



## Abba Hillel Silver Collection Digitization Project

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### **MS-4787: Abba Hillel Silver Papers, 1902-1989.**

Series III: Personal Correspondence, 1914-1964, undated.

Sub-series B: Alphabetical, 1915-1963, undated.

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August, Allen, 1933-1937.

LAW OFFICES

**BAAR, BENNETT & FULLEN**

29 BROADWAY

NEW YORK

ERIL N. BAAR  
JOHN J. BENNETT, JR.  
WILLIAM G. FULLEN

ARTHUR BLOCH  
JOHN P. HURLEY  
ARTHUR E. LEHNFELD  
JAMES E. WHALEN

TELEPHONE  
CIGBY 4-6350  
KABLE ADDRESS  
"BARBENFUL"

September 12th, 1933.

Rev. A. H. Silver,  
The Temple,  
Cleveland, Ohio.

Dear Dr. Silver:

Enclosed herewith please find  
copy of the report prepared by us with the assist-  
ance of two alienists in the matter of the People  
of the State of New York against Allen W. August,  
and also copy of a letter which I have this day  
written to Mrs. Eli August.

Looking forward to the time when  
we may renew our very brief acquaintance, I beg to  
remain

Sincerely yours,

*Eril N. Baar*

Encs.



BAAR, BENNETT & FULLEN

*Attorneys*

September 12th, 1933.

Mrs. Eli August,  
2026 East 107th Street,  
Cleveland, Ohio.

Dear Mrs. August:

At the request of your son-in-law, Leon, I met with him and Dr. Silver on Saturday to discuss the question of applying to Governor Lehman for executive clemency for Allen. I want to give you frankly my views on the subject which I stated to Leon and Dr. Silver at the Saturday conference.

First of all, permit me to say that no one would be happier than myself to see Allen a free man. I have the greatest sympathy for your position as his mother. I know that you cannot understand why he should be incarcerated, as you know him only as your son, and a good one. Your viewpoint, however, is dictated by your mother's heart, and this is a matter in which we must use our heads as well as our hearts.

Dr. Silver tells me that he numbers Governor Lehman among one of his friends. Aside from the political contact which I can make with the Governor through the Attorney General of this State who is my partner, I am also personally acquainted with him. The contact could, therefore, be very easily established.

However, I believe that this would be the most inopportune time to go to the Governor for any assistance. We cannot overlook the fact that the Governor, Dr. Silver, myself and the subject matter of our request are all Jews. The eyes of everybody in this State are always on the Governor, and every act he does is scrutinized with even greater care than if somebody else sat in the Governor's chair. We cannot do anything which would put the Governor in an awkward position or in one where he might have to say "no" to his friends. In the language of the streets, to go to him at this time would certainly be putting the Governor "on the spot".

We cannot overlook the fact that at the present time the public press and public sympathy would be opposed to any relief being granted to anyone involved in a crime of this nature. Because of the recent epidemic in this type of occurrence, the public is aroused and up in arms against the slightest mention of clemency.

May I point out to you that Governor Lehman very recently - during the period that our State Legislature was in special session - took a very stern and determined stand as to

September 12th, 1933.

Mrs. Eli August,  
Cleveland, Ohio.

the punishment to be meted out in cases of this kind. The position he took was far more drastic than anything ever proposed - so much so that not even the legislature would go along with his entire program in this respect.

At the present writing, Allen has served less than one year of his sentence. To request the Governor to exercise his constitutional power of executive clemency at this time would be asking him to do something which is diametrically opposed to the position taken by him in his public utterances. In my opinion, there is not a chance in the world to get him to do anything at the present time. We must certainly wait until the present epidemic and the attendant public furor subsides.

In my judgment, any attempt made at the present time would be abortive, without success and militate strongly against any chance that we may have in the future of cutting down the sentence. On a request of this kind, we cannot go more than once, and the time must be the proper one. This would be a most inopportune moment to go forward. I am confident that it would destroy any hope that we may have on a future application.

Another factor that must be considered is that the Governor will not do anything without consulting the judge who passed sentence and the District Attorney. Both are friendly, particularly the former, but I am sure that neither one of them would at the present time be of any great help to us. These men are all in public life and we cannot ask them to do something which would undoubtedly subject them to severe criticism.

In my opinion, at least one and a half years of the sentence time should expire before any attempt along these lines is made; that is the minimum; we should wait longer. That means that we should do nothing until the late Spring or Summer of 1934.

I know that my viewpoint will not please you. However, I am sure that you want me to be honest with you; that is what I am trying to do. As stated at the beginning of my letter, I am casting aside all thoughts of personal friendship at the moment and viewing it from the purely practical point of view of a lawyer doing a job for a client.

I am sending a copy of this letter to Dr. Silver.

With kind personal regards, believe me to be

Sincerely yours,

STATE OF NEW YORK

COUNTY COURT

:

COUNTY OF KINGS

-----X

THE PEOPLE OF THE STATE OF NEW YORK,

"AGAINST"

A.W. AUGUST,

Defendant

-----X

At the request of EMIL N. BAAR, Attorney at Law of 29 Broadway, Borough of Manhattan, City and State of New York, we, the undersigned, SYLVESTER R. LEAHY, M.D. Neuro-Psychiatrist and Alienist, residing at 706 West 168th Street, New York City, and THOMAS S. CUSACK, M.D. Neuro-Psychiatrist and Alienist, residing at 400 Clinton Avenue, Brooklyn, New York, both qualified examiners of lunacy in accordance with the Mental Hygiene Law of New York State, made a neuro-psychiatric examination of the defendant, ALLEN W. AUGUST, in the above captioned matter.

Such examination was performed on December 7th, 8th, 9th and 10th, 1932. At the time of making such examinations, in addition to ourselves, there were present EMIL N. BAAR, ESQ., ARTHUR BLOCK, ESQ., attorneys for the defendant, and JOHN J.A. O'REILLEY, M.D., representing the District Attorney's Office of Kings County.

We interviewed the following:

1. ALLEN W. AUGUST, defendant
2. CLARICE A. AUGUST, wife of the defendant



3. MRS. HERMINE MURRAY, Sister of the defendant
4. MRS. FRANCES ISAACS, Sister of the defendant
5. MR. LEO COOPER, Pharmacist of 911 Coney  
Island Avenue, Brooklyn, N.Y.

In addition, we had before us the honorable discharge from the United States Army of the defendant, ALLEN W. AUGUST.

Our examination comprised a complete physical, neurological and psychiatric evaluation of the defendant along the lines of family and personal history, school and industrial life and social make-up. As a result of such examination, we herewith submit the following report and opinion.

#### FAMILY HISTORY

The family history does not evidence any neurotic traits or psychiatric tendencies or any hospitalization in an institution for mental and nervous diseases.

#### PERSONAL HISTORY

The defendant, ALLEN W. AUGUST, was born in Cleveland, Ohio, on the 2nd day of September, 1896. His birth and development prior to school age were normal but showed that he suffered from nocturnal enuresis, which condition persisted to the thirteenth year. In the light of psychiatric determination, this is regarded as a neurotic trait. This condition of nocturnal enuresis is present in his own son up to his present age of about eleven years.

His school life both in grammar and high school showed a good adjustment in this field, especially in athletics, such as foot-ball, hockey and track. He graduated from high school just prior to arriving at eighteen years of age. During his school life, he showed many ambitions and ideals upon which one could postulate a good future citizen. From the ages of eighteen to twenty-two, his industrial life was characterized by efficiency, productivity and honesty in the field of his chosen endeavor, v iz. salesman of ladies coats and suits.

At the age of twenty-two, he enlisted in the World War and was assigned to the Ordnance Corps. He saw no active combat. He was honorably discharged from the Army in February, 1919. The discharge indicates his character as excellent; no A.W.O.L. and no absences under any other provisions of the General Orders of the Army. Upon his return to civil life, he experienced great difficulty in adjusting himself to the conditions he found then prevailing. He stated that after living the usual carefree existence of the Army, "I seemed to go along the lines of least resistance, and nothing seemed to matter. However, I worked all right and my average income was from \$75.00 to \$100.00 a week." He stated further, "I had to change my mode of living and it took me some time before I could eliminate army life from my system."

In the month of May, 1921, he married Miss Clarice Abrahams, after a three year courtship. His married life was happy and he contributed well to his

home. Shortly after his marriage, he engaged in the real estate and insurance business. in association with his father in law. He is the father of one child, a son, now eleven years of age, and according to his wife's statement, he was an ideal husband and father up to approximately two and one-half years prior to the commission of the act or acts alleged in the indictment.

#### MEDICAL HISTORY

As a child, he had a membranous croup with a present residual of a raucous voice, malaria, whooping cough and a peculiar physical reaction to running temperatures exceeding the normal limits consequent upon the underlying condition. Throughout his life and even up to the time of our examination, he suffered from severe headaches and, on several occasions, while driving his automobile, he had to pull over to the curb because of the blurring vision due to these headaches. While in highschool, as a result of a street accident, he sustained a fracture of the left wrist and left leg. Subsequently, as a result of another accident, he sustained a crushed left foot.

#### PERSONALITY

From the point of view of make-up or personality or that which essentially constitutes him as an individual, he is a person with a mild exaltation of moods, known medically as mild euphoria. This manifested itself especially in his evaluation of his own real estate regardless of prevailing market conditions. However, he made friends easily thereby showing that he was of the open extrovert type in contradistinction to the seclusive introvert

type of personality; there was nothing unusual or anti-social in his behavior, conduct or social reactions until about two and one-half year ago, at which time he experienced his first business reverses, and became somewhat irritable and cranky in his home, less talkative than he used to be, less confidential with his wife and he started to keep away from his friends. During this period of time, commencing approximately two and one-half years ago, as his financial condition became increasingly acute, he developed fantastic ideas to overcome these difficulties. Among these were the purchase of promissory notes of the Amtorg Trading Corporation at a price substantially below their face amount, stock market speculations, entering into the business of selling stainless tablecloths by house to house methods without sufficient capital, none of which resulted in any success, but, on the contrary, produced financial losses which complicated and increased and aggravated the already existing conditions. These transactions were entered into contrary to the advice of counsel and his immediate family. In April, 1931, he borrowed to the limit from the United States Veterans Bureau on his Adjusted Compensation Certificate, and in December, 1931, he borrowed money on a second mortgage on his home. At this latter time, he had his wife sign a large number of promissory notes in blank, which he stated he would have to use from time to time. His wife stated that it seemed to her she signed an entire pad of such notes in blank. Throughout all these periods, he kept away more and more from his friends. His wife stated that he would sit up all night at times because he could not



sleep; he walked the floor; seemed anxious and rather agitated but did not disclose to her his financial worry.

This condition continued and progressed up to May, or early June, 1932, when he first began to use premiums paid to him for insurance policies converting them to his own personal use, still trying nevertheless, to extricate himself from the financial difficulties in which he found himself. In the latter part of June, or early July of 1932, the change in his general demeanor became so pronounced that his wife noticed it for the first time. He would sit around the house and engage in no conversation. he became terribly moody and sat up at night until four or five in the morning reading or walking the floor. His wife stated that he was depressed, very moody, uncommunicative and on several occasions, when she asked him what was troubling him, he gave her either an evasive answer or failed to reply. In the month of August, 1932, his mental condition was such that he went to the neighborhood drug store where he had been dealing for five and a half years and on at least two occasions asked Mr. Leo Cooper, the druggist in charge, for "dope or something to make him sleep". Mr. Cooper describes the incidents as follows:

"I have known Mr. August for about five and a half years; I saw him on an average of five times a week; he was a fellow who was always on the go; for the last six months he had a wild look in his eye. On two occasions in the month of August in this year, he came into my drug store and asked me to give him some dope or something



to make him sleep. I refused him. On the second occasion, he rushed in to my prescription room and asked me to give him something for his nerves."

During the month of August, 1932, when the defendant's son was away at camp and there was no excuse for the defendant and his wife to remain home at nights, he refused to permit his wife to make social engagements, which, his wife stated, was most unusual on his part. Their evenings were spent by themselves, taking walks or sitting around the house in a preoccupied manner. Early in September when the defendant's son returned from camp, the boy asked his mother, "What is the matter with daddy". Through some petty refusal on the part of his son, he burst into a furor and beat his child unmercifully, a thing that was entirely foreign to his make-up. The castigation was far in excess of what the offense merited. As described by his wife, it was so cruel as to be almost on the point of being brutal and his wife had to intervene and herself received some of the treatment.

For a period of approximately two years prior to September, 1932, the defendant became intimately acquainted in a business way and through business transactions, with the other defendant, Clark. The acquaintanceship ripened and in the month of July of this year, in discussing business matters pertaining to the insurance business with Clark in their intimate manner, they both found themselves in pretty much the same financial status. During the first part of September, when August's condition had become so acute that he believed that he could not meet

his obligations to his insurance companies which were due on the twentieth of the month and Clark being in the same position, the defendants began to discuss ways and means of meeting their financial obligations.

During this time, September, 1932, the defendant was laboring under great mental tension, mental stress, insomnia, apprehension, anxiety, irascibility and was unable to carry on his business in a business-like way, especially the mechanical details as evidenced by the confused state of his business records at this time. Accountants who were engaged to examine his books of account reported that they were so lacking in detail and so mixed up that no picture of his financial condition could be given with any degree of accuracy. This applied, particularly, to the months of August and September, 1932. The approach of September 30th, 1932, and even the thought of it aggravated the already existing mental state under which the defendant was laboring. He himself stated, "I had come to the end of the rope". The commission of the acts alleged in the indictment followed. The terrific pressure of the financial obligations which had to be met the next day obscured his judgment. As he stated it himself. "It superseded the thought of anything else that could matter."

He stated further that in the carrying out of the act, they both fortified themselves with liquor. The act itself was committed in a mechanical way, their minds befogged and not fully aware of the enormity of the offense or of the full realization of the same or its import

until, as the defendant expressed himself, "I did not realize the enormity of the offense until I was in the room."

From a neurological standpoint, there is now no evidence of any functional or organic nervous disorder. Physically, he is well developed and nourished and from the point of view of appearance, he is showing only the usual reaction to incarceration.

### CONCLUSIONS

From a consideration of all the facts and our various examinations, and after a careful analysis of the constitutional, mental and emotional reactions of the defendant, August, during the past two and one-half years, and especially in the month of August, and the fore part of September, 1932, and at the time of the commission of the acts alleged in the indictment, there is no question of doubt in our minds that he was laboring under such a combination of forces which caused a moral unhooking and a disorganization of his mental processes. All this condition resulted in a compelling influence causing a morbid change over his emotional and instinctive faculties affecting his moral judgments and ethical standards.

In fine, we are of the opinion from a psychiatric standpoint, at the time of the commission of the acts alleged in the indictment, the defendant, August, was mentally a sick man and suffering from a depressed phase of manic-depressive illness. Such depressed phase of illness

was characterized by anxiety, restlessness and lack of clear thinking which blunted his powers of perception.

Dated: New York, December 10th, 1932.

Respectfully submitted,

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Name.....Rabbi A. H. Silver.....  
c/o The Temple.  
Street & NoEnael..Road.& East..105th.,..St.  
City.....Cleveland.....State Ohio.....

Box 248  
Attica, N. Y.  
Dec. 31,.....1933.

Dear Dr. Silver;-

My Mother was here to see me last Friday, Dec. 29th. Guess only Mothers would make the trip she made on such a day. It was 17 below here. A good deal of our conversation was about you and your interest in my case.

Don't imagine your correspondence, which I know is prolific; is very vast in such cases as mine, so this letter may be of interest. I have wanted to write and thank you for your interest and deeds, but hesitated until Mother said a letter from me would be welcome. So here goes.

One in prison equipped with a little education can usually make oneself useful and be used accordingly. My case is no exception. Life here, that is physically, is beyond belief to one on the outside. Cleanliness and attention to matters of health are perfect. Lack of space must make me brief on all subjects, but I could write on life and conditions for pages. However my Mother can fill in these details. No officer has shown me any special favor, but all have treated me with the utmost consideration. Any man can get the same as I in prison, I know, by just using a little common sense.

After nearly a year and a half of trying to analyze my case for myself know you are interested in my conclusions. It is very simple but THE only one. A real case, if ever there was one, of temporary insanity or reactive <sup>Psy</sup> psychosis due to a growing intolerable situation. I believe there have been plenty of these cases since 1929; only thank God I don't believe another took the violent form mine did.

I certainly realize that a penalty must be paid. It is going to be. Unfortunately, the powers that be, will not differentiate or recognize this fact, I'm afraid. In cases like mine, the penalty will not start to be paid, until rehabilitation starts once more. At present my loved ones are the ones that are paying.

This, my dear Doctor is "old stuff" they will say: but believe me, when I say it

is the truth in many cases, mine included.

Since my return to normalcy, and I am that way again, naturally my one thought is to finish up this end of my penalty. That now consists of controlling myself mentally. Which means, steeling myself against what my dear ones outside, I know, are paying for me. To get back to them as soon as possible; to start my real "bit" or, have it your way rehabilitation, in order to assume my share of that burden for them; is my one aim in life. Perhaps ones utter helplessness is a better way to express what grips one so, in these places.

Any thing you can do to hasten this for them, must be appreciated. Personally I am ready, anxious and I know able, to start my real "bit", any time it is seen fit to allow me.

If nothing can be done in that matter until the natural expiration of my minimum, possibly you could help effect my transfer to Wallkill, where I could receive the visit from my family occasionally, that we all so badly need and want? That, is a financial impossibility here, and is my only complaint; but you can well imagine it is a great, and I believe, just one.

In conclusion can only say, I have tried to give you a short resume of prison life and conditions as they exist today, together with my own personal hopes and thoughts. I pray it adds some impetus to your thoughts and actions. Also that it will merit just that, and a reply as to what you have done and are contemplating doing in my behalf.

Believe me, my dear Doctor to be,

Sincerely yours,

*Allen W. August*

Allen W. August, 1670.

P.S. Will be glad to go into any subject or detail,;such as what my lawyer told me after conviction; that you may want or need, if you will tell me just what, in your letter.

Name..Rabbi A.H..Silver, c/o The Temple.

Box 248

Street &amp; No.....Engel Road &amp; E..105th..St.

Attica, N. Y.

City.....Cleveland.....State.....Ohio.....

Feb. 2, 1934.

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Dear Dr. Silver:-

Quite realize that I am imposing on your good nature to say nothing of your time with my constant requests and appeals. But as the proverbial crowding man grasps at the proverbial straw, and as my Mother writes that my previous letter was well recieved; am going to do just that. Only this time with a more personal matter.

To be candid since leaving Cleveland haven't taken much interest in religion or those connected with it. That might have been due to the mentality and sermons of the Rabbis, or the petty bickering in the reformed Jewish temples of Brooklyn. Their methods in all respects quite disgusted me. Know them all well, as my Mother can tell you. However all the congregations there, the Rabbis, my wife and myself, as well as the Rabbi here, do agree on one thing. We look upon you as a sort of messiah, a kind of super man. Don't know whether you realize how well known and thought of you really are. If you knew me Doctor you would understand that it just isn't in me to flatter, so don't take it that way.

Truly believe I need a super man right now, and not for myself. To accentuate my point it may interest you to know that the Augusts, as a general rule are one man or women creatures. I am no exception. Whatever I may be or have done or whatever shape my mind was in at any time, in the back of it was first and foremost my wife and family. That is as it should be. Of course every man thinks he loves his wife and family the most. Just to say "suspense and utter helplessness" does not convey the n-th part of what a man with normal tendencies goes through mentally in these places, at a time like this. It is useless to try to describe it.

Latest reports from Brooklyn are, that due to worries both financial and otherwise, my wife has had a complete breakdown. She does not seem able to recuperate. It is all mental. If anything were to happen to her, I know I am alone to blame. In that case will ask, when the time comes, for my maximum. Don't



believe I could face the world, my family or son with that hanging on me. Would not want to. My mental perspective in this respect may be all wrong but I don't think so.

Doctor, will you write her an encouraging letter of some kind? Know it will help greatly because she thinks as I do, of you. If you can get it to her quickly, believe that the saying is, you will be "ever blest". Her address is Clarice August, 1116 Ditmas Ave. Brooklyn, New York. If everything comes out all right, the next time you see my brother in law Mr. Isaacs, or my attorney Mr. Baar, want you to have her included in the conference. Want you to meet her.

Know this collapse would never have happened had I been able to stay at the other place. I then could have seen and encouraged her occasionally. That is why am making such desperate efforts to get to Wallkill as soon as possible. She could visit me there. The trip both ways is made in a day. Funny, but I felt this thing coming on. Know just how much she can stand.

At present am acting here as the Jewish Chaplain's secretary. He was in Albany last week. Spoke of my case to a certain party there stating he thought you were <sup>and interested</sup> interested. You understand I cannot go into details. This party was attracted as soon as your name was mentioned; but knew nothing of the whole matter. Rabbi Chaim Davidovitch, would not or could not go into details because he did not know what you had done or contemplated doing. He advised me in my next letter to you to mention this and to have you drop him a line so that you could both get together on the matter. He believes something could be accomplished if YOU would work with him. Another allusion to that "super man", I spoke of. Anyhow you see how you are looked up to in these parts. His address is 398 Hickory St. Buffalo.

Of course Doctor, the principal thing is to get my wife on the road to health. Won't say the other is not important, but only if she gets well. Want to go on record here as promising not to bother you again unless you ask for it; if you get a letter to her at once. Am positive it will be of great help to her.

Just can't help saying that it has done me good to write you. Feel better for it and if you say I may, will do so at intervals.

Sincerely yours,

Allen W. August.

1670.



February 2, 1934.

Mrs. A. W. August,  
1116 Ditmars Avenue,  
Brooklyn, N.Y.

My dear Mrs. August:

I have recently received a letter from Allen. He sounded rather depressed and lonesome. I should like to talk to you about him if it is convenient for you. I shall be in New York on Wednesday, February 14th, at the Commodore Hotel. Please let me know whether I may expect you.

With all good wishes, I remain

Sincerely yours,

AHS:BK

February 8, 1934.

Mr. Allen W. August,  
Box 248,  
Attica, N.Y.

My dear Mr. August:

Let me acknowledge the receipt of your letter of February 2nd. I was very pleased to hear from you. Your mother has been in to see me from time to time and we have talked about you.

I have written to your wife in Brooklyn and suggested to her that I shall be in New York for a lecture next week and that I shall be pleased to see her. I shall also try to contact with Mr. Isaacs and Mr. Baar. I shall write you upon my return from New York.

Please be assured that you are not bothering me when you write to me. I shall always be happy to hear from you. Keep well and be of good courage. With all good wishes, I remain

Very sincerely yours,

AHS:BK

Sept. 11, 1934.

Rabbi A. H. Silver.  
c/o The Temple.  
East 105th. St. & Ansel Road,  
Cleveland, Ohio.

Dear Dr. Silver:-

It isn't often that I have the opportunity of writing to you, and now that I may, I am doing so.

Perhaps, it is because it is the New Year; bringing with it more definite thoughts and hopes of a new beginning and a new start in life; that is urging me to write to you on that subject.

Although I will not be eligible for release on parole for several months more, the process of determining my eligibility will start much earlier. Probably the most important requirement is that of having a definite assurance of employment awaiting me.

I believe you still retain sufficient faith in me, to help me in this respect. I am anxiously and eagerly looking forward to the chance to make good and redeem myself again. Would prefer to try to accomplish this in New York, but, if the opportunity is only available elsewhere, I will be happy and grateful to accept; wherever and whatever it may be.

Knowing that you have so many influential friends, may I ask you to speak on my behalf with any of them; who may be in a position to offer me employment; when the occasion arises? Of course I know this takes time, but I would like you to have the matter in mind; therefore this early request. Perhaps you can do this on one of your occasional trips to New York? Or, if it cannot be found in New York, then, as I said, any place except Cleveland will do.

It will be necessary to have a promise of employment officially received by me here, for the parole man's inspection, not later than March or April next. May I depend upon you to aid me in obtaining it? It means so much to me. In fact almost everything. I'm sure you understand exactly how much the opportunity of starting life; right again; does mean.

I will appreciate hearing from you. Will you accept my best wishes for a Happy New Year, and also, my deepest thanks for your kindness, trust and efforts on my behalf.

Sincerely,

Allen W. August.

P.S. My present address is, A.W. August,  
c/o Dr. Leo J. Palmer.  
Wallkill, N.Y.

I meant to get this to you before New Year's day.  
Due to the wrong kind of paper I used it was re-  
turned.



September 13, 1934.

Mr. Allen W. August,  
§ Dr. Leo J. Palmer,  
Walkill, N.Y.

My dear Mr. August:

Let me thank you for your letter of September 11. I was very pleased to hear from you. I am glad to know that you will be eligible for release on parole before many months are over. I shall, of course, make every effort to find some employment for you. This will not be easy. You undoubtedly know the situation throughout the country and the large numbers of people who are unemployed. However, I shall do my best. It would help me to approach some business organizations if you will let me know what you are qualified to do and what business activities you were engaged in.

I heartily reciprocate your New Year greetings. I hope that you will have a good year in every way. With kindest regards, I remain

Very sincerely yours,

AHS:BX



Sept. 20, 1934.

PAS  
H. F.

Rabbi A.H. Silver.  
c/o The Temple.  
East 105th. St. & Ansel Road.  
Cleveland, Ohio.

Dear Dr. Silver:-

Surely appreciate your letter both for the promptness of your reply and for the sincere friendliness of your regard.

Am more than happy to know you will do your best to help me obtain employment. In fact, feel greatly relieved on that score.

In so far as my previous commercial activities are concerned, I had a real estate and insurance business of my own, for about fourteen years. Did very well at it until more recent years when the general depression so seriously affected trade. Prior to my entering this field of work, was connected with the needle trade, both in an inside and outside capacity. My entire commercial experience has been confined to these two occupations, at which I have worked steadily since leaving school. There was of course the interruption of the World War; in which I enlisted. Remained in the service about twenty months, until demobilized.

There is no definite field or type of work that I have in mind which I would like to pursue or think myself best fitted for. Believe for awhile yet, I am best suited for office or factory employment. Am familiar with office routine and details, having had one of my own for so many years. I may not be qualified, at once, as an executive, but I am adaptable; can obey orders; do my assignment - and more if necessary - conscientiously and efficiently.

Am afraid I am not as clear as I might be. Being out of touch with things for so long, it is almost impossible for one to be definite on these points. I will however accept any suitable employment that offers me a livelihood and a chance to redeem myself.

If you have anything particular in mind, at which I can improve and familiarize myself by study while here; I will enter into it with all my being; so as to better qualify.

When you have the chance, may I hear from you again on this matter?

Please accept my thanks for your kindness. With best personal wishes, I am,

Sincerely,

Allen W. August

January 22, 1935.

Mr. Allan W. August,  
% Dr. Leo J. Palmer,  
Walkill, N.Y.

My dear Mr. August:

I am writing you this note just to let you know that I have been thinking of you. I am in constant touch with your dear mother who keeps me informed about you. I trust that you are well.

I was in New York last week and spoke to Mr. Daily at the New Yorker Hotel. He is very much interested in providing employment for you when the time comes.

I know that you are going through some very dark hours and I hope that you will find enough strength within yourself to enable you to surmount your sorrow and disappointment. Wise people are strengthened and ennobled by their tribulations.

Weather conditions here in Cleveland have been bad but we are making the best of it. Please write me about yourself whenever your spirit moves you to write. With all good wishes, permit me to remain

Very sincerely yours,

AHS:BK

April 1, 1935.

Mr. Daily, Assistant Manager,  
Hotel New Yorker,  
New York, N.Y.

My dear Mr. Daily:

Mr. Allan W. August's mother was in to see me and said that Mr. August's case has already had a preliminary hearing before the Board of Parole and that a letter from you to the Board at this time would be of the greatest help. You so kindly offered to do that at the opportune moment and I would appreciate very much if you would, at your earliest convenience, write to the Board.

With all good wishes, I remain

Very cordially yours,

AHS:BX



Richard E Daley

Asst to the Pres.

Hotel New Yorker

34<sup>th</sup> St at 8<sup>th</sup> Ave

# MOTION PICTURE THEATRE OWNERS

STATE OF NEW YORK - WESTERN ZONE

EXECUTIVE OFFICE

505 PEARL STREET

BUFFALO, N. Y.

WASHINGTON 7712

Sept. 26th, 1935.



Rabbi Silver,  
% Temple.  
105th Street.  
Cleveland, Ohio.,

My dear Rabbi:-

At the request of Mrs. Eli August, of your City, I am giving you herewith the address of ASSEMBLYMAN ARTHUR L. SWARTZ, 207 WARREN AVENUE, KENMORE, N.Y.

Assemblyman Swartz (Republican) at my request was instrumental in having Allan transferred from Attica, N.Y. to the Detention Camp at Walkill, N.Y. After this transfer was made, at Mrs. August's request, I again contacted Assemblyman Swartz (who by the way is on the Penal Code Committee for the State) asking that he use his influence in having Allan placed on parole. Swartz reported to me after a trip he made to Albany that he had contacted certain parties and reported back as follows; that a request for Parole had been made, but that it was held in abeyance until January 1st, 1936. At the time Mr. Swartz gave me this information, he suggested that no action be taken prior to the above date. This was gathered from the conversation he had with the Albany parties. As far as I know nothing has been done since.

I have no objection however, to your getting in touch with Swartz, if you so desire. I believe however, that the better procedure would be along the lines of a personal interview between yourself and Governor Lehman, in which case a pardon should be asked for rather than parole.

#2 Rabbi Silver.


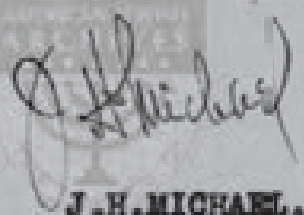
I am quite sure you are familiar with the boys parents, as well as the earlier life of Allan. The boy has served a sufficient period of time to satisfy those who prosecuted.

I am hopeful, for the sake of the parents, that you will be successful in securing his early release.

If there is any further information you desire, or any assistance which I am able to give, do not hesitate to call on me.

With best wishes,

Cordially yours,

  
  
J.H. MICHAEL.

M: G

September 30, 1935

Mr. Arthur L. Swartz,  
207 Warren Ave.,  
Kenmore, N.Y.

My dear Mr. Swartz:

I know that you have been interested in the case of Allan August in a very friendly and helpful way. His parents have been members of my Temple for many years and they have naturally been in constant touch with me about their son. I am eager to do anything I can to help them. But I do not wish to do anything that is unwise as that would defeat its own purpose. I know that you were instrumental in having Allan transferred to Walkhill and I know that you are interested in having him placed on parole. It is clear that the boy has suffered enough and has paid for his folly. The family has been urging me to make a personal appeal to Governor Lehman. I do not wish to do that without your advice. I would appreciate hearing from you at your convenience.

With all good wishes for a happy new year, permit me to remain

Very sincerely yours,

ABS:BX

# REPUBLICAN ASSEMBLY CAMPAIGN

356 ELICOTT SQUARE

BUFFALO, N. Y.

WA. 6337

WILLIAM L. MARBY, JR.  
Chairman

## ASSEMBLY CANDIDATES

1st District  
FRANK A. GUGINO  
2nd District  
HAROLD B. EHRLICH  
3rd District  
FRANK X. BERNHARDT  
4th District  
WILLIAM SHEA  
5th District  
RAYMOND PECH  
6th District  
FRED KOEHLER  
7th District  
ARTHUR L. SWARTZ  
8th District  
R. FOSTER PIPER

October 21st, 1935

Abba Hillel Silver, D. D.  
East 105th St. At Ansel Road  
Cleveland, Ohio

My dear Rabbi:

In reference to the case of Allan August, I would suggest that you call upon Governor Lehman personally, as I would not recommend sending a letter to the Governor. I believe a personal interview with the Governor would be of valuable assistance to Mr. August.

I respectfully submit this as my very best judgment.

With all good wishes for success, I remain

Very sincerely yours,

*Arthur L. Swartz*  
for M. V.

ALS:W



LAW OFFICES

BAAR, BENNETT & FULLEN

29 BROADWAY

NEW YORK

EMIL N. BAAR  
JOHN V. BENNETT, JR.  
WILLIAM S. FULLEN

TELEPHONE  
DIOBY 4-6350  
CABLE ADDRESS  
"BARDEFUL"

ARTHUR BLOOM  
JOHN P. HURLEY  
JAMES E. WHALEN  
DAVID E. WINER

November 4th, 1935.

Rev. A. H. Silver,  
The Temple,  
Cleveland, Ohio.

My dear Dr. Silver:

Yesterday Leon Isaacs, son-in-law of the late Mrs. August, telephoned me and advised me of your prospective meeting with Governor Lehman, and transmitted to me your suggestion for letters from different people which would be of assistance to you in discussing the matter with the Governor.

It would be impossible to get such letters for the following reasons: So far as Mrs. Russell, the mother of the boy, is concerned, I have every reason to believe that she feels just as bitter today as she did three years ago when the incident happened. My personal belief is that it would be dangerous to go near her.

Neither the District Attorney nor the judge could write such a letter as is suggested, without first being asked by the Governor to give their opinion. In the case of the District Attorney, under no circumstances would he write such a letter today because he is now standing for re-election and the campaign is a very bitter one. Charges have been made against him by his opponent that law enforcement in Brooklyn has been most lax. He might very well seize upon a situation of this kind as an example of what he has done, and the reaction would be most unfavorable.

Although I state that Judge Martin would not write an unsolicited letter, I am positive that if the Governor wrote him, he would do everything in his power to be of assistance to us. I had a talk with him only last week about the situation and he was still very much interested and considerably exercised because of the attitude of the Parole Board. I repeat, I am certain that he would, if requested by the Governor, write a favorable letter.

It might not be amiss to tell the Governor that I am very much interested in this matter. The Governor knows me and knows of my association with his colleague, the Attorney General. Should the Governor deem it necessary to talk to me about the matter, I would be very happy, of course,

November 4th, 1935.

Rev. A. H. Silver,  
Cleveland, Ohio.

-2-

to go to Albany, if necessary, to talk to him about it. My intimate knowledge of the entire situation might be of some benefit in helping him come to a conclusion.

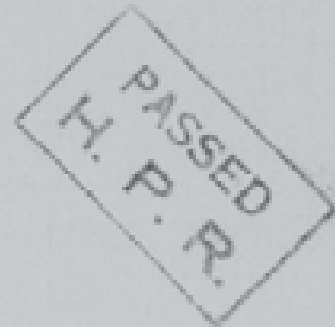
I should appreciate your advising me of the result of your discussion with the Governor.

Sincerely yours,

*Paul R. Baer*



November 15, 1935.



Rabbi A. H. Silver.  
c/o The Temple.  
East 105th. St. & Ansel Road.  
Cleveland, Ohio.

Dear Dr. Silver;-

Mother kept me so well informed about your various activities, attentions and general helpfulness to her; so knowing as I do the pressure on your time, I hesitated to write, although tempted to often. However you could not of realized how much help you were to her, Doctor. I know; for she wrote me every week religiously and there always was that something of you. If idolatry from that good woman is any satisfaction for your kind thoughts and good deeds to her, then rest assured Doctor, that you were amply rewarded; for you were her ideal on earth.

For these things I now, can only thank you. It is hard for me to express my appreciation for that intangible good you did for her, more especially at this time. So take the will for the deed, at present.

To answer your last; I am and have been going through some very very dark hours, in fact years, and they do not seem getting the least bit brighter. I hope, as you say, that I have the strength to surmount these setbacks and sorrows, and not come through a bitter, vengeful being. Often it does not seem worth while, but if I do you can rest assured it will only be for her sake.

In closing just let me repeat that you did help her greatly, for which I thank you. I know too my good Father also deeply appreciates your many kindnesses.

Very sincerely yours,

*Allen W. August.*



November 8, 1935

Mr. Emil N. Saar,  
39 Broadway,  
New York, N.Y.

My dear Mr. Saar:

Thank you very much for your letter of  
November 4.

I would appreciate it if you would send me  
all the necessary data in the case of Mr. August so  
that I can present it to the Governor. While in a  
general way, I know the facts, I should want to be  
quite accurate.

With all good wishes, I remain

Very cordially yours,

AHS:BK

November 8, 1935

The Honorable Governor Herbert H. Lehman,  
The Capitol,  
Albany, N.Y.

My dear Governor Lehman:

I shall be in Albany on Wednesday, November 20 for a meeting. I would appreciate it very much if you would spare me a few moments of your time to present to you a matter concerning a young man, the son of a member of my congregation who is at present at Walkill. His mother died two weeks ago. His father who is seventy-six, is losing his sight. The case is altogether one which calls for sympathetic concern. I should like the privilege of presenting it to you in person.

With all good wishes, I remain

Very sincerely yours,

AHS:BK

LAW OFFICES

BAAR, BENNETT & FULLEN

20 BROADWAY

NEW YORK

EMIL N. BAAR  
JOHN J. BENNETT, JR.  
WILLIAM G. FULLEN

ARTHUR BLOCH  
JOHN P. HURLEY  
JAMES E. WHALEN  
DAVID E. WINER

TELEPHONE  
BIOBY 4-6350  
CABLE ADDRESS  
"BARBENFUL"

November 12th, 1935.

Rabbi A. E. Silver,  
The Temple,  
East 105th Street at Ansel Road,  
Cleveland, Ohio.

Dear Dr. Silver:

This is to acknowledge receipt of your letter of November 8th in which you request data in connection with Allen August, to be presented to the Governor. The best presentation of the entire picture with which I can furnish you is set forth in the report of two psychiatrists whom I retained at the time of the commission of the crime. Copy is herewith enclosed.

The crime was committed on September 19th, 1932. August and his confrère, Clark, held the boy, a child of about seven years of age, captive for about three days in an apartment in Brooklyn rented for that purpose. Their efforts to collect a ransom were in vain, and in the evening, they put the boy on a trolley car going in the direction toward his home. The boy was well treated during his period of captivity. August and Clark then fled, August going to Cleveland or Columbus, but on October 12th returned surreptitiously to New York and was immediately apprehended. He has been in custody ever since.

The crime was committed in a most amateurish manner, and from the little that I learned from the police officers, the perpetrators left a very easy trail. It was just a matter of days when they would have been apprehended. The police knew where August was but also knew from their experience that sooner or later he would come back to New York, and their reason for not having him arrested in Ohio was that they wanted to avoid extradition proceedings.

The court appointed a lunacy commission whose report as to facts is substantially the same as our own herewith enclosed. Their conclusion, however, is significant and it reads as follows:

"Conclusions: In view of all the facts and symptoms elicited in our examinations and an analysis of the reactions of the defendant, we are of the opinion that at the time of the commission

November 12th, 1935.

Rabbi A. H. Silver,  
Cleveland, Ohio.

-2-

of the alleged acts mentioned in the indictment, he was suffering from a hypc-manic state with a preponderance of the depressive symptoms but he is sane at the present time."

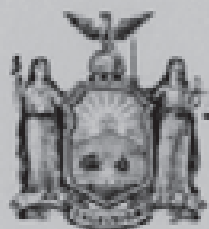
As you know, I was a friend of Allen's for about ~~ten~~ years and entered into the case purely on that basis. I received no fee and did not expect any as the families were without funds. On my advice, August pleaded guilty of attempted kidnapping and received a sentence of four to twenty-five years. Under the statute, he would have been eligible for parole early in July of this year.

I trust this gives you all the information you require, and shall await your further advices as to whether I can be of additional help.

Sincerely yours,

*Emil L. B...*

Enc.



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY

HERBERT H. LEHMAN  
GOVERNOR

White Sulphur Springs, W. Va.  
November 15th, 1935

Rabbi Abba Hillel Silver,  
The Temple  
East 105th Street at Ansel Road,  
Cleveland, Ohio

My dear Doctor Silver,

Your letter of November 8th, has just reached me here in White Sulphur Springs where Mrs. Lehman and I are having a few days rest.

I greatly regret that I will not be in Albany on Wednesday, November 20th. I can assure you it would have been a very great pleasure to greet you. I will, however, not be back in Albany until some days after the twentieth.

If you will write to me about the case for which you ask executive clemency, I can assure you I will give it my very careful consideration. I would suggest that you address your letter to me personally at the Executive Mansion so that it will promptly come to my attention.

With kindest regards and hoping to see you soon, I remain

Very sincerely yours,

*Herbert H. Lehman*



November 19, 1935

Governor Herbert H. Lehman,  
Executive Chamber,  
Albany, New York.

My dear Governor Lehman:

Let me thank you very much for your kind letter of November 15. I am glad to know that you are willing to interest yourself in the case of Allen August.

The best presentation of his case is set forth in the enclosed report of the two psychiatrists who were retained by the attorney of Mr. August at the time of the commission of the crime. His attorney is Mr. Emil N. Baar, of Baar, Bennett & Pullen, 29 Broadway, New York, who was a friend of Allen and of his family for many years and who received no fee for his services. On his advice, Mr. August pleaded guilty of attempted kidnapping and received a sentence of four to twenty-five years. Under the statute, he would have been eligible for parole early in July of this year.

The crime was committed on September 19, 1932. Allen August and his confrere, Clark, held the boy, a child of about seven years of age, captive for about three days in an apartment in Brooklyn rented for that purpose. Their efforts to collect a ransom were in vain, and in the evening, they put the boy on a trolley car going in the direction of his home. The boy was well treated during his period of captivity. Allen August and Clark then fled, August going to Cleveland or Columbus, but on October 12, he returned to New York and was immediately apprehended.

The court appointed a lunacy commission whose report as to facts is substantially the same as that of the two psychiatrists engaged by the attorney of the defense, which is enclosed herewith. The conclusion of the lunacy commission read as follows:

"In view of all the facts and symptoms elicited in our examinations and an analysis of the reactions of the defendant, we are of the opinion that at the time of the



November 19, 1935

commission of the alleged acts mentioned in the indictment, he was suffering from a hypo-manic state with a preponderance of the depressive symptoms but he is sane at the present time."

As I stated in my previous letter, Allen August's mother who grieved tragically over what happened to her son, died three weeks ago. His father, who is in the eighties, is going blind. He has appealed to me as did Allen's mother several times, to appeal to you for clemency for their boy. I believe that his record at the prison will show that he has been a model prisoner. Should he be released, I would do my utmost to find employment for him.

Thanking you again for your interest, and with all good wishes, I remain

Very sincerely yours,

AHS:HK  
Enc.



December 9, 1935

Mr. Eli August,  
521 Oakhurst Road,  
Mamaroneck, N.Y.

My dear Mr. August:

Let me acknowledge receipt of your kind letter. Some time ago, I wrote to Governor Lehman asking about Allen. The Governor requested me to submit to him the full facts in the case, which I did, after having obtained them from the attorney, Mr. Baar. I am now waiting to hear from the Governor. His letter was very cordial and he promised to give the matter his close attention. As soon as I hear from him, I shall be very happy to communicate with you.

With all good wishes, I remain

Very cordially yours,

AHS:BK



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY

HERBERT H. LEHMAN  
GOVERNOR

December 16, 1935.

Rabbi Abba Hillel Silver,  
The Temple,  
East 105th Street at Ansel Road,  
Cleveland, Ohio.

My dear Dr. Silver:

I have not replied to your letter of November nineteenth at an earlier date as I wished an investigation to be made concerning the matter about which you write. I have looked into the case carefully and have received reports from the Correction authorities.

While I have very great sympathy for the family of the inmate, I feel that it is not a case that would justify executive clemency at this time. The crime was a most sinister one. Kidnapping strikes at the very roots of society and it is the duty of the State to stamp it out as energetically as possible. The man has served less than three years of his sentence, - certainly not a severe punishment considering the seriousness of the crime.

The Parole Board feels that the man should not be released at this time and in view of this fact and the seriousness of the crime, I feel that I would not be justified in intervening. I have the deepest sympathy with the young man's family which apparently is a highly respectable one. Unfortunately many of these cases work more of a hardship on the innocent family than on the culprit himself. Obviously, however, sympathy for the family can not be permitted to influence the decision of the executive.

With kindest personal regards, I remain,

Very sincerely yours,

*Herbert H. Lehman*

C O P Y

STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY

Herbert H. Lehman  
Governor

December 16, 1935

Rabbi Abba Hillel Silver,  
The Temple,  
East 105th St. at Ansel Road,  
Cleveland, Ohio.

My dear Dr. Silver:

I have not replied to your letter of November nineteenth at an earlier date as I wished an investigation to be made concerning the matter about which you write. I have looked into the case carefully and have received reports from the Correction authorities.

While I have very great sympathy for the family of the inmate, I feel that it is not a case that would justify executive clemency at this time. The crime was a most sinister one. Kidnapping strikes at the very roots of society and it is the duty of the State to stamp it out as energetically as possible. The man has served less than three years of his sentence, - certainly not a severe punishment considering the seriousness of the crime.

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With kindest personal regards, I remain

Very sincerely yours,

(signed) Herbert H. Lehman

December 18, 1935

Mr. Emil N. Baar,  
29 Broadway,  
New York, N.Y.

My dear Mr. Baar:

I am enclosing herewith a copy of  
the letter which I received from Governor Lehman.  
The letter is self-explanatory. Is there anything  
further you would want me to do?

With all good wishes, I remain

Very sincerely yours,

ANS: BK  
Enc.



December 19, 1935

Mr. Eli August,  
521 Oakhurst Road,  
Mamaroneck, N.Y.

My dear Mr. August:

I have just received the enclosed letter from Governor Lehman of New York. I am deeply sorry that the Governor is unable to do for Allen what I hoped he would - pardon him. Evidently the Parole Board gave him an unfavorable report and refused to recommend him for pardon. I don't suppose there much to be done now, but later on, we will try again.

With all good wishes, I remain

Very cordially yours,

AHS:RK  
Enc.



LAW OFFICES

**BAAR, BENNETT & FULLEN**

29 BROADWAY

NEW YORK

EMIL N. BAAR  
JOHN J. BENNETT, JR.  
WILLIAM S. FULLEN

ARTHUR BLOCK  
JOHN P. HURLEY  
JAMES E. WHALEN  
DAVID E. WINER

TELEPHONE  
CIGBY 4-6350  
CABLE ADDRESS  
"BARBENFUL"

December 23rd, 1935.

Dr. Abba Hillel Silver,  
c/o The Temple,  
East 105th Street at Ansel Road,  
Cleveland, Ohio.

Dear Dr. Silver:

This is to acknowledge receipt of  
your letter of December 18th enclosing copy of the  
letter from Governor Lehman to yourself. The reply  
is almost what I expected. Under the circumstances,  
I do not think that there is anything that we can  
do at the present time. Perhaps next Fall, we can  
try again.

Thank you very much for your inter-  
est and assistance, and at the same time, permit me  
to extend to you my cordial greetings for the new  
year.

Sincerely yours,

*Emil N. Baar*

Ruth H. H. Silver      Thurs day [1935]  
Cleveland Ohio

Dear Mr. Silver.

So far, my trip East has been quite  
beneficial, and my dear ones are trying  
hard, to have me forget my sorrow.  
I saw Allen, last Sunday. He looks well,  
al tho painfully thin.

He is anxious to know whether you have  
done anything further, and my son-in-law,  
Levin told me, that Aunt Sarah, is also  
wanting, to if you will kindly let me  
know, I will inform them.

I hardly think a visit to Mrs. Russell by  
me, would bring any results, just now.  
Yet, if you deem advisable, I will try to  
see her, altho I am not in the best of health,  
to make the trip and effort.

Have you heard, or written to Allen?

I trust you and your dear ones are well.

My very kindest regards to you & them.

Frances joins me.

Thank you

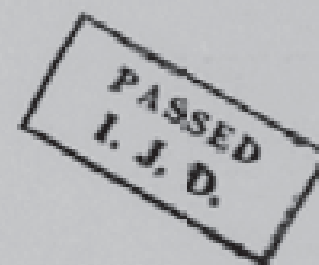
521 Oakhurst Road

Ed. August

Wanted much to go to your home

January 5, 1936.

Dr. A. H. Silver.  
c/o The Temple.  
East 105th. St. & Ansel Road.  
Cleveland, Ohio.



My dear Dr. Silver:-

Up to now, I believe I have always avoided writing you anything personal about my case. First out of respect for your time, and secondly, I was sure my dear Mother, amply presented that side of it whenever she had the opportunity, perhaps only too volubly.

On New Years Day, my Father, was here to see me. He brought along the correspondence you have had with Albany and also with Mr. Baar. As you have evidently considered my cause worthy of your efforts, and because of the results to date, I believe the matter calls for an explanation for possible clarification of any future action you may see fit to take.

First, Doctor, neither I nor anyone else could begin to even suggest a man whose reception from the "powers that be", would receive more attention. It hardly become necessary to dwell on the fact that you are now an institution in American Jewry and no longer just a figure of national importance. I say this not in flattery but rather, that when you finish reading this letter, you will, I hope, confirm your own opinion that the cause you are championing is really worthy of your effort, and not one to be side-tracked, if at first rebuffed. If I did not know this fact in my heart and soul Doctor; I could not write in such vein. So you see, I know of no one else, who could do what I know you can and will do, or receive half the consideration, from whom consideration has to be gotten.

I did not see Mr. Baar's letter to you concerning the facts of the case; only his letter appending it. From the results and replies, I am assuming, as I said that some of the really worthy elements may have been missing.

So as I see the case, after three long years of pondering on nothing else, I submit the following:

First of all I do not need or expect "executive clemency". At the present time with the newspaper notoriety attendant to my particular charge, it would be foolishto even think of such a thing as a pardon or a commutation. And only pardons and commutation of sentence embrace what is known in New York State, as executive clemency. As, I have already served my minimum sentence, my case is entirely in the hands of the Board of Parole and that body alone. There is only one man however who can advise them on changing their attitude regarding the setback I received, at my earliest release date. And that is the official you were in contact with. The Parole Board can release me at any time, and on a days notice, if they so desire. The preliminary work has long been completed in my case; a simple release order alone, is lacking. Surely with twenty years parole to do; the Parole Board under whose jurisdiction I would remain for that time; will have plenty to hold over my head, should I do wrong again. So you see Mr. Baar's letter, which I am presuming led you to ask for executive clemency may have been, at least, confusing. Let me add here that Mr. Baar, is not a criminal lawyer and took my case out of friendship alone.

Next: Mr. Bear is my friend as well as attorney. However friendship has its limits. In actual cash Doctor, I don't think I will ever be able to pay him. But after all, he is human and must make a living. Therefore, you see he cannot, in all fairness to himself and family, give me such attention I require or that I could demand if I had the money. And in any event, no matter how well acquainted, politically, he is, and even if he and his partner would be willing to make such efforts as they could in my behalf; I am positive they could not get to "first base", alongside of yourself. The case just does not call for legal aid or political influence.

On your next attempt for me there are three things that I think, requiring consideration on your part. All of them I believe were overlooked this past time, and most probably because you didn't know of them all. They are, the events and losses preceeding my action; my record in prison; and the possibility of my ever returning to prison.

My early history you know of, or can get very easily. My history since coming to New York, I believe you also know or can ascertain. Surely with a friend such as Mr. Bear is and will continue to be to me, speaks for itself. You can get it all from him, if you haven't already, for he is intimately acquainted with it and me, from the time I came to New York, upon my army discharge after the Armistice.

I count my losses all those abstract things so dear to and necessary to enjoy a natural, normal life. I don't speak of money at all. For instance, my Mother's death, helped a lot by my in-carceration, my good name, my friends, my home, my social standing in the community among other things, and probably my son, who I am not at all sure of any more, and last but not least the desertion of my wife; who, whether she realizes it or not, is perhaps partly responsible for my present predicament. I say this without animosity Doctor, because the mental psychosis I labored under was due to my frenzy in her behalf and that alone; my fear of losing her, and not being able to supply the luxuries to which I had accustomed her in our home life. Pretty sad, you say, to have such little faith. Well, that is how it works sometimes, and, in this case, just that way. And I was right, for she has abandoned me in my time of need, due, no doubt, to my predicament through foolish efforts for her. Pretty mixed up isn't it; but in these past few years there has been plenty of men who have had mental instabilities, only, praise be, they haven't broken out as violently as mine did. But to return, you can guess at a lot about my "ex", on your own account, if you will recall your own efforts to meet with her for my benefit.

Enough to lose for a mental psychosis of eight hours duration, I think. And that was all it was, because as soon as realized what had been done, I immediately gave up the whole thing. So what more can I lose or be further punished after remaining in prison three years; by the authorities holding me longer? Be assured Doctor, I shall do nothing in the future to jeopardize my liberty or mental peace. It has become too valuable. To say the least it is sheer waste; both of my life and the state's money, for me to spend two years more in prison; and that is what I am seeking to show you, of course. I assure you that I had undergone the rehabilitation process before I ever got as far as the prison gate.

The institution where I am confined is a Medium Security Prison. By way of explanation; there are no walls or fences; the attitude of the personnel, almost to a man, is one of helpfulness and decency to those who need it and want it, rather than brutality and cursing meanness. Dr Palmer, the Warden, quite a young man for a position of such responsibility, while ruling with the iron fist under a kid glove, makes that fact apparent only when absolutely



necessary. The difference between living here and the other prisons is indescribable. From sanitary, humane and mental angles it is almost the exact contrary. Thank God for that. And I really think if it weren't for the ignorance of the public on these matters and the political jealousy of the good job he is doing; that I suppose "hamstrings" him at every move: he could and would do more.

For thirteen months, and this takes up to November 15th. last or over five months after I had received a two and one half year setback, I was a pass man. By that I mean: my job took me quite a distance away from the prison itself without any supervision or attending guards of any kind, for three and four hour periods. I mention this because it is unusual, and the recent change I made was at my own request, because I liked the work better. The reason I mention this at all is because there is no connection between the Correction Department and the Board of Parole, and surely the opinion of the prison authorities here should mean something to the official we have been referring to. My prison record to date is as spotless as my previous history has been, up to this one mis-step. From that prison record and conduct otherwise, as well as the personal observations of Dr. Palmer, who is a psychiatrist, and the rest of his staff from whom little of anything worth while escapes attention, I don't hesitate to state, would give you opinions, at least orally, that I am, ready for the street. If they didn't think and know so, I am sure I wouldn't be here today, or continue to hold the job I do.

Despite all this Doctor, the urge, necessity and reasons to get out are obvious to us both, and most natural. I have a son who I want to know again. I have a big job ahead of me in earning his and my own respect back and the money to educate him. Among other things I have a father of seventy seven who needs me in many ways, right now. I am going on forty. The comeback will be hard as you can well realize. My real "bit" will begin when "I hit the street". The sheltered life one leads in prison, physically is very easy. It is the mental strain that counts, and, I do time twenty four hours a day. I know and am sure I have amply paid my debt to society. Fully paid for these eight hours of mental instability.

I have told my Father to tell you of a plan for your approval. I believe it is the best possible way. After he presents it I would like your opinion. Will you write me one way or another then, how and about when, you are going to try again? I am certain it will be advisable to plan any renewed action so I can meet the April parole board., in as much as in June it will be a year since I was first held back. The additional year thus served may be considered sufficient penalty in addition to what the Judge evidently considered sufficient by my minimum sentence, which is already served. But it will help me a lot to know you are still with me, and that you do not feel that your efforts are misdirected or in an unworthy cause.

I have tried to put all my cards on the table faceup and to conceal nothing. Naturally if any little point is not clear I'll do my best to clarify it.

In closing, and I'll bet you are glad of that, my opinion is that you can hardly accomplish your purpose by mail. But a personal visit with this and your other information, with the party in Albany, will do it, I am sure. Also the present moment may not be exactly ripe (on account of the New Jersey mess) for a couple of months yet. But it will surely be then. I am praying that the intervening time will be used in the way my Father will suggest i.e. in consolidating these different points and people so that

when you do make that visit, you will have all the facts you need to come out on top, for a cause so worthy and just that You, the Parole Board and the "real big man" will never have any reason to regret. On that score you have my word.

Awaiting your reply. I am,

Sincerely yours,

*Allen W. August.*

A. W. August.  
c/o Dr. L. J. Palmer.  
Wallkill, N.Y.



February 12, 1936

Mr. Eli August,  
The Euclid-Logan Hotel,  
9507 Euclid Ave.,  
Cleveland, Ohio.

My dear Mr. August:

Let me thank you for your letter of Tuesday. I shall be in New York on Thursday, March 5 and I shall be very pleased to meet with Mr. Baar and Father Beallon, if you can arrange it. I shall also write to your son in a day or two.

Please come in to see me at any time that you wish. I am always glad to see you. With best wishes, I remain

Very cordially yours,

AHS:BX

February 13, 1936

Mr. Allen W. August,  
c/o Dr. L. J. Palmer,  
Wallkill, N.Y.

My dear Allen:

I received your letter of January 5. Please pardon the long delay in answering it. I have been traveling a great deal in the last few weeks in connection with various Foreign Relief campaigns and my correspondence has accordingly lagged. But I have not lost interest in you or in your case. Your Dad came in to see me some time ago after I had hear from the Governor and we talked the matter over in detail. I had a letter from him a few days ago in which he spoke of a possible meeting between Mr. Baar and Father Beallion in New York in the near future. I told him that I would be very happy to attend such a meeting if it can be arranged. I shall keep in mind all that you write to me in your letters. Please be patient and believe me that your friends are doing all that can be done for you at the present time.

Please write to me often even if you do not receive any prompt replies from me. I am an extremely busy man and away from the city a few days every week.

With all good wishes to you, I remain

Cordially yours,

AHS:BK



Allen W. August.  
Box G.  
Wallkill, N.Y.

February 17, 1936.

Dr. A. H. Silver.  
c/o The Temple.  
East 105th. St. at Ansel Rd.  
Cleveland, Ohio.

Dear Dr. Silver;-

Your letter of February 13th. at hand and hasten to reply. It goes without saying that I realize how much you and your services are in demand, so no excuses are needed for the delayed replies on your part. It is just that they are so gratefully received and that they do me such inestimable good. So whenever possible, I do want them.

My Father, in his letter mentions something about March 5th, next, for that meeting. As you know he is seventy seven, and sometimes may be a trifle confused in certain things, so I'm taking no chances, and writing you myself.

I spoke to Father Scallon, yesterday. He also, Doctor, is really, one in a million. So with his knowledge of the workings of these things in New York State, I'm confident that together, you can do much for me. As I expected, he told me, " anytime and anyplace except Sunday A.M. " He is also looking forward to meeting you Doctor, for your reputation and good work have even penetrated to these back parts.

He only asks you to give him as much time as possible, at least three or four days notice in advance of the meeting. I'm sure it would please him immensely if you would drop him a line direct, when you are ready; as to just when and where. It would help me a great deal also, doing it that way. Mr. Baar's presence is not at all important, but to ask him is merely courtesy. So if he is not there, why it won't make any material difference.

It really gives me a thrill, this meeting, because together I know you can "do the trick". But I'm taking your time again. So, if you will, his address is, Rev. James B. Scallon, Box G, Wallkill, N.Y. And again, well, all I can say is, God bless you.

Sincerely,

*Allen.*

Cleveland - Ohio.

Febr. 20<sup>th</sup> 1936.

Honorable De Silver.

Dear Sir:

I want to introduce myself,  
as Allen August former Nurse.  
Mr August, has told me, that  
you, and Father Scallan  
are going to see Governor Lehman  
in behalf of Alice.

I don't know, if Mr August  
has said, anything, about  
the expenses, if he has  
not, I am more than willing  
to pay such, if you let

we know, how much.  
I think that Allen will take care of  
Father Scallon.  
Maybe, he would get letter, from Mrs Russell  
"The Mother" which, shown to Governor Lehman  
would add, to your plea.

If you would be so kind, to write  
to Father Scallon. Wallkill N. Y.  
I am sure, he would try his best,  
I have met you in my York, and know,  
how very human, you are.

Would have like to have come in person  
but, have been sick for the last  
three Months. am still very weak &  
shaky.

I am very grateful to you, dear Dr Silcox  
for all, you have done, in the past & future  
in Allen's behalf.

If only, the Honorable Governor Lehman,  
would discriminate in Allen's Case.

We all know, Allen did a great wrong  
Depression, and maybe a hundred other  
bad influences, just drove the Boy insane.

Allen, who always was a good Boy  
and had many good friends, while,  
he lived in Cleveland.

I have watched his career  
until he married in Brooklyn

Dear Dr. Silver I truly hope,  
and pray, that you and Father  
Seaton, will be successful  
that you will find him, as  
Grogan Peterson  
✓ human, as you are.

Thanking you from my heart,  
for all your trouble,

I remain

Sincerely

Edith Schneider

2026 East 10<sup>th</sup> St.

Arthur L. Schwartz

Assembly Chamber

Albany



Penal Code B.L.



February 24, 1936.

Rev. James B. Scallon,  
Box G.  
Wallkill, N.Y.

My dear Father Scallon:

I know of your great and continued interest in the case of Allen August. He has frequently written to me about your kindness towards him. Both he and his father who is an honored citizen in the community have suggested that perhaps we could meet and talk over the situation. I am scheduled to be in New York on Wednesday and Thursday, March 4 and 5, stopping at the Commodore Hotel. I have a few meetings scheduled for those days but I would be free on Thursday morning, say from ten to twelve o'clock. Would be free to meet with me and perhaps with Mr. Baar, who has Allen's attorney?

With best wishes and hoping that I may have the pleasure of seeing you, I remain

Very cordially yours,

AHS:EK



STATE OF NEW YORK  
DEPARTMENT OF CORRECTION  
WALLKILL PRISON

LEO J. PALMER, M. D.

SUPERINTENDENT

WALLKILL

February 26, 1936

Rabbi Abba Hillel Silver, D.D.  
THE TEMPLE  
East 105th Street at Ansel Road  
Cleveland, Ohio.

Dear Rabbi Silver:-

I shall be happy to meet you at the Commodore Hotel on Thursday, March 5th at 10 A.M. to discuss the case of Allen August and talk over the possibilities of his receiving consideration from the Parole authorities in this State.

I will write to Mr. Baar and inquire whether it will be possible for him to be present with us.

Looking forward to our meeting, I remain

Sincerely yours,

*James B. Scallion*  
James B. Scallion,  
Chaplain.

IBS/f

March 9, 1936.

Rabbi A. H. Silver.  
c/o The Temple.  
East 105th. St. at Ansel Road.  
Cleveland, Ohio.



Dear Dr. Silver;-

Of course after Father Scallion came back last Thursday night, he at once told me about the meeting with you, that morning.

I feel sure that you can now see why I considered it so very important. Let me tell you Doctor, that what he told me Thursday night, has indeed helped me a great deal, and, renewed the courage so necessary, for my facing the coming year.

A year is a long time for me in my present situation, and I'm in hopes that it won't be that long. But in any event I now know that when the proper time comes, you can and will do whatever you intend doing, with the fullest knowledge of how to go about it, and I'm sure, convinced, in your own mind of its urgency and fairness.

It was also very comforting to know that Mr. Baer, is still with me to the fullest extent and from what Father Scallion tells me, if you desire or think it necessary, both of them stand ready and willing to make that visit with you. Again, I'm so glad you insisted that he be there.

Keeping in mind that your moments are so precious, let me assure you of my gratefulness and appreciation of the time spent in my behalf. Also to again assure that I will do my utmost to merit that well spent time.

When you get the opportunity, please drop me a line. It would be deeply appreciated.

Sincerely,

*Allen.*

# ELI AUGUST

General Insurance  
and Mazda Lamps

259 THE ARCADE

Cleveland

May 30 / 1936

Rabbi A. G. Silver.

40 The Pample Trust Rd. Local  
Dear Rabbi Silver.

I rec'd. a letter from Silon yesterday,  
in which he said he had been called to  
Father Scallons office, who seemed to be quite  
optimistic about Silons future release; and  
wanted to arrange a meeting between Leon,  
Bernie Isaac and Weerman. As far as the best  
move to make. I thought I would let you know this,  
hoping you might offer some helpful sug-  
gestion, which I could transmit to Weerman  
in Leon before the meeting takes place.

TEL. MAIN 7585  
CHERRY 4233  
GARFIELD 4133-W

# ELI AUGUST

*General Insurance  
and Mazda Lamps*

259 THE ARCADE

(2)

Cleveland

In I think your ideas are always the best.  
Thank you and best regards.

El. August



10/3/36.

Dearest Dad:-

Received your letter of the 29<sup>th</sup> and  
hasten to reply.

My suggestion to you in regards to the Silver matter is the following. I hope I can make myself clear as I believe it is very important to us to get things started at once and started correctly. So please try and get my advice straight and try and have Silver do as I ask.

You are quite correct in assuming that Father Scallan will write Silver all the details concerning the case, as well as, the course of action he and Emil Baer are taking, and, will want him to take. However, as time and timing the whole matter, is the essence of the whole thing, I am sure it would give them both an added stimulus, if, you could get Rabbi Silver to write Father Scallan, (and Emil if possible), again, showing them his willingness to co-operate; asking if the time is not ~~pro~~ propitious, and in general showing his added

you very possible earliest; and advise.

Eola wrote me that she hates to tell you all her troubles when you visit her, because you always are so pleased with things in general, that she don't wish to disturb your attitude, so she puts on her brightest smile, as she. She certainly is heartbroken to have to move to Fremont as she says she knows no one there anymore, but I guess she's pretty flat. She never writes me about that, though. Always wants to know what I am doing, so today I'll write her what you are starting, and I hope in a week to be able to write her about the good results. Hope you camp on Silos's doorstep till you get to see him. I believe it, that important.

Frances' birthday is the 23<sup>rd</sup>. Mamma sent me a calendar once, with all the birthdays and other important dates in it. I still have same and it is very handy.

Everyone is agog here over the world's series. Such arguing and "betches" you never heard. The weather is real fallish. This morning at high

and continued interest. It would, I'm sure, give them the added spur that is needed. It is really very hard and embarrassing for me to be continually at and annoying Father Scallan. He really is so busy and I hate to take his time. Naturally I am on tenter hooks. I want out by Xmas, this year; if possible. It can be done; but only I know, if everyone concerned shows the greatest interest. It will be a wonderful help if Rabbi Silver will do this for us. As you know he is the Keystone of the whole thing, the man we are pinning our hopes on to put the finishing touches to the whole thing. So if he writes voluntarily, it will hearten all of us and as I said, give the added incentive. So please see what he will do at once, and advise me.

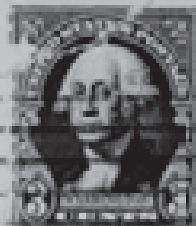
I also have wanted to write him, but hesitated to force myself on his time. I can imagine just how busy he is. But if he seems very open to suggestions at the time of your visit, a short note to me would be greatly appreciated also. I know it is a whole lot of nerve to ask so much, but I do love to hear from him. It helps me so much. So as I said, do this at

time I stuck my head out of the blankets and you could see your breath. So I got in the mess hall buttoning up. It sure is wonderful sleeping weather. I was especially tired as I had walked for an hour and a half last night. Played so much bridge I got tired of it and am laying off for a few days. Taking exercise again, as I gained a lot of weight. Could kick myself.

Nothing else new. Harry Isaacs may be up to see me in a week or so, he wrote. Only maybe, as you can't depend on him so well. Hope this finds you in the "pink" again and all over you enforced your kippers. Now be persistent about the Silver matter. You have nothing so important to do as that visit to him, so see that you stick to it till you see him, and say quickly too. Write me as soon as you have  
As ever Love,

Allen.





Mr. Eli August.  
2026 East 107th. St.  
Cleveland, Ohio.





STATE OF NEW YORK

DEPARTMENT OF CORRECTION

WALLKILL STATE PRISON

LEO J. PALMER, M. D.

SUPERINTENDENT

WALLKILL

November 6, 1936.

Rabbi Abba Hillel Silver D. D.  
East 105th Street at Ansel Road  
Cleveland, Ohio

Dear Doctor Silver:

You may recall that on the occasion of our little meeting at the Commodore Hotel on March 5th of this year, it was thought best to defer any action seeking reconsideration in the case of Allen August until after Election. Accordingly I am writing to you at this time to advise you of recent developments and to enlist your aid in Allen's behalf.

About two months ago Mr. Emil Baar, Mr. Leon Isaacs, Dr. Palmer, the warden as well as Allen and myself had another little get-together here to decide on more definite procedure for the early part of November.

On that occasion the matter of your kind offer of approaching the Governor in Allen's behalf once again came up for discussion and it was deemed advisable that instead of your bothering His Excellency, who is indeed a busy man these days, the matter might to better advantage be taken up directly with the man whom the Governor has assigned to carry on this work. Needless to say an introduction to and appointment with this gentleman, Dr Joseph W. Moore, the Chairman of the Board of Parole, made by the Governor for you, would be invaluable.

It is therefore respectfully suggested that you write to His Excellency and ask if he would be good enough to make an appointment with Dr Moore for you. Inasmuch as it was thought that our appeal could in part be based on the Christmas spirit and because the Parole Board meets here on the second of December as well as because the Governor plans to go away for a vacation within the next ten days or so, it might be well to communicate with Governor Lehman as soon as possible.

I realize Rabbi that this communication so far, has thoughtlessly disregarded your convenience and plans for this month. Let me assure you that both Allen and his family are exceedingly grateful for your interest and deeply appreciate the sacrifice you are making to aid them.

Dr Palmer, the warden here is genuinely interested in Allen's case and intends to pave the way for your visit by a definite recommendation to Dr Moore to the effect that Allen

November 6, 1936.

Rabbi Abba Hillel Silver D. D.

is most worthy of re-consideration. Mr. Baar proposes to see Mr. Canavan another member of the Board of Parole and attempt to dispose him favorably. I myself intend to see the parents of the child so that we can definitely state that they have no objection to Allen's release at this time.

I am enclosing a few notes on Allen's case for your reference and will be glad to supply any further information you may desire. In fact I should be happy to meet you either in Albany or New York City before you make your call on Doctor Moore. It does not seem to me to be advisable for myself to accompany you when you see Doctor Moore because - well I'm too close to the picture - you know - a softy - so they think - ready to intercede on anyone's behalf. As a matter of fact I am convinced that the appeal would have more weight were my hand to appear in it at no stage at all.

Naturally Doctor, you know I would not be writing to you in this case unless I was convinced that there was merit to it. Allen is a splendid chap and has had an exemplary record since he came here. The authorities will all vouch for that and I am sure Doctor Palmer will point that out in his letter to Doctor Moore. It is my impression that he has unwittingly been made the goat for a great deal of hysteria connected with notorious kidnappings that broke or were still before the public eye about the time he appeared before the Parole Board.

Assuring you of my sincere interest and willingness to co-operate with you in this worthy matter in every way possible, with all good wishes to you, I remain

Yours very cordially

*James B. Scallion*

James B. Scallion  
Chaplain.

JBS/m  
Enclosure.

DATA IN THE MATTER OF SEEKING RECONSIDERATION  
IN THE CASE OF ALLEN AUGUST

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If it were at all possible to make the appointment for that date, it would seem best to see Doctor Moore by Nov. 20th so that he might have the opportunity to have Allen's case re-investigated in time for the meeting of the Parole Board at this institution on December 2nd - in case the Board decides to give him reconsideration for Christmas.

Present Status.

Allen August - 40 years of age - married - one child - William - 15 years of age. Present marital status - uncertain, because of long absence and disgrace in connection with the offense. However Mrs. August is by no means bitter and there are definite possibilities of a reconciliation - if his imprisonment is not further deferred.

Since his incarceration, he has lost his mother. His aged father now 78 years, is anxiously awaiting his release.

Offense.

He and his co-defendant, George Clark, formerly an insurance broker, persuaded the Russell boy, aged 7, to accompany them in an automobile at noontime, and brought him to a flat a mile away. They held him there about eight or nine hours. The same evening, they lost heart and their nerve and released him. At no time during his stay with them was the child harmed or even scared in any way. Meanwhile they endeavored to contact the parents in an attempt to obtain money - but of course, to no avail.

It is true that the parents allege that the child was scared but this was not until afterwards when the youngster was made conscious of his escapade by the resultant publicity.

Penalty.

Both men were sentenced by Judge Martin in Kings County to a period of from 4 to 25 years for attempted kidnapping. In imposing sentence the Judge undoubtedly took into consideration mitigating circumstances that without doubt were involved - such as - their treatment of the child, the fact that no money was passed, the amateurishness of the whole affair, the reputation of the men and their families in the community, as well as the undoubtedly important factor that they were under severe mental strain due to business set backs and worries so prevalent at that time and therefore lost their perspective to such an extent as to become involved in this mean, petty, amateurish and assinine venture. In fact it was so unbelievable that a sanity commission was appointed to diagnose Allen's motives and sanity at the time.

Time.

Allen received a sentence of from 4 to 25 years. He was received in prison about December 26th 1932. Inasmuch as men committed to prison receive 4 months off each year for good behavior, Allen was eligible to meet the Board of Parole in June of 1935, for consideration in the matter of release as of July 24th 1935.

When he appeared before the Board consisting of Dr Joseph Moore, Chairman and Commissioners Canavan and Hanscom, he was told that he would be held until January 1936 for re-consideration. He was told that the reason for deferring his date of release was the seriousness of the offense and the comparatively small sentence imposed.

I might inject parenthetically here, that the thought behind that long setback was, that at the time of Allen's appearing before the Board, the Lindberg and Weyerhauser cases had not been disposed of - in fact they were very much in the lime-light and before the public, and therefore undoubtedly even though unconsciously colored the Board's decision in Allen's case.

The Parole Board in the State of New York being in the Executive Department, has complete and sole jurisdiction over the release of first offenders. As such, they can release Allen any time they see fit, after the expiration of his minimum sentence, less his good time of four months per year. That time was of course, July 24, 1935. So you can see that at this time, he has been held seventeen months over his minimum release date already.

The point then is, to try to convince them of the merits and extenuating circumstances in this case; and to try to point out to them that it will best serve the ends of all concerned, if they will reconsider his case at their meeting here on December 2nd, of this year, to allow him to go home for Christmas. If they grant this consideration he will have served a year and one half over his minimum sentence and they will be allowing him one year on the original two and a half year setback, which they gave him in June 1935. This is not an unusual thing for them to do, as they give re-consideration in some cases after they have made a decision.

It seems to me that if the authorities intend to release Allen at any future time, NOW is the time. He is thoroughly penitent and has held up well so far. It is my opinion that he may well break up and go to pieces altogether if the Parole authorities insist on exacting their pound of flesh. I am sincerely and absolutely convinced that consideration at this time will have a much more beneficial effect than anything that can be expected from the perfunctory routine of another year of further imprisonment.



November 14, 1936

Dr. Leo J. Palmer, Warden,  
Institution.

Dear Dr. Palmer:

I trust you will pardon this intrusion on your time, but I believe this is a matter which should have your attention, and I respectfully request that you give it your earnest consideration.

I have no hesitancy whatsoever in writing you, since I have only the greatest respect for your opinions and also your fairness in your dealings with everyone. I therefore appeal to your sound judgment, and any decision you may come to shall be final with me. As you know, I came to Wallkill early in July, 1934. Since that time you surely must have come to some conclusions as to my true nature and character. I say this confidently, because I have occupied positions of trust, namely, with your father at the camp for a year and with the Comptroller's office another year. I have always tried to do my best. I have always been honest and willing, and I have never taken advantage of anyone, or any trust that has been placed in me. So before I go any further in the matter, your sanction and help to any appeal for reconsideration by the Parole Board; your opinion as to whether I warrant it, to me, is of greatest importance.

In this appeal I shall endeavor to be frank, and at the same time to give you an insight into my innermost thoughts. If possible, I shall try to make you view certain facts and circumstances in their proper light, so that possibly I may once more be enabled to take a place in the world as one who has learned his lesson, and the value of the right way of living.

In the month of September, 1932, I committed a serious crime. At the time I was thirty six years old. Prior to this, I had led a decent, honest and upright existence. I was a fairly successful business man; was blessed with a devoted wife and a loving child. And then!--When I became conscious, the grimness of the entire situation became duly apparent, with all its disastrous results upon my life and family. Even after four years of incarceration, in which I have had ample time to analyze myself and my reactions, my actions at that time are still as deep a mystery to me now as ever. The only possible explanation that may have been responsible for this unnatural act was a temporary befogging of an otherwise normally acting brain--a momentary queer twist of the mind, or a momentary derangement of the faculties. This is not intended as an apology for the crime, but rather as an honest attempt at self-analysis, and as the only possible explanation that I can really give as to what motivated, to say the least, that moronic act.



In June 1935, as you know, the Parole Board saw fit in its judgment and discretion to defer my release until January, 1938. At this point allow me to state that I perfectly understand that I cannot take issue with the Board for its decisions; nor do I desire to. I realize that its decrees are final and are not subject to review. I likewise realize that the Board acted honestly and sincerely, with what it thought was for the best interests of Society.

During the long years of confinement I have endeavored with might and main to rehabilitate myself; not a rehabilitation in words only, but one rather from within as well as without, and I say with all humility that if penance, contrition and remorse could in any way help to efface this indelible stain and stigma of my life, then certainly I have succeeded.

My personal belief is in perfect accord with the present day penal system of incarceration, both as a means of punishment and rehabilitation. But is there an exact time which informs one definitely when one has suffered enough, or been rehabilitated enough? With some fairness towards my own ability to reason things logically and rationally, and at the same time realizing perfectly well, the moral and legal sin which I have committed, am I being unduly bold by stating that I have suffered enough? The remorse, the shame, the disgrace, the humiliation to my family as well as to myself, my broken family life, the death of my mother, the loss of my friends and standing in the community - to say nothing of the loss of my business and good name - is all this, together with four long years of incarceration, not enough to expiate for my one sole infringement against society? I am over forty years of age at this time, possess perfectly normal mental faculties, and I am certain that never again can there be a recurrence of any legal transgression. Dr. Palmer, do you think that society which has already taken its pound of flesh, is ever seeking another; and do you think that society will be better served if I remain in prison any longer? I am certain that justice is not blind or unfair; that it will not refuse to listen to this fervent and humble plea, by one who knows in his heart that he has already suffered enough, and is only asking for a chance to go free into the world once more; to live a decent, moral and normal life, and to eventually prove fully to you, the Parole Board, to my loved ones (who are reaching the age where they are in dire need of my help) to myself, and to society in general, that you and they have acted justly and wisely in releasing me.

Very respectfully yours,

Allen August, # 756

November 16, 1936.

Mr Emil Baar  
29 Broadway  
New York City

Dear Mr Baar:

The Doctor was up to Albany to-day and saw Dr Moore. It is his opinion that the Parole Board is not willing to consider Allens case at this time unless there are facts brought to light which would tend to change the complexion of their position in the matter.

Accordingly it would seem to me futile for Dr Silver to approach them unless he had a letter from Judge Martin in Brooklyn stating that when the Judge sentenced Allen to a term of four to twenty five years, he meant that he should be released at the end of his minimum, if his conduct in prison were satisfactory.

I wonder if you feel that you could get such a letter and if you could, would you be good enough to send it on to Dr Silver as soon as possible.

It may interest you to know that I saw Mrs Russell last week and whereas she had not felt a year and a half ago, that Allen and his co-defendant in the case had served an appreciable length of their sentence in prison, she is now of the opinion that further time will do no good and has no objection to their release at the present time.

Trusting to hear from you at your early convenience.

Cordially yours

James B. Scallon  
Chaplain

JBS/m



STATE OF NEW YORK  
DEPARTMENT OF CORRECTION  
WALLKILL STATE PRISON

LEO J. PALMER, M. D.  
SUPERINTENDENT

WALLKILL

November 16th  
1 9 3 6

Rabbi Abba Hillel Silver D. D.  
East 105th Street at Ansel Road  
Cleveland, Ohio

Dear Doctor Silver:

I am taking the liberty of enclosing for your perusal a copy of a letter which Allen August recently wrote to Dr Leo J. Palmer, the warden here.

I am sending this with the thought that it may give you some notion of the temper of Allens feelings in the matter of his further imprisonment that may be of some value to you in your appeal.

As I mentioned in my last letter to you, it is Dr Palmer's intention to attempt to pave the way for your visit to Doctor Moore by bringing out the point that Allen has made a splendid institutional adjustment.

It may interest you to know that I recently contacted Mrs Russell, the mother of the boy in the case and whereas she had not felt a year and a half ago, that Allen and his co-defendant in the case had served an appreciable length of time in prison, she is now of the opinion that further time will do no good and has no objection to their release at the present time.

With every good wish

Cordially yours,

*James B. Scallon*

James B. Scallon  
Chaplain

JBS/m  
Enclosure

November 17th,  
P.S. Since writing this letter I have had further news. I am enclosing a copy of a letter which I sent to Mr. Bear in this connection. You can be guided accordingly.

J.B.S.

November 17, 1936

Governor Herbert H. Lehman,  
Executive Chamber,  
Albany, N.Y.

My dear Governor Lehman:

About a year ago, I took the liberty of intruding upon what must be your very crowded days by soliciting your interest in the case of Allen August who is at present at Wallkill State Prison. You wrote me under date of December 18, 1935 that you did not feel that the case justified executive clemency at that time.

Two weeks ago, I received a letter from Father James B. Scallion who is the Catholic Chaplain at the prison and who has interested himself in Allen August. He writes me that the Parole Board is to meet again on the second of December and that he feels strongly that the case of Allen August should be brought up again for reconsideration. Rev. Scallion also writes that the warden of the prison, Dr. Palmer, is also genuinely interested in Allen's case and intends to make a definite recommendation to the Board to the effect that Allen's case is most worthy of reconsideration. Allen has already served seventeen months over and above the minimum release date which was on July 24, 1935. Father Scallion suggests that I present Allen August's case in person to Dr. Joseph W. Moore, Chairman of the Board of Parole, and that it would be extremely helpful if you would make such an appointment for me with Dr. Moore. I would then make a special trip East to intercede with the Board in Allen's behalf.

I am deeply impressed by what the Chaplain writes me: "It seems to me that if the authorities intend to release Allen at any future time, NOW is the time. He is thoroughly penitent and has held up well so far. It is my opinion that he may well break up and go to pieces altogether if the Parole authorities insist on exacting their pound of flesh. I am sincerely and absolutely

Governor Lehman

-2-

November 17, 1936

convinced that consideration at this time will have a much more beneficial effect than anything that can be expected from the perfunctory routine of another year of further imprisonment."

Allen's father who is in the eighties and who is going blind, comes to my study two and three times a week to appeal for his boy. Allen's mother died last year from grief. I should like to render any service I can to this unfortunate family.

With all good wishes and hoping that you will forgive this further intrusion, permit me to remain

Very cordially yours,

AHS:BX





November 17, 1936

Rev. James B. Scallon,  
Wallkill Prison,  
Wallkill, N.Y.

My dear Father Scallon:

Let me thank you for your kind letter of November 6. I would have replied sooner but for the fact that I have been away from Cleveland.

I have acted upon your advice and have written to Governor Lehman requesting him to make an appointment for me with Dr. Moore. When I hear from His Excellency, I shall immediately inform you.

I am profoundly appreciative of the interest which you have manifested right along in Allen August. Please convey to him my best wishes and tell him that we are doing all that we can to help him.

With all good wishes, permit me to remain

Most cordially yours,

AHS:EK



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF PAROLE  
ALBANY

COMMISSIONERS  
JOSEPH W. MOORE, M.D.  
CHAIRMAN  
JOSEPH J. CANAVAN  
FRANK J. HANSCOM  
FREDERICK A. MORAN  
EXECUTIVE DIRECTOR

November 24, 1936.

Rabbi Abba Hillel Silver  
The Temple  
East 105th Street at Ansel Road  
Cleveland, Ohio

RE: Allen E. August, C-2892

Dear Sir:

The Governor has received your letter of November 17th and has sent it to me for reply, as the case of Allen August is now entirely under the jurisdiction of the Parole Board, and the Governor will not interfere.

As to giving you an interview regarding this case, I must inform you that that is impossible as the Parole Board is prohibited by law from receiving applications for parole for any prisoner. I can assure you that the action of the Parole Board in not releasing August was taken after careful consideration of the circumstances of the case, and was fully justified. While the Parole Board has sympathy for the relatives of this man, it takes into consideration also the relatives of his victim and of the kidnapped boy himself. It is probable that you do not appreciate the seriousness of the crime and are unaware of many other factors connected with the case, which are in the possession of the Parole Board.

Very truly yours,

*Joseph W. Moore*  
Chairman.

November 27, 1936

Mr. Emil Baar,  
29 Broadway,  
New York, N.Y.

My dear Mr. Baar:

At the suggestion of Father  
Scallon, I wrote to Governor Lehman requesting  
a letter of introduction to Dr. Joseph W. Moore,  
Chairman of the Commissioners on Parole. The  
enclosed letter is self-explanatory.

With best wishes, I remain

Very sincerely yours,

AHS:BX  
Enc.

November 27, 1936

Rev. James B. Scallon,  
Wallkill Prison,  
Wallkill, N.Y.

My dear Father Scallon:

Following your advice, I wrote to Governor Lehman requesting an introduction to Dr. Joseph W. Moore. This morning I received the enclosed letter from Dr. Moore which is self-explanatory. I don't know that there is anything further to be done at this time.

I am also sending a copy of this letter to Mr. Baar. If you have any further suggestions, please let me know.

With all good wishes, I remain

Very cordially yours,

AHS:BX  
Enc.

LAW OFFICES

BAAR, BENNETT & FULLER

29 BROADWAY

NEW YORK

EMIL N. BAAR  
WILLIAM G. FULLER

ARTHUR BLOCK  
JOHN P. HURLEY  
JAMES E. WHALEN  
DAVID E. WINER

TELEPHONE  
DIOBY 4-6350  
CABLE ADDRESS  
"BARBENTFUL"

November 30th, 1936.

Rev. Abba Hillel Silver,  
c/o The Temple,  
East 105th Street at Ansel Road,  
Cleveland, Ohio.

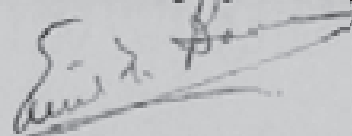
Dear Dr. Silver:

This is to acknowledge receipt of  
your letter of November 27th enclosing copy of a  
letter received by you from Joseph W. Moore, Chairman  
of the Parole Board of the State. I am rather sur-  
prised at the tone of the reply.

At the present moment, it appears to  
me that it will necessitate a change in the  
procedure which we had planned to pursue. I expect  
to have the opportunity to talk the matter over fur-  
ther with Father Scallon in the near future, and I  
shall then communicate with you further.

In the meantime, please accept my  
warm regards, and believe me to be

Sincerely yours,





December 1st, 1936

My dear Dr. Silver:-

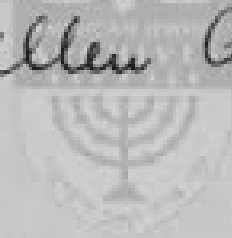
Enclosed is a transcript of a letter I sent to Emil Baar. It explains exactly my status, feelings and expectations.

I won't take up any more of your valuable time except to apologize for the devious and underhanded method in which I am forced to send it. I trust you will understand my desperation in daring to address you in this fashion, because I am indeed desperate - and guide yourself accordingly in whatever use you may put the enclosed to.

Yours sincerely,



Allen August.



December 1st, 1936

Dear Emil,

Call it sheer mockery, call it the irony of fate, call it the silly illusions of a simpleton; but the meeting of the three wise (?) men, as they are so designated here, is in session today--the day that I had envisioned myself as being an eventful one in my life; for had I not dreamed and actually planned on meeting them referable to their judicious and prudent sagacity in terminating my incarceration? What fools we mortals are, to eternally hope and plan in vain, only to have our fondest dreams wrecked with a wave of the hand. Is it sound judgment or fairness to allow men's lives to be carried in the palms of a few individual's hands, to be toyed with, to be juggled with, and to be brutally thrown to the ground, thus shattering to bits the last vestige of human beliefs, bearing and spirit? Is it just to shock a man repeatedly, regardless of whether he is a transgressor against our (fair and humane?) laws, to a point where he loses all his faith in mankind and in society--to a point where he never forgives society for the maliciously severe and inhuman treatment afforded him? Am I not made of flesh and blood? Do I not bleed if I cut a vein? Do I not suffer from the same ailments as other humans, just because I happen to be incarcerated? Must I forever be hounded, must I ever wear the badge of shame and stigma just because I committed one offense? Must I be persecuted, as well as having been prosecuted? Where is all this leading to? What is its purpose? If its (society) purpose is to completely crush me mentally or physically, to wreck me so devastatingly and fully that never again shall I regain my normal composure; if its purpose is to have me wind up in the gutter or in a state hospital for the hopelessly incurable maniacs, if its purpose is to have me end my life on a slab in the morgue prematurely, then as sure as I am writing this letter they could never have planned the entire machination with more precision or acuity. God! is all this a nightmare or is it grim reality? Are we living in the twentieth century or are we retreating back to the Middle Ages? Are we living in the age of persecution, the Spanish Inquisition, or are we living in an age of tolerance--an age of indulgence and an age of progress? No, we are still living in an age of bestiality, an age of savageness! Why should society demand more than "An eye for an eye" and "A tooth for a tooth"? Why? Could I but find an answer to this heartbreaking question, to find some peace for my turbulent and seething thoughts, I might be able to endure my plight with more fortitude. But, I've racked my humble brain, only to have my thoughts go around and around in an ever vicious cycle, which keeps me continually dizzy and disgusted, and I can't find any justification for society's absence of any human kindness and consideration for me.

I'm not raving, Emil--I'm just finding an outlet for my pent-up emotions in writing exactly how I feel. Can I be blamed or censored after hearing the "shock of shocks" yesterday, namely--the letter from Dr. Silver? Of all the meanness, the sheer lies, the foulness, the baseness that any man can stoop to, this unpardonable act is the most degrading. To refuse an interview to a man of Dr. Silver's station in life! Dr. Moore with all his prestige and position as a state executive and physician is hardly worthy of the extreme honor of even speaking to Dr. Silver, let alone refusing to grant him an audience. Who in God's name is this Dr. Moore? What kind of a despot, a tyrant is this mad man? Is such action the workings of normalcy? I doubt that. Should such action be politely and finally acquiesced to? Must I forever turn the other cheek and keep "liking it" without a fight? Should his humors and whims pass unnoticed, or should such actions be reported to his peer, namely, the Governor, who I'm positive little dreams that such by-play is occurring under his very nose. I state most assuredly and most emphatically, Emil, and I trust that you are able to see my viewpoint, that such capriciousness should

be brought to the attention of the Governor, not only for my own sake, but for the sake of many other sufferers who may find themselves in similar predicaments and at the "end of the rope" of their morbid and hopeless existences. Then too, I am positive that the Governor never even read Dr. Silver's letter (Polletti probably sent it to Dr. Moore as the Governor was out of town) requesting an interview, or Dr. Moore never would have had the audacity, brazenness or courage to dismiss his letter with so little formality. Believe me, Emil, I saw red when I received word from Father Scallon, as to Dr. Silver's letter from Dr. Moore. I can readily appreciate how people are impulsively and impetuously driven to kill, or on the other hand rashly driven to self-destruction. What is the use of carrying on a losing fight? What can I hope for in the future? What consideration can I hope to receive from the Parole Board one year hence? Is there any doubt in your mind that they are decidedly and definitely prejudiced? As I have been played with their partiality and prejudices in the past and as I am still being taunted and hounded--how, in God's name, can I hope for a changed frame of mind from them one year hence? Do you see what I'm driving at, Emil? Can't you read between the lines, Emil, that by refusing to listen to any further arguments in my behalf by anyone, they're not only disinterested, but their opinions are and will remain adverse, years from now, to anything that may tend to end my imprisonment. That is why I re-iterate, we must stop at nothing to see that justice is served properly! We must use every possible weapon at our disposal and fight by fair or foul means. They have repeatedly "hit me below the belt" so, why should we resort only to fairness? Let's "stab them in the back" if it so becomes necessary--let's go over Dr. Moore's head. Positively, I insist! After all my life is at stake and if anyone will be hurt by adversity, it's mine, but I'm willing to gamble it gladly for a chance at decency and normalcy again. To Hell with anyone's feelings, connected with the state. What are feelings compared with where life is in the balance? Emil, you must interest Judge Martin in my case, you must obtain IN WRITING a statement regarding his personal feelings, and after you have this at your disposal, you must insist that Dr. Silver take all the data direct to the Governor without any undue delay.

How in the world can a letter be so distorted? <sup>Dr. Moore's was?</sup> No one made application for parole to the Board in my case. I AM DEFINITELY ELIGIBLE FOR PAROLE, but am being held back to satisfy their own inclinations and not because society wishes it or will be bettered by the Board's actions. I AM ELIGIBLE FOR PAROLE AND HAVE BEEN ELIGIBLE SINCE LAST YEAR, so there is no occasion for Dr. Moore to state that I am seeking such a favor from him. Then/ too, there are many occasions when individuals who were set back previously are later recalled for further consideration and dispensation of their cases, at which time they are subsequently released--this is a very common occurrence, and there are two such cases in to-day's Board meeting. So it is, within their jurisdiction to release me without any further ado, if they should so designate; without breaking the law, as they so incorrectly imply in the letter. They are not bound by any man-made laws, by any God-made laws, nor by any unwritten laws from releasing me, if only their decency and open-mindedness would permit them to be convinced of the wisdom and fairness of such a move, by yourself, Dr. Silver and others who are vitally interested in my welfare. How dare Dr. Moore assume so much, take so much for granted, by definitely making an assertion that my case is entirely under the Parole Board's jurisdiction and their decision was fair and final? Not that I anticipate or can expect such a stroke of good luck, but isn't it within the Governor's power to pardon or commute me if he so desired? Then, the Governor does have the final say-so; and not our super-egotistic Dr. Moore? They are so drunk with power vested in them by the State that they have become megalomaniacs, and they feel invincible in any course of action they may pursue. Is that rational?



Then further, Dr. Moore states that the parents of the child in the case should be considered. True! But the parents are definitely in favor of my immediate release and have definitely so stated to Father Scallon. Shouldn't the Governor be informed of their reaction? Must such important, concrete facts be withheld from the Governor? Why shouldn't he be acquainted with both sides of the matter, and why should Dr. Moore, take it upon himself to lie and to withhold facts of such paramount importance and magnitude? Then, is the humane and compassionate Dr. Moore concerned with my own flesh and blood? Is he at all interested as to what may happen to my boy? Should my boy suffer <sup>what</sup> for his father's sin? Why shouldn't he be afforded the opportunity of at least proper schooling? You know that they can't afford what he will need in the next few years. I am willing and would gladly sacrifice anything for the boy's sake, and would work my fingers to the bone for his future security, if given the long sought for opportunity. Shouldn't this point interest the Board any, for after all don't they represent the State, and isn't it the purpose of the State to help not only Society, but the transgressors and their families as well? Then why not allow a willing parent a chance to prevent a possible catastrophe by allowing him to try and pave smoothly the way for his own flesh and blood; by trying to provide for him for any contingency or emergency that may arise until he has passed the minor or danger stage, where he requires the use of a father (such as ~~he~~ is), and becomes mature and is able to care and provide for himself? This constant source of worry intensifies the mortal wound inflicted thus far and is slowly but surely having lethal effects upon me.

Now, Emil, to come to the most important point. Father Scallon is definitely adverse to asking for the Governor's intervention. For one reason only. And that is the type of crime. I can't see that to save my life, why the Governor should discriminate against any special type of crime. I am certain that as a Governor, and especially as a banker, he is adverse to crime in general and shows no predilection nor antagonism towards any special type. Strange, but I never took such a foolish notion into consideration and never gave it any thought, for if I had - - well, the infringement against society never would have been perpetrated. Not that Father Scallon doesn't mean well but there are times when a man's view point may be slightly distorted and his prospectus may be a bit hazy due to his being an integral part of the current penal system. This may be the cause of his developing a "one track" mind, unintentionally, and he probably is unusually timorous for fear of hurting my chances of obtaining succor; and his apprehensiveness undoubtedly is due to his past experiences with the Board itself, and this has likewise resulted in a pessimism and undue alarm on his part, for fear of offending Dr. Moore, and his cohorts in any way, by stepping over their heads. But I appreciate that your legal ability and mental status is such that you likewise can observe the fallacy in his judgement at this point. But I just mention it. Emil, let's look at things as they would be under ordinary and normal circumstances. Let's pretend that I had a wife, mother, brother or sister who would attempt to hurdle every obstacle placed in his or her path to obtain salvation and aid for me. Isn't it feasible to say most emphatically that Dr. Moore or no Dr. Moore the Governor would be interviewed and talked to, He, after all, is a public servant and his office is open to the public - - to the people of the State. He is there to hear their grievances, their complaints, their cries, their pleas and supplications - - and he is there to serve them in any way possible, and to help them in every way possible, to beneficent ends. He is human and his actions, decisions and workings of his mind are those of any other human being. If my wife asked for an interview, were granted one and were to so impress the Governor to intervene mercifully in my behalf, could Dr. Moore or any other person in the world be offended? No! - - because that would be expected, logical and the right thing to do. Now, Emil, since I have no wife nor blood relation interested enough to come to the front for me, am I overstepping bounds by

asking, nay, demanding almost, in my desperation, Dr. Silver to accomplish this for me. Of course not! After all, he is well acquainted with the family has known me in the past, and since he is personally vitally interested in my affairs and is willing to go to the front for me, should he be discouraged by any Dr. Moore or his biased opinions? I say No! a million times No! Please, Emil, I implore you on bended knees that you must see it my way. Half-hearted attempts and measures will prove unavailing and unsuccessful, and I know that you, most of all, are desirous of seeing all this terminate successfully for me.

Emil, I beg of you again to obtain the Judge's statement, for I believe this will prove a formidable weapon against that arch-enemy, Dr. Moore, then I shall speak to Father Scallon and beg of him to obtain a letter from the parents of the child asking for my release at once, thus disproving antagonism or hostility on their part. With these two potent factors in Dr. Silver's hands, he must ask for an audience with the Governor personally and must fight the matter out to the end, and he must insist that it simmers down solely to a pure, unadulterated case of prejudice. Emil, if I'm satisfied to gamble, please have no qualms of conscience--it's now or never. If I'm called, yellow, because I can't "take it" or refuse to "take it" any longer, I'm perfectly satisfied to be so branded. But I'm super-saturated with incarceration and it's ill-effects that I'd go through Hell and I'd make any sacrifices in life to free myself of these weighty and insipid shackles. God knows, I and mine suffered the tortures of Hell already, so how much more must we endure? This penal system does not cure crime--it only makes more. I, who, as you know, never contemplated crime, who never was in accord with the workings of the criminal trend or mind, can appreciate the bitterness and cynicism that inmates develop against society, through this kind of treatment. All I ask is a chance to make good--to make of my comparatively few remaining years enough of a success to give my son the chance in life that he is entitled to; a chance to provide some peace, tranquility and serenity for my coming years. Would anyone say that I am selfish or greedy? Is that asking for the moon--for the impossible? Emil, I know that your sympathies are entirely with me, but that is hardly enough. All of you must make one bold, concerted effort to, once and for all, attempt to end this hellish condition. This I beg of you, for old times sake, for the sake of our friendship in the past and for the sake of a human who is desperate and frantic with fear for what may transpire in the future, if he is forced to contend with this infernal, diabolic existence much longer. I'm certain that your endeavours in my behalf will be whole-hearted and sincere, and you shall be undaunted in your work until you have ended this torture for me, for which I shall be everlastingly grateful, and for which I thank you and Dr. Silver from the very bottom of my heart.

Sincerely,

P.S. I am mailing a copy of the above letter to Dr. Silver, as I deem it best for him to know exactly what is transpiring. If, as Father Scallon informed me, you should be in Cleveland within the next ten days, I do hope you can find available time to have a talk personally with Dr. Silver, at which time you may reach some definite conclusions as to what course of action to pursue.

P.P.S. As you will see this letter was sent without benefit of censor. I know, I can trust both you and Dr. Silver to guide yourselves accordingly and not to mention it under any circumstances.





STATE OF NEW YORK  
DEPARTMENT OF CORRECTION  
WALLKILL STATE PRISON

LEO J. PALMER, M. D.  
SUPERINTENDENT

WALLKILL

December 5, 1936

Rabbi Abba Hillel Silver D. D.  
The Temple  
East 105th Street at Ansel Road  
Cleveland, Ohio

Dear Dr Silver:

I know of course that you will treat our correspondence as a confidential matter and I will therefore give you my frank opinion in the matter of the reply to your letter to the Governor.

Inasmuch as I read in the papers yesterday of the Governor's return from California after a three weeks sojourn on vacation, it is most unlikely that he ever saw your letter of November 17th. Undoubtedly it was turned over to Dr Moore in routine fashion for reply.

It is my opinion that he was, to say the least, ungracious in his answer. In the first place, even though I do not know what you wrote to the Governor, I feel certain that you did not call upon His Excellency "to interfere".

The statement - "As to giving you an interview regarding this case, I must inform you that that is impossible as the Parole Board is prohibited by law from receiving applications for parole for any prisoner" - appears to me to be begging the question. As far as I know you didn't "make application for parole" on Allen August's behalf but merely requested the courtesy of an audience to present certain aspects of his case. The formal "application for parole" undoubtedly has reference only to lawyers and their rights to make application or seek a hearing in a man's behalf. I am sure that it was not the intent of the law to exclude the possibility of the Board's being courteous and listening to facts that might be presented by reputable parties in certain cases from time to time.

It is true that the Governor has a great deal of confidence in the Board and that the Board itself is very highly regarded in New York State as far as its sincerity and integrity is concerned. However I might interpose that it is made up of three human beings, who to my knowledge are not infallible and are, I know, so overworked by reason of their

Rabbi Abba Hillel Silver D. D.

responsibilities that it is questionable whether they can do full justice to themselves, their job and those under their jurisdiction.

You know of course that the Board of Parole is in the Executive Department and as such there is no appeal from its decisions. I mention this because it is my personal opinion that this results in their often being very arbitrary, absolute and implacable in their actions. Too, they are inclined to bend over backwards in their unwillingness to listen with an open mind to even reputable persons, both, as I see it, because of their self-righteous endeavor to be considered free from anything that would savour of influence or pressure as well as to build up a barricade around themselves that will save them a great deal of further trouble and as they probably see it, endless annoyance.

The statement - "It is probable that you do not appreciate the seriousness of ~~the~~ crime and are unaware of many other factors connected with the case, which are in possession of the Parole Board" - is typical of the defensive mechanism employed by them of throwing an atmosphere of mystery, omniscience and infallibility around their decisions that in my opinion is unwarranted by the time they are able, or better unable, to give to a consideration of individual cases.

The point is this the Police, the District Attorney's office, the Probation Department and the Judge gave a whole lot more time to the consideration of this case than the Parole Board could possibly ever hope to give. Before Allen was sentenced the Judge had before him the probation report, complaining witnesses and every conceivable "factor connected with the case" which the Parole Board professes to possess. The Judge was bound by law to impose twenty five years as a maximum sentence; his judgment and discretion were to decide the minimum. Why then did he say four to twenty five years, instead of let us say, twelve and a half to twenty five years? Perhaps he had in mind Allen's institutional adjustment. Well that can be vouched for by Dr Leo J. Palmer, the superintendent here as being an excellent one. The only other thing that I can see is that the Judge was incompetent or guilty of malfeasance. I wonder what they think?

I did not mean to go to such lengths, Doctor, and to burden you with my impressions, but I am so conscious of this attitude of the Parole Board as well as the vagaries of the law itself that I am tempted in cases to strip the bandage off the eyes of some people's goddess - Justice.

I realize that it is futile to get excited and little is accomplished by acrimony. But I must confess that I am at a loss at present as to just what course to suggest. I will get in touch with Mr Baar next week, talk things over with him

Rabbi Abba Hillel Silver D. D.

and let you know if anything develops.

It may be well to keep in mind that the Parole Board is adamant once they have made an oracular pronouncement. The point is can they be softened up?

With kind personal regards, I remain,

Very cordially yours,

*James B. Scallon*

James B. Scallon  
Chaplain



JBS/m

[1936]



THE EUCLID-LOGAN HOTEL

9507 EUCLID AVENUE

CLEVELAND, OHIO

Rabbi S. M. Silver

Dear day.

Dear Rabbi Silver. The Temple Local.

Allen writes me, Father Seallon may be able to meet Mrs. Russell, the mother, very soon, and asks if you would visit Father Seallon at Wallkill N.Y. and if you would advise me, when you would be in N.Y. so a meeting could be arranged with Emil Baer, Leon Isaac, Seillon & yourself, which might bring some definite plan, to secure an early release.

I write Allen every week, as cheerily as possible, in a letter from you to him, and Seallon, might release the tension under which he is laboring, as I fear for his mind. He says you never answered his letter to you, written some time ago.

I realize I am asking much of you, but it is now, our only hope need my law now, in my declining years he is my only consolation and hope. May I depend on



THE EUCLID-LOGAN HOTEL  
9507 EUCLID AVENUE  
CLEVELAND, OHIO

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Mr. Will call at your Studio later in  
the week. Will you grant me audience?  
 kindest regards & thanks.

Ed. Hurst







STATE OF NEW YORK  
DEPARTMENT OF CORRECTION  
WALLKILL STATE PRISON

LEO J. PALMER, M. D.  
SUPERINTENDENT

WALLKILL

February 27, 1937

Rabbi Atba Hillel Silver D. D.  
The Temple  
East 105th Street at Ansel Road  
Cleveland, Ohio

Dear Rabbi:

Nothing new has developed in the case of Allen August since last I wrote to you, accordingly you have not heard from me.

I understand that you met with Mr Baar on one of your trips to New York and discussed with him various aspects of the case.

Allen is still here with us and doing splendidly. To be honest with you, I was afraid he would have cracked mentally long ago because of his enforced further imprisonment. But of course, hope is the thing that keeps him going. From my position here, I am most conscious of what an unsuspectingly large part it plays in all our lives.

I am enclosing a copy of a letter which I have to-day written to the Judge who sentenced Allen. I shall keep you advised when he replies.

If I understand correctly, you are called upon to make trips to New York from time to time in connection with your work. Would it be possible to arrange to meet with you on one of these occasions to talk over Allen's case?

With kind regards to you, believe me to be,

Sincerely yours

*James B. Scallon*

James B. Scallon  
Chaplain

JBS/m  
Enclosure

February 27, 1937

Hon. George W. Martin  
Kings County Court  
120 Schermerhorn Street  
Brooklyn, New York

Re: Allen August - WK#758

Dear Judge Martin:

I dropped in to your chambers one day last week and missed you by only a few minutes. I had a very nice chat with your secretary, Mr Boyce and he suggested that I drop you a line on the matter I wanted to discuss with you.

You may recall the case of Allen August who was sentenced by you on December 21st 1932 to a term of four to twenty five years for Attempt Kidnapping and committed to Sing Sing on January 11th 1933. Soon afterwards he was transferred to Attica and on July 19, 1934 he was sent here. So that you can see he has been at this institution almost three years, during which time, by reason of the comparatively small numbers, (504 capacity - average about 400) one is in a position to obtain a fair estimate of a man and familiarize one's self with his case. For this reason as well as the fact that Mr Emil Baer, Attorney General Bennett's law partner, and Rabbi Hillel Silver, D. D., a prominent Jewish leader from Cleveland, have been genuinely interested in his case, I am taking the liberty of communicating with you to advise you of the status of his case at present and inquire what was your mind at the time of sentence.

August appeared before the Board of Parole here in June of 1935 for consideration in the matter of release as of July 24th 1935. On that occasion he was told that he would be held until January 1938 for reconsideration. Inasmuch as his prison record was at that time - and since has been - an exemplary one, the only reason that one can possibly deduce for the Board's decision, is it's habit of adjudicating the action and sentence of the Court by holding a man for further time in view of what it terms to be the seriousness of the offense and the comparatively small sentence imposed.

In a reply to Rabbi Silver of November 24th 1936, Dr Moore, Chairman of the Board of Parole said in part "It is probable that you do not appreciate the seriousness of the crime and are unaware of many other factors connected with the case,

Hon. George W. Martin - continued.

which are in possession of the Parole Board". In view of the fact that the Court was undoubtedly every bit as well informed as the Parole Board would ever hope to be on this case, and in view of Allen August's splendid institutional adjustment since his incarceration, of which the Warden here, Dr Palmer, is fully cognizant and ready to testify, would you be good enough, Your Honor, to tell us what was your intention at the time that you imposed the sentence of four to twenty five years, viz, whether you intended that August should be released at the end of his minimum term less time for good behaviour, all things being equal i. e., that he made a good adjustment in prison - or was it your understanding that the Parole Board would arbitrarily impose further time - perhaps because it feared the ignorant criticism of the newshawks?

August has already been held almost twenty months over his minimum term and it is unlikely that the Parole Board will give him any consideration for another year. We would therefore deeply appreciate some expression of your intention at the time of sentence.

I might mention that I dropped over to see the Mother of the boy involved in this case about four months ago and I can assure you that she told me at that time, that she felt that August - and his co-defendant Clarke, had served a sufficient length of time in prison and that there was nothing to be gained by further incarceration.

Assuring you of our appreciation for your interpretation of this sentence, I am

Sincerely yours

James B. Scallon  
Chaplain

JBS/m

March 1, 1937

Chaplain James B. Scallon,  
Wallkill State Prison,  
Wallkill, N.Y.

My dear Father Scallon:

Let me thank you for your kind letter of February 27 and for the enclosure. I am not planning to be in New York in the near future, but if I do, I shall of course communicate with you and arrange for a meeting where we can discuss again Allen's case.

I should be very much interested to hear what Judge Martin wrote to you in reply to your letter.

With best wishes, I remain

Very cordially yours,

AHS:BX





LEO J. PALMER, M. D.  
SUPERINTENDENT

STATE OF NEW YORK  
DEPARTMENT OF CORRECTION  
WALLKILL STATE PRISON

WALLKILL

March 12, 1937

Rabbi Abba Hillel Silver E. D.  
The Temple  
East 105th Street at Ansel Road  
Cleveland, Ohio

Dear Rabbi:

I am enclosing a copy of the reply I received from Judge Martin in answer to my letter concerning Allen August. I would be glad to let you have the original if you cared to use it any time.

It seems to me that a letter from Dr Leo J. Palmer M. D., the warden here, vouching for Allen's splendid institutional adjustment in conjunction with this letter of Judge Martin's might move the "powers that be" to grant him some consideration at this time. What do you think?

With kind regards

Cordially yours

*James B. Scallon*

James B. Scallon  
Chaplain

JBS/m  
Enclosure



COPY

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COPY

COUNTY COURT

KINGS COUNTY

GEORGE W. MARTIN  
COUNTY JUDGE

CHAMBERS

BROOKLYN, N. Y.      March 4, 1937.

Rev. James B. Scallon, Chaplain,  
Wallkill State Prison,  
Wallkill, N. Y.

Dear Father Scallon:

I have your letter of February 27th, and wish to state that I am quite familiar with the facts and circumstances surrounding the case.

When I sent Allen August to prison, I never intended that he serve any more than his minimum sentence. This was not truly a kidnapping case in any sense of the word. They took the boy, kept him a little while, and then returned him the same afternoon. I doubt very much whether they had any intention, at that time, of keeping him. However, under the law, I was obliged to sentence him, which I did. I feel that if he served his minimum sentence he would be justly punished.

I am sorry to have missed you when you were here, but trust you will stop in again to see me the next time you are down.

Sincerely yours,

(Signed)      Geo. W. Martin