two-piano numbers and also as a solo instrument, proving its marvelous power to reproduce individual interpretations and to accompany great artists.

The tickets are complimentary. Reserved seats will not be held after 3:15. A limited number of seats open for general admission at three o'clock.

Percy Grainger makes Record-Rolls exclusively for the Duo-Art Piano. Marie Sundelius and Maurice Dambois make Vocalion Records exclusively.

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Lincoln The character of America's foremost man as revealed by LIFE MASKS PHOTOGRAPHS and ANECDOTES. In the Magazine Section of THE SUN AND THE N. Y. HERALD NEXT SUNDAY

February Sale of Ovington Lamps WITH the distinction and quality of these lamps and shades in mind, it seems incongruous to urge their purchase because of their price. But the fact that they have been reduced in price by 10 per cent to 50 per cent does not lessen the distinction or reduce their quality one whit! February Sale of Ovington Lamps "The Gift Shop of Fifth Avenue" 312-314 Fifth Ave. Near 32nd St.