

# REAL SPES AND IMAGINARY ONES AND HOW THEY WERE SEPARATED

### Some Remarkable Workings of U. S. Secret Service Revealed by John Lord O'Brian.

An interesting appraisal of the inner workings of the United States Secret Service, the latest of alien enemies and the fight against German spies and domestic sedition during the period of the war was made recently by John Lord O'Brian, who was closely associated throughout those busy months with Attorney General Gregory as a special assistant in the War Emergency Division of the Department of Justice.

"Civil Liberty in War Time" was the topic of a paper read by Mr. O'Brian at the recent annual meeting in this city of the New York State Bar Association. In that paper Mr. O'Brian said: "With the perspective of years no achievement of the Americans in the war will loom larger or more significant than the triumph of the American civil law, the lack of internal disorder and the law respecting attitude observed throughout the country by both citizen and alien alike. No other nation came through the struggle with so little disorder and with so little interference with the civil liberty of the individual.

"This country prior to our entry into the war had almost no protection on the statute books against hostile activities and throughout a great part of our own period of the war had inadequate protection against the activities of hostile propagandists. The confidence of the public, which is at all times essential for the orderly administration of justice, was seriously affected by this condition of the statute law.

#### The Spy Mania.

"But, curiously enough, one of the chief embarrassments caused by this general condition was the spy mania. Throughout the country a number of large organizations and societies were created for the purpose of suppressing sedition. All of them were the outgrowth of good motives and manned by a high type of citizen. The membership of these associations ran into the hundreds of thousands. One of them carried full page advertisements in leading papers from the Atlantic to the Pacific offering in substance to make every man a spy chaser on the payment of a dollar membership fee.

"These associations did much good, awakening the public to the danger of insidious propaganda, but no other one cause contributed so much to the oppression of innocent men as the systematic and indiscriminate agitation against what was claimed to be an all-pervasive system of German espionage. One unpleasant fact continually impressed upon my associates and myself was the insistent desire of a very large number of highly intelligent men and women to become arms of the Secret Service and to devote their entire time to the patriotic purpose of pursuing spies. This army of volunteer unofficial spy chasers stands in contrast to the generous army of civilian volunteers who patiently and unostentatiously devoted their full energies to the constructive work of aiding their country by helping in the Red Cross, the war charities and many other branches of war activity.

"For obvious reasons it was impossible for these in authority to make at any time a statement as to the probable extent of the spy system maintained in this country by our enemies. It is still too early to disclose the truth on that subject. Nevertheless it may now be said without detriment to the public interest that any suggestion that the Central governments had an organization of 50,000 spies in this country is nonsense.

#### Psychology of Hysteria.

"One other aspect of this agitation is perhaps of more interest to the psychologist than to the student of civil rights, namely, the large number of false stories of enemy activities within the United States put forth through the medium of news despatches, pamphlets of patriotic societies and occasional speeches on the floor of Congress. A phantom ship sailed into our harbors with gold from the Bolsheviks with which to corrupt the country. Another phantom ship was found carrying ammunition from one of our harbors to Germany.

"Submarine captains landed on our coasts and went to the theatre and spread insinuations. A new species of pigeon, thought to be German, was shot in Michigan, mysterious airplanes floating over Kansas at night. All these were the alleged spy schemes. The spy mania, alleged estimate of Bernstorff, landed on our coasts by the U-S. administrator of large funds, caught spying in our camps, turned out to be a plumber from Baltimore. Several other alleged spies, caught on the beaches signalling to submarines, were subsequently released because their names were the several cases named. One of whom had been changing an incandescent light bulb in his hotel room, another of whom was trying to attract the attention of a passerby on the beach, etc.

"There was no community in the country so small that it did not produce a complaint because of the failure to intern or execute at least one alleged German spy. These instances are cited not to make light of the danger of hostile activities nor to imply that incessant vigilance was not necessary in watching the German activities but to show how impossible it was to check that kind of hysteria and war excitement which fanned the flames in impatience with the civil courts and the oft-recurring and false statement that this government showed undue leniency toward enemies within our gates.

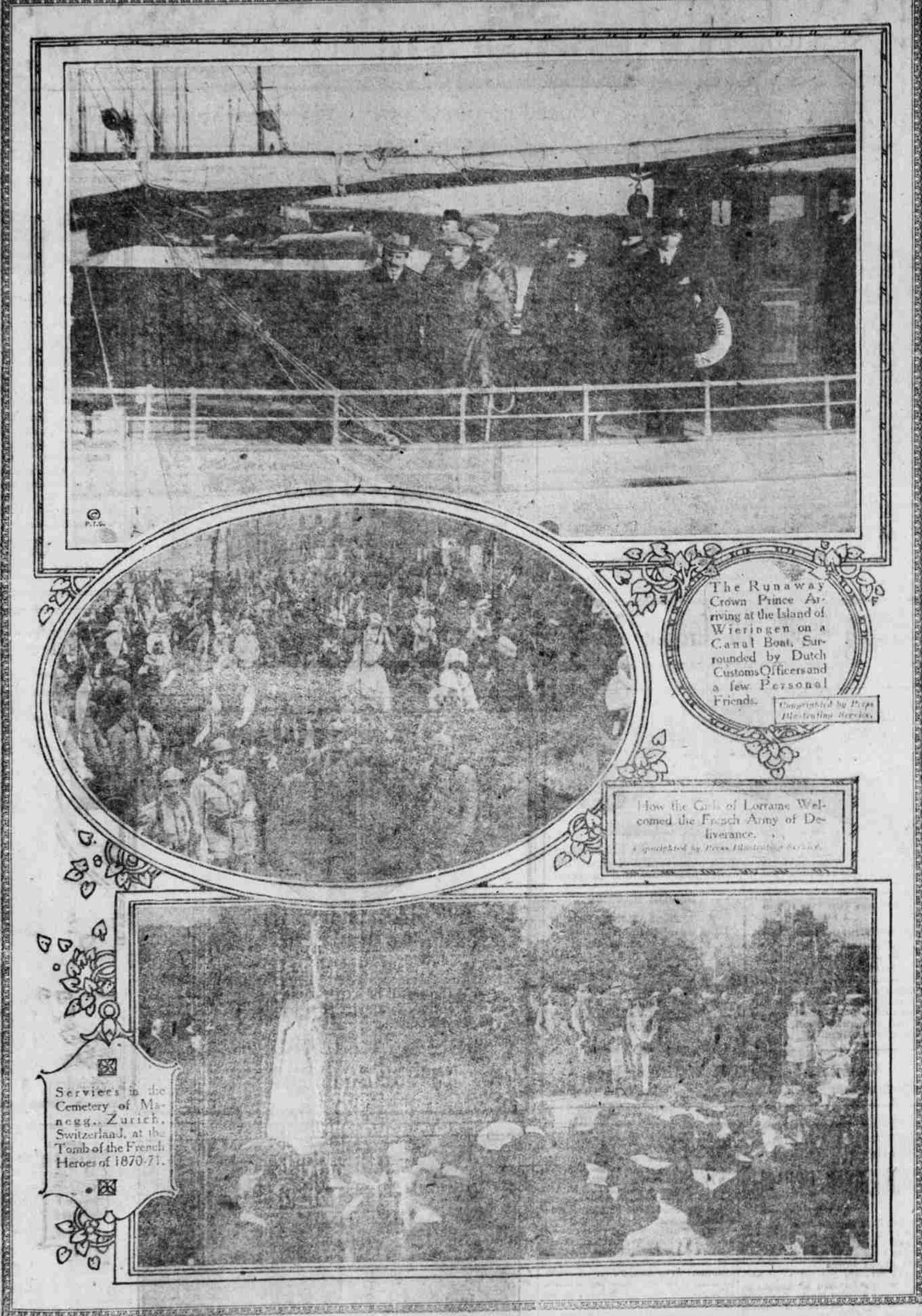
#### The Enemy Alien.

"The other policy so clearly and sharply differentiates America from the other nations at war as the attitude which it took on the subject of interned enemy aliens. It was a policy not fully understood and in the earlier period was freely criticized, but I venture to say that of all of the policies advanced by this government in the war no other pays a higher tribute to the American ideal of justice, and I believe that the verdict of the future upon this policy will be one of unconditional commendation. For in a time of war, while punishing offenders severely, we found it possible to close our eyes to the sins of the fathers and to perpetuate the American standards of fair play.

"No previous war had presented on a large scale the problem of imprisoning or regulating the conduct of non-combatant civilians of enemy origin. Great Britain embarked in a policy of internment early in the war and the great disorder which followed the sinking of the Lusitania resulted in the Ministry Interlocking most of the enemy aliens in the British Isles.

"Later, in 1915, owing to another intense public agitation on the subject, although it was still at large (only about twelve thousand were still at large in a technical sense), Parliament was compelled by public sentiment to adopt more stringent measures looking toward the internment of enemy aliens.

"In France practically all enemy aliens were interned down to the spring of 1915. Both of these nations were in close juxtaposition to the Central Empires. In both of them the German spy system was thoroughly organ-



The Runaway Crown Prince Arriving at the Island of Wieringen on a Canal Boat, Surrounded by Dutch Customs Officers and a few Personal Friends.

How the Girls of Lorraine Welcomed the French Army of Deliverance.

Services in the Cemetery of Marnegg, Zurich, Switzerland, at the Tomb of the French Heroes of 1870-71.

### Hysteria and Actualities Had To Be Sifted Apart in the Work of Protecting America.

partment showed that disloyal utterances and activities were quite as common among naturalized citizens as among alien enemies. "No anti-draft propaganda had the slightest chance of success. After the Draft act went into active operation the power of the so-called German propaganda rapidly declined and within six months lost all degree of effectiveness. Secret Service reports demonstrate this beyond doubt and also show how impossible it was after the first six months of our participation in the war for the enemy governments to accomplish anything here in a large way through the operations of spies or secret agents. The operation of this Selective Draft statute cleansed, clarified and unified public opinion in support of the war and had the continuing effect of minimizing in the popular mind the effect of all interferences with civil rights and civil liberty.

#### Best Secret Service.

"It is at present problematical how much interference with civil liberties of individuals resulted from the operations of the American Secret Service. The largest division of this service was that organized by the Department of Justice, having as an auxiliary the American Protective League, with membership scattered throughout the country. Although the remarkable work of the latter organization in the months of the highest peril, both the Attorney General and the writer are strongly opposed to any system of citizen espionage in peace time and the organization above mentioned is already in the process of dissolution.

"It is not premature to say that the work of the American Secret Service was extraordinarily efficient, and a competent foreign observer is probably correct in saying that the country had during the war unquestionably a more efficient and better organized Secret Service than any other nation in the world.

"But a service organized in this manner manifestly included a large membership of persons not familiar with crime and varying widely in individual capabilities and judgment. This characteristic was true not only of the service mentioned but also in a measure of the membership of the military and naval intelligence forces, both of which were remarkably well officered and intelligently managed. Our difficulties lay not in the supervision of these services but in the patriotic zeal of many of these subordinates in the field. At times they made mistakes which could not be condoned, as, for instance, on the occasion of the 'blacker' canvass at New York city, where the methods employed in contravention of specific instructions of the Attorney General.

"But in this field again citizens everywhere seemed to understand the object of these activities and good-naturedly submitted to a host of inquiries about their business and private affairs. It is probable that when the full history of this side of government activity can be made public the individual cases complained of will prove to be cases of annoyance rather than of actual wrong done the individual. Organized espionage on a large scale as maintained by all our theories of government and, as I have said, except as a war necessity, was not favored by the Department of Justice.

"Although the Attorney General, so far as was possible, employed his power to secure the protection of civil liberties, nearly all cases where outrages were committed against individuals lay outside the scope of federal jurisdiction. During the various Liberty Loan drives the campaign for war charities and the loyalty drives many complaints of ill-treatment were received by the Attorney General from people against whom assessments had been levied by non-legal bodies, who fixed and collected subscription quotas. "Considering the extent of the country and the extremely patriotic temper of the people, it is perhaps remarkable that great injustice was not done. Nevertheless, some of the cases were outrageous wrong for which no relief could be afforded by the federal government."

#### Six Miles Up, Oxygen Clogged

Following is the London Daily Mail's account of the recent "six miles up" flight of two British flyers.

The world's record for altitude for an aeroplane was broken at Martlesham, near Ipswich, by Captain Lang, R. A. F., and Lieutenant Blives, the former acting as pilot and the latter being the passenger. The height reached being 20,500 feet (or nearly six miles). The feat was accomplished in a British two-seater biplane fitted with a British designed and British built engine. It left the ground in a thirty-five mile wind.

At 20,000 feet there was 2 1/2 degrees of frost. A height of 20,000 feet was reached in 25 minutes 20 seconds and the final barometric reading of 20,500 feet in 65 minutes 15 seconds. The highest altitude hitherto recorded for an airplane was 25,000 feet, accomplished in 1915 by an Italian pilot, who took a hour and 22 minutes, or nearly double the time taken by Captain Lang. The new record is additionally noteworthy in view of the fact that the pilot was an experienced aviator, and his achievement means that an airplane has now ascended to a greater height than any point of the earth, the highest mountain, Mount Everest (Himalayas) being 29,002 feet.

There were one or two unpleasant experiences on Captain Lang's trip. At 20,000 feet Lieutenant Blives carried a bottle of beer, and a thousand feet higher, feeling faint, he turned on an extra pressure, but with no better result. He found that the main pipe connected with the extra pump had broken through vibration. He wrote a note to the pilot telling him what had happened, but he collapsed before he could get the message to the pilot, who therefore carried on in ignorance of the observer's plight. At 20,000 feet the pilot's heating apparatus was working erratically, and at 20,000 feet the shortage of oxygen was apparent.

The pilot, however, carried on till 20,500 feet was reached. Here the engine stopped through lack of petrol. The pressure of air at this height was inadequate to drive the small propellers working the petrol and oil pumps. Descending slowly, the machine got to 10,000 feet where the observer regained consciousness. Both airmen suffered from the effects of the flight. The observer was sent to the hospital suffering from frozen hands and toes. Captain Lang, the pilot, whose fingers and face are frostbitten, is a well known Australian motorist and in 1910 explored North Australia for his government. He has twice previously attempted altitude records.

#### Indian Prejudice Loses Millions

Sugar making is one of India's most ancient industries, but the loss of three-fourths of the sugar value of the cane by use of primitive machinery and the muddy character of the product, because religious prejudices prohibit the use of animal charcoal for refining, have confined Indian sugar to local consumption, says the New York Times. With only three million acres under cane, producing considerably more than a third of the world's total, India nevertheless exports no sugar. On the contrary, in addition to her own stupendous production, she spends \$25,000,000 for sugar annually.

With new methods of refining, there is now a steady development of centralized plants, and soon India's the aboriginal home of the cane will doubtless take a place as a sugar exporting land in proportion with the size of her cane area.

ized and it is not for us to dictate or approve the correctness of their decisions. "There is no doubt that this process of internment was a costly one. In addition to the loss to industry, the expense of maintaining the large internment camps was a very serious item. Suitable work could be found for only a fraction of the persons interned and the bulk of them living in idleness deteriorated physically, mentally and morally to such an extent that an official observer of the conditions in the well maintained foreign internment camps recently stated to the writer that when released the inmates of these camps, wherever they might go, would be a social liability and a source of danger to the community.

"In America the problem of the alien enemy was different. We had approximately five hundred thousand unrepatriated Germans and probably between three and four million Austro-Hungarians. These persons posed a hard and essential industries which could not be ignored. Germany by the skilled trades and the Austro-Hungarians in certain other industries, such as steel manufacture and coal mining, to an extent which made these industries virtually dependent on their labor. "Secret instructions from the German Foreign Office and other information which came into our possession early in the war showed that after the first few months of war the German Foreign Office ceased to employ many German citizens in this country in

reputable work, but substituted in employ in their work for obvious reasons, persons who were either citizens of this country or who belonged to the so-called friendly alien classes. "During the first three years of the great war the various branches of our Secret Service had been closely watching the activities of the German in this country, who were seeking to interfere with our war effort. French of British, it was in the light of these facts and particularly because of the data gathered through the channels of the Secret Service that the Attorney General recommended to the President that certain restrictions of movement and employment be placed upon German aliens generally, but that only those he judged to be inimical to such an extent as to constitute a menace to the safety of the country.

"That policy, promulgated on the day we entered the war, contemplated in essence a change to the end, and to employ this principle in the subsequent years, was made known to the French and British governments in April 1915. Under the terms of this convention the French and British governments practically indemnified their respective policy of selective internment by agreeing to repatriate such alien as desired to return to their respective countries and to permit certain aliens to remain under conditions as to residences and employment.

"Authority for internments, Mr. O'Brien pointed out, came from the act passed by Congress in 1916 during the period of the excitement caused by the instigation of Goulet and his French associates in this country, at a time when it was supposed that war with France was imminent. From the period of the war of 1912, when the act was used to a limited extent, it passed into a state of disuse. "The act remained unused until April 6, 1917, when the country was made aware of its existence by the announcement of the President's proclamation and the statement that during the night of April 5 a group of the chief German agents had been completely apprehended and interned by the action of the Attorney General.

"In the light of what we now know it is fair to say that the drastic action thus taken was timely and promptly followed actively by other internments, arrested the German espionage system and gave it a blow from which it never fully recovered.