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# Six Victims of Cops' Brutality Get Six Months in Workhouse: "Why Don't They Go Back to Where They Came From?" Magistrate Sweetser Asks.

## "I Won't Fix No Bail": "Constitution for Americans, Not for Foreign Russians," Another Judicial Gem. [event of Oct. 11, 1919]

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Imposing a sentence of 6 months in the workhouse upon 6 Russians arrested in connection with the anti-Russian blockade demonstration in Washington Square last Wednesday [Oct. 8, 1919], Magistrate Howard P. Sweetser in the Jefferson Market Court yesterday morning asked a historic question:

"Why don't they go back where they came from?"

Nathan B. Chadsey, of counsel for the defendants, suggested that the Russians be permitted to do so.

Sweetser, in response to a declaration by Chadsey that aliens have the right to petition the government for the redress of grievances and that a public demonstration is a means of a petition, preceded his historic statement with:

**"These foreigners assail the institutions of the country and especially the constitution, but when they get pinched they hide behind it and ask for protection."**

The magistrate, waxing indignant, added:

**"The constitution is for Americans, not for foreign Russians."**

The Russians, for whom the Constitution is

not, are:

Dora Lipkin, 25, of 33 East 20th Street; Nicita Zafronia, 36, of 157 Ferry Street, Maspeth, LI; Karl Schuka, 28, of 231 East 17th Street; John Kozlick, 30, of Bridgeport, Conn.; Dave Klipper, 21, of 346 East 17th Street; and Sam Simon, 27, of 99 East 7th Street.

Anthony Topolski, of 260 Franklin Street, Brooklyn, was fined \$10.

### **Seized for Carrying Bundles.**

Miss Lipkin, Brooks, Zafronia, Schuka, and Kozlick, who were tried in a group, were arrested on East 15th Street while carrying bundles of literature and folded banners to the gathering place of the Russians, who intended to protest against the blockade of Soviet Russia. According to plainclothesmen Herman and Senf, they approached the defendants and, together with a policeman, examined the contents of the bundles. The banners, which were produced in court, read: "Leave Soviet Russia Alone" and "Deport All of Us to Russia."

The officers admitted that no attempt was

mad to distribute the leaflets or to unfurl the banners. The 4 men and the woman were placed under arrest and charged with disorderly conduct.

### **Hired by Copper Concern.**

Klipper and Simon, members of the IWW not connected with the demonstration, were apprehended on 13th Street and Fifth Avenue by plainclothesmen Senf and McCartney and later charged with disorderly conduct. The detectives, upon cross-examination of Charles Recht, who, with Chadsey and Isaac Shorr represented the prisoners, admitted that Klipper had not sold a copy of the *New Solidarity*, an IWW publication, before he was arrested, and that Simon was not seen distributing leaflets entitled "With Drops of Blood," as originally charged by Detective Sergeant James J. Gegan of the Bomb Squad, and over which Magistrate Sweetser seemed very much concerned.

Senf admitted under cross-examination that he is a "special investigator" for the American Smelting and Refining Company, a Guggenheim concern. He is now on a leave of absence from the New York Police Department, he said.

Recht charged in open court that the Guggenheim interests were badly disposed toward the IWW in the Northwest copper mines and intimated that Senf, in making the arrests, was influenced by the character of his employment.

### **"Won't Fix No Bail."**

Recht asked for a stay of execution of the sentence imposed upon the 7 Russians in order to obtain bail. Sweetser replied to the request with: "I won't fix no bail."

In the 7 cases no mention was made of the actual conditions occurring at Washington Square. In the case of Anthony Topolski, and American, the details of the "riot" with the brutalities of the police were brought out.

According to Topolski, who showed his enthusiasm in court for the Soviet cause, when the crowd gathered preparatory to the parade, he walked up and down the lines to read the signs carried by the paraders. Thereupon Sergeant Gegan, after asking him if he had a permit for the parade, placed him under arrest. Although the charge against Topolski was one of resisting arrest and disorderly conduct, Gegan, on the stand, admitted that Topolski was courteous and submitted to being taken into custody.

### **"Riot" Due to Police.**

To show that the "riot" which occurred was due to the police, Recht produced as witnesses for the defense Richard C. Tolman, a major in the chemical warfare service, and Miss Phyllis Ackerman, former private secretary to the third Assistant Secretary of War.

Tolman, who viewed the activities of the police Wednesday afternoon [Oct. 8, 1919] from the steps of the Hotel Brevoort, swore that the crowd was "orderly, quiet, docile." While 3 or 4 policemen stopped the paraders at cross streets, Tolman said, 15 mounted policemen coming from Washington Square rode into the crowd, beat a woman against a picket fence, and after crowding a considerable number into areaways, on steps, and in halls, proceeded to club them.

### **Crowd Was Quiet.**

Major Tolman, who came down from Washington specially to testify against the conduct of the police, will draw up affidavits of what he saw, it was said following the trial. These will be presented to the police department in order to curb the indiscriminate use of the nightstick.

Miss Ackerman also testified that "it was a quiet crowd, there was no jostling," and that it made way for passersby. She swore that it was the police who provoked the disorders, and then made

it impossible for the crowds to disperse by huddling the men and women into halls and shops.

### **Saw No Disorder.**

Sergeant Gegan was asked by Recht: **“Did you notice any disorderly act upon the part of the defendant before any arrests were made?”**

**“No, I did not.”**

During the examination, Miss Ackerman pointed to Gegan and said:

“I don't know his name, but I saw that man beating people with a heavy stick and saw him knock down a woman.”

Following the conviction of the 6 Russians, Recht announced he would take the cases to the Court of General Sessions. Asked to comment upon Sweetser's decision, Recht threw up his hands.

A *Call* reporter was “frisked” for dangerous weapons by Sergeant Gegan as he left the courtroom with the spectators. Others were similarly treated.

*Edited by Tim Davenport.*

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