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**BIGAMY
INVESTIGATIONS:
A BRIEF
INTRODUCTION**

**RISK MANAGEMENT,
LIABILITY, AND
THE PRIVATE
INVESTIGATOR**

THE VALUE OF A PRIVATE INVESTIGATOR ASSOCIATION

THE ESPIONAGE ACT:

Throwing the Book at Mrs. Martin

BY **DANIEL J. DEMERS**

June 26, 1920 was a nice sunny day at San Quentin State Prison. The morning fog lifted early and the temperature tipped 83 degrees. The bright sunlight, mirrored against a calm San Francisco Bay, likely blinded the gray-haired J. Emma Martin as she walked out the prison gate. Newspapers had dubbed her a “political prisoner.” She had served one month and five days of a three-year sentence “with criminals of all kinds” before President Woodrow Wilson commuted her sentence.

At the time, there were approximately 3,000 inmates at San Quentin, including 50 women. The women prisoners’ occupation was sewing prison uniforms. Mrs. Martin had been convicted of violating the Espionage Act of 1917. Her crime was the selling of a religious book. A Justice Department telegram to the warden early that Saturday morning ordered her immediate release.

In 1918 towards the end of World War I, the elderly woman made her living in San Bernardino, California as a ‘home missionary’—selling religious books advocating the teachings of Charles Taze Russell’s International Bible Students Association. The Association would change its name to “Jehovah’s Witness” in 1931.

In mid-1917, concurrent with America’s entering World War I, Congress enacted the Espionage Act at President Wilson’s urging. Prior to the Great War, Wilson had expressed his concerns about widespread communist, pacifist and socialist dissent, which he felt would threaten American victory. The Act made it a crime to “incite...insubordination or...refusal of duty...or interfere in the recruiting of sailors or soldiers...” The *San Francisco Call and Post* reported that in March of 1918, four federal undercover agents attended a Bible class “as spies, to inveigle [Mrs. Martin] into selling them a religious book, written before the



J. Emma Martin,
San Quentin

war, in which murder of man by man in mortal combat is condemned.”

Along with Mrs. Martin, three male associates (Edward Ham, E. J. Sonenberg and E. A. Stephens) were also arrested, charged and convicted of the same crime. The cases were appealed and affirmed. The men were incarcerated in McNeil Island Federal Prison in Washington State, while Mrs. Martin, pursuant to a federal contract to house female federal prisoners there, was sent to San Quentin.

One San Francisco newspaper called the incident “one of the blackest pages in the war record of the Department of Justice and of President Wilson’s war on free thought, free speech and free opinion.” Mrs. Martin’s sin was selling a copy of the religious book *The Finished Mystery* to the “government spies.” The Bible Association’s founder, Charles Russell, wrote the book. It was first published in 1916, the same year Russell died. By the time the United States entered the war, over 1,000,000

copies of the tract had been sold worldwide. Some of the other warring nations also took exception to the pacifist sentiments promoted in the book. The *Call and Post* claimed, “in Germany some of the bible students found with the book were shot.” Ironically, the U.S. government deemed the book “pro German.” In Canada, bible students possessing or selling the book were arrested and punished with fines and imprisonment.

After passage of the Espionage Act, the publishers of the book entered into negotiations with the Justice Department and issued an expurgated edition. Even so, the Justice Department declared the new edition illegal and arrested, prosecuted and convicted members of the Bible Society in Arkansas, California, Colorado, Idaho, Indiana, Iowa, Kansas, Louisiana, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, West Virginia and Wisconsin. The Bible Association’s newsletters of the era reported that some of the arrested Congregationalists were “mobbed, whipped, kicked and [one man had] his jaw fractured.” One sect member was blinded and others were “beaten, their ribs broken and their heads cut.” The members were ultimately released when they appealed their convictions on constitutional grounds. In supporting their appeal before the courts, Joseph Rutherford, who succeeded Russell as the leader of the religious sect, declared, “... the war was used by opponents of the Bible students to stamp out their following and suppress their religious teachings.”

According to Rutherford, Mrs. Martin and her three companions assembled a small class for the purpose of studying the Bible. The four undercover agents attended one of the evening classes and “pretended to be interested in the Bible.” At the conclusion of the class, one of the agents approached Martin and asked to purchase a copy of *The Finished Mystery* which the class had been studying that evening. She told the agent that she had just heard there was a problem with pages 247 to 252 of the book. She proposed cutting the offending pages out. The government agent responded “No, do not do that, we want them left in, handed her the price of the book and went away.” At the same time another undercover agent conducted a similar transaction with another member of the Bible class who also noted the problem with certain pages, cut the pages out and received the sales proceeds. When he turned his back, the agent picked up

both the book and the offending pages and took them away as evidence. The offending pages contained a number of pacifist sentiments. Examples include: “The most virulent and devastating disease of humanity now raging on earth is militarism.”; the nation’s “... armed men are grown from the dragon’s teeth of secret diplomacy, imperialistic ambition, dynastic pride, greedy commercialism, economic exploitation at home and abroad.”; and “War is in open and utter violation of Christianity. If war is right, then Christianity is wrong, false.”

A few days later Mrs. Martin and her three associates were indicted. They were tried and convicted. The press reported: “Not one of the four had said anything against the government. One of them had a son in uniform in France and there was not one bit of evidence offered in the case tending to show that there was any criminal intent...to in any way interfere with the...normal proceedings of the army or navy.” On May 21, 1920, after losing their appeal, the convicted were taken into custody and transported to their respective prisons.

On June 21, 1920 a meeting of concerned citizens assembled in San Francisco’s Scottish Rite Hall to discuss the case. Republicans had been criticizing the President for months—alleging his administration had abridged Constitutional rights. Wilson, in turn, had challenged the Republicans to prove that any one citizen had been singled out for disloyalty, for expressing individual opinions or that any citizen’s rights had been unjustly invaded. At the meeting, a formal resolution was adopted claiming that Mrs. Martin was just such a person who, while in prison, was (in the racist sentiments of the times) “being compelled to associate with vile and immoral Negro women.” Notwithstanding the racial slur (and with some moral irony) the resolution continued, alleging that Mrs. Martin’s conviction and incarceration “...was unjust, un-Christian and un-American.” Further, the resolution declared the actions of the Federal investigators and prosecutors to be “infamous, outrageous, dishonest, unjust and in flagrant violation of American principles...a disgrace to American institutions and destructive of the time-honored religious and civil freedom which are the very foundation principles of the American government.” The resolution was telegraphed to the White House on June 22, 1920. She was ordered released four days later. Her male associates were ordered released from McNeil Island the same day.

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