

SE:LJM

May 4, 1918.

Warran C. Van Slyke
~~Warran C. Van Slyke~~

Dear Mr. Van Slyke:-

Thank you for your letter of April 29th, with its very interesting enclosures.

I am sorry not to have replied to your letter before, but we have had strenuous times here recently, moving into new offices and one thing and another.

I hope to see you before very long, as I shall probably go over to Washington for a few days schooling in the big office.

Yours very truly,

Lieut. Commander, U.S.N.R.F.
Officer-in-Charge.

Lieutenant Warran C. Van Slyke,
Office of Naval Intelligence,
Washington, D. C.

NAVY DEPARTMENT
OFFICE OF NAVAL INTELLIGENCE
WASHINGTON

WCVS- HMP.

April 29th, 1918.

Dear Commander Eddy:

I am enclosing the copies of letters in regard to the Swan case, which I spoke to you about last Saturday; one, being dated February 27th, and, the other, being dated March 28th. The letter of February 27th was signed by the Secretary of the Navy, and was written in answer to a letter from the Department of Justice, stating that they were about to release Swan, and asking if there was any objection on the part of the Naval Intelligence to such a course.

After the Department of Justice received the letter of February 27th, they wrote a rather excited letter on March 7th. At the end of the 3d page in the letter, there was an unfinished sentence, and there was obviously a hiatus in the letter. I accordingly called their attention to the fact that their letter was incomplete, and, subsequently, after due deliberation, they wrote their final letter on March 26th, to which the letter of March 28th was our reply. Finally, on April 8th, the Department of Justice replied stating that all consideration of Swan's release has been dropped, and, generally, "scuttling for cover".

I think the correspondence will interest and amuse you.

Very truly yours,

Warran G. Van Selyke

Lieutenant (J.g.) of U. S. N. R. F.

Lieutenant Commander Spencer Eddy,
15 Wall Street,
New York, N.Y.

(Copy)

WCVS-JWH.

O.N.I. 20959-135

February 27, 1918.

Sir:

I beg to acknowledge receipt of your letter of the 14th inst., requesting me to advise the Department of Justice if there is any objection to the proposed release of Carl W. Swann, an alien enemy, on parole.

There is very decided objection to such release.

In your letter you state that a Mr. Lea of the Sperry Gyroscope Company had written to the Department of Justice stating that Swan's internment was the result of insufficient investigation and misapprehension and that the Department of Justice thereupon ordered a further investigation of the charges against Swan. The result of this investigation, which you summarize in your letter, is that the Department of Justice is willing to recommend Swan's release on parole.

The investigation conducted by the Department of Justice so far as appears from your letter, fails to reveal the facts that Swan on many occasions, before his internment, and while employed in the Sperry Gyroscope Company, criticised the entrance of the United States into the war, and expressed himself as absolutely and unqualifiedly opposed to the United States Government in its declaration of war against Germany.

These expressions on the part of Swan, and other like statements proving his strong pro-German sympathy, were reported by seven different operatives of the Office of Naval Intelligence who were working independently and without knowledge of each other's presence in the Sperry plant. This evidence in itself is sufficient to indicate his dangerous character.

You refer in your letter to Swan's having in his possession at the time of his arrest blue prints of "(1) the assembled drawing of a master compass, (2) negative head of a search light, and (3) operations of functions of the master compass"; and then state "that he had certain private drawings of his own".

You fail, however, to mention, and apparently your investigation does not disclose the fact, that Swan had in his possession at the time of his arrest blueprints of the AERIAL TORPEDO, a new invention of the highest importance.

I shall be very glad to know if Mr. Lea authorized Swan to take the blue-prints of this AERIAL TORPEDO home with him? You state that your investigation clearly develops the fact that Swan had been requested by the

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Sperry Gyroscope Company to take the plans you refer to home with him "inasmuch as it was impossible for him to work on them during hours and the Company was most anxious to derive the benefits of his labor upon them".

It is strange that Swan should not have so stated at the time of his arrest, for when Swan was arrested by Lieut. Fish, these blue-prints were found in his possession with the printed name of the Sperry Gyroscope Company cut out of the corner and, upon being questioned by Lieut. Fish as to how and why they came into his possession, Swan said "that he had taken the prints home and forgot that they were there". He, at no time, claimed that he had been given permission, or had been requested by the Company, to take the blue-prints home with him.

I think it will also interest you to know that Swan's first comment at the time of his arrest was "WE WERE WONDERING HOW LONG THE AMERICAN GOVERNMENT WAS GOING TO BE ASLEEP".

I am unable to determine from your letter whether the report that Swan pleaded guilty to the crime of larceny before Judge Thomas A. Davis, in Newark, New Jersey, on September 15, 1911, is erroneous or not, for your statement that Mr Sperry "knowing all the facts in the case, and having employed him thereafter in the firm belief of the sincerity and honesty of Mr. Swan" would seem to indicate that the report was correct, but that Mr. Sperry believing in his reform, had subsequently employed him.

I have, therefore, eliminated the question of Swan's prior conviction of a crime as an element in my determination, but the other facts are more than sufficient to establish the wisdom of keeping an enemy alien of Swan's type safely interned during the period of the war.

Yours sincerely,

Secretary of the Navy.

Mr. John Lord O'Brien,
Special Assistant to the Attorney General,
Department of Justice,
Washington, D.C.

(Copy)

March 28th, 1918.

Sir:

I beg to acknowledge receipt of your letter of the 7th inst., and also of your letter of the 26th inst., editing and revising said letter of the 7th inst., in regard to the case of Carl W. Swan, an alien enemy, now interned at Fort Oglethorpe.

I assume from the length of time between the two letters that due deliberation has been had by your Department, and that your letter of the 26th finally states the position of your Department in respect to this matter, and I shall, therefore, reply thereto, and disregard your letter of March 7th.

After reciting the facts stated in the report of the Office of Naval Intelligence on Swan, you state that "This is the sum total of the information transmitted by the Office of Naval Intelligence to this Department as a basis on which that Office recommended the arrest and permanent detention of Swan". You further state that your Department ordered the transfer of Swan to Fort Oglethorpe on that report. You then state as follows:

"You will, therefore, note that the charges against Mr Swan, on which the basis for arrest under a Presidential warrant could be predicated were reduced to the fact that he had been in this country for eleven years without becoming a citizen, and the additional facts that he had in his possession "private drawings of his own, supposed to be of telegraph typewriters" and "one package of court plaster". You will probably agree with this Department in the conclusion that on these facts further detention of Swan would be unwarranted."

I agree with your conclusion on your statement of the facts, and I must confess that I am very much surprised that the Department of Justice interned Swan on this state of facts, for while your Department might have arrested Swan on my request, you surely would not have, a month subsequent, interned him on insufficient evidence. My experience with your Department is that it only acts after due, careful, and extremely conscientious investigation.

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There, naturally, must have been, and were, some other facts on which someone duly authorized in your Department, acted when Swan's interment was ordered. These other facts were known to your Department and known to the Office of Naval Intelligence at the time, and it is most surprising that you should make the statement above quoted that "the charges against Mr. Swann" on which the basis for arrest under a Presidential warrant could be predicated, were reduced to the fact that he had been in this country for eleven years without becoming a citizen, and the additional facts that he had in his possession "private drawings of his own, supposed to be of telegraph typewriters" and one package of court plaster".

The basis of my request for the arrest of the Sperry Gyroscope Company employees was that they were alien enemies working in a plant within a barred zone, without a permit, in direct violation of the Presidential proclamation, and of the rules and regulations issued by the Attorney General, in that respect. The Company was doing important work for the Navy Department, and one of the chief reasons for the establishment of barred zones, and for the rules and regulations issued by the Attorney General under and pursuant to the Presidential proclamation, was to eliminate as far as possible the danger from alien enemies working in plants where important Government work was being carried on. I consider that a mere violation of a Presidential proclamation was sufficient, not only to justify arrest, but also internment. I still think so. Your Department evidently concurs with this view, at least, as far as the Eastern District of New York is concerned, where the Sperry Gyroscope Company's plant is located, for I am informed that the United States Marshal for that District, under and pursuant to the authority and direction of the Department of Justice, has recently posted a notice around the barred zone in said District as follows:

"ALIEN ENEMIES"

TAKE NOTICE

Alien enemies must not pass beyond this sign.

Violations of this rule will mean immediate arrest and internment.

Citizens of the United States are called upon to assist the Government in carrying out this order. Report all violations to the United States Marshal, Post Office Building, Brooklyn, N.Y. Phone - Main 2541.

James M. Powers.

United States Marshal. "

I am also informed that the penalty of internment which the notice

provides will follow a violation of the rule is considered by your Department as both appropriate and necessary in a District such as Brooklyn. I did not, therefore, think it necessary to state any further facts in making my request for the arrest of Swan and the other employees of the Sperry Gyroscope Company, and the Office of Naval Intelligence did not deem it necessary to burden the Attorney General with any further facts in making its recommendation for the internment of Swan.

As above pointed out, your Department would seem to be in entire accord with the position which the Office of Naval Intelligence has taken, that a violation of a Presidential proclamation in regard to a barred zone, and especially when a plant where important Navy work is being performed is involved, is sufficient to justify internment.

The Office of Naval Intelligence was not aware of the fact that Swan had applied to the United States Marshal in Brooklyn for a permit, and did not know that the Marshal had advised him that he might continue his employment with the company until he was notified to the contrary. In passing, it is somewhat surprising to learn that a United States Marshal has the power to exercise such discretion, and I had supposed that under the Presidential proclamation, and the rules and regulations issued by the Attorney General, an alien enemy was not allowed to go in duly established barred zones without a permit. I had supposed that a permit should be either issued or refused, and that no such discretion could be properly exercised, at least, by a mere Marshal. I shall be glad if you will inform me if Marshals throughout the United States have been invested with such discretion by the Attorney General. Be that as it may, the situation was not disclosed to the Office of Naval Intelligence until your letter to me of February 14, 1918.

If the discretion exercised by the Marshal was considered by your Department as sufficient to free Swan from the penalty of internment for his violation of the Presidential proclamation, I very respectfully submit that your Department should have, then and there, notified the Office of Naval Intelligence.

After referring to your "surprise" as to the facts in the possession of the Office of Naval Intelligence, which I referred to in my letter of February 27th, you ask why such facts were "never transmitted to the Attorney General". The answer is so obvious that I must confess that I, in turn, am surprised at your question. As Swan was safely interned, there was no occasion to transmit any further facts to the Attorney General. It was not until I was advised by your letter of February 14th that you were favorably considering Swan's application for release on parole, that any such occasion arose, and your Department was then promptly advised of the facts, which, of course, are more than sufficient to defeat any such application.

Before complying with your request, and stating the facts, together with their source, on which my letter of February 27th is based, I think it well to call your attention to an absolutely erroneous statement in your letter of February 14th, namely, "that a report to the effect that Mr. Swan has formerly been guilty of petit larceny is without foundation".

As I stated to you in my letter of February 27, I eliminated the question of Swan's prior conviction of a crime as an element in my determination as to whether or not Swan should be released from his imprisonment on parole. But in order to prevent the possibility of your being led again into mistaken conclusion by the investigators who were responsible for the above statement, I desire to confirm the statement that Swan is a self-confessed thief. He pleaded guilty to petit larceny on September 5, 1911, before Judge Thomas A. Davis, in Newark, New Jersey. The man who interceded for him at the time was the notorious Otto Meitzenfeld, with whose name and activities you are doubtless familiar. The fact of Mr Sperry's belief in Swan's sincerity and honesty, and the further fact that he subsequently employed Swan, does not militate against the fact that Swan is a self-confessed thief.

In compliance with your request, I beg to submit the facts, together with their source, on which my letter of February 27th is based.

The following blue-prints, ~~approximately 10 x 12 inches~~ are forwarded herewith:

164 blueprints,	approximately,	10 x 12 inches
12 "	"	12 x 19 inches
2 "	"	19 x 24 inches

The name and stamp of the Sperry Gyroscope Company are cut out on these last two blue-prints. All of the above named blue-prints are identified by the initials "G.D.B." being the initials of Lieutenant George D. Barnitz, who accompanied Lieutenant Fish and was present, at the time of Swan's arrest.

These blue-prints were examined by experts from the Navy Department at Police Headquarters on the night of Swan's arrest and they were of the opinion that several of them related to designs of parts of the new AERIAL TORPEDO which Mr Sperry was working on. These opinions and statements were verbal, and they have not been preserved, nor were the particular blue-prints permanently identified for record. They speak for themselves, however, and your own experts can examine them if you wish to pursue the matter to that extent in order to substantiate the foregoing statement.

When Swan was arrested, his first remark, made in the presence of Lieutenant Fish and Lieutenant Barnitz, was "WE WERE WONDERING HOW LONG THE AMERICAN GOVERNMENT WAS GOING TO BE ASLEEP".

While the search of his home was being made, and the above blue-prints were discovered, and he was asked how they came to be in his possession at his home, he simply stated that he had taken them home and had forgotten that they were there. He did not at any time that night claim or state that he had been given permission by the Sperry Gyroscope Company, or by any officials of that Company, to take the blue-prints home with him so that he might work on them at night. On the following morning he was again examined by Lieutenant Commander Eddy in the presence of several other representatives of the Office of Naval Intelligence. His attention was specifically called to the blueprints and to the fact that the name of the Sperry Gyroscope had been cut from the two blue-prints above referred to, and at this time he gave no explanation whatever of his possession of the blue-prints, or as to the cutting out of the name of the Company from two of them, other than to repeat what he had said the night before. If, as a matter of fact, Swan was ever given permission to take the blue-prints home by any duly authorized official of the Sperry Gyroscope Company, he would have undoubtedly so stated either to Lieutenant Fish and Lieutenant Barnitz at the time of his arrest, or to Lieutenant Commander Eddy on the following morning, when again questioned specifically about these blue-prints.

Respectfully,

By direction of the Secretary of the Navy

(sgd) Roger Welles

Captain, U.S. Navy,
Director of Naval Intelligence.

Mr. John Lord O'Brien,
Special Assistant to the Attorney General,
Department of Justice,
Washington, D.C.

SE:LJM

March 28, 1918.

Dear Mr. Martinek:-

I am enclosing herewith a blueprint which is very indistinct and badly made. I was wondering if you had any means of deciphering what is on the blueprint; if so we would be very much obliged if you could have a translation sent to us.

The paper of which this is a blueprint was found among the effects of a man named Carl Schwan of the Sperry plant, who was interned last year and who has a criminal record for burglary.

With all good wishes.

Yours very truly,

Lieut. Commander, U.S.N.R.F.

Frank V. Martinek, Esq.,
Office of Naval Intelligence,
Washington, D. C.

SE: LJM

March 25, 1918.

From: Officer-in-Charge, Branch Naval Intelligence Office,
New York.

To: Director of Naval Intelligence.

SUBJECT: Carl W. Swan (alias Schwan).

Reference: Telephone conversations with the Office of Naval
Intelligence, Washington, March 25, 1918.

In response to instructions received by telephone this morning, I am transmitting herewith various blue prints and drawings found among the effects of the above subject when he was arrested on the 26th of September, 1917.

At the time of this man's arrest with the other enemy aliens from the Sperry plant, he was interrogated at Police Headquarters, New York City, by two officers from this Office, as well as others from the Police Department. The drawings and blueprints found in his possession included designs of various gyroscope apparatus which was stated at this time, upon examination by various naval officers, to be of a confidential nature, such as would doubtless be used in the new aerial torpedo invented by Mr. Sperry. There was also a blueprint of the Fire Control used by the United States Navy. This Office has no record of any definite statement having been made to Department of Justice officials, in writing or otherwise, in regard to the confidential character of the 156 blueprints in possession of this man.

About the first of the present month Mr. De Woody, the new Chief of the Office of the Department of Justice in New York City, called upon me with Mr. Blachford, who was at that time designated by Mr. De Woody as Liason Officer between the New York Department of Justice and this Office. During the course of our conversation I brought up the case of Carl Swan. Mr. Blachford informed me that he had received from the Sperry Company a request that Swan be released from internment on parole, in order that he might be reemployed by the

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Sperry Company. I gave to Mr. Blachford such information concerning Swan as we had in this Office, upon which Mr. Blachford informed me that had he known the facts in the case he would never have recommended that Swan be released. In view of Swan's past criminal record, before he was interned at the request of this Office, it would seem incomprehensible how the Sperry Gyroscope Company could ever have asked for the man's release, or how they could have considered the possibility of again putting him in charge of drawings and plans of a confidential nature.

I immediately afterwards telephoned to an official of the Sperry Gyroscope Company, informing them (in accordance with instructions from Lieutenant Clark of the Washington Office of Naval Intelligence) that the Navy Department would not permit Swan to be employed. The Sperry Gyroscope Company agreed not to employ him at any future time.

Lieut. Commander, U.S.N.R.F.
Officer-in-Charge.