

Murder, That's Not News

By Michael Brush

A COUPLE of weeks ago a man killed a cop. That happens. But as a result of this killing something happened which doesn't often occur. This killing suddenly shed a strange and unexpected light on a lot of things in New York City, which are usually kept decently covered up.

Twenty years ago a man called Martin J. Lavin started on a career of crime. Between 1918 and 1938 he had a record of over twenty known crimes, four of them murders; twenty-one arrests; two convictions. The crimes included homicide, robbery, robbery with arms, assault with intent to kill, felonious assault. Frequently he was caught in the act. Yet one of the convictions was for sixty days, and the other for little more than a year.

Then, in 1932, a month after another murder, Lavin killed a Negro in a saloon hold-up. The owner of the saloon, J. McGrath, and Frank Russo, an eye-witness, were taken to police headquarters where they identified Lavin and his accomplice, Sam Matera, and also identified the wallets which the hold-up men had stolen but dropped. The two men were locked up in the Tombs.

Here, after a while, they began to act strangely. Lavin was removed to Bellevue prison ward; Matera stayed in the Tombs. Dr. Perry Lichtenstein, psychiatrist attached to the district attorney's office, noticed that Matera was faking insanity; he was not even sent to Bellevue. Lavin, however, whose one longer sentence had been in Rahway Reformatory, where he had been trusty in charge of the hospital and so had seen the mentally sick and those feigning insanity, did better. He apparently fooled quite a number of the heads of the psychiatric division. At any rate, he was kept in Bellevue three months, although Section 81 of the Mental Hygiene Law reads:

In no case shall any insane be kept in any other place than a state hospital or a duly licensed institution for the insane for a period longer than thirty days.

At the end of the three months, Lavin had a long list of fancy diagnoses on his chart from these same heads (and a much less fancy but apparently more trustworthy report from the nurses who had actually watched the man night and day). He was brought before a lunacy commission, which, after questioning him for six hours, affirmed him insane—in such a “state of idiocy” that he was “unable to comprehend what was happening” to him. He was sent to Matteawan State Hospital for the Criminal Insane. After one week there Dr. R. F. C. Keib, the superintendent, said he was “malingering.”

Seven months later Sam Matera, who all this time had remained in the Tombs, was discharged by a directed verdict; immediately, at

Matteawan, Lavin got well. He was returned, sane, for trial. But miraculously, two of the witnesses against him had disappeared, and two now changed their evidence. Russo and McGrath, who had identified the murderer and their own stolen wallets so positively two years ago, now “could not remember” either. “It was the smelliest thing I ever had to do with,” said the arresting officer, who was not even called to the trials. Assistant District Attorney Miles M. O'Brien at the time said even more. “It is a needless waste of time,” he told the General Sessions Court, “to proceed with the Lavin case.” So Lavin was discharged for “lack of evidence.” A few years later, in January 1938, he killed Police Sergeant David Kilpatrick in a pawnshop hold-up in the Bronx, and was himself fatally shot.

Martin Lavin has ended what has been called his “charmed life of crime.” But the powers which charmed it are still at work, and, what is worse, are being joined by others which can make even better use of such professional criminals. Lavin was merely a “Tammany club brawler,” yet the entire machinery of law enforcement and administration, including the machinery of the psychiatric hospitals and institutions, were at the service of Tammany in protecting him. Professional criminals are now made use of by industry. The hired guards, strikebreakers, provocateurs, spies, and agents made use of by the employers are recruited, and must be recruited more and more, from the ranks of the discharged criminals, thugs, or petty gangsters. (The big gangsters are usually in business on their own.) Therefore, to see how the machinery even of the hospitals and science is used in this business becomes of prime importance to the entire labor movement.

The newly formed Committee on Law Enforcement held a two-day hearing in the State Supreme Court on February 3 and 4. The hearings turned into a field day for psychiatrists and might have been called “Alienists on Trial.” First it was shown that the hospital which was to decide on Lavin's mental condition hadn't even been provided with the records of his twenty-odd crimes. None of the probation officers or prison officials or Tombs attendants were called to report on how Lavin had behaved under their supervision. Dr. Menas Gregory, for thirty years the head of Bellevue's psychiatric division, who “resigned” in 1934 for corrupt practices and testified that the “only scientific method is to gather the facts,” said he did not see Lavin's prison record.

It must not be forgotten that the most dangerous mental defectives (potential or actual criminals) go through the city hospitals; and what is true of Bellevue Hospital is

true to a greater or lesser degree of every city hospital in the country. In Massachusetts unbelievable horrors were recently uncovered in the state hospitals; five hundred deaths of mental patients, due to brutality and unnecessary restraint, were reported. At present a New York newspaper is running an exposé of conditions in Rockland State Hospital which shames the sixteenth century in methods of cruelty, torture, and neglect. And mental defectives and criminals run loose, discharged or released from hospitals and institutions uncured. Lawrence Marks and Paul Elmore, who ravished and murdered little girls, had been at Bellevue; Robert Irwin had been discharged both from Bellevue and Rockland—“improved,” not cured. Albert Fish, who murdered four little children, had been there. Electrocuting these men does little to deter others from this kind of crime; it does nothing to protect the community.

At the committee's hearings it was revealed that a number of professional criminals, who are known to have faked insanity, are free now. Police, investigating, found they were “not at their given addresses.” Should we be surprised? In October 1937 Dr. Frederic Wertham, testifying before the McNaboe committee, stated that several criminals he knew of were known simulators; the chief among them (at that time they were designated merely as Cases A, B, C, etc.) was Martin Lavin; at that time this psychiatrist said: “I tell you this man will yet commit another murder.”

Dr. Gregory, Dr. Samuel Feigin, his chief assistant, Dr. Frank Curran, Dr. Paul Schilder, whose notes on the chart of Martin Lavin gave him fancy diseases, all suddenly agreed at the hearings (thus changing their original diagnoses) that what the patient had had was a “reactive psychosis,” a “situation psychosis,” or, in the higher-sounding terminology indulged in by Dr. Gregory, he was “a psychopathic personality with a paranoid-hallucinatory tendency.” Dr. Carter N. Colbert, assistant head of the psychiatric division, let a cat out of the professional bag when he testified that staff conferences had not seriously considered the faking possibility, this pointing, under the circumstances, to “covering up.” (It must be remembered that Lavin had a record of twenty years of crime, that he had murdered three men, had gotten off on every occasion but two, and then had received only light sentences. He knew he could get off again. Why should he then suddenly develop a serious mental ailment caused by the fear of not getting off? For the psychiatrists testified that this was what they meant by a “situation” or “reactive psychosis.”

It came out at the hearings that Lavin was known to two city administrations for what

he was. The case had been described and commented upon in an exhaustive report made in 1934 by Commissioner of Accounts Blanshard, a report with a great many pertinent and very damning facts. *This report was never made public.* These facts are still operative, and the report is still suppressed. Dr. Colbert testified under oath before the McNaboe commission that political pressure was "almost the rule" in felony cases that came to Bellevue's prison ward; that the "studied omissions" of malingering features in the Lavin case "would indicate personal motives for such covering up"; that even to hold a patient three months, when ten days was the rule, would indicate such "covering up."

To furnish a temporary stop-gap to public indignation, an outcry has been raised against the lunacy commissions. A lunacy commission had considered Lavin insane, though in doing so, one of the commissioners testified, they were greatly influenced by the Bellevue doctors' diagnoses. And these city top doctors' opinion was wrong, biased, and had a political purpose. True, lunacy commissioners are usually political appointees, are paid large fees, and rarely do much more than endorse the opinions of doctors who are politically the "right" doctors. Doubtless these commissions cost the taxpayer much uselessly spent money. But to abolish them and leave lunacy decisions to those doctors who are equally suspect of political pressure will hardly reform the situation. Some of the top positions in Bellevue are made as political appointments, while the hard-working, trained staff doctors, who have had years of experience (and are not in a position to exert political pressure) are resigning their jobs because they can't live on what the city pays them. One man who has been a psychiatrist for thirteen years is paid only two thousand dollars a year.

To complete the picture of incompetence, confusion, and political corruption, there have been rumors lately of activities on the part of hospital officials, which come dangerously near the borders of fascist behavior. For some years there have been rumblings about discrimination against the colored people in city hospitals. At Bellevue there is not one colored nurse. Dr. S. S. Goldwater, commissioner of hospitals, who collects large commissions on new buildings, spoke of colored doctors and nurses at a recent investigation as "Negro material," and said it was "well known" they were less efficient than white nurses and doctors. Unbelievable conditions exist in the hospital—dirt, neglect, bad food, lack of bed-sheets, overcrowding of patients, rudeness, and even cruelty. One colored woman patient said the "contemptuous and slighting" manner in which she was treated drove her back home. Patients are put in the same bathtub without its being cleaned; the same receptacles are used again and again without being washed.

The suppressed Blanshard report described some of these conditions, yet they have remained unchanged. There is still utter lack of coöperation among the dozens of agencies that deal with mental defectives. They still

roam the streets, unwatched, despite the fact that they may have already committed crimes. Political pressure is still exercised, inside and outside the hospital, for wrong ends; the higher-ups in the profession get the big (frequently politically inspired) fees; political appointees are given scientific jobs; unionism is frowned on and all but publicly discouraged.

It is not only the doctors and patients who suffer from this state of affairs; the commu-

nity grows increasingly less protected from the more dangerous criminals. When professional strong-arm men beat up or murder workers or strikers, get hired by Bergoffs and Burnses and Pinkertons, we ask ourselves where they come from. The Lavin case is a typical example of how they are protected, how they escape punishment, and how the machinery of our city institutions is abused to set them free to continue their nefarious activities.



"Gently, Herbert. Maybe Councilman Quinn's sleeping in it."

Gardner Rea

READERS' FORUM

Japan Polices Foreigners in China

TO THE NEW MASSES:

ENCLOSED you will find a copy of the regulations issued by the garrison commander of the Japanese expeditionary forces in Shanghai. It seems to be a typical example of the "culture" Japan is introducing.

New York City.

K. C.

[ENCLOSURE]

Regulations Pertaining to Residents Desiring to Return to Their Homes in Hongkew

Foreigners who want to employ foreign and/or Chinese house boys and amahs are requested to submit through the Japanese consulate-general an application describing the employers' nationality and permanent domicile, name and classification of occupation with two copies of employee's photographs attached thereto.

Control of light shall be strictly observed. For this purpose all the residents are requested to have the necessary devices which will have to undergo inspection by the S.M.C. Japanese police.

Those who want to employ Chinese servants are requested to previously submit to the Japanese consulate-general an application together with two copies of photographs of each servant and make such employees assemble at the Garden Bridge by ten a.m. on the appointed day. These employees will be sent to the Isolation Hospital where they will be detained overnight for the purpose of undergoing medical examination and examination ex freta prevention-injection against cholera and vaccination.

Employers on the following morning are requested to call at the Japanese consulate in order to receive a note of authentication and then go to the Japanese Club in order to receive a pass.

Curfew ten p.m. to five a.m.

The market shall be opened to all residents between the hours of five a.m. and nine a.m.

Foreigners returning to the district north of the creek are specially requested to respect the sentry on point duty at the Garden Bridge and at the street corners by giving a gentle bow and wishing him "good morning." Foreigners must realize the fact that a Japanese soldier doing such duty represents the emperor of Japan.

Special passes will be given to those having Japanese friends, and it is hoped that everyone wishing to live in Hongkew will make friends with the Japanese. Japanese ladies well versed in English, 150 of them, from the Tokyo High School are now in Shanghai for the sole purpose of being better acquainted with foreigners. Further details, regarding interviews, etc., with these ladies will be furnished at the Japanese Club in the office of the secretary to the commander of the naval fleet in Shanghai.

Foodstuffs for the residents will be sold at 23½ percent discount. Sake will be free of charge to those who drink the health of the emperor, and a quantity not exceeding two liters can be taken away each day.

In the event of foreigners wishing to employ Japanese maid servants they are requested to make application to the garrison commander at the Japanese Club as soon as possible as there are a limited number of Nei Sans. Bachelors need not apply. All single men will be supplied with mates as soon as facts are known. Married men applying for Nei Sans will have to obtain the consent of their wives.

Foreigners who employ Nei Sans will be entitled to one bath a week in any of the undermentioned

bath houses in Hongkew free of charge. Foreign ladies can apply for Japanese male masseurs. Bath-houses are situated at: 275 Range Road, 393 Boone Road, and 120-A Woosung Road.

By order of the Garrison Commander of the Japanese Expeditionary Forces in China.

Franco Educates Mr. Sedgwick

TO THE NEW MASSES:

ELERY SEDGWICK, editor of the *Atlantic Monthly*, went to Spain and, after looking over conditions, informs us through the columns of the *New York Times* that "Progressives, as we should call them, follow him [Franco] in great numbers." Mr. Sedgwick also discovered that "the liberal spirit is clearly in the ascendant" in Franco's territory.

It is refreshing to get Mr. Sedgwick's factual reporting after all these months. It is refreshing to know that the bombing of Guernica, the shelling of Almeria, the slaughters of Badajoz, and the strafing on the road from Malaga were merely expressions of Franco's devotion to the "liberal spirit." It is, moreover, heartening to know that Franco has received the help of Hitler and Mussolini in spreading this spirit—just as Ethiopia got it in 1935 and Austria is to get it in 1938.

But what makes Mr. Sedgwick's articles particularly significant is that he went to fascist Spain on the invitation of the Franco government, and that when he left, Franco's press-agents in New York stated that he was expected to describe "how the country has been benefited by Franco's rule."

Mr. Sedgwick lived up to expectations. He discovered that "education comes before democracy." Hitler and Mussolini have been treating their countries to such education. Mr. Sedgwick on his return to Boston will undoubtedly tell us how we can get rid of our democracy so that we can be truly educated—in the Hitler-Mussolini-Franco sense.

Brooklyn, N. Y.

ELLIOT PITKIN.

Two Spanish Brothers

TO THE NEW MASSES:

THE common and mistaken idea that the war in Spain is a struggle between Communists and fascists only is actually encouraged by the fascists themselves, for it creates an attitude of indifference on the part of those who are not interested in politics. Time after time I have witnessed incidents that convinced me that the broad masses of the Spanish people are by nature and training strong anti-fascists. Many of them are unaffected by the efforts of the Socialists, Communists, and Anarchists to win them to their respective parties, but sincere anti-fascists they certainly are.

Two of my good friends, Antonio and Felix Candela, both architects, and until the war, lifelong residents of Madrid, are two such anti-fascists. Neither of them has ever been interested deeply in politics, and they still remain aloof from the parties. But their hatred of fascism is the hatred of those whose city and homes are being destroyed wantonly by the fascists. Their father, who died in 1929, was anti-monarchist and favored the republic.

Tony, who is twenty-five, and Felix, twenty-seven, come from a middle-class Madrid family. After the death of their father, it became necessary for the family to sell the shoe business, and the two young boys had to help support the family while attending their technical school. Felix is an architect; Tony is his assistant. Both were graduated from the Madrid School of Architecture in 1935.

During his course of study, Felix won the scholarship of the Count of Cartagena and in July 1936 was to be sent to Germany for further study. He was all packed, railroad ticket and all, and was to leave Madrid on the day that the war broke out.

In February of 1937, Tony and Felix were sent to Albacete to work in the construction office of the military commander. They sent their mother and crippled sister to a farm on the Mediterranean.

Tony and Felix design and build barracks, bomb-

proof shelters, auto parks, and all buildings of a military nature. Felix has designed a standard type of small, wooden portable barrack, housing thirty-two men, which can be erected in thirty minutes by four men. Metal slots are used to take the place of nails which are very scarce. The Department of Works of the Spanish People's Army has found the type very practical. It is being copied throughout the country.

The Candela Home in Madrid is still the center of their life, and the two boys in Albacete act like emigres in a foreign country. They can never consider any other place but Madrid as their home, and they go there on the slightest provocation.

Their contempt for servility showed me clearly the average Spaniard's basic democratic spirit. One day while I was waiting in their office, a middle-aged Spaniard, who was trying to curry favor with them, addressed them as "Don Tony" and "Don Felix." I noticed the look of disgust on my friends' faces, and when the favor-seeker left, hat in hand, Tony dismissed the incident with "Bah, he's a sucker."

Barcelona, Spain.

LEONARD GRUMET.

Writers Protest "Post" Editorial

TO THE NEW MASSES:

I ENCLOSE a copy of a letter sent today to the publisher and editorial staff of the *New York Evening Post*, for your interest.

FRANKLIN FOLSOM,

Executive Secretary,

League of American Writers.

[ENCLOSURE]

As an American organization committed to the support of the people's front in all countries, the League of American Writers wishes to declare its most urgent and emphatic sense of outrage at the editorial which appeared on the front page of the *New York Evening Post* on Tuesday, February 15.

Our point can be put simply and in very few words: we believe in the people's front because where it is strong it has prevented fascism, as in France; or is beating it back, as in Spain.

Both in tone and in content Mr. Stern's editorial recalls, in horribly reminiscent fashion, the policies of the liberal press in Germany immediately before Hitler's accession to dominance. We would remind Mr. Stern that the experience of those liberals should permit him no illusions as to the kind of gratitude he himself may expect, if his services help to promote a victory for the forces of reaction.

DONALD OGDEN STEWART,

President.

PHILIP STEVENSON,

Secretary.

New Young Communist Monthly

TO THE NEW MASSES:

IT will interest your younger readers to know of the appearance of a new magazine for young people, the *Young Communist Review*. Its function is to provide younger Marxists with that theoretical material directed to them, which no other periodical of late has furnished them.

The *Young Communist Review* will be published monthly by the Young Communist League in a modern, youthful format. The first issue (March), now on sale, includes thirty-two pages of material on such subjects as the Ludlow amendment, collective security, education, and the recession, by such contributors as Carl Ross, Celeste Strack, Francis Franklin, Dave Grant, and others. Of particular interest is the material gathered from the discussion held at a recent enlarged meeting of the National Board of the Y.C.L.

The magazine may be obtained now at most workers' bookstores, from Y.C.L. members, or through the national office of the Y.C.L., 35 East 12th Street, New York City.

JOSEPH STAROBIN, Editor.

New York City.