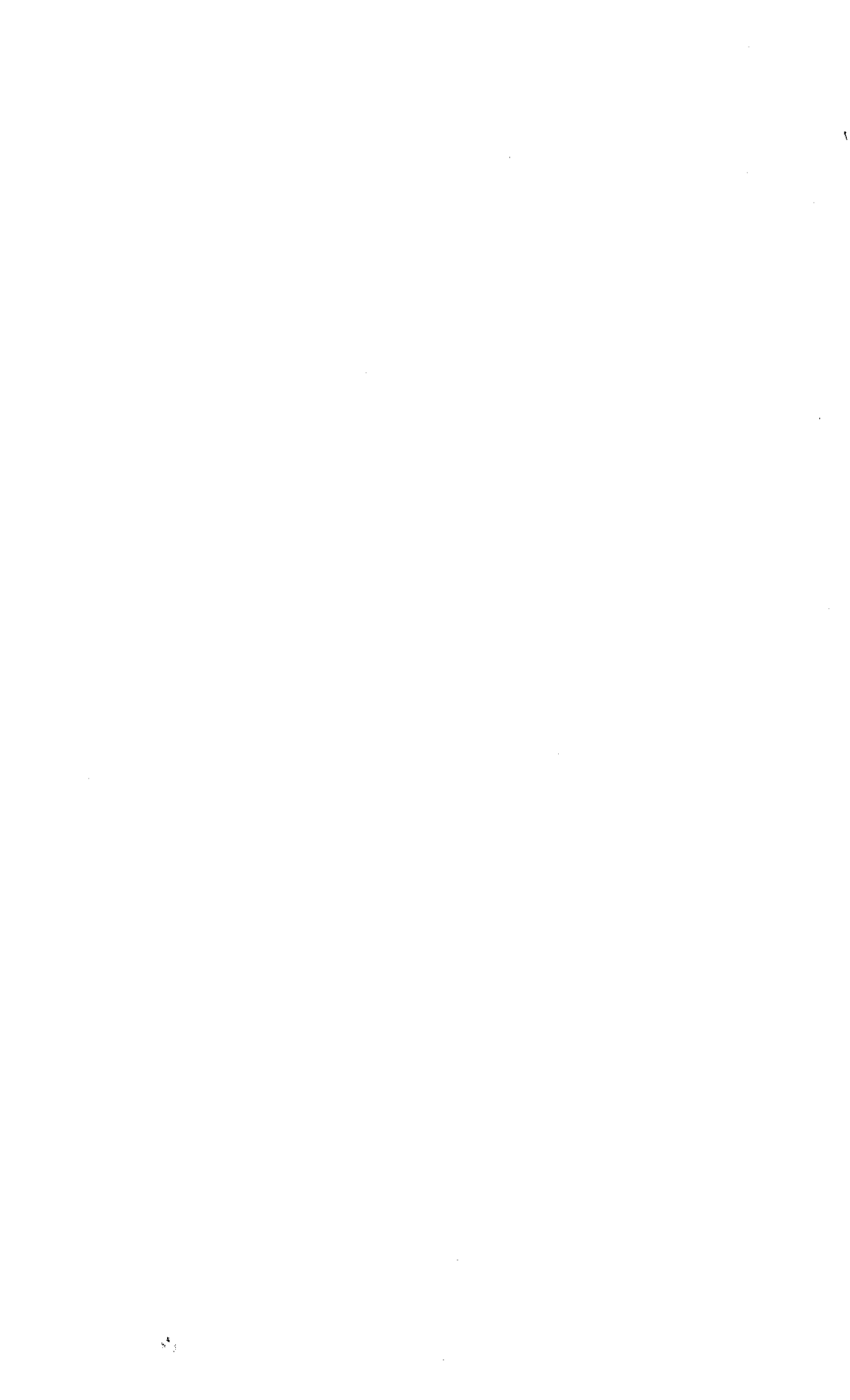


**THE DECAY OF CZARISM**  
**THE BEILISS TRIAL**



# THE DECAY OF CZARISM

## THE BEILISS TRIAL

A contribution to the history of the political  
reaction during the last years  
of Russian Czarism.

Based on unpublished materials in the  
Russian archives

BY

ALEXANDER B. TAGER

Translated from the Russian original



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**TO MY CHILDREN**



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2. Telegram of Kuliabko to the Director of the Department of Police.
3. Letter of Shredel to Kharlamoff, February 14, 1912.
4. Letter of Shredel to Kharlamoff, March 14, 1912.
5. Letter of Governor Girs to Kharuzin, April 19, 1912.
6. Letter of Makaroff to Stsheglovitoff.
7. Letter of Chaplinsky to Liadoff.
8. Letter of E. Menkin to Bielezky.
9. Letter of Ambassador Nelidoff to Foreign Minister Sazonoff.
10. Letter of Governor Girs to Kharuzin, November 8, 1912.

\*The Photostats follow p. 250. The translation is given in Appendix II, pp. 251-70.

Every page of the reproductions of the archive documents bears at the foot a certification by the Secretariat of the Central Archive Office. This certification naturally appears only once for each document in the translation.



## FOREWORD

The autocratic government of the Romanoffs was destroyed by its own tyranny and corruption. The great masses of the peasantry and the laboring class were sunk in poverty, misery and ignorance. Any attempts to ameliorate their condition were met with opposition and repression. Hundreds, nay thousands, of the noblest men and women of Russia's *intelligentsia* who, in their sympathy with the oppressed, risked their life and liberty to open the eyes of the people through education, were branded as traitors and revolutionists and were imprisoned in the Russian jails or exiled to the wilds of Siberia. A few of them escaped to the more liberal countries of Europe and America, where they made a name for themselves in science and literature and exposed the conditions under which the rest of their countrymen lived.

The Jews, even those who attended to their own business and took no part in politics, were specially singled out as a people for persecution and oppression. Their rights were restricted, freedom of movement was denied to them, and a pale of settlement, a veritable ghetto on a large scale, was established to which, with few exceptions, all Jews were confined under pain of arrest and punishment. This resulted in a wide-spread movement of opposition to the existing government shared in equally by Jew and Gentile. Nihilism, anarchism, social revolution, terrorism, were the various party names adopted by the opponents of the government, and despite the ruthless efforts of the powers that be to suppress it, the movement spread during the greater part of the nineteenth century and constituted a menace to the Czaristic regime.

In a moment of fear Nicholas II, the last of the Russian Czars, yielded temporarily to the demands of the liberals, and in 1905 the first Duma was established in Russia, a House of Representatives having the power to legislate, to vote the budget and to control the administration. But, like Pharaoh of old, Nicholas soon

repented of his good work and put all kinds of obstacles in the way of the elected representatives, the first two Dumas were dissolved before the termination of their period and a like fate was to meet the fourth Duma when the March revolution broke out in 1917.

From the beginning of its existence, the Duma, representing various shades of political opinion, was a thorn in the flesh of the nobility, the landed proprietors and the Black Hundreds, who had the ear of the Czar. Particularly obnoxious to them were the efforts made to ameliorate the condition of the Jews, to abolish the Pale of Settlement and to grant them equality of rights. This, they felt, would lead to further reforms endangering their stranglehold on the people and no one could tell where it would lead. They were determined at all costs to resist reform by all the means at their command, and they stopped at nothing.

As is usual in such cases, they concentrated on the most vulnerable point, the Jews. If they could succeed in instilling in the masses the belief that the opposition was a Jewish movement calculated to make the Jews the masters of Russia, their aim would be won, the revolution would be discredited and easily crushed. And this they proceeded to do. First were launched calumnies against the Jews. The benighted masses were inflamed against their alleged enemies and with the aid and incitement of the government, pogroms were engineered in which the homes and shops of the Jews were looted and burned and the blood lust of the rioters was sated by violation and murder.

Among these anti-Jewish calumnies was the revival of an ancient accusation that the Jewish religion prescribes the use of Christian blood in the Jewish ritual—the Passover service in the home. This ritual murder charge was frequently raised in the middle ages and led some of the Popes to condemn it as an invention and a myth and to forbid such a charge to be brought. In modern times non-Jewish scholars of renown have written books to show that there is not and never has been any such practice prescribed by the Jewish religion, that such a practice is directly contrary to the spirit and letter of Judaism. It has been pointed out further that a similar accusation was brought against the early Christians and against the Christian missionaries in China.

All this was well known to the Russian authorities. Nevertheless the accusation served their political purpose and in their fear of the impending revolution they resorted to it. Opportunity presented itself in the discovery of the body of a Christian boy who had been murdered in Kiev and thrown into a cave.

Although the investigations of the police led to a well known band of criminals, the authorities closed their eyes, shielded the real culprits and indicted and tried an innocent Jew with the deliberate purpose of discrediting the Jewish people and their religion in order to cast aspersion upon the liberal movement and perpetuate the autocratic and corrupt government of the Czar and his satellites.

The indictment, the gathering of evidence, the expert testimony, the selection of the jury, the appointment of the trial judge and the prosecuting attorney, and the conduct of the trial itself—all these were planned and carried out with the most amazing cynicism and insincerity that can only be characterized as monstrous. Those concerned on the government's side used all manner of evasion and fraud to conceal the truth and establish a lie to fasten the charge of cruel murder on an innocent and harmless Jewish workman. The whole plot was nothing short of diabolical. The officials of the government, from the lowest to the highest, were in the plot, and the Czar himself was not unaware of what was going on.

In general outline the story of the Beiliss trial was known to those who followed it in the year 1913, and no one was misled by the Russian reaction to the well-nigh universal protest which came from civilized countries in Europe and America. But there may have been some who made allowances for a backward country like Russia, being unaware of what was going on behind the scenes. For the letters and telegrams exchanged by the officials among themselves in Kiev and Petersburg were of course locked up in the respective offices and hidden from view. Skeptics, who could not imagine such horrors possible, might very well have given the Russian officials the benefit of the doubt and assumed that the trial was prepared and carried out in good faith.

Since the Russian revolution, however, the archives of the Czarist government have been made accessible by the Soviet,

and the author of the present work spent many years in investigating their contents. Now for the first time the details of the plot are revealed in all their horror. The evidence is there from the mouths of the government officials themselves. Ten of these documents are reproduced in their original form followed by an English translation. Every page of every document bears at its foot a certification of its authenticity by the Secretariat of the Archives, which are now kept in a central office in Moscow.

The document which strikes one with particular horror is a communication from the then Russian Ambassador at the Vatican, Nelidoff, to the then Russian Minister for Foreign Affairs, Sazonoff. As was pointed out above, various Popes had at different times stated that there was no use of human blood in the Jewish ritual. Lord Rothschild had asked the then Cardinal Secretary of State, Merry del Val, to furnish authenticated copies of these statements of the Papacy, which the Cardinal readily agreed to do, but owing to a Russian regulation this document could not be received by the court unless its authenticity was vouched by a Russian official. And while Nelidoff could not refuse to give the statement of the validity of the documents, he delayed them in order that they might not reach the court until the trial of Beiliss was over, thereby becoming useless not only to Beiliss but to the Jewish people in their effort to clear themselves of a charge of the use of human blood for ritual purposes. One cannot recall in all history such an entirely conscienceless and shameless act nor such folly as to leave a record of it.

The story of the book, horrible and depressing as it is, is both instructive and timely. The Jews are again the object of attack in Germany. Similar tactics are employed by their traducers, even to the ritual murder accusation. No originality is required in an autocrat who desires to influence the opinion of the masses, neither is truth an essential. Brazenness and cynicism will do the work—for a time. History moves slowly and patiently, but in the end retribution comes, "overflowing with righteousness."

THE PUBLICATION COMMITTEE



## INTRODUCTION

This book was written long before the time when the advent of the Nationalist-Socialists (Nazis) to power in Germany brought a wave of violent acts, brutalities and indignities upon the Jewish population of Germany.

It seemed to students of modern history that the violent termination of Russian Czarism also signified the end of militant anti-Semitism as a governmental policy and the abolition of legal restrictions against the Jews. Recent German events, however, have proved that such conclusions were premature.

Reactionary movements in various countries appear to be becoming stronger and stronger, and they are accompanied by their inseparable satellite—the militant and pogrom-instigating anti-Semitism. Hatred of Jews and persecutions of Jews are raised by the Nazis in Germany to the plane of a state doctrine and of the basic foundation of the Government even to a higher degree than was the case in Czaristic Russia. Shortly after the appointment of Hitler as Chancellor of Germany, one of his biographers warned all those who think that the enmity towards Jews is but a temporary and passing feature in the Nazi program that they are mistaken, and that National Socialism is not only hostile to Jews at the present moment but will always continue to be so.\*

Insofar as the explanation of racial antipathy in general and of hatred toward the Jews in particular is concerned, the speeches of the German anti-Semites differ very slightly from the similar ones of Russian pre-revolutionary Jew-baiters and of the French reactionaries at the time of the Dreyfus Affair. As was the case in pre-revolutionary Russia and in France during the nineties of the past century, the philosophers of the reaction in Germany do not shrink from making the most monstrous, the

\*See Ichanor von Leers, *Adolf Hitler*, Leipzig, 1933, p. 28.

most unthinkable accusations against the Jews. The most extreme of all these inventions and fabrications, the one which always seemed to be the most effective weapon for the creation of hatred against the Jews, was a carefully prepared accusation that Jews have murdered Christians and used their blood for ritual purposes. This was the favorite weapon in pre-revolutionary Russia. The last attempt of German Jew-baiters to organize "ritual" trials occurred at the end of the 19th century. From 1905 to 1931, this charge against the Jews was not brought forward in a single West European country. In 1931, however, two "ritual" trials were started: one in Czechoslovakia and one in Roumania. The coming into power of the Nazis in Germany also caused a flare-up of ritual accusations. According to press reports (see, for example, the Vienna *Der Morgen* of February 27, 1933), leaflets were recently circulated in Berlin and Dresden, containing "ritual murder" accusations and appeals for the prosecution of Jews. These leaflets bore the signature of von Leers, the biographer of Hitler already referred to.

The whole of Germany was flooded by a wave of indignities and acts of violence against the Jews, which were not surpassed even by the pogroms of the Czaristic era in Russia. Anti-Jewish outbursts which occurred in Poland, Roumania, Austria, and Hungary during recent times are trifles in comparison with the deeds of the Nazis in Germany.

All these events taken together give ground for the assumption that an account of Russian reaction during the period of decay of the Czaristic monarchy is likely to be of considerable interest even to the non-Russian reader.

This book does not claim to give a complete or comprehensive picture of Russian reaction, be it even in the last period of its existence. The subject of this work is a special event in which were concentrated as in a burning glass all the peculiar features of the Czaristic regime with such fullness and clarity that no one other event of the same historical period can be compared to it. With the downfall of the Russian autocracy, the archives of all the branches of that Government became accessible to the student. As a result, the investigation of a comparatively recent period of

Russian history can now be based for the first time upon a rich hoard of documentary material.

The archives of the Russian monarchy are extraordinarily interesting for the study of a government which most consistently and obstinately pursued a policy of social-political reaction, reaching its culmination during the last decades of the Romanoffs. In its final stages the government of the Czar carried its reactionary policies to incredible extremes, employing administrative measures of unprecedented arbitrariness, which led to abuses unparalleled in their wickedness.

In view of these facts, the study of the last years of Russian Czarism is not only of scientific value, but of practical interest, considering that reactionary ideas, with all their monstrous embodiments, far from showing any tendency to disappear, seem to be spreading everywhere with renewed vigor.

National chauvinism is the inevitable satellite of the political reaction of our most recent era. It appears in the most varied forms, depending upon the existing conditions and circumstances. In essence, however, it is always the same: it is reactionary nationalism, which in its blindness ascribes a privileged position to one nationality as against other nationalities, looked upon as inferior. The more consistent, deep and impulsive the reaction in general, the less reserved and more boisterous becomes the nationalist intolerance. Its external manifestations bear a direct relationship to the cultural level of the social groups in question and their nationalistic moods and conceptions.

National intolerance was brought to the greatest height in the political regime of the Czaristic reaction; it was an absolutely official part of the governmental policy. All national minorities were oppressed in one form or another: Poles like Finns, Jews like Armenians. The Jews, however, were persecuted in special ways, and much more than the others. Anti-Semitism is the phenomenon *par excellence* in which the national intolerance of reactionary governments and parties expresses itself in the acutest form.

The famous Kiev "ritual murder" case of Beiliss which was tried in 1913 is the central subject of this book. Experience teaches us that all social-political abnormalities, collisions and contradictions, in the most varied historical epochs, have always mani-

fested themselves in especially sharp and painful forms precisely in the domain of the judicial activities of the State. This is also true in the field of nationalist intolerance and hatred.

The opening of the Czaristic archives presents, for the first time in history, the possibility of proving, on the basis of authentic documents, the artificial organization of a sensational ritual murder trial in a large European country, specially designed to blacken the repute of an entire people as a pretext for justifying their oppression and contributing to the triumph of social and political reaction. These materials show vividly to what an abyss of degradation a country can be brought by a regime based on the ideas of national hatred and intolerance. Those who scrutinize the present-day propaganda of the Hitlerites will see how little original are the arguments of their anti-Semitic agitation.

The purpose of this book is not to prove that Jews do not commit "ritual" murder or that Mendel Beiliss did not commit the crime of which he was accused. These tasks were brilliantly performed at the appropriate time, that is during the trial of Beiliss, and under incredibly difficult conditions, by the most eminent Russian lawyers.

Our task is a different one, and its execution was prompted by the following considerations. It cannot be denied that there may be trials where the prosecuting officials—be they attorneys general, procurators, judges, or investigating magistrates—are honestly mistaken in formulating and maintaining an accusation against a person or persons. An acquittal of the defendants by the jury in such cases, i. e. a judicial recognition of the incorrectness of the accusation or of the lack of sufficient evidence, does not condemn the procurators, *if only they acted in good faith*, i. e. if they really believed in the guilt of the persons whom they accused. Such mistakes can happen.

But there was nothing of this in the Beiliss trial. Our investigation of genuine archive materials makes it possible to prove before the whole world that there was no mistake on anyone's part in this case; that the Czaristic Government, in the final period of its existence, committed one of the most hideous crimes imaginable—hideous because of the fact that it was permeated with the

spirit of lying, hypocrisy and hatred, and was carried through behind the mask of the administration of justice.

The Beiliss trial on the background of the regime, or, to be more exact, the regime itself on the background of the facts of the Beiliss trial—this is what we intend to present in this book.

The interest of the Beiliss case lies not merely in the events connected with the trial itself, but in the fact that the whole regime was reflected therein. The disposition of the social-political forces; their relations with one another and with the Government and the country; the relations of the separate political parties to the Government; the militant anti-Semitism as one of the principles of the governmental policy; the methods of the administration of the country; the position of the courts in the state; the hegemony of the secret political police—in a word, all that was characteristic and symptomatic of the political regime found expression in the Beiliss case. A new generation has grown up since then, which does not remember the pre-revolutionary Russian regime. *It is well that they should know it.*

It is obviously impossible to study the Beiliss trial apart from the social-political perspective as a whole. On the other hand, a thorough study of the pre-revolutionary period of Russian history would be far from complete and satisfactory if it did not include, as one of the most significant events of this era, the Beiliss trial, which is the most striking illustration and political symbol of this period. All the political contradictions of this epoch, all the political aspirations and abnormal features of the regime found in this trial their exact, picturesque and vivid expression. Especially characteristic and not less typical than the open features of the trial, are those secret methods of the administration of "justice," which we had the opportunity of learning fully and accurately only after the opening of the Czaristic archives. From this point of view, and also from the point of view of its universal significance, the Beiliss trial is one of the foremost if not the foremost political event of its period. It represents the culminating point in the nationalist persecution, exceeded only by the street pogroms.\*

\*See Appendix I, 1, p. 235 ff.



## CHAPTER I

### GOVERNMENT OF STOLYPIN

BETWEEN TWO REVOLUTIONS.—POLITICAL REGIME OF STOLYPIN.—ADMINISTRATION OF JUSTICE UNDER STSHEGLOVITOFF.—PERSECUTION OF NATIONAL MINORITIES AND ANTI-SEMITISM AS ESSENTIAL PARTS OF THE POLICY OF THE REACTIONARY REGIME.

#### § 1.

At the end of 1905 the Government of Emperor Nicholas II crushed the first Russian revolution. The succeeding years to 1917 constituted a period of liquidation of the consequences of the revolution, a period of dark, cruel social-political reaction, which fought not only against the persisting revolutionary movement, but also against any other expression of a demand for social-political progress in the life of the country. This situation existed until the last days of the old regime. At the beginning of 1917, the second Russian revolution annihilated the monarchy in Russia. Russian Czarism, which had frequently had a reactionary influence upon the policies of other European countries, ceased to exist and became history.

The government of the last Russian Czar is closely bound up with the names of two outstanding statesmen who were, by turns, the actual heads of the Government: Count S. Y. Witte and P. A. Stolypin. These two men undoubtedly were the greatest leaders of Russia during the last decades of the monarchy. Witte and Stolypin are, however, the representatives of different periods and of entirely different policies. Witte was an adherent of a policy of moderate concessions and proposed to carry on the fight against the revolutionary movement with the aid of the great bourgeoisie. Stolypin's political program excluded any concessions and represented the conservative views of the landed gentry.

He even abolished some of those insignificant concessions which Witte felt compelled to grant to the people in 1905.

The landed aristocracy started its unification and its political organization as a separate class in 1906, "with the purpose of raising and strengthening the political significance of the class." In other words, the larger landowners organized themselves politically and decided to fight for power and control. At their second All-Russian Congress (in November, 1906), the landowners submitted their political program to the Government. One of their main demands was a change in the social and economic classifications governing elections to the Imperial Duma. This demand prepared the ground for the *coup d'état* which was made by Stolypin half a year later, when he dispersed the Second Imperial Duma and issued the new electoral law of June 3, 1907.

The gradual subjugation of the governmental policy to the Council of the United Nobility and its party organizations under the leadership of the most reactionary "Union of Russian People", created the political regime which became known as *Stolypin-stshina*, and characterizes the final period of the Czaristic monarchy, its decay and downfall.

Exponents of the most varied political philosophies and leaders of the different political parties, with the natural exception only of the extreme reactionary groups which formed its backbone, are unanimous in their estimate of this regime. A few quotations from the *Memoirs* of Count Witte will give us his devastating characterization of the Stolypin period of Russian Czarism. Count Witte might have been mistaken as to the usefulness and beneficence of his own policy. But he could not fail to see that the policy of Stolypin spelled destruction of the Romanoff monarchy. On the other hand, with Witte's name is bound up the cruel suppression of the Moscow insurrection in December, 1905. Hence, he cannot be suspected of sympathy with revolutions and other forms of uprisings, and his estimate of Stolypin's regime may, therefore, be regarded as having special interest.

"The concealed ideals of the Czar," says Witte in his *Memoirs*, "are the ideals of a half-mad, poor-spirited little heap of the so-called 'genuine-Russian people' . . . The Emperor especially loves the so-called 'black-hundreds', openly glorifies them as the



first men of the Russian Empire, as exemplars of patriotism, as the pride of the nation. And precisely these people have as their leaders Dubrovin, Count Konovnizin, the priest Iliodor and other similar persons with whom decent people do not shake hands and whose society they avoid . . . The Empress Alexandra Fedorovna conspires with the 'Union of the Russian people' . . . The 'Union of the Russian people,' composed of plain thieves and hooligans, acquired great power under Stolypin's regime, because the government and all its branches are supporting this Union with all the available means . . . The aims of the 'black-hundreds' are usually selfish and of the lowest character. Their stomachs and pockets dictate their aspirations. They are typical murderers from dark alleys. They are ready to organize murders like the revolutionaries of the Left. The latter, however, mostly commit the acts themselves, whereas the 'black-hundreds' hire assassins . . . The club of nationalists has as its main task the persecution of aliens . . . Stolypin started the movement of the neo-nationalism, whose slogan is persecution of all Russian citizens of non-Russian descent . . . Stolypin put into the foreground a peculiar principle of Russian nationalism. In accordance with this principle, there are three conditions indispensable for one who desires to be considered as a true son of his fatherland: the last three letters of the family name must be 'off', he or she must be Greek-Orthodox, and must have been born in the central part of Russia. Naturally, one's record is still better if one can present evidence of having killed or at least mutilated a few peaceful *Zhidi*.\* . . . At the present time there is a wholesale persecution of Jews, and I think that the agitators do not know themselves whither they are going and what they expect to achieve by this conduct. The Jewish question in Russia was never before handled in such a cruel way, and never before were the Jews subjected to such vexations as at the present time. One who is not a Jew-hater cannot achieve a reputation as a real conservative . . . No one caused so many executions and in so outrageous a way as did Stolypin; no one abused his discretionary powers and neglected the dictates of law

\*In Russian, this term for "Jews" has an offensive connotation . . . [Ed.]

to the extent that he did; no one annihilated the very shadow of justice as did Stolypin, who accompanied all this by the most liberal speeches and gestures . . . Persons who were for any reason inconvenient for the regime, were killed . . . People were executed without trial, by arbitrary decisions of the administration . . . Men and women, adults and minors, were executed five or six years after the crimes were committed . . . The secret police do not hesitate to use any measures in revenging themselves upon those whom they consider their enemies or who are hated by some powerful individual . . . In his immoral administration Stolypin was not led by any principles; he perverted Russia, corrupted the Russian administration, annihilated the independence of the Courts . . . The 'Union of the Russian People' blended with the secret police, and it became difficult to draw a line of demarcation between the agents of the secret police and the activities of the 'Union of the Russian People' . . . Stolypin corrupted the press as well as many strata of Russian society and destroyed the dignity and prestige of the Imperial Duma, which he converted into his Department."\*

This is the estimate of Witte, who was the greatest statesman of the monarchy of the Romanoffs during the last half century of its existence. To quote from the literature on the subject, "Witte's feelings toward Stolypin did not differ much from those of the extreme Left." The following opinion of V. I. Lenin on Stolypin's regime proves the correctness of this statement.

"The political biography of Stolypin," wrote Lenin, "is an exact reflection of the conditions of life of the Czaristic monarchy. Stolypin could not act otherwise than he did under the circumstances in which the monarchy found itself during the Revolution. The monarchy could not act in a different way after it became absolutely clear . . . that the overwhelming majority of the population realized the irreconcilability of their interests with the further preservation of the landlords and were aiming to annihilate them . . . Czarism was compelled to start a death struggle and

\*The quotations are taken from the Russian edition of the second volume of the *Memoirs of Count Witte*, published after the Revolution. English translation, New York, 1921.

to find other means of defense beside the quite powerless bureaucracy and the army, which was weakened by military defeats and inner disintegration. The one way which remained for Czarism in such a situation was the organization of the Black Hundreds and the instigation of pogroms . . . The Stolypin period of the Russian counter-revolution . . . is characterized by the fact that the liberal bourgeoisie turned away from the democracy. Stolypin, therefore, could appeal to one or another representative of the bourgeoisie for aid, sympathy and advice. If such a situation had not existed, Stolypin would have been unable to establish the lordship of the Council of the Unified Nobility over the bourgeoisie . . . The landlords' monarchy of Alexander III made attempts to lean upon the 'patriarchal' village and 'patriarchal essence' of Russian life in general. The Revolution, however, shattered these tactics. After the Revolution of 1905, the monarchy of Nicholas II attempted to lean upon the counter-revolutionary mood of the bourgeoisie and the bourgeois agrarian policy of the landlords. The complete failure of these attempts . . . is the final downfall of the Czaristic regime . . . This is the fundamental lesson of the Stolypin period of Russian history . . . Our ruling classes brought the national question in Russia to the foreground and made it more and more acute. The Beiliss case again and again drew the attention of the whole civilized world to Russia, exposing the shameful situation which prevailed there. There was nothing in Russia even suggesting the administration of real justice, not a trace of it. All was permitted to the administration and the police in the matter of the shameless persecution of the Jews—even as far as concealing and covering up crimes. It was precisely this which resulted in the Beiliss trial. The Beiliss case is interesting and important because it illuminated in the clearest way the very foundation of our inner policy, its secret mechanism . . . The whole policy of the Government toward the Jews . . . becomes at once understandable and natural if one sees the truth and realizes the indubitable fact that the country was in a state of badly concealed civil war. The government was not ruling the country; it was engaged in warfare. If it selected the method of 'genuine-Russian' pogroms for this civil war, it was because

there were no other means at its disposal. Everyone defends himself as best he can.”\*

Such is the estimate of Stolypin's regime given by the two extreme wings of Russian politics—the conservative Count Witte and the revolutionary Lenin. Liberal circles which occupied a middle ground had the same opinion. Thus, the well-known historian P. N. Miliukoff, leader of the Russian liberals, characterized this regime in almost identical terms in his testimony before the Investigation Commission of the Provisional Government. “At the time of the dispersion of the Second Imperial Duma [in 1907], the union of the absolutist-monarchistic elements with the landowners and especially with the Council of the United Nobility acquired great strength. Stolypin is the product of this union . . . Its essence consists in the triumph of the interests of the nobility and in the determination of the monarchist power to use these as a basis.”

There is also very interesting material for the characterization of *Stolypinstshina* in the diaries and memoirs of ambassadors of various countries. “The ‘Black Hundreds’ are ruling the country, and the government gives obedience to them because it knows that the Emperor is inclined to sympathize with them . . . The government is provoking hostility toward itself by persecution of all non-Russians—Finns, Poles, Jews, etc. Stolypin leans on the Nationalists. This is not a party capable of governing a country; it is a party of hatred.” These lines are quoted from the diary of Georges Louis, the former French Ambassador in Petersburg. Other memoirs of diplomats contain analogous opinions. The appraisal was sufficiently unanimous.

It is no wonder that after the dissolution of the Second Imperial Duma in 1907, Nicholas II dispatched the following telegram to Doctor Dubrovin, the founder and leader of the Union of Russian People: . . . “May the Union of the Russian People be my trustful support, serving in everything as an exemplar of justice and order to all men.”

\*Quotations from the writings of Lenin are taken from volumes XV and XVII of the third edition of his Collected Works. Of these the International Publishing Co., New York, has so far published, in English translation, vols. 4, 13, 18, 20 and 21.

It is true also that the extreme Right groups did not deny that "the government does not rule, but is at war." At the seventh All-Russian Congress of the Unified Nobility, held in February, 1911, the leaders of the extreme Right parties proclaimed in their turn the necessity of civil war against the Socialist, labor and peasant movements. They characterized the actual situation at that time as a state of war.

§ 2.

"Stolypin kept about him as Minister of Justice such a hypocritical and unprincipled man as Stsheglovitoff . . . Among all the appointments of ministers after my resignation and up to the present time, this was the worst. Stsheglovitoff annihilated the courts. It is now difficult to define where the court ends and the police begins . . . Stsheglovitoff is not the head of the judiciary branch; he is rather one of the heads of the Secret Police . . . Notwithstanding the principle of irremovability of judges, Stsheglovitoff removes anyone at will, and the whole judiciary is being reduced to a state of servility to the Minister of Justice, upon whom depends the well-being of the judicial personnel . . . I am convinced that he will leave a very bad memory of himself in the whole judiciary branch for many and many decades."\*

So Count Witte characterized in his memoirs the Minister of Justice Stsheglovitoff.

The same Stsheglovitoff was, however, considered a liberal among the high judicial officials before the revolution of 1905. On the very eve of this first revolution, in his capacity of Chief Procurator of the Supreme Court of Appeals, he attracted considerable sympathy in liberal circles by his defence of the institution of the jury and of the rights of attorneys who represent the interests of defendants in criminal cases. "The attorneys are free in the defence of their clients, and they cannot be restricted in their rights at trials . . . Freedom for them is necessary in the same measure as air is necessary for every living being." Such were Stsheglovitoff's thoughts before 1905. Revolution drove him to

\*See Appendix I, 2, p. 240.

the extreme Right. For a time, however, he concealed his reactionary inclinations, until it became evident that reaction enjoyed the favor of Czar Nicholas II himself. From the moment when Stsheglovitoff openly joined the Right groups, he displayed the characteristic zeal of a new convert from the ranks of the opposition. Calculating and flexible, he spoke only counted, careful words, but thanks to his intellectual attainments and comprehensive erudition, he became a real leader and was followed obediently by his partisans in the Council of Ministers and in the Imperial Council.

It was this man who undertook the task of destroying the effects of the first Russian Revolution through the courts. This he carried out with the greatest ruthlessness. The characterization of him by Count Witte may be considered as accepted by all but the most extreme Right groups. The name of Stsheglovitoff became a symbol of irreconcilable political reaction not only among his enemies but also among his friends. He was Minister of Justice during almost an entire decade, leaving his post in the summer of 1915, at the very highest peak of the World War, when the approaching thunder peals of the Second Russian Revolution could be distinctly heard. After his resignation, he wrote a friendly letter to his political partisan, former Minister of the Interior N. A. Maklakoff,\* who had resigned a little earlier: "Finally the question of my resignation is decided," wrote Stsheglovitoff . . . "The decay is deep and bears evident traces of confusion which nowhere and never leads to good. The union of governmental and social forces is a great lie which cannot be concealed by any means. People are already losing their heads, even before the storm against the government has begun. What then will occur when the storm actually comes? This is the fatal question."

\*In our further narration the reader will meet with two Maklakoffs: Nicholas Maklakoff who was the Minister of Interior (1912-1915), an extreme Rightist and one of the most active reactionaries; and Vasily Maklakoff, one of the most brilliant Russian attorneys, member of the Imperial Duma, one of the leaders of the moderate liberals, and a defender of Beiliss. After the Russian Revolution he was appointed by the Provisional Governments of Lvov and Kerensky as Ambassador to France.

After Rasputin's assassination, when only those who were politically blind could not see that the Revolution was near and might occur at any moment, Stsheglovitoff was again appointed, this time as President of the Imperial Council, one of the highest positions in the Empire.

At the very beginning of the Second Revolution, late in February, 1917, the first among the Czaristic dignitaries to be arrested and brought before the Imperial Duma was the leader of the Right, "the soul and brains of the reaction," "the wildest and most irreconcilable reactionary from the former liberals." It was I. G. Stsheglovitoff.\*

### § 3.

The bloody anti-Jewish pogroms were one of the characteristic features of Russian reaction. Whereas the organization of the pogroms was the task of the Ministry of the Interior, it was the function of the Minister of Justice to see that the pogrom-makers escaped punishment.

Since the downfall of the Imperial regime, a whole series of former Czaristic statesmen have exposed separate details of the pogrom policy of the Russian Government. "Governmental restrictions of Jews," wrote General Kurloff, the former Commander of the Corps of Gendarmes, one of the outstanding representatives of Stolypin's government, "had a hideous influence on the executives in whose hands was the control of Jewish affairs, and created a hostile spirit against the Jews among the native Gentile population . . . These restrictions bred hatred among the population . . . It is here that one has to seek one of the main causes of the Jewish pogroms, and in this sense one can speak of the participation of the government in the pogroms . . . The Jewish pogroms, therefore, constitute only a part of the whole question of the situation of the Jews in Russia."

\*In depicting the character of Minister of Justice Stsheglovitoff, we used, beside the archive materials, also other sources, including the memoirs of Count Witte, of Ministers of Foreign Affairs Izvolsky and Sazonoff, the diaries of Paléologue, the French Ambassador in Petersburg, and of Mme. Bogdanovich, wife of a well-known general.

This reasoning of the former Chief of Gendarmes can be supplemented also by the statement of Lopukhin, the former Director of the Department of Police: "Two powers create pogroms; first, Black Hundred organizations . . . and second, the extreme governmental anti-Semitism. The first factor itself is not so dangerous, but the significance of the second factor is very terrible. The anti-Semitism of the Government started from the top in manifestations of a certain mood, moved down the hierarchic staircase to the bottoms of the governmental mechanism and reached the lower strata of the employees in the form of a direct appeal to acts of violence against the Jews. This appeal received confirmation from, and was fulfilled by, Black Hundred circles." Members of the Gendarme printed, in the very offices of the Ministry of the Interior, appeals inciting pogroms. They transmitted these appeals for further propagation to the organizations of extreme Right monarchistic parties—through Doctor Dubrovin, the President of the "Union of Russian People" in Petersburg, and through Gringmut, the editor of the *Moscow News*. Similar appeals were printed by the gendarme officers in the provinces. As head of the Government, Stolypin was very well informed of this situation. There is not the slightest hint in the archives that any of these officials, who incited the population to massacres of the Jews, was in danger of being hampered in any way. There are only traces of rewards and of promotions in rank. Such an attitude toward the organizers of the pogroms is not surprising, for the members of the Czaristic administration, including its highest representatives, were, with a few exceptions, adherents of the pogrom policy; and when, on occasion, they expressed opposition to it, it was only for reasons of expediency due to some special circumstances. On the occasion of the appointment of a certain general to an important post in South Russia, Czar Nicholas II said to him: "You have there, in Rostov and Nakhichevan, too many *Zhidi*." The general tried to soften the mood of the Czar: "I think," he said, "that many of them perished during the suppression of the revolutionary uprising by the troops, and then during the pogrom." "No," replied the Czar; "I had expected that a much greater number of them would perish." It is not



difficult to understand what influence such a hint was bound to have on a newly-appointed provincial administrator.

Though, as we saw, the highest representatives of the Government, the real culprits, were not subjected to any repression at all, it was impossible to avoid criminal prosecution of the immediate participants in pogroms, assassinations and pillage. The Government could not escape the necessity of bringing them before the courts, condemning their misdeeds and putting them into prison.

The Government, however, had at its disposal an effective means of annulling the judicial repression of these persons. This was the amnesty given by the Czar to the *pogromstshiki*. And Stsheglovitoff's policy toward the Jews did not differ in this respect from the views of his master. After the revolution of 1905, the promise which Nicholas II gave to Count Konovnin, one of the leaders of the pogrom movement, became known. "I know," Nicholas II told the Count, "that Russian courts are too severe toward the participants in the pogroms. I give you my imperial word that I shall always lighten their sentences, on the application of the Union of the Russian People, so dear to me."

Thus, the question was put in a clear way: the monarchist societies belonging to the Union of the Russian People organize pogroms: it is the task of the Government to guarantee immunity to the *pogromstshiki*.

The imperial word was fulfilled. During the term of Stsheglovitoff as Minister of Justice, no fewer than 325 petitions were submitted to the Czar, appealing for amnesty in behalf of 476 persons found guilty of pogroms. All these petitions were submitted upon application by the Union of the Russian People, which thus identified itself with the deeds of the pogrom-makers. Frequently these applications were supported by the Governors of the Provinces and sometimes even by Prime Minister Stolypin himself.

As a general rule, the Ministry of Justice was required to prepare separate reports for each individual case, which were then typed. There were, however, two categories of reports for which there were printed blanks requiring merely the filling in of the appropriate names. These were of two types: one for refusal of pardon to those condemned of political crimes; the other, for the

granting of pardon to persons found guilty of taking part in anti-Jewish pogroms. These blanks also enumerated various reasons for granting pardon, such as: "extreme ignorance," "clear previous record," and "exasperation owing to the hatred of the Jews inculcated among the primitive masses, who consider them as chiefly responsible for political disturbances in Russia."

In the statistical tables dealing with rejected applications for pardon, there are only zeros in the column headed "Jewish pogroms." In other words, persons who robbed and killed the Jews were not refused pardon by the Czar.

#### § 4.

The question of the amelioration of the legal status of the Jews in Russia and of their equalization in respect of civil rights with all other citizens arose several times during the period between the two revolutions. The manner of presentation of this question as well as the steps taken toward its solution are sufficiently characteristic to give us an understanding of this historical moment, with its political hypocrisy, religious bigotry and racial antagonism. A few episodes will help us to get an idea of the attitude of the Czaristic reaction toward this question.

When the events of 1905 compelled the Government to make its first concessions to the revolutionary movement, it became necessary to include among the problems requiring solution also the question of allowing the Jewish population to participate in the elections to the Imperial Duma. The Council of Ministers was called upon to discuss this question in a special memorandum. The refusal of electoral rights to the Jews, they argued, "will undoubtedly still further corrupt this nationality, a significant part of which is already undergoing a process of fermentation owing to the legal and economic conditions under which it lives. . . . On the other hand, what would be the result of granting these rights to the Jews? With the proposed establishment of a property requirement, the overwhelming mass of the Jews, i. e. the proletariat, will, as a matter of course, be eliminated from participation in the elections. Probably only a few Jews will be

elected to the Duma, hence they will not be able to exert much influence on the opinion of the other four or five hundred members. Under such circumstances, the proposed elimination of the Jews would seem to be politically and practically inexpedient and does not promise any useful results. This proposition must, therefore, be rejected, on grounds of justice as well as of policy."

In this way, an attempt was made to set the Jewish bourgeoisie against the Jewish proletariat in the period preceding the convocation of the first Imperial Duma.

One year later, after the dissolution of that body, the Government found itself in the midst of a cruel struggle with the revolutionary movement. At that time Stolypin was already the head of the Government. The question of the legal status of the Jews and of their restrictions came again to the front. It was Stolypin's idea that if a partial amelioration of the situation of the Jews were granted before the election of the second Duma, the Government could postpone indefinitely the radical solution of the Jewish question as a whole, that is, the complete legal emancipation of the Jewish population. The very lively correspondence during this period between Kokovzeff, the Minister of Finance, and the Paris banker Noetzlin, which was entirely devoted to the problem of equalizing the status of the Jews with that of the rest of the population, indicates that foreign financial and political circles were also very much interested in this question.

Stolypin presented to Nicholas II the minutes of the Council of Ministers, in which the latter advocated a partial removal of the anti-Jewish restrictions. These propositions of the Council of Ministers evoked an immediate storm of indignation in reactionary circles. The Council of the Unified Nobility became more and more the representative of the opinion of these circles, and the influence of this Council on the Czaristic court and the governmental spheres became greater and greater. The Council was the arch-opponent of any improvement in the status of the national minorities in general and of the Jews in particular. Just at this time the second All-Russian Congress of the Unified Nobility opened its session. "Rumors regarding the approaching abolition of the restrictive laws against the Jews," stated one of the resolutions of this Congress, "have naturally alarmed public opinion . . .

Any concession to the Jewish demands may be reflected in the consciousness of the people as proof of the weakness of the Government." The Congress, therefore, presented to the Government "the request to guard the 'state nationality'\* against the disintegrating influence of the Jews." The resolutions of the Congress manifested their influence on Nicholas at once: "The first nobleman of the Empire" did not dare to disobey the dictates of the Congress; he refused to confirm the above mentioned recommendations of the Council of Ministers of December 10, 1906, and returned the minutes to Stolypin with a very characteristic letter. "Notwithstanding the most convincing arguments in favor of accepting a positive decision in this case," wrote the Emperor, "an inner voice more and more resolutely tells me not to take this decision upon myself . . . I know you also believe that the 'Czar's heart is in God's hands.' Let it be so. I bear before God and the country the responsibility for all the governmental powers established by me, and I am always ready to give an accounting for everything to God. I only regret one thing: that I am compelled to reject your decision on a matter to which you and your collaborators devoted so much time and labor."

Stolypin answered this letter of the Czar at once. Using moderate words and a servile tone, he, nevertheless, clearly pointed out in what a difficult position the Czar had placed himself as well as the Government. "I brought up the Jewish question," wrote Stolypin, "because the Manifesto of October 17, 1905, established the principle of political equality of all citizens; therefore, *the Jews have legal ground to demand complete equality*. The grant of partial concessions would give the Imperial Duma the possibility of postponing the solution of this question in its entirety for a long time. It was my intention at the same time to placate the non-revolutionary element of Jewry . . . Now, however, the question will appear before society and the Jews in the following form: 'The Council of Ministers unanimously voted for the abolition of some restrictions, but the Czar insisted on preserving them.'"

The Czar's attitude caused Stolypin to arrive at an astounding conclusion. As no one except Stolypin and the Czar himself knew

\*This was the term defining the Russian majority as contrasted with all other national groups in Russia. . . . [Ed.]

of the return of the minutes, Stolypin asked the Czar's permission to emend the text so as to make it read in the opposite sense, in order that the Czar might be able to base his decision on the opinion of the Council of Ministers. This was done. The minutes were changed to make it appear that the Council voted for the preservation of Jewish restrictions, and they were then approved by the Czar. In this way the personal interference of the Czar prevented even a modest alleviation of the situation of Russian Jewry as legal outcasts.

Stolypin made no further attempts to bring about the abolition of the restrictive laws against the Jews. After the dissolution of the Second Imperial Duma in the summer of 1907, the whole governmental policy became colored with militant nationalism, that is, hatred of aliens, especially Jews. A veritable "zoölogical"\* anti-Semitism became one of the foundations of the entire inner policy of the Czaristic government. Every domain of legislature and administration was used for the fight against the Jews. The authorities never failed to set up special restrictive regulations directed against the Jews, whether in the field of instruction or of military defense or of national economic life. The Jewish subjects of the Czar were restricted even in the elementary rights of choosing their places of residence in the Empire and of moving freely throughout the country.

The Government always explained and attempted to justify all these persecutions of the Jews by emphasizing the participation of Jews in the Russian revolutionary movement. The same argumentation was also used for the justification of anti-Jewish pogroms, which were referred to in the official terminology as "outbursts of popular indignation" against the Jews, who had caused the revolution.

But the revolutionary movement grew in intensity and reached such dimensions that nobody could take the official explanation seriously. A new excuse for the struggle against the Jews had to be invented, and this was the Beiliss affair. The repercussions of the Beiliss case and the world-wide interest aroused by it can be compared only with the universal excitement created by the Dreyfus affair in its time.

\*See p. 21.

## CHAPTER II

### STOLYPIN AND WITTE

VICTORY OF STOLYPIN OVER COUNT WITTE.—STRUGGLE OF EXTREME RIGHT AGAINST THE EMANCIPATION OF THE JEWISH POPULATION.—ALL-RUSSIAN CONGRESS OF THE NOBILITY AND ACCUSATIONS OF RITUAL MURDER.—ASSASSINATION OF ANDREI YUSTSHINSKY BY A BAND OF THIEVES IN KIEV.—POGROM-RITUAL AGITATION OF THE RIGHT GROUPS IN CONNECTION WITH THIS MURDER.—INTERFERENCE OF THE MINISTRY OF JUSTICE.

#### § 5.

Stolypin did not forget that the Czar had called upon Count Witte twice at dangerous crises to save the monarchy from threatening perils. Stolypin was afraid of Witte, perhaps only because the latter was a real rival in leadership of the government. Count Witte evidently did not lose the desire and hope of regaining his power. Early in 1911 the monarchist press of the Right referred several times to the possibility of Count Witte coming back as head of the Government, and warned against it on all possible grounds. The press bureau of the Russian Ministry of Foreign Affairs pointed out that because Witte had no chance of again becoming Prime Minister, he was averse to giving P. A. Stolypin the credit he deserved for suppressing the revolutionary movement which he, himself, had failed to do. Georges Louis, the French Ambassador, had already noticed, as appears in his memoirs, that Witte was beginning to make attempts to return to power and to upset Stolypin. A little later the press bureau of the Ministry of Foreign Affairs, in one of its bulletins, laid stress on the idea that the return of Witte to power "evokes enthusiasm in Berlin, Vienna and Paris; no special pleasure in London; alarm in Rome."

The extreme monarchist Right not only feared the return of

Witte to power, but also took steps to prevent its occurrence. Archbishop Antony Volynsky, one of the instigators and leaders of the Union of the Russian People, wrote in one of his letters: "Theoretically I am certain that the struggle against the revolution must begin with the execution of Count Witte. Appeals, clever speeches, books, are good, but the first act must be this execution." As is known, this thought did not remain a mere plan in the mind of Archbishop Antony; the Union of the Russian People actually organized an attempt on the life of Count Witte. In his memoirs Witte wrote, in connection with this matter, that "those who made this attempt . . . knew that His Majesty would react to it at least indifferently, and that later the authorities would use every means to cover up the whole venture." When Count Witte, as the subject of the organized attempt, demanded that the Petersburg Procurator make him acquainted with the exact results of the investigation, he received a reply which was absolutely stupefying in its cynicism. "It became clear to us from the very beginning of the investigation," confessed the Procurator, "that in order to discover anything it would be necessary to question such pillars among the newly arisen saviors of Russia as Doctor Dubrovin; we could not, however, undertake to do this, because if we arrested such persons and searched their homes, we did not know what we should find. Certainly we should have had to proceed further and higher up. Let the Minister of Justice tell us that we do not have to be under any restraint, that we may arrest Dubrovin and other personalities as highly placed and even higher . . . and that we should not be held responsible for these acts. But if such instructions are not given to us, then it is but natural that we proceed in this investigation with the purpose of concealing the truth." Not having achieved any result through ordinary judicial channels, Witte tried another way which was open to him because of his social prominence: he wrote a letter to the President of the Council of Ministers, Stolypin, in which he directly accused the Government and its branches of the organization of political murders and the concealment of the criminals. Stolypin hesitated a few months before replying. There are in the archives of the Department of the Police several drafts of this answer. When the reply was finally composed and sent off,

Stolypin considered it necessary to bring all the questions presented by Witte before the Council of Ministers for deliberation. At the meeting of January 4, 1911, the Council of Ministers rejected all the accusations of Witte against the Government, and resolved to present the record of its deliberations to the Czar, for his approval. The draft of the journal of the Council of Ministers ended in these words: "Though the charges presented by Count Witte *are without foundation*, yet in view of their gravity, and because they may cast a shadow on the Government, the Council of Ministers feels that it is its duty to submit the entire matter to the benevolent consideration of your Imperial Majesty."

The Czar settled the whole affair by the following observation in his own handwriting: "I do not see any irregularities in the acts of the administrative, judicial and police authorities. I consider this matter closed." Though the attempt on Witte's life was an actual fact, it was never brought before the courts.

Thus, Stolypin, with the support of the Czar, succeeded in bringing the political career of Witte to an end. Stolypin now reached the summit of his power. His personal influence at the Imperial Court never was so great as at this moment. The "regime of Stolypin" was in full flower; Stolypin finally and irrevocably entered upon the path of militant and intolerant nationalism.

#### § 6.

After an intermission, the question of ameliorating the status of the Jews was again raised, upon the initiative of the Left groups in the Imperial Duma. On February 9, 1911, that body began the discussion of drawing up a law providing for the abolition of the Pale of Jewish Settlement. This again evoked bitter opposition among the Right parties in the Duma as well as outside. The speech delivered in the Duma on February 9 by Markoff 2nd, one of the leaders of the extreme Right, is an unexampled expression of hatred; never before, probably, and nowhere else had anything similar been said from a parliamentary tribune. "You already know," said Markoff, "my views on the Jewish race, a criminal race and one that hates mankind . . . If such is the fact, as it undoubtedly is, then they must remain subjugated by



all those restrictions which were established in the past, because of the criminal attitude of the Jews toward mankind . . . The Jews were restricted not because of evil inclinations of other nations, including the Russian nation . . . but because all the states of the world, all the nations, defended themselves against the attacks of the criminal Jewish race on their well-being, on their very souls . . . The Russian people are not yet able to defend themselves against the Jews by the same means. The Jewish force is extraordinary, almost superhuman . . . The state alone is powerful enough to resist this dreadful power which I fear very much . . . I assert, as I have always asserted in the past, *that in the case of the Jews, the suppression of a separate nationality is never in contradiction with the ideals of sound statesmanship.*"\*

On the day when the Imperial Duma began to discuss the first draft of the law for the removal of restrictive regulations against the Jews, the seventh Congress of the United Nobility convened in Petersburg. The Jewish question was one of the most important topics, perhaps the most important in the program of this Congress. The most significant act of the Congress was to issue a statement in opposition to any improvement of the Jewish situation, and protesting against the proposed law for the abolition of the Pale of Settlement, which was at that moment being debated in the Imperial Duma. The program advocated by the Congress was "not to abolish the Pale of Settlement, . . . but to clear Russia of the Jews, to clear it consistently, without hesitation, step by step, in accordance with a previously prepared plan." The revolutionary movement had by that time attained such momentum that it would have seemed naïve to demand new restrictions against the Jews by the mere assertion that they had created the revolutionary trend in Russia. A different accusation

\*Although in our further narration we quote mainly the speeches and addresses of the Right members of the Imperial Duma in regard to national questions, it should not be inferred that the Left groups were silent. Such a conclusion would be wrong; the orators of the Left sector of the Imperial Duma frequently delivered addresses exposing the chauvinistic policies of the Government, especially during the period of the investigations of Yustshinsky's murder and the trial of the Beiliss case.

was, therefore, raised against the whole Jewish population, an accusation intended to prove that no civilized and cultured society could tolerate the Jews in its midst. The organizers of the Congress of the United Nobility laid before it a special paper on the Jewish question accompanied by a voluminous memorandum on ritual murders "which are committed by the Jews," that is, murders which "are exacted by the Jewish religion." The leading speaker on this matter was the same Markoff 2nd, member of the Imperial Duma. "All the Jews must be driven within the Pale of Settlement—this is the first act," said Markoff. "The second act is to drive them out of Russia entirely." His program included the following demands: "There must be no Jewish physicians, no Jewish lawyers, no Jewish artisans; they must not act as jurymen and, obviously, must not be admitted to the governmental service. This is the minimum demand which the nobility must present to the attention of the government." The Right press formulated the Jewish problem which was before the Congress in a very provocative way: Under the headline: "The Jewry or the Nobility?" one of the newspapers said: "The very presentation in the Duma of the question of equality of rights for the Jews is an impertinent challenge to the Russian Nobility at the moment when the majority of its representatives are convened in Petersburg."

The nobility had no reason to doubt that the Government would fulfill its demands also at this moment. Behind the scenes of the newspaper *Zemstshina*, which was the real organ of this Congress of the Nobility, stood the same Markoff who had to confess after the Revolution of 1917 that the Government had given him about 144,000 roubles for the publication of this paper. Thus, the *Zemstshina* was not only the organ of the nobility and of the "Union of the Russian People," but it also served as the mouthpiece of the Government itself. In their further speeches at the Congress of the Nobility, the orators specially concentrated on the commission of ritual murders by Jews. The well-known Russian Jew-baiter Shmakoff, together with Markoff, undertook to spread rumors that the Jewish religion demands ritual murders and that the Jews, therefore, should not be included in the ranks of real citizens who enjoy all political and civil rights.

At the same time, a nonsensical pamphlet of a Roman Catholic priest Justin Pranaitis was specially printed and distributed among the members of the Congress of the Nobility. This pamphlet also was devoted to the assertion that Jews commit ritual murders.

It was against this background that the program of the United Nobility on the Jewish question was formulated. The war against the Jews should be continued, the persecutions should be prolonged, on the ground that as the Jewish religion teaches its adherents to be bloodthirsty, cruel and criminal even to the point of condoning the murder of Christian children, such people not only do not deserve equality of rights with the rest of the population, but should be annihilated.

The Right press expressed the same thought. "The Government must recognize that the Jews are dangerous to the life of mankind in the same measure as wolves, scorpions, reptiles, poisonous spiders and similar creatures, which are destroyed because they are deadly for human beings; and such destruction is even favored by the law . . . *Zhidi* must be placed under such conditions that they will gradually die out. This is the present task of the Government and of the best men in the country." This quotation will make clear to the reader why the Judeophobia of the Czaristic era acquired the name of "zoölogical anti-Semitism."

It is true that accusations of ritual murder against the Jews had cropped out in other countries long before, especially during the Middle Ages. But the charge had already been adequately refuted by scientific investigation of scholars in many lands. This fact, however, did not daunt the Russian United Nobility, and they decided to use this old weapon. They found a new "scientific" authority who undertook to prove, contrary to universal knowledge, the existence of ritual murders among the Jews. This "authority" was the above-mentioned Catholic priest Pranaitis. Thus, the Greek-Orthodox Russian nobility and the Roman Catholic priest united their efforts for a new campaign against the Jews. The question was definitely settled theoretically by them. It remained to prove in a practical way the assertions of Pranaitis, and this task became the political program of the extreme Right groups. It was, however, indispensable to have

the support of the Government in this practical problem for its successful fulfillment. The Government willingly met the demands of the United Nobility. The Beiliss affair was staged as the practical evidence proving the theoretical assertions of Pranaïtis.

### § 7.

The tension caused by the draft of the law for the abolition of the Pale of Settlement and by the agitation of the extreme Right groups in connection with it had not yet relaxed when a new measure, permeated with a distinctly militant nationalism, raised the temperature of the political atmosphere in Petersburg to fever heat. This was Stolypin's draft of a law for the introduction of *Zemstvo*\* self-administration in several western provinces of the Empire in general and in the province of Kiev in particular. The maneuvers around this draft were turned into a great political event. Stolypin himself sent a note to Izvolsky, the Russian Ambassador in France, instructing him regarding the manner in which European public opinion was to be apprised of the proposed reform. Stolypin pointed out that this law was considered as "a measure of great political significance." At that time the Government was beginning to make preparations for the elections to the Fourth Imperial Duma, and the creation of nationalistically inclined *Zemstvo* organs was a preliminary step. "For the first time in Russian history," said Stolypin in the Duma, "a question of so deep national significance is offered to the consideration of the people's representatives . . . Never before has a more momentous measure been submitted to the Imperial Duma than this law on the *Zemstvo* in the western provinces." Without any trace of shame, Stolypin declared that "the principle established in this law does not aim at the restriction of non-Russian nationalities, but at the preservation of the rights of the real Russian population." Contrary to this assertion, the draft of this law excluded Jews from participation in the *Zemstvo* elections, as well as eligibility for *Zemstvo* deputies. The

\**Zemstvo* is derived from the Russian word for land and means a self-governing local body. . . [Ed.]

head of the Government called this elimination of the whole Jewish population from participating in the local political life a measure of self-defense of the Russian population against the Jews. It is evident that this proposed measure had to be supported by some "persuasive" arguments.

This law caused a serious conflict between Stolypin on the one hand, and the Imperial Duma and the Imperial Council on the other. The President of the Imperial Duma, A. I. Gutchkoff, resigned, and Stolypin, on his part, also tendered his resignation. This was the final rupture of Stolypin with the moderate Right groups and the last step of his entry into the camp of the extreme Right, under the banners of an unrestricted militant nationalism. The Imperial Court circles succeeded in prevailing upon Stolypin to withdraw his resignation. "I persuaded him, not without difficulty, to remain," wrote the Czar in his diary on March 10, 1911, and the press bureau of the Ministry of Foreign Affairs declared, two days later, in its bulletin, that it was the opinion of foreign circles that "the highest spheres in Russia desire to retain the present President of the Council of Ministers at his post . . . because of the fear of eliminating a statesman who has succeeded in establishing order in the Empire, especially at a time when the mood of the Russian masses does not yet inspire complete confidence."

Stolypin remained as the head of the Government, which leaned from that moment entirely upon the extreme Right and the Nationalists. "From the whole number of nationalities," stated the program of these reactionary groups, "the nationalists separate a special group of aliens against whom they recommend special measures of precaution. *The equality of rights for the Jews is inadmissible.*" In such words did the nationalists define their demands on the question of nationalities.

Simultaneously, the agitation against the Jews in the Right monarchist press became stronger and stronger. These papers did not shrink from any arguments. Thus, *Zemstshina*, in its issue of March 19, 1911, frightened its readers by declaring that cruelty was a peculiar trait of the Jews, and stated emphatically that the granting of civil rights to the Jews was dangerous. "It is impossible to establish the equality of the Jews and to abolish

the Pale of Settlement for this purpose," stated *Zemstshina*. "The series of pogroms outside the Pale of Settlement in 1905 and 1906 are evidence that there already are too many Jews outside of the Pale." On March 20, Balashoff, the head of the fraction of nationalists in the Imperial Duma, wrote a letter to Stolypin appealing to him not to leave his post before having fulfilled his historical mission. As one of the most important parts of this mission Balashoff mentioned "the final establishment of the principle of the Pale of Settlement for the Jews, and their entire elimination from the schools, the courts and the press." At that moment it had already been decided that Stolypin would continue to head the Government. V. A. Maklakoff, member of the Imperial Duma and one of the leaders of the Russian liberals, characterized this fact as "the final transition to the banners of nationalism." Stolypin's draft on the western Zemstvos became law, and thus the defence of the Russian population against the Jews in the territories surrounding Kiev was officially made one of the permanent tasks of the Government.

As has already been stated, Balashoff wrote his letter to Stolypin about the latter's "historical mission" on March 20, 1911. On that very day the dead body of a boy, Andrei Yustshinsky by name, was found in the outskirts of the city of Kiev.

#### § 8.

There had been a considerable increase in the number of crimes in Kiev during February and March, 1911. Larcenies in that city became more frequent than before and increasingly more insolent in character. It was evident that a numerous and well-organized band of thieves was operating in Kiev, who had a secret refuge and means for the systematic transportation of the stolen goods to other cities. The scope of operations of this band appeared to be very great. Its members were not discriminating; if they could not rob a rich shop, they were satisfied to plunder a modest apartment. At the end of February and the beginning of March, 1911, they had succeeded in an audacious robbery of two large stores dealing in firearms. This brought into their hands a considerable stock of weapons: including revolvers, cartridges, Finnish knives,

etc. The den of the thieves was thus converted into a nest of cut-throat robbers.

This band was grouped about Vera Vladimirovna Cheberiak, the wife of a modest post office clerk. Her tenement served as their meeting place. Thither were brought the stolen goods, and thence they were directed to their destinations. Here all their plans were discussed. Here they held their feasts, and here the criminals passed their hours of leisure from their labors.

As soon as they came into possession of arms, the bandits began preparations to rob the famous Kiev Cathedral of St. Sofia. The success of this plan promised a rich haul.

One of the ecclesiastical schools of Kiev, the so-called Sofia school, was situated in the courtyard of this Cathedral. Andrei Yustshinsky, a boy of thirteen, was among the pupils of this school. He was the illegitimate son of Alexandra Prikhodko and a comrade and friend of Zhenya Cheberiak, the son of Vera Cheberiak.

Andrei Yustshinsky frequently visited his friend Zhenya, and spent hours with him and the two other younger children of Vera Cheberiak. The children often heard fragments of strange talk, when the habitués of this den of thieves discussed their plans or the results of their criminal activities. Occasionally the children also saw stolen goods brought to the tenement and concealed there.

Some of the members of the band were regular visitors at Vera Cheberiak's. These were: her brother, Peter Singayevsky (also known as "Plis"), Boris Rudzinsky, Ivan Latysheff ("Vanka the Red-haired"), Nicholas Mandzelevsky ("Kolka the Sailor"), Porfiry Lisunoff, Peter Mosiak, Vikenty Mikhalkevitch, and some others.

Thinking of a plan for the robbery of the Sofia Cathedral, the bandits hit upon Andrei Yustshinsky, a brave and fearless boy, who, as a pupil of the Sofia school, knew all the entrances and exits of the Cathedral. If only the boy were persuaded to participate in their plan, he could easily hide himself in the Cathedral and open the door from the inside. He could also penetrate into the Cathedral through a casement window, or smuggle his little body inside in some other way that was impossible for a grown-up

person. Accordingly—against his own wishes, perhaps—the boy was included in their plans.

Just at this time the bandits were beginning to have misgivings due to the failure of some of their attempts. Soon after the robbery of the firearms stores, something unpleasant happened to Vera Cheberiak. On March 8, she was stopped on the street and brought to police headquarters by a woman who had been the victim of some criminal deception at her hands. Concealing her identity and claiming to be the “wife of Colonel Ivanoff,” Cheberiak succeeded in getting away from the police. It was not until one year later that the police found out that “the wife of Colonel Ivanoff” was actually Vera Cheberiak, the hostess of the den of thieves.

Two days after this detention of Cheberiak, a new complication arose. On March 10, four of Cheberiak’s regular visitors—Porfiry Lisunoff, Peter Mosiak, Nicholas Mandzelevsky and Vikenty Mikhailkevitch—were arrested and brought to the office of investigation, where they were presented for identification to the victims of an entire series of thefts. By following certain clues, the suspicions of the police were drawn to Cheberiak’s tenement, and for the first time a search was made of the premises. Most of the stolen goods had by this time been removed, and only two revolvers and about 150 cartridges were discovered by the police. These incidents caused the band no little worry, and those of the number who had escaped arrest began to suspect that some one had betrayed them.

A few days later, an episode occurred which, apparently insignificant, led to tragic consequences. On March 12, early in the morning, Andrei Yustshinsky played truant from school and came to see his comrade Zhenya Cheberiak. The two friends went out for a walk. As they had often done before, they betook themselves to the outskirts of the city, a picturesque, hilly spot, abounding in caves and giving a splendid view of the river Dnieper. In the course of their play they began to quarrel and were soon threatening each other.

“I will tell your mother that you come to us instead of going to school,” said Zhenya Cheberiak.



"And I will tell that there are stolen goods in your mother's house," Andrei retorted.

Alarmed by these words, Zhenya ran home and reported them to his mother. Vera Cheberiak had three guests at the time: Ivan Latysheff, Boris Rudzinsky and Peter Singayevsky, all of whom were worried by the recent arrests and search. Upon hearing her son's tale, Vera Cheberiak told him to fetch Andrei. This casual combination of events led the thieves to a plausible conclusion. They believed that they had found the traitor, and the fate of Andrei Yustshinsky was sealed. It may indeed have been true that he had informed some one about the den of Vera Cheberiak. Perhaps he had accidentally said something about it, without any serious intention of denouncing any one. It may also have been true that, except during his quarrel with Zhenya, he had never said anything at all about the suspicious happenings which he had seen in Cheberiak's tenement.

When Zhenya returned with his friend, the door of the tenement was closed behind Andrei, while Zhenya remained outside. Thereupon, Andrei was killed by the criminals, who were crazed by fear and vindictiveness. That night, his corpse was thrown into one of the caves in the vicinity of which the children had played in the morning.\*

### § 9.

On March 20, 1911, the corpse of Andrei Yustshinsky was accidentally discovered by children who were playing in the hills and around the caves. The monarchistic Right papers in Petersburg and Kiev described the event at that time in precisely identical terms. They all stated that "as soon as the corpse was found, the Right groups established *at once* that this was an act of ritual murder." This statement was correct: the Right organi-

\*The description of the murder is based on the archive materials and also on the facts which were already known during the investigation and trial. The archive materials proved that the defenders of Beiliss were on the right track. The facts which accompanied the murder are presented in order to make the further narration more easily understandable.

zations, without waiting for a court investigation or at least an official medical examination of the corpse, proclaimed, both in Kiev and Petersburg, that the assassination of Andrei Yustshinsky was a ritual murder. In accusing the Jews of this crime, the Right groups considered the dead boy as a martyr who deserved to be included in the calendar of saints, "as martyred by the *Zhidi*."

Feelers were sent out through anonymous letters mailed to the police, to the office of state attorneys and to the relatives of the murdered boy. One of these letters, signed "Christian," was dated March 21, that is, the day after the discovery of the corpse, before the official investigation had even begun. The letter asserted that the boy had been killed by the Jews.

The funeral took place on March 27. At this time the Right groups used new forms of agitation. Anonymous broadsides were scattered in great numbers on the streets through which the funeral procession passed. These announcements charged that the Jews kill dozens of Christian boys every year, before Passover, in order to pour their blood upon the *Mazzot* . . . "The Jews killed Andrei Yustshinsky." The circulars ended with the suggestion that the *Zhidi* be beaten "until not a single one of them remained in Russia." Though the appeals were unsigned, it was absolutely clear that they had originated from the Right monarchistic organizations. The only person who was detained by the police for scattering the appeals on the streets proved to be one Nicholas Pavlovich, a member of the Union of the Russian People. The gendarme administration began a criminal prosecution against him and notified the Department of Police of their act, first by telegram and then also by letter.

The Petersburg authorities, however, had not yet begun to interfere in the Yustshinsky case. The Right groups, in the meantime, became more and more active. The ritual libel, started in anonymous leaflets, soon also appeared in the columns of the Right monarchist papers published in Kiev, Petersburg and Moscow. From this moment on, the maniacal assertion that the murder of Yustshinsky was committed by Jews for ritual purposes became the fundamental argument of the Right press against the

granting of equal rights to the Jews.\* In March and April all the issues of these papers contained alarming lamentations: "May Russia be saved from Jewish equality even more than from fire, sword and open invasion of enemies . . . Our slobbering liberals seem not to understand what kind of species the Jews are with whom they are dealing. The gist of the Jewish question is contained not in their religion, though the latter is eternally hostile to Christianity . . . Here is something one cannot fail to see, namely, their most dangerous anthropological and sociological traits, their rapacity and parasitic instincts. They are so dreadful because they are an exclusively criminal species which brings death to any wholesome society." The same articles quoted falsified extracts from Jewish religious books and asserted that there is in these books "a horrible commandment converting the Jewish people as an entity and every single Jew as an individual into murderers . . . It is time for the Christian world to understand where its enemy is and with whom it has to fight. It is timely to preach a new crusade against the Jews." The same papers wrote that they had "the right to accuse the whole of Jewry as accomplices of ritual torturers and consumers of Christian blood."

The authors of these writings drew certain practical conclusions from these general assertions: "It is evident," they stated, "that there will hardly be found even in our Imperial Duma volunteers who will agree to be equalized in their rights with the murderers, after the tortures of the martyred Yustshinsky . . . When the guilt of the Jews in the murder of Yustshinsky has been established, there will be no doubt that the abolition of the Pale of Settlement which the *Zhidi* so hopefully expected will not be approved even by the Imperial Duma and that the very consideration of the question of equality for the *Zhidi* will be postponed for an indefinite time." It was further proposed to deprive the

\*In the preparation of this book, we drew upon Petersburg, Moscow and Kiev periodicals for the period 1911-1914—newspapers of the Right (*Novoye Vremia*, *Russkoye Znamia*, *Kolokol*, *Groza*, *Moskovskie Viedomosti*, *Dvuglavy Orel*, *Kievlianin*) as well as those of all the opposition factions (*Russkoye Slovo*, *Russkie Viedomosti*, *Rech*, *Kievskaia Mysl*, *Pravda*, etc.). We consulted also all important monthly magazines, and the post-revolutionary historical journals.

Jews of all such rights as they still possessed: "to forbid them to be artisans, dentists, assistant-surgeons and technicians in other fields, and to bar them from any possibility of receiving instruction." . . . "The summary of the available data," unanimously declared all the Black Hundred papers, "proves beyond any doubt that this is a ritual murder committed by a Jewish sect."

The atmosphere in Kiev was already sufficiently poisoned by local anonymous letters and pogrom appeals. The pogrom issues of Petersburg and Moscow newspapers contributed still more to the growth of excitement among the Kiev population. On April 15, the Chief of the Kiev *Okhrana* Branch\* found it necessary to inform the Governor-General and the Chief of Police that "certain facts are beginning to come to the knowledge of the Secret Police about the rumors spread among the city population concerning the ritual character of the murder of Andrei Yustshinsky." The Chief of the Secret Police further asserted that these rumors were exciting the populace against the Jews, and that the mood of the population had become especially hostile toward the Jews "after the publication of the correspondence from Kiev printed in the *Zemstshina* which had an extremely sensational and exciting character."

The Government still kept its hands off the case. The Right groups, however, continued their energetic activities. On April 15, the Council of the Kiev Union of Russian People held an extraordinary meeting which outlined a whole series of active steps in connection with Yustshinsky's murder. First of all, they took up the case of Pavlovich, who was arrested for spreading pogrom appeals at the funeral of Yustshinsky, and resolved to protest against the "arrest of a member of the 'Double-Headed

\*The word *Okhrana* means preservation. The *Okhrana* Branch and the Gendarme Administration were peculiar administrative institutions of the Czaristic regime, as parts of the Ministry of the Interior. Their task was to work for the preservation of the existing political and social order. They possessed a discretionary power of arrest and deportation of suspected persons, without warrant, trial, or any other legal formalities. Though both of these institutions were directly subordinate to the Ministry of the Interior, they were also under the parallel supervision of the State Procurators, i. e. State Attorneys.—[Ed.]

Eagle' organization, and against the raid on this organization, which throws a shadow of suspicion" on the Right groups and on their attitude toward Yustshinsky's murder. It was decided to present this protest to Governor Girs of Kiev. This resolution of the Council had a magic influence upon the Government: On the same day, April 15, the Kiev Gendarme Administration informed the Department of Police in Petersburg that the prosecution of Pavlovich had been discontinued. At the same time, the office of the State Attorneys sent a special message to the Minister of Justice to the effect that the investigation of Pavlovich "will be discontinued because no guilty persons were discovered." Later, in 1917, when Mistshuk, the former Chief of the Kiev Secret Police, gave his testimony on the Beiliss case to the Investigating Commission of the Provisional Government, he stated that the Chief District Attorney of Kiev, Chaplinsky,\* "was quite definitely afraid of the Right organizations, and was inclined to do everything to satisfy them." When Mistshuk asked Chaplinsky whether Pavlovich would be prosecuted, the latter replied: "If one comes into conflict with the Black Hundreds, one will never get rid of complications. It is better to be on good terms with them, and I advise you to bear this in mind." Such were the conditions in Kiev at this time, and they explain the further rela-

\*The entire territory of Czaristic Russia was divided into 50 Provinces (*Gubernii*) and several Regions. This was, however, only the administrative division of the country. As far as the courts were concerned, the whole country was divided into thirteen Judicial Districts, each District embracing several Provinces. There were in each District several Superior Courts and one Supreme Appellate Court. There was only one Supreme Court of final Appeals (Cassation) in the whole Empire, located in Petersburg. This highest Court was called the Ruling Senate.

Chaplinsky was the Procurator of the Supreme Appellate Court of Kiev, a position corresponding in a certain degree to that of the Attorney General of one of the 48 States in America. He was the head of all the Procurators in the District, and had important administrative functions besides.

As the Russian Empire was a highly centralized Government (one unified State), there were no Federal Courts as distinguished from provincial, all of them being "Courts of the Russian Empire."

In our further narration we will use "Chief District Attorney" or "District Procurator" as synonymous terms. Likewise, "State Attorney" and "Procurator" will be used synonymously.—[Ed.]

tions between the Chief District Attorney Chaplinsky and the Kiev Right organizations. The most active among these was the "Double-Headed Eagle," led by Fedor Sinkevich, a priest, and Vladimir Golubeff, a student of the Kiev University.

The Kiev monarchists, however, did not rely on their own forces. Their Council resolved, at the same meeting of April 15, to establish contact with the members of the Right party in the Imperial Duma, for the purpose of giving an official character to the ritual anti-Semitic agitation in connection with Yustshinsky's murder. The Council addressed the President of this group in the following words: "Will you find it possible, with the support of your fraction, to bring this most important question before the Imperial Duma for its consideration?"

From this moment on the Kiev monarchists were not the only group who busied themselves with the Yustshinsky murder. They received close support and full coöperation from the fraction of the Right party in the Imperial Duma, with Purishkevitch, Zamyslovsky and Markoff 2nd at its head.

The activities of the Petersburg and Kiev Black Hundred groups developed in a parallel way. As stated before, the Kiev Chief District Attorney was obedient to the Black Hundred crowd in Kiev. At the same time the Right groups in Petersburg successfully exerted pressure on the Government, first of all on the Ministry of Justice. The Kiev Chief Attorney behaved in a careful way, avoiding conflicts with the Right groups, but postponed a more definite policy in expectation of more explicit instructions from the Ministry of Justice.

April 17 and 18 were critical days in the development of the events around the assassination of Yustshinsky. On April 17, in the morning, a mass for the dead boy was held by the Black Hundred groups, and an iron cross was erected on his grave with a short inscription: "From the Union of the Russian People." This ceremony was carried out openly, in the presence of the public. We know of the other events of this day from the secret report which the Chief District Attorney Chaplinsky sent to the Minister of Justice Stsheglovitoff. This contains the information that "student Golubeff, leader of the 'Double-Headed Eagle,' directed to the Kiev Governor a demand for expulsion

from Kiev of about 3000 Jews whose names would be indicated by the Right organizations. When the Governor refused to grant this demand, Golubeff attempted to secure the aid of the Most Reverend Pavel, the deputy of the Kiev Metropolitan, and brought to him, for reading and editing, a petition addressed to the Emperor in which the Union of the Russian People greeted His Majesty and at the same time humbly requested that he expel all the Jews of Kiev because they are engaged only in immoral and criminal activities and do not even refrain from shedding Christian blood for their ritual needs, as is proved again by the ritual murder of Andrei Yustshinsky . . . The Bishop Pavel . . . advised Golubeff not to ask for the expulsion of all the Jews from Kiev as this was not feasible and might only annoy the Monarch. Upon receiving this advice, Golubeff told Bishop Pavel that the petition would probably not be sent to the Czar at that time, but that the Right groups would take advantage of his forthcoming visit in August, and would then present to him in person a petition asking the significant curtailment of the rights of the Jews."

Such were the preliminary measures on "legal" subjects.

The Right groups, however, did not limit their activities to these discussions of the Jewish question with the Governor and the Bishop. The Chief District Attorney Chaplinsky wrote in his report to the Minister of Justice that the representatives of the Right organizations had made preparations for a Jewish pogrom on April 17. It is interesting to know why this plan did not materialize. Chaplinsky's report answers this question also. As he explains, it had become known as early as the spring of 1911 that the Czar and his family were expected to come to Kiev in the autumn in order to be present at the unveiling of the monument to Alexander II. A Jewish pogrom would spoil the solemn event. "The high administration," stated Chaplinsky, "is naturally worried about this possibility of a Jewish pogrom, which is especially undesirable because of the forthcoming arrival of the Czar's family in Kiev." Later we will show that Chaplinsky was not the only one who was inclined to discuss the question of organizing a Jewish pogrom from this point of view. Beside this report, the archives contain another interesting document regarding the

preparation of a Jewish pogrom at that time. This is a letter which the Assistant Chief of the Kiev Secret Police sent to his superior, who was absent from Kiev at that time. "I report herewith," he wrote, "that everything is in order . . . Golubeff has become quieter. They decided to postpone their plans until the departure of the Czar from Kiev. The petition to the Czar which they prepared, asking the expulsion of the Jews from Kiev, was edited and moderated by Pavel. It is proposed to collect all the signatures in June, and then to circulate the petition among the people. When the Czar arrives in Kiev, the appeal will be handed to him. The beating-up of the Jews, however, as I have already stated, is postponed until the autumn."

At the same time similar events occurred in Petersburg. On April 17, the newspaper *Russkoye Znamia* published a sharp article in support of the ritual theory of the Yustshinsky murder, and on the next day, April 18, the fraction of the Right party in the Imperial Duma held a secret meeting at which it was decided to present an interpellation to the Government, charging them with inaction in the matter of the ritual murder committed in Kiev. By this means, the question of the "rite" was raised to the height of a political problem, and the proof of the existence of such a rite among the Jews became the political task of all monarchist Right groups.

The Ministry of Justice received word of this decision on the same day. Stsheglovitoff at once asked Stolypin to recommend the Yustshinsky case to the special attention of the Ministry of the Interior. Immediately, Stsheglovitoff made a personal report to the Czar, which fact is also mentioned in the diary of Nicholas II, under date of April 18. Finally, also on the same day, Stsheglovitoff himself prepared a telegram to the Chief District Attorney Chaplinsky asking him to undertake the direction of the investigation personally.

In this manner, the Kiev officials came to know that the supreme authorities at the capital had become interested in the whole affair.



## CHAPTER III

### THE YUSTSHINSKY MURDER

INITIAL STEPS IN THE INVESTIGATION OF THE MURDER CASE.—FALSIFICATION OF THE OFFICIAL MEDICAL REPORT.—INTERPELATION OF THE RIGHT GROUPS IN THE IMPERIAL DUMA.—SUBORDINATION OF THE ORGANS OF THE MINISTRY OF JUSTICE TO THE RIGHT MONARCHISTIC ORGANIZATIONS.—INSTRUCTIONS OF THE MINISTRY OF JUSTICE.—QUESTION OF THE ORGANIZATION OF AN ANTI-JEWISH POGROM.

#### § 10.

The first month of the investigation did not yield any results pointing to the identity of the murderers of Yustshinsky. Fenenko, the investigating magistrate for specially important cases, to whom the matter had been referred for official investigation, in a statement to the press, said that "neither the circumstances of this murder nor its motives are known up to the present time, and all attempts to solve the crime are hindered by the lack of evidence." Fenenko asked all those who knew anything about the murder to submit their information to him.

At this moment, the only documents in the hands of Fenenko were: anonymous letters asserting that the boy had been killed by the Jews; pogrom proclamations which went even further and demanded the extermination of the Jews; and more elaborate articles of the same character published by the monarchistic press. Up to April 18, when the Chief District Attorney Chaplinsky received instructions from the Ministry of Justice, his collaborators and subordinates took a sensible view of this pogrom-ritual agitation. Thus, for example, Brandorf, the State Attorney of the Kiev Superior Court, stated in his simultaneous reports to his immediate Chief, Chaplinsky, and to the Minister of Justice, Stsheglovitoff, that the substance of this agitation "might be summed up as the

belief existing among the simple, ignorant people that the Jews need the blood of Christian children for the preparation of *Mazzot*;" that the charges made in these letters had been traced to their source, but "that all the materials gathered to date positively refute these charges."

After April 18, however, the situation changed. In accordance with the telegram of the Minister of Justice already referred to, Chaplinsky personally undertook the direction of the investigation. This was the same Chaplinsky who was so fearful of the Black Hundred groups; who did not wish to quarrel with them and recommended a similar attitude to others. Because of this position of Chaplinsky and the ever-growing activities of the Black Hundreds, the fate of the further investigation was settled beforehand. After Chaplinsky had taken the whole affair into his hands, the libels of the ritual agitation began to find a place in the records of the official investigation. The chief source of these materials was Vera Cheberiak, the same woman in whose tenement Andrei Yustshinsky had been killed by the members of her gang. On April 22, only four days after the receipt by Chaplinsky of the telegram from Stsheglovitoff, she was interrogated by the investigating magistrate, and with well simulated naïveté declared: "There were many people at Yustshinsky's funeral, and I was told then that Andrei was most probably murdered by Jews. When the coffin was lowered into the grave, some kinds of leaflets were thrown up into the air . . . I saw that these were proclamations which stated that the Jews had killed Andrei. I think now myself that probably the Jews did kill Andrei because nobody else desired his death. I cannot, however, present any evidence supporting my opinion."

On the same day, the investigating magistrate interrogated Adele Ravich, an intimate friend of Cheberiak. She supported the testimony of the latter, and said that on the day when the corpse of Yustshinsky was discovered, she at once surmised that he had been killed by Jews. "You may find it strange, perhaps, that Jews should kill a child in order to take his blood, but I am convinced of it . . . and in this case also I am convinced that the murder was committed by the Jews."

We do not possess sufficient proof to support an assertion that Chaplinsky and his subordinates, the Kiev State Attorneys, already knew at this time that Yustshinsky had been killed by members of a band of thieves in the tenement of Vera Cheberiak. The very fact, however, of her being interrogated at this time and the content of her testimony are sufficiently symptomatic, and clearly indicate the direction in which Chaplinsky had decided to steer the investigation. Basing his conclusion on anonymous letters, pogrom appeals, and the testimony of Vera Cheberiak, Chaplinsky found it possible to declare in his very first report to the Minister of Justice that "the Russian part of the population is positively certain of the ritual character of the murder."

The most difficult problem for Chaplinsky, however, was presented by the official medical investigation, which has a tremendous significance in all murder cases, but is still more important in cases where nothing definite is known, neither the circumstances of the murder nor its motives nor the perpetrators of the crime.

The original official autopsy was made by Doctor Karpinsky on March 22. Two days later he submitted his conclusions. There was nothing in Karpinsky's report upon which a ritual interpretation could be built. For this reason the opinion of this expert was regarded as unsatisfactory, and it was decided to have another autopsy and an additional expert examination. Two professors of the Kiev University, Obolonsky and Tufanoff, were asked to act as experts for the second examination. They made their autopsy on March 26, but their report is dated April 25, a whole month after the day of the examination. This report of April 25 became the foundation of the ritual accusation as it was formulated by the Chief District Attorney Chaplinsky and his subordinates. It attracted the interest of medical authorities not only in Russia but also in a considerable number of Western European countries. The question of the causes and motives of Yustshinsky's death was widely discussed by surgeons and psychiatrists both in Russia and abroad.\*

\*The judgments of foreign scholars regarding the expert conclusions of Professors Obolonsky and Tufanoff as well as those of Professor Sicorsky are collected in a volume: *Der Fall Yustshinsky. Offizielle Dokumente und private Gutachten*. Leipzig, 1912.

The commentators on the report of Professors Obolonsky and Tufanoff did not criticize the manner in which the autopsy had been conducted, but stated unanimously that the findings described in the report did not justify the conclusions made therein. The question whether most of the injuries found on the corpse of Yustshinsky had been inflicted while the boy was still alive or after his death was one of the most fundamental questions in the case. There were several scores of injuries on Yustshinsky's body, and, in their report of April 25, the experts Obolonsky and Tufanoff expressed the opinion that all the injuries were inflicted while the boy was still alive. Without a single exception, all the experts who studied the opinion of Obolonsky and Tufanoff were unanimous in their assertion that the autopsy itself made by these two Kiev Professors proved the very opposite of the conclusions reached by them. It is sufficient to read the opinions of the well-known Russian Professors Pavloff, Kadian, Minakoff, Orshansky; of the French scholars Lacassagne and Thoinot; of Professor Haberda of Vienna, Professor Ziemke of Kiel, and the English Professors Popper, Meyer and Willcox, to be convinced that the conclusions of the official experts had no real foundation from a scientific point of view. When the author of this book studied this whole case, it became clear to him that this difference of view was not a simple divergence of opinion between the official experts on the one hand and the rest of the world of scholars on the other. He felt that this was not merely a mistake on the part of the experts, as both Obolonsky and Tufanoff were fully qualified physicians in their respective fields. The contents of the archives entirely confirmed these suspicions of the author, for he discovered therein evidence that the actual, original conclusion of Obolonsky and Tufanoff entirely corresponded to the opinion of the scientific world and decisively contradicted their official report of April 25. This original, genuine report was not included in the official dossier of investigation, but was replaced by another, later report of the same experts, which was satisfactory to Chaplinsky and his subordinates.

## § 11.

Already since April, 1911, the Right monarchist press had augmented the number of its topics by the addition of articles on ritual murders claiming to represent the point of view of medical science. Borrowing their erudition from books of charlatans of all nationalities, these reactionary papers wrote: "The victim is subjected to the cruelest tortures, as the punctures are made in different parts of the body . . . It is indispensable for the letting of blood from the body during the tortures *and while the victim is still alive.*" From these general assertions, the newspapers passed to the particular discussion of Yustshinsky's murder: "There were found 45 wounds on the body of Yustshinsky which were inflicted while he was still alive . . . *and this fact alone proves the ritual character of the murder*, besides other circumstances which positively show that the murderers were *Zhidi.*" After this, the expert opinion of Professors Obolonsky and Tufanoff was quoted, with the indication that these experts had stated that all the wounds were inflicted on Yustshinsky *while he was still alive.* The peculiarity of the situation consisted in the fact that these newspaper articles in the *Zemstshina* and *Russkoye Znamia* were published long before April 25, that is before the day when the experts submitted the report which was made part of the official dossier of investigation . . . At the moment of the appearance of these articles, the Kiev State Attorneys had not yet felt the interference of the Ministry of Justice, and the Duma fraction of the Right party had not yet proclaimed their support of the ritual version as a heroic act of patriotism. The State Attorney of the Kiev Superior Court, Brandorf, in his report to the Chief District Attorney Chaplinsky and the Minister of Justice Stsheglovitoff, found it necessary to comment on these articles of the Right papers regarding the opinion of the experts. Pointing out that *Zemstshina* quoted the opinion of experts Obolonsky and Tufanoff, Brandorf rightly stated that "such an opinion of experts is not yet present in the dossier of the investigation . . . Anyhow," continues Brandorf, "many of the assertions in these articles are not in accord with the truth, as is evident from the preliminary information which I received from expert Tufanoff . . . In

particular, the statement in the newspaper article that the wounds were inflicted *while the victim was still alive* does not correspond to the findings of the autopsy, for the punctures in the chest and heart were inflicted *after death*." It is thus evident that the State Attorney of the Kiev Superior Court had been informed by one of the experts immediately after the autopsy that the wounds on the body had been caused after death, and not while the victim was still alive. In other words, the experts Obolonsky and Tufanoff had from the very beginning actually come to the same conclusion regarding the character of most of the wounds on Yustshinsky's body as had been reached by all the medical authorities, Russian and foreign, who criticized the later, official expert report of those two men. If the original opinion of these two experts had been included in the official dossier, there would have been no ground for a ritual trial. Chaplinsky himself wrote, in one of his secret reports to Stsheglovitoff, that originally a direct question had been put to the experts Obolonsky and Tufanoff as to evidences of a ritual murder, and they had declared that "they were unable to give an answer because they did not possess categorical indications for such an answer either in the picture of the murder or in the materials of the preliminary investigation," and that "they could make various conjectures about Yustshinsky's murder, including also, as one of the possibilities, the idea that the murder was motivated by vengeance." Chaplinsky also informed the Kiev Governor-General of this opinion. When the latter was asked by the Ministry of the Interior "whether there were any indications confirming the ritual character of Yustshinsky's murder,"—he informed them that there were "no facts confirming the plausibility of the supposition that the murder of Andrei Yustshinsky had been committed by Jews for ritual purposes." Thus, two Ministries were already interested in the case, and both of them—the Ministry of Justice and the Ministry of the Interior—were informed that there was "no evidence of ritual murder."

The original conclusion of Obolonsky and Tufanoff that the murder was motivated by vengeance attests their great ability and scientific perception. This conclusion was reached by them at a time when the investigating authorities did not yet possess any evidence to support it. Although the intuition of the experts

proves their professional ability, their conclusion was completely withheld by the State Attorneys from both judge and jury in the subsequent trial, and it can be now restored only from the secret materials discovered in the archives.

There is another very interesting proof that the original and real opinion of the experts was categorically negative on the question of the ritual character of the murder. Among the materials connected with Yustshinsky's murder, the author of this book accidentally found a curious declaration of the well-known anti-Semite Shmakoff who, as we have already mentioned, had asserted in his speech at the Congress of the United Nobility in February, 1911, that the Jews commit ritual murders. In this declaration Shmakoff insisted that the College of Cardinals in Rome be asked for an expert opinion on ritual murder. The question naturally arises: Why did Shmakoff become interested in the opinion of the Catholic Vatican, when there was in Petersburg the Greek-Orthodox Synod, the supreme authority of the Russian Church? A plausible explanation is that Shmakoff turned his thoughts to the Roman Cardinals because the Petersburg Synod had refused to support the theory of the ritual character of the murder. After many months of research work in the archives of the Synod, the author of this book finally succeeded in discovering facts which absolutely confirm his opinion regarding the real conclusion of Obolonsky and Tufanoff.

Let us restate the dates of the two autopsies. On March 22, Doctor Karpinsky made the first autopsy; on March 26, Professors Obolonsky and Tufanoff made the second. And this is what happened five days later: On March 31, the Kiev Metropolitan, Flavian, sent to the Synod his report on the murder of Yustshinsky. "I consider it my duty," he wrote, "to inform the Most Holy Supreme Synod of the sad case of Andrei Yustshinsky, a pupil of the preparatory class of the Sofia School in Kiev, who was criminally murdered . . . The official autopsy in the anatomical theater showed that the murderer cruelly tortured the defenseless victim. After this, on the demand of the State Attorneys, a second autopsy was made on the corpse of Yustshinsky . . . Both the first and the second autopsies refuted the suppositions of a sexual or ritual motive in the crime."\*

\*See Photostat No. 1, following p. 250.

This report of Metropolitan Flavian was read and taken cognizance of by the Synod at its meeting on April 18-21, 1911, at the time when the pogrom-ritual agitation of the Right groups was at its height. The Synod never returned to this question. The Right groups were indignant at the passivity of the Synod. The *Russkoye Znamia* complained as early as May: "Why is our clergy silent? Why do they not make a pronouncement on the brutal ritual murder of the boy Andrei Yustshinsky by the *Zhidi*?"

This abstention of the Synod from interfering in the case was but natural. They knew from the report of the Metropolitan Flavian that it was not a case of ritual murder. It is strange, however, in face of the pogrom-ritual agitation in the country and notwithstanding their knowledge that no ritual murder had been committed, that the Synod kept silent.

Metropolitan Flavian, no doubt, got his information of the two autopsies from the office of the Kiev State Attorneys. His report to the Synod merely presents one more proof that the original and real opinion of the experts decidedly negated the official ritual contention. Notwithstanding the fact that the Synod and the Ministries of the Interior and of Justice knew this, it was excluded from, or, to put it another way, it was not included in, the official dossier. In any case, it was concealed from the judges and the jury.

On April 25, the experts were interrogated in the presence of Chaplinsky himself, and gave their official testimony that all the wounds were inflicted upon the body of Yustshinsky *while the boy was still alive*.

In his report to the Minister of Justice on the original conclusion of Obolonsky and Tufanoff, Chaplinsky soothingly assured Stsheglovitoff that "the experts, nevertheless, added that in the further course of investigation they might, perhaps, be able to give their opinion as to the question of the ritual character of this murder." It is evident from all these facts that Chaplinsky and his subordinates withheld the first expert conclusion, which denied the ritual character of the murder, and did so with the knowledge of Obolonsky and Tufanoff themselves; they also procured at the same time their consent to "reconsider" the matter of ritualism. It appears that it was not so easy for these two experts to present



a new opinion, in contradiction to their original conclusion. Gradually, however, they appear to have started on the way of fulfilling their promise which, as we have just stated, was mentioned in Chaplinsky's report to the Minister of Justice. When the original official investigation was about to be concluded, the experts were again summoned for interrogation. This was already at the end of 1911, so they had had plenty of time to "reconsider" the matter . . . They had, however, no new facts, no additional material for their consideration. Their second conclusion was, therefore, expressed in the following rather evasive terms:

"The strongest flow of blood was from the left side around the temple, evidently from an artery; from the wound in the parietal region which opened the venous sinus; and also from the right side of the neck which caused an abundant flood from the veins. It must, therefore, be supposed, that it was most convenient to collect the blood from these wounds, *if the blood was really collected from the body of Yustshinsky.*"

Such a conclusion testified that the experts were willing to fulfill at least partly the expectations of Chaplinsky and his aides. The evasive character of the statement could not, however, completely satisfy Chaplinsky. He felt the need of having some scholars of well-known names who would state directly and in clear scientific words that the body of Yustshinsky showed evidences of a ritual murder committed by Jews. Not having received such an answer from Obolonsky and Tufanoff, Chaplinsky decided to attain his aim by other means.

## § 12.

The decision at the secret meeting of the Right groups on April 18 to present an interpellation to the Government was carried out on April 29, in the public session of the Imperial Duma. Among the thirty-seven members of the Duma who signed this interpellation, were twelve priests. The names of the eminent reactionary leaders, Purishkevitch, Zamyslovsky, Markoff 2nd, etc., were at the head of the list. It was asserted in the document that "although the fact is undoubtedly proved that the Jews take the blood of Christian children from motives of religious fanaticism . . . yet

every time a murder or an attempt at murder, as a consequence of this rite, is discovered, the Government restricts its investigation to the concrete fact, closing its eyes to the criminal society which impels its members to the commission of the crime." The authors of the interpellation, therefore, ask the Government to explain what steps the Ministers "intend to take with a view to the entire extermination of the Jewish sect who use Christian blood for some of their religious rites, and the discovery of those members thereof who killed the minor, Yustshinsky."

It was again Markoff 2nd who rose to support this interpellation in the Duma. This time, the Praesidium of the Duma tolerated without interfering the direct incitement to massacres on the part of Markoff 2nd. "When the day comes," said he, "that, because of you, the Russian people is finally persuaded that . . . there is no possibility of discovering the Jew who is guilty of cutting up a Russian child and taking his blood; that neither the Courts nor the police, neither the Governors nor the Ministers nor the highest legislative bodies will help; on that day, gentlemen, pogroms will start against the Jews. But neither I nor the Union of the Russian People will be the cause of these pogroms; it is you yourselves who will create them, and these pogroms will be different from those of former times; they will not be pogroms of Jewish feather-beds, *but all the Zhidi, down to the last, will be killed.*"

From this moment the Union of the Russian People definitely took the Yustshinsky affair into their hands, and the entire Government from top to bottom put itself at the service of this reactionary body. If the student Golubeff played the chief rôle in Kiev, it was the Duma Deputy Zamyslovsky who became the leading man in this affair in Petersburg.

The Ministry of Justice reacted with lightning-like rapidity to the interpellation of the Right groups. On the day of its submission, A. V. Liadoff, one of the closest collaborators of Stsheglovitoff, left Petersburg for Kiev, bearing with him Stsheglovitoff's confidential instructions. He arrived in Kiev on May 1, and at once conferences were called to consider various questions which worried the Kiev leaders. One of these, as we already know, was the arrangement of an anti-Jewish pogrom in Kiev, and this was the first question presented for Liadoff's consideration. Liadoff

himself testified before the Investigation Commission of the Provisional Government (in 1917) that Trepoff, the Governor-General of Kiev, had asked him to confer on this matter with Golubeff, the leader of the "Double-Headed Eagle." The latter, at first, insisted on talking with Liadoff in the absence of the officials of the Court, and only later consented to take part in a general discussion, in the presence of the Chief District Attorney Chaplinsky. The entire parley, which was exclusively devoted to the question of a pogrom, was restated by Liadoff himself. The very fact of a deliberate discussion of such a subject as well as the details of the conversation and the arguments presented by the representative of the Ministry of Justice in opposition to the organization of the pogrom is truly amazing. Here is the dialogue:

*Liadoff.* I do not think that the organization of a Jewish pogrom would serve your interests.

*Golubeff.* Why?

*Liadoff.* Because the Governor-General told me of the expected arrival of the Czar for the unveiling of the monument to Alexander II. If some of your collaborators should start a pogrom and disturbances should occur in Kiev, you would no more see this celebration in your city than you see your ears, whereas you and your Union, probably, would appreciate very much the opportunity of having the Czar with you.

*Golubeff.* This thought did not occur to me. I promise you there will be no Jewish pogrom.

Liadoff stated that Chaplinsky was present at this conversation but took no part in it.

Let us supplement this conversation between Liadoff and Golubeff by the testimony of Fenenko, the Investigating Magistrate, about another talk concerning the same question, in which the same persons and Pikhno, the influential Member of the Imperial Council, took part. The latter warned his hearers that the ritual murder propaganda might lead to a pogrom. Chaplinsky replied that "frankly speaking, he would not mind if the Jews were slightly beaten." This time Liadoff listened in silence. What a dreadful truth is revealed in this testimony of Fenenko!

No wonder that, when Liadoff returned to Petersburg, he made the following remarks in the report of his trip which he submitted to the Minister of Justice: "The desire to prevent an expected pogrom by any means is due *exclusively*, as I could not but persuade myself, to the fear that if disturbances broke out in Kiev, the coming of the Czar to that city at the end of August would be put off." Liadoff's remarks entirely corresponded to the actual situation. Nothing but the expected arrival of the Czar in Kiev prevented the organization of a pogrom. If not for this the Kiev authorities would not have felt their hands bound and a pogrom might have occurred any minute. The Czar did not know or even suspect that he was involuntarily the savior of the Jews of Kiev.

## CHAPTER IV

### EXPERT OPINIONS

PSYCHIATRIC EXPERT OPINION: DEFINITION OF NATIONALITY OF MURDERERS BASED ON THE STATE OF THE CORPSE OF THE VICTIM.—SUPPORT AND DEFENSE OF PROFESSOR SICORSKY'S CONCLUSION AND BRIBERY OF PROFESSOR KOSSOROTOFF BY THE DEPARTMENT OF POLICE.

#### § 13.

Having settled the question of the Jewish pogrom, Liadoff began the discussion of the further investigation of the murder case. According to Fenenko's testimony before the Investigating Commission of the Provisional Government, "Liadoff came to Kiev with a ready opinion . . . He told Chaplinsky that the Minister of Justice had no doubt of the ritual character of the murder, and Liadoff himself expressed his definite conviction of the existence of the rite." Chaplinsky replied that he was very glad that the Minister of Justice had the same opinion as he himself. There was thus established a touching unanimity of views on the question whether Yustshinsky had been killed by Jews.

On the day of Liadoff's arrival in Kiev, the *Zemstshina* in Petersburg hypocritically wrote: "The Jews have always greeted with great joy the appointment by the Senate\* of boards of revision for the exposure of such crimes as cannot be solved through the usual channels. Why do they not ask for a similar revision to answer the question whether Yustshinsky's murder was, perhaps, committed by the Black Hundred groups or members of some non-Jewish sect in order to cast an evil shadow of suspicion upon the Jews?" Liadoff's arrival in Kiev clearly showed what could be expected of any official revision at that time.

\*The Supreme Court of Cassation (Appeals) of the Russian Empire was called "Senate," and the Justices of this highest Court, "Senators."—[Ed.]

Chaplinsky, though "persuaded" of the ritual character of the murder, could not present to the equally "persuaded" Liadoff any serious proofs, except anonymous letters, pogrom appeals, the falsified expert conclusion of Obolonsky and Tufanoff, and the opinion of Vera Cheberiak that Andrei Yustshinsky's death was of no benefit to anyone, except the Jews. Even the "persuaded" high officials could not deny that there was not much evidence in their hands. But new "proofs" began to appear soon after these conferences of Chaplinsky and Liadoff.

As was stated before, Chaplinsky did not regard the conclusion of Obolonsky and Tufanoff as satisfactory for his purpose of proving the ritual character of the murder. He, therefore, decided to procure the services of another Kiev Professor, I. A. Sicorsky, a man with a very significant reputation as a scholar in the field of psychiatry, whose name was known even outside of Russia. Chaplinsky put before Sicorsky the question "whether there are in the data of the autopsy of Yustshinsky's corpse any characteristic facts which may serve as an indication of psychological peculiarities of the persons guilty of the murder, in connection with their adherence to one or another nationality or profession?" In other words, the unusual task before this expert consisted in *discovering the nationality of the murderers from the condition of the corpse of the murdered person.* Professor Sicorsky undertook to answer this question, and on May 8, 1911, he gave his conclusion in the presence of Chaplinsky and Liadoff. This aroused the indignation of the whole medical world, both in Russia and abroad. As Chaplinsky himself formulated it in his report to Stsheglovitoff, and later, in the act of indictment against Beiliss: "Basing his opinion on considerations of an historical and anthropological character, Professor Sicorsky regards Yustshinsky's murder . . . as typical of such murders as occur from time to time in Russia as well as in other countries. The psychological basis of this type of murder is, in Professor Sicorsky's opinion, racial vindictiveness, or the vendetta of the sons of Jacob against the members of another race." Sicorsky concludes this part of his report with the statement that he agreed in this view "with the well-known adversary of anti-Semitism, Anatole Leroy-Beaulieu." This reference was made by Sicorsky with the special purpose of

making his own opinion more persuasive, as if he had said: Let all people know that my expert conclusion directed against the Jews is based not so much on the views of the well-known anti-Semite Sicorsky, but rather on the scientific views of the "well-known adversary of anti-Semitism, Leroy-Beaulieu."

When the famous French writer Anatole Leroy-Beaulieu heard of this, he was horrified at the audacity of Sicorsky and promptly published the following reply in a Petersburg liberal newspaper.

"A false interpretation is given to my book, and my thought is entirely distorted. I will never tire of repeating that I consider the ritual murder charge against the Jews as a barbarous invention, and only ignorant people, capable of being easily deceived, may perhaps believe in such a thing . . . A statement that the Jews have an inclination toward such a mode of revenge and that it is this tradition of racial animosity which explains the ritual murder legend—constitutes an opinion which is not justified in any way and with which I cannot permit my name to be associated in the slightest degree. And I cannot but believe that an accusation which one attempts to support with the aid of such arguments must be without any foundation. I see in this only a reliance upon religious prejudice and racial hatred, which have nothing in common with honest justice."

This letter of Leroy-Beaulieu was only the first blow at the expert conclusion of Sicorsky. It was followed by other declarations. The contents and character of Sicorsky's opinion were such that it was senseless to criticize it by scientific methods. The scientific world simply ridiculed Sicorsky's conclusion. Only two scholars, Professors V. M. Bekhtereff and A. I. Karpinsky, were compelled to discuss its substance in detail, because they appeared as experts at the trial and had to analyze the report before the jury. The international world of scholars unanimously condemned Sicorsky's conclusion and did so in the sharpest terms. First, individual scholars raised their voices separately: Professors Bleicher (Zurich), Bedeker (Zellendorf), Forel, Zimke, Bongeffler, Meier, Lacassagne, Tuano, Vagner-Yauregg, Obersteiner;\* among Russian scholars,

\*See footnote on p. 37.

Professor Serbsky. "Jewish ritual accusations never appear in places where the Christians do not believe beforehand in the existence of ritual murders among the Jews. The same is true here as in stories of ghosts or phantoms; they appear only where they are believed in . . . Sicorsky undoubtedly transgressed the limits of objective judgment and was directed by thoughts which sprang from his unbridled imagination and not from a cold and critically thoughtful intellect . . . Sicorsky's narration can be utilized perhaps for a work of fiction, but beyond this, it has no significance . . . It is not a psychiatric conclusion and does not, therefore, contain material for criticism from the psychiatric point of view. After reading this expert conclusion, we even began to doubt that its author was a psychiatrist . . . The same person who had earned scientific merit by his study of religious deliriums and trances of numerous individuals and masses appears to have himself succumbed to the influence of such a benighted prejudice. To use the verbiage of Sicorsky himself, his expert conclusion is not an incidental or simple mistake, but 'a complicated and deliberate misdeed, thoroughly thought out and executed in accordance with a prepared plan.'"

Following these judgments of individual scholars, scientific organizations pronounced their criticisms. The well-known Russian *Journal of Neuropathology and Psychiatry* rebuked the Russian scholar who "compromised Russian science and brought down shame on his own gray head." The All-Russian Congress of Physicians protested against Sicorsky's expert conclusion, which was also condemned later by the International Medical Congress in London and by the Congress of Naturalists and Physicians in Vienna.

Such was the expert conclusion which Chaplinsky and Liadoff received from Sicorsky in order to strengthen the ritual position. The official evidence in favor of the ritual version and the accusation of the Jews in Yustshinsky's murder consisted now of the testimony of Vera Cheberiak, who personified "the voice of the people," and of the falsified report of Obolonsky and Tufanoff and the "psychiatric" opinion of Professor Sicorsky, representing "the voice of science."



## § 14.

Professor Sicorsky's defence against the criticism of his opinion and the reaction of the Government are very interesting because they are characteristic of the political situation and throw light upon the period of decay of the Czaristic regime. This will justify our anticipation of the events of the story and breaking their chronological sequence.

When the hostile attitude of the press toward his opinion became known, Sicorsky decided to take steps in defense of his conclusion. He was not so naïve, however, as to undertake a serious reply by writing an article in a scientific magazine or submitting a report to a scientific society. He chose a different way. On March 29, 1912, when the Yustshinsky case was still in the stage of preliminary investigation, Professor Sicorsky wrote a confidential letter to the Kiev Governor, Girs, in which he complained of the publication in various newspapers of articles criticizing his expert conclusion and referring to it as "treason to science." His declaration, however, he pointed out, was not merely the fulfillment of a duty, but must be considered as a deed of heroism. Sicorsky proudly declared further that he could not use the medium of the press for refuting his critics because it would lead to the disclosure of the materials of the investigation. He ended his letter by indicating that under such circumstances his "participation as an expert at the trial becomes almost impossible and perhaps dangerous." Professor Sicorsky, therefore, asked the Governor to use his influence with the newspapers. A few days later, he wrote a similar letter to the Minister of the Interior, in which, however, he did not content himself with personal considerations. "These attacks," he wrote, referring to the hostile articles in the newspapers, "surpassing in their sharpness and passionate tone all else that is published in the press, have a depressing effect upon the Russian population, while they excite the Jewish masses, who are led by the newspaper articles and see in the Yustshinsky case a malicious libel against the Jews, considering the official experts as chiefly responsible for the success of the preliminary investigation. The attacks upon the experts and especially upon me bear an ominous

character, notwithstanding my popularity in the city as a physician, even among the Jews." The Minister of the Interior Makaroff sent the letter to the Department of Police, and later had a personal talk with its Director, Bielezky. The latter, in accordance with Makaroff's order, gave the proper instructions to Governor Girs of Kiev and communicated the information to Professor Sicorsky "in a kindly manner." In reply, Governor Girs informed Bielezky that he had asked the editor of one of the local newspapers to come to see him and that the editor had promised not to publish any more articles or items concerning the report of Sicorsky. Further "necessary measures aiming at the fulfillment of the Minister's order and intended to influence the Kiev papers will be used by me, in case the abuse of the Professor is not discontinued"—so read the last sentence in the letter of Governor Girs to the Department of Police.

It was impossible, of course, to stop criticism in the foreign press. In Russia, however, repressive measures against the newspapers kept on increasing, not only in Kiev but everywhere else in the country. Many medical societies in various cities of Russia openly declared their protests against Sicorsky's expert conclusion. These were dissolved at once by the Governmental authorities, and their further existence and activities were forbidden. Especially characteristic and dramatic was the fate of the Kharkoff Medical Society, one of the outstanding scientific institutions in Russia. This Society was an important center of medical science; it had laboratories, research departments, a magazine, and its own "Institute of Medicine." A special report on Sicorsky's opinion was submitted at a meeting of this Society, and a resolution was adopted in which they expressed "deep indignation at the medical expert conclusion in connection with the accusation in the Beiliss case." "The Kharkoff Medical Society," continued the resolution, "considers it shameful and degrading to the high standing of a physician to display racial and religious intolerance and to attempt to base the possibility of the existence of 'ritual' murders among the Jews on pseudo-scientific arguments."

On the next day the Kharkoff Gendarme Administration telegraphed to the Department of Police, and twenty-four hours

later the activities of the Kharkoff Medical Society were suspended. At the request of the Department of Police, the Kharkoff Governor presented a secret report enumerating all the "state" considerations favoring the closing of the Medical Society. "The Kharkoff Left papers," said the report, "began the daily publication of articles of an anti-governmental character about the Beiliss case . . . These articles were undoubtedly intended to excite the population against the Government . . . Attempts were made to arrange a three-days' strike of protest in the Women's Medical Institute of the Kharkoff Medical Society. But the strike lasted only one day, and was promptly discontinued after I declared (through the Director of the Institute) to the students—Jewesses . . . that in case they did not attend the lectures they would be deported from Kharkoff as persons who had the right to reside outside of the Pale of Settlement only on condition that they attended lectures at the Institute. The same was declared to the Jewish Students of the University . . . The local Jewish rabbi came to see me and told me about a concrete case of direct threats against the Jews on the part of teamsters. The rabbi asked me to protect the Jews from beatings and pogrom . . . And just at such a time the Kharkoff Medical Society decided to make its political protest in the Beiliss case, without even waiting for the end of the trial . . . Having in mind the rumors that identical demonstrations might be expected on the part of similar institutions, and that the further existence of the Kharkoff Medical Society . . . might threaten social security and peace . . . I considered myself compelled to suspend the activities of the Medical Society without any delay."

A similar event occurred at the same time in Petersburg, where a special Committee was appointed by the Society of Psychiatrists for the purpose of analyzing Sicorsky's expert opinion. Two members of this Committee, physicians Omorokoff and Sreznevsky, were sent for by the Chief of the Military-Medical Academy, who told them that "if disturbances occurred among the students in connection with Sicorsky's expert opinion, Associate Professors Omorokoff and Sreznevsky would be removed from their positions."

It is evident that the *Moscow Journal of Neuropathology and Psychiatry* had good ground for stating that "the discussion and

criticism of Sicorsky's conclusion has become almost a crime against the state."

By such methods and expedients did the Government defend the scientific authority of Sicorsky's opinion!

Sicorsky repeated his opinion before the jury, when the Jew Beiliss was tried on the charge of the ritual murder of Andrei Yustshinsky. The Court permitted Sicorsky to repeat all his stupid and pernicious assertions. The best representatives of the press were present at the trial. Their judgments varied only in the sharpness of their expressions. The eminent Russian writer, V. G. Korolenko, wired to Petersburg and Moscow that "instead of presenting his expert psychiatric testimony, Professor Sicorsky began to read from a memorandum a collection of fantastic stories having no relation whatever to science." Another well-known writer, S. I. Elpatievsky, wrote even more outspokenly: "Without restraint the libelous words of the learned professor are spread throughout the courtroom; and the Court is silent. False tales of blood assail the ears of the jurymen; and the Court is silent."

The well-known liberal and learned criminologist, Professor V. D. Nabokoff, found the appropriate words in his judgment of Sicorsky's opinion. "Years will pass," wrote Nabokoff, "the recollections of this case will fade; the sharpness of impressions will disappear; but the reports, the dry, unimpassioned stenographic reports will remain. No matter how many years pass, when the future historian of our courts and our social life will turn the pages of these reports and will read the 'expert testimony,' . . . these ravings, these quotations from anti-Semitic literature of the most despicable sort, presented under the flag of scientific authority of a professor of psychiatry,—he will ask with astonishment: 'How could it have been possible that the presiding judge did not stop the expert?' "

Finally, the well-known investigator of Russian sects, V. D. Bonch-Bruevitch, expressed the most important point in the following words: "This good-natured old man, this timid Sicorsky, becomes a quite different person—malicious and shrewd—when it comes to the question of rituality . . . His entire opinion is a misunderstanding from the scientific point of view and breathes such hatred, such savage fanaticism, that one cannot but recall

the above mentioned judgment of Professor Serbsky on Sicorsky's opinion: a complicated and deliberate misdeed, he calls it, thoroughly thought out and executed in accordance with a prepared plan."

The attitude of the officials, the high representatives of the Government, toward Sicorsky's opinion was displayed differently in their public life and in their secret official reports. The unanimous condemnation of Sicorsky's opinion by the world of culture sealed their lips in public. In their secret reports, however, they expressed themselves without restraint or shame.

In his public statement before the jury, the notorious anti-Semite Shmakoff who has already been referred to, characterized Sicorsky in the following words: "This wise old man is almost a being of another world. He is a man who does not need anything, a man with a tired heart and a loving soul; and yet he has come here to tell us the truth." In the "particularly secret papers" of Stsheglovitoff, there was a special copy of the stenographic report of Sicorsky's opinion, which was prepared simultaneously with the one later discovered in Shmakoff's papers and was absolutely identical with it, even in clerical mistakes and corrections. At the same time, the employees of the Department of Police who were present at the Beiliss trial in Kiev, stated in their secret code telegrams to their superiors in Petersburg: "The evidence against Beiliss is very weak . . . Because of the low level of the personnel of the jury, they will probably find Beiliss guilty *on account of racial hostility* . . . The simple populace who read Sicorsky's opinion express great *hatred toward the Jews and threaten them with a pogrom.*"

This was just what the Government expected as the result of the trial in general and of Sicorsky's expert testimony in particular. Such was the "heroic deed" of Professor Sicorsky. Thus did Professor Sicorsky, as an ally of the Department of Police, battle for the triumph of scientific truth.

#### § 15.

There is one more episode, which is no less characteristic of the Czaristic regime of this period than those we have discussed in connection with the expert testimonies in the Beiliss case. We

prefer to describe it here, in order that we may not have to return to this matter again.

At the time when the preliminary investigation of the Yustshinsky murder case was almost completed, Professor Obolonsky died. The hope of his promised ritual testimony at the trial, therefore, could not be realized. It was necessary to find a substitute, a person with the reputation of a scholar. The choice fell on the Petersburg Professor D. Kossorotoff—a great specialist in forensic medicine. It was considered necessary, however, to find out in advance what testimony could be expected from him, before summoning him as an expert in the trial. The Investigating Magistrate was, therefore, instructed to sound out Kossorotoff. The correspondence was conducted in a most secret manner, in telegraphic code, which was deciphered and read by Chaplinsky himself. The author of this book had to decipher this correspondence also when he discovered it in the archives. Kossorotoff was asked to refute in a definitive manner the motive of vengeance which was originally ascribed to the murderers in accordance with the actual and genuine opinion of Obolonsky and Tufanoff, and to substitute another motive based on the whole ritual-pogrom agitation of the Right groups: *the motive of obtaining blood*. In other words, Kossorotoff was required to perform the task which Obolonsky and Tufanoff had not dared to undertake. In this sense, Kossorotoff gave to the Investigating Magistrate a most satisfactory opinion in the following terms: "The taking of life was absolutely necessary for the concealment of the crime . . . The condition of the injuries does not warrant the conclusion that the chief purpose was the infliction of pain . . . The injuries were inflicted with the intention of obtaining as much blood as possible for some purpose."

If the report of Obolonsky and Tufanoff was the first act of the preliminary investigation, the opinion of Kossorotoff was the last link. Its contents entirely satisfied the organizers of the trial, as it fortified Sicorsky's opinion as well as the falsified conclusion of Obolonsky and Tufanoff, and gave a "scientific" foundation for the main thesis of the trial. Kossorotoff declared that the results of the autopsy showed that it was the intention of the murderers *to obtain the maximum quantity of blood*; Obolonsky and Tufanoff

had stated in their official conclusion that the wounds were inflicted *when the boy was still alive*; Sicorsky had testified that the condition of the corpse proved from the outset that Yustshinsky was killed *by the Jews*. Thus, men of science gave their names in order to support the pogrom-ritual agitation of the Right monarchist press.

It was clear that Kossorotoff was prepared to give his support to the version of the Government. Now it was necessary to secure his willingness to appear before the jury in Kiev and to make him repeat his expert testimony in public. The measures employed for this last purpose were unusual even at this period of the Czaristic regime.

The testimony of Bielezky before the Investigating Commission of the Provisional Government, referring to Kossorotoff, contains facts which now seem unbelievable and remind one of fairy-tales. "The Minister of the Interior Maklakoff," stated the Director of the Department of Police, "asked me to see Stsheglovitoff about instructions regarding Kossorotoff . . . Kossorotoff's participation in the trial was recognized as important by Zamyslovsky as well as Chaplinsky, who had not long before been in Petersburg and had presented his official report to Stsheglovitoff . . . Zamyslovsky had already had a talk with Stsheglovitoff . . . He had also spoken with Kossorotoff and secured his consent . . . Chaplinsky also had already discussed personally the question of Kossorotoff's trip to Kiev and received an impression that Kossorotoff's testimony would have great significance for the accusation . . . Stsheglovitoff asked me to have an interview with Zamyslovsky. The latter insisted that I should arrange the trip of Professor Kossorotoff. He quoted Chaplinsky, for whom Kossorotoff's testimony would be of great importance. Zamyslovsky then expressed his opinion to me that a remuneration in the amount of 4,000 roubles for the Professor's trip to Kiev would be quite satisfactory. He advised me, however, to find some pretext for not giving Kossorotoff the whole sum at once; but to hand him only half the amount then, and transmit the other half later . . ., when his attitude at the trial became known." Minister Stsheglovitoff apparently had a better opinion of the moral standards of

Kossorotoff than he deserved. He thought that Kossorotoff might be offended by the proposition of the Department of Police. "Minister of the Interior Maklakoff, however," said Bielezky, "assumed that I would make this proposition in an inoffensive manner . . . I began my conversation with Kossorotoff . . . most carefully . . . The Professor, however, displayed a very cool attitude to the question and told me that he had already discussed his forthcoming trip with the Chief Attorney, and demanded 4,000 roubles . . . I stated apologetically that I did not have more than 2,000 roubles, though I actually had the whole sum of 4,000 roubles with me in case of emergency, but I assured him that he would receive the balance . . . by making out there and then a receipt for 2,000 roubles as part of the 4,000 roubles due him." Bielezky communicated all this to Maklakoff as well as Stsheglovitoff, and they expressed their gratitude for the successful fulfillment of the commission assigned to him. Bielezky described this "remuneration" of Kossorotoff in the following words: "The transmission through me of 4,000 roubles to Kossorotoff was made in the guise . . . of a payment for his trip to Kiev . . . Naturally, the real aim was the conspiracy . . . I understood it well, as did the Minister also."

In his testimony before the same Investigating Commission of the Provisional Government, Minister of the Interior N. A. Maklakoff supplemented this information by a statement that he had previously received the permission of the Czar to make this payment to Kossorotoff, which he included in the annual account of the secret sums spent by the Department of Police. This annual list was presented to the Czar and approved by him. After the trial, Zamyslovsky testified to Stsheglovitoff and N. A. Maklakoff that Kossorotoff had entirely justified the hopes which had been placed in him as an expert. Kossorotoff then asked the Department of Police to pay him the balance of the promised sum. His request was immediately fulfilled. The 4,000 roubles were paid to him secretly in addition to the sum which he received officially from the Court for his expenses and services as an expert.

V. D. Bonch-Bruevitch, who was present at the trial and who did not know then of the secret episode, characterized Kossorotoff's testimony in the following words: "I assert that the expert testi-



mony of Kossorotoff was entirely permeated by his anti-Semitic mood."

In summing up the case for the jury on behalf of the State, the Procurator Vipper asked them "to fix . . . attention on the most important thing in this trial. In the absence of this most important thing, Beiliss would probably not have been brought to trial. *This most important thing is the testimony of the experts.*" As Shmakoff worded it in his public speech, "the key to the events which were brought before us is to be found in the opinions of experts in forensic medicine and surgery." Minister Maklakoff, in characterizing Kossorotoff's behavior, spoke of "directness and civic courage."

After the February revolution of 1917, among the documents marked "specially secret," a package was discovered in the personal safe of the Director of the Department of Police, bearing the inscription: "Receipts for money disbursed for secret purposes." This package contained the original of Professor Kossorotoff's letter of request for payment of the balance due and the two receipts, the first of which read as follows: "I received 2,000 roubles on September 19, 1913, from the Director of the Department of Police on account of 4,000 roubles allotted to me for my expenses and services as expert in the Beiliss case. [Signed] Privy Councillor D. Kossorotoff."

## CHAPTER V

### ACCUSATION OF BEILISS

THE INVENTION BY MONARCHIST ORGANIZATIONS OF MENDEL BEILISS' GUILT.—THE DEN OF THE CRIMINAL GANG OF VERA CHEBERIAK.—CHAPLINSKY'S PLAN.—THE DIVISION OF LABOR BETWEEN THE GENDARMERIE AND THE COURT INSTITUTIONS.

#### § 16.

In our desire to present the attempts of the governmental institutions to prove in a "scientific" way that Andrei Yustshinsky was killed by the Jews, we anticipated certain facts of the case. We must now return to May, 1911, the week which the representative of the Ministry of Justice spent in Kiev, conferring with the Court officials and leaders of the monarchist organizations of that city. The "conviction" of Vera Cheberiak that the Jews killed Yustshinsky was brilliantly confirmed by the "expert conclusion" of Sicorsky. Chaplinsky could say triumphantly: "It has been proved" that Yustshinsky was killed by the Jews. Now it remained only to find an actual defendant, a Jew, and to prove that it was this Jew who killed Yustshinsky. The fulfillment of this task was also started during Liadoff's sojourn in Kiev.

First of all, Liadoff established a close contact between the Kiev State Procurators, led by Chaplinsky, and the Ministry of Justice. Second, he brought together Chaplinsky and the student Golubeff, the very ardent head of the Kiev monarchists who grouped themselves around the organization "Double-Headed Eagle." In Petersburg, Stsheglovitoff and Zamyslovsky already had an understanding.

After Liadoff's trip to Kiev, in May, all these persons became united in the friendliest and most intimate coöperation. The following is a joint characterization of this union made by Bielezky,

the former Director of the Department of Police; Verevkin, the Assistant Minister of Justice, and Zapienin, the Procurator of the Kiev Superior Court: "Zamyslovsky was an intimate in the Ministry of Justice and stood in contact with Stsheglovitoff . . . Having Zamyslovsky's participation in the trial, the Right organizations adopted it as their way of political struggle in the Jewish question . . . Zamyslovsky undoubtedly had influence upon Chaplinsky, whom he impressed as being a member of the Imperial Duma, prominent and strong among the Right groups and close to the Minister of Justice . . . This case brought Chaplinsky and Zamyslovsky closer together; Chaplinsky praised very highly the opinions and instructions of Zamyslovsky . . . and kept him informed of what was going on. Besides, Zamyslovsky kept unbroken contact with Golubeff and introduced him to the outstanding Right leaders and to the Minister of Justice . . . The Kiev Procurators kept their ears to the ground: they did everything to please those persons who enjoyed the confidence of Zamyslovsky in one way or another . . . Golubeff stood very near to Zamyslovsky. The whole personnel of the Kiev Administration had to take Golubeff into account; even the Governor-General lent an ear to Golubeff . . . Chaplinsky, on his part, received instructions also from Stsheglovitoff."

These characterizations of the high statesmen must be supplemented by the following shrewd judgment of Mistchuk, the Chief of the Kiev Secret Investigation Police: "The members of the Union of the Russian People are performing in the investigation of this case the functions usually carried out by the Procurators." The Union of the Russian People was the understudy for the rôle of the Procurators!

With the aid of Golubeff, the Union of the Russian People found also the Jew whose fate it was to become the defendant in this monstrous trial and to personify the sufferings of the people to which he belonged.

After his conference with Liadoff, during the latter's sojourn in Kiev, Golubeff declared to Chaplinsky that a Jew "Mendel" (he did not yet know his family name), a clerk in the brick factory of Zaitzeff, had taken part in Yustshinsky's murder. Golubeff was

accordingly directed to the Investigating Magistrate Fenenko, who was handling the case. Following are extracts from Golubeff's statement to Fenenko: "I became very much interested in the murder of Andrei Yustshinsky and began to collect information which might throw light upon this shocking affair . . . taking also into consideration rumors which were current among the population. The cave in which the corpse of Yustshinsky was discovered . . . is situated in an obscure spot in the Lukianovsky district. Near this spot is the very large estate of the *Zhid* Zaitzeff. The manager of this estate and of the brick factory is the *Zhid* Mendel . . . Judging from all the circumstances, I am certain that this is a ritual murder . . ." On the next day Golubeff supplemented his first statement with the following additional details: "Being a member of the Society 'Double-Headed Eagle,' . . . I continue to collect information about this case . . . As far as I know, a Jew, Mendel, Zaitzeff's manager, resides on Zaitzeff's estate . . . My personal opinion is that the murder was most probably committed either here (at Zaitzeff's estate) or in the Jewish hospital. Naturally, I cannot present evidence of this." So, this testimony concludes with the same words with which Vera Cheberiak finished her testimony given two weeks earlier: "I cannot present evidence." . . . This difficulty, however, was only a temporary one; the "evidence" was found very soon. Golubeff's activity in this "investigation" was admirably described by Brandorf, Procurator of the Kiev Superior Court, who was opposed to the ritual version and was, therefore, supplanted a little later by another person, in accordance with the demand of the Union of the Russian People. Brandorf's story is as follows:

"Parallel with the official investigation, was a secret one made by Golubeff with the knowledge and consent of Chaplinsky. Golubeff was an outspoken partisan of the Black Hundreds and found the most improbable evidence for the case; *he was the first to invent the guilt* of Beiliss . . . He often visited Chaplinsky and brought him various bits of information, which later were checked up by Fenenko and proved to be either absolutely false or of no significance. Many times I pointed out to Chaplinsky that such a situation was impossible, and told him that, in accordance with

my information, Golubeff was using illegitimate methods, intentionally hindering the activities of the police, thwarting their plans and not refraining from disreputable means in order to obtain the testimony of witnesses . . . Chaplinsky replied that Golubeff sincerely believed in the ritual character of the murder and was acting entirely in good faith and without any personal interest; for these reasons, Chaplinsky did not consider it necessary to forbid Golubeff's activity . . . Chaplinsky told me that if I did not want to spoil my career, I must not tell Stsheglovitoff that in my opinion there were no features of a 'ritual murder' in Yustshinsky's case."

Brandorf then gave a clear picture, which entirely corresponded to the actual situation, and exposed the indecency of the relations between Chaplinsky and Golubeff.

During Liadoff's activities in Kiev aiming to direct the trial on ritual lines, the Right groups in Petersburg were not passive. Here they started their work on the "ideological" part of the program. In addition to the pogrom publicity in the Right papers, Zamyslovsky came out with the results of his "historical" research. On the same days when Sicorsky and Golubeff were giving their testimony in Kiev, the pages of the *Zemstshina* in Petersburg published many articles of Zamyslovsky which aimed to create a "scientific-historical" foundation for the assertions of the Right groups.

Having established a close contact between Chaplinsky and Golubeff, Liadoff returned to Petersburg. Before leaving Kiev, he expressed the hope that Chaplinsky would never refuse Golubeff any request he should make. The foundations of a ritual trial were firmly established: not only had "the voice of the people" (Vera Cheberiak) expressed the belief that the Jews killed Yustshinsky; not only had science (Sicorsky) confirmed this opinion; but even the supposed murderer had already been found in the person of the Jew Mendel of whom nothing was known except that he had a large black beard and that he resided at the brick works of Zaitzeff.

After Liadoff's departure from Kiev, the Chief District Attorney, Chaplinsky, sent to the Minister, Stsheglovitoff, a detailed report, which reached the Ministry simultaneously with Liadoff's account of his trip submitted by him in person. Chaplinsky

informed the Minister of Sicorsky's expert conclusion and emphasized with great enthusiasm its ritual character. "As far as the facts of the case are concerned," Chaplinsky had to admit, "none of the witnesses interrogated during the past few days gave any substantial material for the discovery of the criminal." Chaplinsky made special reference to Golubeff: "During the sojourn in Kiev of Liadoff, the Vice-Director of the First Department of the Ministry of Justice, Golubeff, whose name I already mentioned in my previous report, came to see him and said that he had in his possession some material evidence . . . Golubeff is strongly convinced that Yustshinsky was killed by Jews, and he expressed the opinion that the crime was most probably committed on Zaitzeff's estate, where the Jew Mendel lives."

Liadoff, in his account, informed Stsheglovitoff that he had ordered the arrest of Mendel and his indictment for Yustshinsky's murder, because Sicorsky's expert conclusion gave sufficient ground for doing so.

Thus, as early as May, 1911, a close coöperation was established between the Right monarchistic organizations, the Kiev Procurators, and the band of thieves who had actually committed the crime.

Upon receipt of Chaplinsky's report, Minister Stsheglovitoff immediately presented it to the Czar, for his information. Stsheglovitoff wrote on this report in his own hand the following words: "Reported to His Imperial Majesty in Tsarskoye Selo on May 18, 1911. Minister of Justice, State-Secretary Stsheglovitoff." Evidently, this was the first *written report* on the Yustshinsky case presented to the Czar by Stsheglovitoff after the first preliminary information which he gave the Emperor on April 18. From that time on, all the reports which contained substantial information concerning the evidence of the ritual character of the murder were always brought to the Czar's attention in one way or another. We will show later that beside Stsheglovitoff other Ministers also informed the Czar of the activities of the Government in connection with the case. In this way the Czar was kept in touch with the events of the trial, which was conducted with his knowledge and approval.

The idea of the ritual murder of Yustshinsky by Jews originated in the heads of Golubeff and his Kiev fellow-monarchists. It

received its first local support from the members of Cheberiak's gang—the real murderers of Yustshinsky. Chaplinsky became the link between Kiev and Petersburg. Finally, in Petersburg, the Rightist fraction in the Duma and Minister of Justice Stsheglovitoff conveyed the theory to the imperial throne, so that the ritual version came to be sanctioned by the Czar's name. "Let the Union of the Russian People be my strong foundation, serving to all and in all as an exemplar of legality and order,"—so the Czar characterized his attitude toward this reactionary organization. In this case also, so typical of its epoch, the Czar fulfilled the promise which he had given to the Union of the Russian People (see p. 11).

### § 17.

In June, 1911, the Kiev Gendarme Administration arrested Vera Cheberiak. The arrest appears to have been quite unexpected by her. No official explanation was published, and the real cause did not become known until the time when it became possible to examine the archives after the revolution of 1917.

From the archive materials of the Department of Police we now know that this arrest was ordered on June 7 by Brandorf, the Procurator of the Kiev Superior Court, and was motivated by the fact that in Vera Cheberiak's home, "suspicious persons who belonged to a political movement used to gather."

Vera Cheberiak and suspicious persons—this is understandable. But what political movement could it have been? And who were these "suspicious persons" belonging to the political movement?

A little later this arrest attracted the attention of the high authorities in Petersburg, and the Kiev officials had to explain their act. The office of the Kiev Procurators reservedly stated in one of its reports that Vera Cheberiak "had a bad name; persons belonging to the criminal world visited her; her neighbors had expressed suspicion that she had taken part in Yustshinsky's murder." We find, however, more detailed and explicit information about Cheberiak in the secret report which the Kiev Gendarme Administration sent to the Department of Police. "Vera Cheberiak," wrote Shredel, the Chief of the Gendarme

Administration, “. . . was put under arrest at the personal request of Procurator Brandorf addressed to me through my aide, Colonel Ivanoff; *though this arrest was made for the purpose of facilitating the search for the murderers of the boy Andrei Yustshinsky*, it was also intended by this means to direct the investigation . . . *to the discovery of the agitation which was exciting enmity between the sections of the population, and which had never ceased since the day of the funeral of Yustshinsky, when mimeographed sheets were spread inviting the ‘Orthodox Christians’ to beat up the Jews who had tortured Andrei Yustshinsky to death.*” This arrest of Cheberiak might also help “to verify the rumors that Yustshinsky’s murder was committed in order to provoke a massacre of the Jews.” In another report, also addressed to the Department of Police, it was directly stated that “*Cheberiak was arrested for her participation in the murder of Yustshinsky.*”

A real understanding of the circumstances of this arrest can be reached by the knowledge of the fact that the very order of arrest was secretly given to Brandorf by Chaplinsky, because Brandorf was certain that “he [Chaplinsky] would not permit the arrest of Cheberiak.” As Brandorf himself stated, he “was absolutely certain that if Cheberiak remained under arrest for several days, the whole case would be cleared up.”

All this proves that *already in June, 1911, the authorities had in their possession more or less correct information of the real nature of the murder.* At any rate, they knew that Vera Cheberiak was implicated. They knew also that Vera Cheberiak had not only read the pogrom proclamation sheets during Yustshinsky’s funeral, but that she had been a participant in the agitation and had had a hand in spreading the proclamations. In other words, *almost immediately after Yustshinsky’s murder a close contact had been established between Vera Cheberiak, the leader of the criminal band and of the murderers of Yustshinsky, and the Black Hundred organizations.* The “naïve” testimony of Cheberiak that she “thought” that Yustshinsky had been killed by Jews was in itself ominous.

Beside the above mentioned documentary reports, we have also a series of testimonies given to the Investigating Commission of the Provisional Government by persons who had participated in the original steps of the investigation. These were:



Mistchuk, the Chief of the Kiev Secret Police, who was active in the investigation up to May 27, 1911; Krasovsky, one of the outstanding specialists in the secret investigation, who was removed in August 1911; Lieut.-Col. Ivanoff of the Gendarmerie; Fenenko, the Investigating Magistrate, who was in charge of the preliminary investigation; and, finally, Brandorf, the Procurator of the Kiev Superior Court, who, in that capacity, had the official supervision of all branches of the investigation, but who, in his turn, was a subordinate of Chaplinsky, the Chief District Procurator.

"I led the inquest in several directions," testified Mistchuk, "and I also investigated the ritual murder version. The facts collected by the investigation led me to the conclusion that the murder of Yustshinsky had been committed by the criminal world with the purpose of simulating a ritual murder and provoking a Jewish pogrom . . . When I began my secret inquest about Vera Cheberiak and found it necessary to arrest her, Chaplinsky was clearly displeased and said to me: 'Why do you annoy an innocent woman?' He insisted that I refrain from concentrating the searches upon the locality where the corpse was discovered and where Cheberiak resided."

Krasovsky made quite a definite statement in the following words: "My investigations led me to the conviction that the murder had been committed by an organization of thieves led by Vera Cheberiak. When I reported this to Chaplinsky, he ignored the material which I had collected along these lines."

Fenenko, the Investigating Magistrate, gave similar testimony: "Shortly after I had started the investigation, I began to suspect Cheberiak as an accomplice in Yustshinsky's murder . . . It was clear to me that the murder of Yustshinsky most probably had been committed in Cheberiak's tenement, and I began, therefore, to collect all the facts which might expose her."

Finally, the Procurator Brandorf, "from the very beginning, thought that all the threads of the police investigations led to Vera Cheberiak as a participant in this crime, in one form or another." "The investigation," continued Brandorf, "did not give results satisfactory to the Union of the Russian People and to Chaplinsky, because it did not disclose any features of a ritual murder, did not establish the guilt of any Jew, and only strength-

ened the assurance that the murder of Yustshinsky did not occur without Cheberiak's participation."

Thus, the picture was clear; all these investigations were on the right road—and it led to the home of Vera Cheberiak and to the members of her band.

In order to understand the whole situation created by Chaplinsky, and his truly diabolical plan, it is necessary to penetrate into the details of the work which was carried on in absolute secrecy by the Kiev Gendarme Administration under the direct supervision of Lieut.-Col. Ivanoff, both of whom were responsible to Chaplinsky.

### § 18.

In contrast to other participants in the investigations, Lieut.-Col. Ivanoff of the Gendarmerie was very reluctant to give testimony before the Investigating Commission of the Provisional Government. This reluctance has its explanation in the peculiar rôle which Ivanoff played in the gradual development of the trial of Yustshinsky's alleged murderer.

At the period when the secrets of Czaristic justice were still concealed in the archives of all the Ministries and governmental Departments, the general opinion was that the guilt of the high judiciary officials consisted in the fact that they had directed the accusation against the innocent Beiliss and *neglected* to undertake an investigation of the actual murderers. Now, however, after a study of the archives, we know that a much more heinous crime was committed by these officials. *The real murderers had been discovered, rounded up, and interrogated.* Some of them confessed, under different circumstances, their participation in the murder. *The central Government knew all this.* Nevertheless, with the knowledge and the approval of the Government, *the real murderers were withheld from trial.*

Chaplinsky organized the investigation in a shrewd and cynical way. His plan was simple: to conceal the truth about the real murderers and to please the Right groups by the staging of a ritual trial. One must, however, first *discover* and *know* the truth, in order to *conceal* it later.

In accordance with Chaplinsky's plan, Lieut.-Col. Ivanoff

received the secret commission to discover the actual murderers. Chaplinsky kept this parallel feature of his double-sided plan from those of his subordinates of whose discretion he was not quite certain. This explains why persons of good faith who participated in one or another way in the investigation often did not know what the real aims of Chaplinsky were. Sometimes Ivanoff too found himself in such a position.

Ivanoff fulfilled his task splendidly: he found the murderers, interrogated them, and informed Chaplinsky of the results of his investigation. The latter, however, knowing the truth and the identity of the real murderers, deliberately directed the official investigation on a wrong track.

There was probably an additional motive in Chaplinsky's desire to know the truth. He foresaw an eventual possibility that the Ministry of Justice might change its policy and abandon the ritual tack. In such a situation, the Ministry might ask Chaplinsky to "discover" the real murderers; therefore he preferred to have them in case he needed them.

We have almost identical testimonies of three persons as to the real opinion of Ivanoff himself who, as we already know, refrained from giving direct and true answers even after the Revolution. These are: Fenenko, the Investigating Magistrate; Trifonoff, one of the members of the editorial staff of the conservative Kiev paper *Kievljanin*; and Colonel Shredel of the Gendarmerie, the immediate superior of Ivanoff.

"Ivanoff told me," stated Fenenko, "that when he presented the results of his additional inquiry to Chaplinsky and said that he had in his possession facts proving that one, Latysheff, and some others were guilty of Yustshinsky's murder and that they must be arrested, Chaplinsky asked him not to detain these persons, and he had to obey."

The statement of the journalist Trifonoff is also very interesting. "Lieut.-Col. Ivanoff of the Gendarmerie had several conversations with me as assistant editor of the *Kievljanin*. He did not believe in the ritual version and suspected Vera Cheberiak and her associates—Latysheff, Rudzinsky, and others—as the real murderers. Ivanoff said that Chief Procurator Chaplinsky recognized only the ritual version and ignored any other information given

to him. Owing to such circumstances, Ivanoff was unable to give the correct direction to the search for persons guilty of Yustshinsky's murder."

Finally, Colonel Shredel, the Chief of the Gendarme Administration, briefly but clearly stated: "During his investigation of the Yustshinsky case, Lieut.-Col. Ivanoff once told me that he suspected Vera Cheberiak, Singayevsky, Rudzinsky and Latysheff as the real murderers; it seems that Ivanoff expressed his intention of arresting these persons at that time." As we will show later, Colonel Shredel knew much more than this about the case.

Thus, all the persons who openly or secretly participated in the investigation had, from the very beginning, an identical opinion as to where the murderers of Yustshinsky were to be sought and who they were. There is a great probability that originally Lieut.-Col. Ivanoff took his mission of finding the real murderers seriously, and that he came to understand the real motives of Chaplinsky only later. Be that as it may, the fact is that he eventually succumbed to Chaplinsky's influence.

On the other hand, those of Chaplinsky's subordinates who refused, at any price, to support the ritual version suffered cruel reprisals: they either lost their positions, or were even accused, condemned and put into prison.

This terror which Chaplinsky inspired in his subordinates was no secret to the highest governmental authorities in Petersburg. As was stated in a letter addressed to Pikhno, a distinguished member of the Imperial Council, the entire police was terrorized by the repressive measures applied to the persons who tried to discover the truth in the Yustshinsky case. This letter was intercepted by the Department of Police.

The President of the Kiev Bar Association, D. N. Grigorovitch-Barsky, who was one of the defenders of Beiliss at the trial, sized up the situation correctly. He said: "Under the influence of the representatives of the Right organizations, Chief District Procurator Chaplinsky terrorized the members of the Police who did not follow in the direction indicated by him." This judgment entirely coincides with the declarations which Bielezky himself, the Director of the Department of Police, made after the Revolution, acknowledging that "the abnormal and one-sided interest brought

into the affair of Yustshinsky's murder by Golubeff, and the continual interference of the Chief District Attorney, deprived the persons carrying on the investigation of a quiet and objective attitude toward the case and directed the inquiry along the lines defined by Golubeff and Chaplinsky . . . Passions began to flare up around the case, which made normal, quiet search impossible; owing to this fact, the material in the possession of the investigating authorities has no particular value."

The situation had become considerably complicated already in May. All the persons—Chaplinsky's subordinates—who took part in the investigations came to an identical conclusion: the murder was committed with the participation of Vera Cheberiak and in her home; the other murderers had to be sought around this woman. At the same time, under the immediate leadership of Chaplinsky and with Liadoff's participation, the foundations of a ritual trial were established, and the future rôle of Vera Cheberiak as one of the detectors of Beiliss began to be delineated.

The detention of Vera Cheberiak lasted from June 9 to July 9, when the legal term expired, and she had to be freed or detained by a new order. Procurator Brandorf issued such an order. On the same day, July 9, Boris Rudzinsky, the second participant in Yustshinsky's murder, was arrested. The third murderer, Ivan Latysheff, who had been arrested on April 12, was still under detention. Thus at the beginning of July, three of the four murderers were in the hands of the authorities. It appears that the hope of solving the crime was increasing. The probability of a true solution, however, was not to the taste of Chaplinsky and the reactionary groups who stood behind him; they were afraid that the murderers might confess.

"When the investigation reached Cheberiak's tenement," said Fenenko, "it met with a stone wall which it was impossible to penetrate."

Here was used for the first time the method which later was systematically applied in the course of the entire investigation: every time the investigators approached too near to Vera Cheberiak's tenement and the members of her band, some new facts were fabricated against Mendel Beiliss, as candidate for the rôle of defendant in a ritual trial.

## CHAPTER VI

### FALSE EVIDENCE

ORGANIZATION OF FIRST FALSIFIED EVIDENCE AGAINST BEILISS.—ARREST OF BEILISS AND HIS INDICTMENT FOR THE RITUAL MURDER OF THE BOY YUSTSHINSKY.—RELEASE OF CHEBERIAK.—REPORT TO THE CZAR.

#### § 19.

Early in July, 1911, a mysterious automobile left Petersburg and attracted the attention of the police of various cities by its swift passage, through many towns, from north to south. Bundles of pogrom proclamations accusing the Jews of ritual murder were thrown from the automobile along the route. Telegraphic messages were flashed by provincial administrators to their colleagues in neighboring cities and in Petersburg. Finally, it became known that this agitation was organized by the manager of the chancellery of the Black Hundred organization "Union of Archangel Michael," and that the proclamations were ordered to be printed by the head of this organization, Purishkevitch, Member of the Imperial Duma.

Thus, the Center gave a signal for the revival of the pogrom-ritual agitation because the Right groups had lost patience and were evidently dissatisfied by the slowness of Chaplinsky. Monarchist papers wrote in plain words that, to their regret, "it is impossible to rely upon the Kiev Procurator Chaplinsky. Probably, the interests of the Jews are dearer to him." At the same time, the Right press began to spread rumors of the forthcoming elimination of Chaplinsky and the appointment of a new Procurator to direct the investigation of Yustshinsky's murder.

Chaplinsky understood that he must act. The "Double-Headed Eagle" was not deterred by the fact that all paths, direct and

indirect, led to the den of Vera Cheberiak. Golubeff demanded that a Jew be accused of the murder of Yustshinsky, and Mendel Beiliss was selected by him for the rôle. Golubeff himself realized that there was no evidence against Beiliss. But was not Chaplinsky there at his service, and was it not Chaplinsky's duty to supply this missing evidence? Had not Liadoff left Kiev with the assurance that Chaplinsky would never refuse any request of Golubeff? But how could evidence be created against Beiliss if all the facts were against Vera Cheberiak? The answer was simple: build the accusation against Beiliss upon the evidence which existed against Cheberiak!

On July 9, the day when the order was issued to continue the detention of Cheberiak, a wretch, one Kasimir Shakhovsky, was brought to Fenenko, the Investigating Magistrate, for interrogation. Shakhovsky was a lamp-lighter who resided in the locality where the corpse of Yustshinsky had been found, and knew everybody in that neighborhood. He gave Fenenko some very important information: He said that on the morning of the day of Yustshinsky's disappearance, he saw him together with Zhenya Cheberiak near the house of the latter. "Whither Zhenya Cheberiak and Andrei Yustshinsky went after that, I do not know," he added, "but since then I never saw Andrei Yustshinsky again." The testimony closes with a very striking declaration: "I was afraid to get mixed up in this case . . . I might be stabbed at any time by those who would not like my testimony. You, Investigating Magistrate, must question those who live in the same yard with Vera Cheberiak . . . They will tell you about her behavior . . . For the present I have nothing more to say."

Several days passed. On July 18, Shakhovsky was subjected to a second interrogation. Though he had said on July 9 that "for the present" he had nothing more to say, yet nine days later, he made the following declaration: "The house in which Cheberiak resides is situated alongside the factory of Zaitzeff . . . A clerk, Mendel, was the manager of the whole estate [of Zaitzeff] . . . I know that Mendel is on good terms with Cheberiak and that he visited her." Shakhovsky again finished this second testimony with the same careful sentence: "For the present I have nothing more to add."

On July 20, or two days later, Shakhovsky was summoned by Fenenko for the third time. Chaplinsky himself was present at the interrogation, in the course of which Shakhovsky declared that during the two previous interrogations, he had forgotten "a very important fact." This was that the children, among whom was also Andrei Yustshinsky, "were frightened away" during their walk "in the yard of Zaitzeff's factory, not far from the brickkiln, by a man with a black beard, namely Mendel, the clerk of the factory's estate. This is why I think," concluded the lamp-lighter Shakhovsky, "that this very Mendel took part in the murder."

It is noteworthy that like Golubeff, Shakhovsky called Beiliss simply "Mendel."

This was the first appearance of Beiliss in the official proceedings of the investigation; he was described as "a Jew with a black beard," who kidnaped and killed Andrei Yustshinsky. It is sufficient to compare the first and the last testimonies of Shakhovsky to understand that the period of time between July 9 and July 20 had not been wasted by the authorities, and that they had found a way of obtaining from Shakhovsky a statement against Beiliss instead of one against Vera Cheberiak.

On the day he obtained the foregoing testimony from Shakhovsky, July 20, Chaplinsky summoned Lieut.-Col. Kuliabko, Chief of the Kiev *Okhrana* Branch, and told him that he had important facts pointing to the guilt of the Jew Beiliss in Yustshinsky's murder, but that "these facts had not yet been put into proper shape," and he feared that "Beiliss might disappear during the next few days, when the witnesses were to be interrogated." He, therefore, asked Kuliabko to arrest Beiliss "in the meantime" for the sake of the administrative preservation of order.

On the same evening Chaplinsky mysteriously left Kiev. Later, after the Revolution, he confessed that this trip was connected with his official functions. As a matter of fact, Chaplinsky went to pay a secret visit to the Minister of Justice Stsheglovitoff, who was spending his summer vacation on his estate in the province of Chernigov, not far from Kiev.

Some time before this, the Right papers had begun to insist that Stsheglovitoff should take a more personal interest in the Yustshinsky case, as the Kiev authorities did not seem to be



moving fast enough in the matter of creating the ritual trial. At the meeting of Chaplinsky with Stsheglovitoff, which occurred about July 20, 1911, the latter personally and secretly heard the report of Chaplinsky, and entirely approved everything he had already done or intended to do. The subsequent acts of Chaplinsky, therefore, must be considered as the acts of the Minister of Justice himself.

On the night of July 21-22, from the estate of Stsheglovitoff, Chaplinsky sent a code telegram to Kiev saying: "Has Mendel been arrested?" Thus, even in the official correspondence of the Chief District Procurator, Beiliss was still called by his first name only. An immediate telegraphic reply came from Kiev: "Mendel is under arrest by order of the State *Okhrana*."

The arrest of Beiliss occurred under very solemn circumstances. On the night of July 21-22, a large detachment of Police, accompanied by fifteen gendarme officers, by officials of the *Okhrana*, and by representatives of the office of the Procurator, arrived at the humble tenement where Mendel Beiliss, a modest employe of the brick factory, resided with his family. The whole tenement was searched. Beiliss, who had not even dreamed of the possibility of such a night visit, was arrested, as was also his son, nine years of age. At first, Beiliss was put into the cellar of the *Okhrana* headquarters; several days later he was transferred to a police station and thence taken to the Kiev prison.

Thus he was kept in prison for a period of more than two years preceding the trial, though the authorities knew absolutely that he was not guilty. He was kept in confinement for the sole purpose of arranging a ritual trial, in order to please the Russian pogrom instigators masked as patriots and monarchists.

#### § 20.

Chaplinsky returned from his visit to Stsheglovitoff in an encouraged mood, and immediately held a conference of his subordinate Procurators for a discussion of further steps. He presented his ideas of Beiliss's guilt, and insisted on the immediate institution of proceedings against Beiliss on the charge of having

murdered Yustshinsky.\* Brandorf, the Procurator of the Kiev Superior Court, tried in vain to persuade Chaplinsky to release the innocent man. Fenenko, the Investigating Magistrate, refused to start proceedings against him. In his description of this meeting, during the inquiry held in 1917 after the Revolution, Brandorf stated: "I wrote down on a sheet of paper all the oral arguments of Chaplinsky and they looked like a series of suppositions and guesses, but not at all like a logical scheme of real evidence. When I read the summary which I had prepared, I expected that it would make an impression on Chaplinsky and persuade him of the impossibility of indicting a person for ritual murder on the basis of such material. The effect, however, was quite the reverse of my expectations; Chaplinsky found that his arguments looked 'still better' on paper. I then stopped arguing, but declared that I could make out a much more substantial case for the indictment of Cheberiak. Chaplinsky replied that he could not permit the indictment of an Orthodox (Christian) woman in a 'Jewish' case." Even Diachenko, the official of the Department of Police, later stated that Chaplinsky "astounded" his hearers "by his anti-Semitism and by the hatred with which he spoke of the Jews." Bielezky, the Director of the Department of Police, later quoted the Kiev Governor Girs, who told him that "Chaplinsky always mentioned the special political significance of the successful collection of materials proving the guilt of Beiliss in the ritual murder of the Christian boy Yustshinsky," and that he "also

\*This procedure of investigating felonies is quite different from that of the United States or England. The official or so-called preliminary investigation in Czaristic Russia was similar to the prevailing criminal procedure in other European continental countries. It began with the act of "drawing" the person suspected as "the accused" to the preliminary investigation. After the conclusion of the investigation, a report was presented by the Investigating Magistrate to the Procurator, with a statement of the conclusions reached by him as to the guilt or innocence of the accused. If the Investigating Magistrate believed the accused guilty, and the Procurator agreed with this view, the latter or his assistants prepared the so-called "act of accusation" and sent it to the Supreme Court of the District, where the "act of accusation" was either confirmed or disapproved by a special bench of Judges established for this purpose by the law. "The act of accusation" corresponds to the "indictment" or "information" in American criminal procedure.—[Ed.]

emphasized the special interest of Zamyslovsky in this case as having an important significance for the party politics of the Right group in the Imperial Duma." Thus Chaplinsky put his hatred of the Jews at the service of the reactionary groups in order to help them in their definite political schemes.

Nothing that was said during this conference of Procurators had any influence on Chaplinsky. He summoned Fenenko, the Investigating Magistrate, and tried to persuade him of the necessity of the arraignment of Beiliss. Fenenko again refused to initiate the proceedings and declared that he had discovered "the fallacy in the testimonies of witnesses who attempted to implicate Mendel Beiliss. This fallacy . . . is so evident that there is no ground for an accusation against Beiliss." This situation lasted no less than four days, during which Fenenko persisted in refusing to begin proceedings against Beiliss, and Chaplinsky made efforts to persuade him to reconsider his attitude and to start the proceedings on his (Fenenko's) initiative, that is, without a direct written order from the Chief Procurator. In his report of July 29 to the Ministry of Justice, Chaplinsky stated, a little ahead of time, that he had already proposed to Fenenko to proceed against Beiliss and to arrest him for the legal investigation preliminary to trial. Chaplinsky had committed himself by this report.

Failing to persuade Fenenko, Chaplinsky decided to use his official authority to order the Investigating Magistrate to start the initial proceeding against Beiliss and to keep him in prison until the time of trial. The order also stated Chaplinsky's grounds for this action. "The murder of Andrei Yustshinsky," he said, "was committed by Jews with the purpose of obtaining Christian blood for Jewish religious rites." Quoting the expert opinions on the murder, he continued: "We have thus established the aim and the motives of Yustshinsky's murder, which indicate that the guilty ones must be sought among persons of the Jewish nationality . . . so we cannot avoid coming to the conclusion that Mendel Beiliss took part in the commission of the murder. . . . Under such circumstances, all the references to Mendel Beiliss contained in the testimonies . . . of the witnesses, including the less substantial, acquire the significance of serious evidence against him."

This order was issued on August 3, and the Investigating Magistrate was bound to obey. On the same day, Beiliss was formally charged with the murder of Yustshinsky, and a few days later Vera Cheberiak was released from prison. Beiliss had to remain in prison until the trial.

Chaplinsky sent to the Ministry of Justice a detailed report which, in general, was identical with the text of the order given to Fenenko.

The trial was thus finally given a ritual aspect, and when Nicholas II came to Kiev one month after these events, Chaplinsky himself submitted to him "the report on Beiliss's case, with the emphasis on the evidence implicating Beiliss in a ritual murder."

The fact of this report and its contents were not an absolute secret; Governor Girs of Kiev knew of it, and Bielezky, the Director of the Department of Police, had been informed by Girs and Chaplinsky. Clearly the ritual enterprise of the Government had the approval of the Czar.

### § 21.

Beside Kasimir Shakhovsky, his wife Uliana Shakhovsky and Polistshuk, an agent of the Secret Police, were also interrogated. Uliana Shakhovsky's testimony was the same as that given by her husband. Polistshuk merely quoted Shakhovsky and repeated the latter's last (third) testimony. These three witnesses formed the basis of the investigation at the moment when Beiliss was arrested.\* On these testimonies, Chaplinsky based his insistence on Beiliss's guilt. They were the source of the official version that "a Jew with a black beard" had kidnaped Yustshinsky in order to kill him. All these testimonies were later included by the Procurator in the act of accusation ("information" or "indictment") against Beiliss, as material deserving confidence. This act was confirmed by the Supreme Appellate Court of the Kiev District (see note on p. 76). Nine Judges took part in the session; seven voted for the confirmation of the act, and two voted against. These two were: the permanent President of the Sessions

\*See Appendix I, 3, p. 241.

and the *rapporteur*, that is, the two persons who had *studied* and *knew* the materials of the preliminary investigation. The other seven judges had not studied the case, but they were inclined to defer to the desires of the higher authorities, and voted accordingly. As a result, the case had to go to trial before a jury. We now know the contents of the dissenting opinion of the two judges, which we found in the archives. It had been sent to the Ministry of Justice at their urgent request, and had been placed among the secret documents. The two judges wrote: "On the basis of our study of the dossier of the preliminary investigation, we find that the materials quoted in the act of accusation as evidence of Beiliss's guilt of the crime charged against him are not sufficient to put him on trial. These materials are not only unconvincing as a whole, but some of them contain defects impairing their trustworthiness as a basis for assuming the guilt of the accused." Then follows a detailed analysis, shrewd and decisive, of the testimonies of Shakhovsky and his wife: "Kasimir Shakhovsky, who was interrogated by the investigating authorities seven times, stated repeatedly and categorically only one thing: that when, on the morning of March 12 [the day of Yustshinsky's murder], he saw Yustshinsky together with Zhenya Cheberiak, the former was without an overcoat and had neither textbooks nor copy-books; hence, the witness expressed the opinion that Andrei must have left his overcoat and his textbooks and copy books in the tenement of Cheberiak . . . If this part of Shakhovsky's testimony is true, it removes any indication of the murder of Yustshinsky by Beiliss, for the following reason: if Beiliss had committed the alleged crime, he would have had neither the possibility nor the need of obtaining Yustshinsky's copy books, which the boy did not have with him at the moment of the crime, and putting them into the cave where the murderers placed the corpse of Yustshinsky, and where his copy books were found also." Summing up the testimonies of the Shakhovsky couple, the authors of the dissenting opinion came to the conclusion that "like her husband, Uliana Shakhovsky gave her testimony at the instruction of agents of the Secret Police, Polistshuk and Vygranoff, who made her quite drunk by giving her liquor and then let her tell them such stories as never occurred in reality . . . Undoubtedly, this witness also

gave her testimony to the Investigating Magistrate under the influence of similar stimulants."

The authors of the dissenting opinion probably knew more than they said in this official document. The Procurators and also the Ministry of Justice were informed of all the circumstances which surrounded the testimonies of Shakhovskiy and his wife. All this was tolerated and even approved.

The archives have preserved for us an admirable secret report on the Shakhovskiy couple by the Chief of the Gendarme Administration. From this we learn first of all that the couple continued to be under the surveillance of the agents of the Secret Police for many months after they had given their testimonies in July. From time to time, these agents made sure that the stories invented for them by Polistshuk and Vygranoff still remained in the memory of the two witnesses. Later this surveillance became the function of the Gendarme Administration and its agents. As has already been stated, the Gendarme Administration had been entrusted with the parallel task of finding "in case of emergency" the real murderers, and Lieut.-Col. Ivanoff knew well who they were. It is, therefore, evident that Ivanoff and his collaborators clearly saw all the weak points of the ritual accusation built up by Chaplinsky and other court functionaries. The Chief of the Kiev Gendarme Administration wrote several times to his superiors in Petersburg about these "weak points" and about the confusion which lay in store for the judiciary branch of the Government. Of this series of reports, that of March 14, 1912, containing the opinion of the Kiev Gendarme Administration about the witnesses Shakhovskiy and the significance of their testimonies, is of special interest. As stated in this report, "it is now clear that the circumstantial evidence collected against Beiliss will entirely fail at the trial; . . . the main witnesses who accuse Beiliss are the lamp-lighter Shakhovskiy and his wife; recently Shakhovskiy was interrogated by Kirichenko, a police officer, a collaborator of Lieut.-Col. Ivanoff, and declared that at the trial he would say only that on March 12, 1911, at 8 o'clock in the morning, he saw Andrei Yustshinsky on Lukianovka, near the tenement of Cheberiyak, and that it was Zhenya Cheberiyak (who had since died) who had told him that he (Zhenya) had seen a man resem-

bling Beiliss seize Yustshinsky and draw him toward the estate of Zaitzeff. Shakhovsky stated further to Kirichenko that he did not know anything more about this case, and his wife categorically said to Kirichenko that she did not know anything at all about the Beiliss case and that she had given her testimonies under the influence of liquor administered by the agent Vygranoff himself to whom the statements were made.

As a matter of fact, however, Shakhovsky refused to state at the trial even those inventions which he had promised the police he would testify to. He merely said that, after having given his first testimony on July 9, in which he said that he had seen Yustshinsky together with Zhenya Cheberiak, the agents of the Secret Police, Polistshuk and Vygranoff, "began to visit him" and to teach him what he was to testify against Beiliss.

The Procurator and other accusers at the trial naturally denied the possibility of such prompting of the witnesses by the police. At that time one might believe or not what Shakhovsky said about the agents of the Secret Police. Now, however, we know from the archive materials not only that Shakhovsky gave a falsified testimony, but also that all those who stood near to the organizers of the trial were aware of the fact. As the Investigating Magistrate Fenenko stated after the Revolution, Lieut.-Col. Ivanoff told him later "that the agent Polistshuk confessed to him that Vygranoff, the other agent, in his (Polistshuk's) presence, persuaded the wife of Shakhovsky to give him (Fenenko) false testimony against Beiliss, which she did." "When I met Polistshuk and asked him whether this was true," added Fenenko, "he confirmed to me everything he had said to Ivanoff . . . This conversation occurred at the time when the investigation was no longer in my hands."

No wonder the representative of the Department of Police at the trial wired to Petersburg after the testimonies of Shakhovsky and his wife that "the version of the kidnaping of Yustshinsky by a man with a black beard was not confirmed."

The only outstanding political leader among the Right groups who decided at that time to protest loudly and sharply against the ritual trial was V. V. Shulgin, member of the Imperial Duma.

His many political friends and adherents addressed to him numerous reproaches for his "treason to the Russian national cause," for his "apostasy from the basic Russian ideas," and so on. He published an annihilating criticism of the entire accusation and bitterly reproached Chaplinsky and Zamyslovsky. At the same time, Shulgin did not cease to be a reactionary, a nationalist and an anti-Semite. But he was more farsighted than his political friends and understood the incalculable harm which the trial would cause to the interests of anti-Semitism, nationalism and political conservatism. As matters turned out, his political friends will probably not refuse to recognize the correctness of his position at the time of the Beiliss trial. "As is known," wrote Shulgin at that time, "the act of accusation in the Beiliss case is a document which is attracting the attention of the whole world . . . Beiliss is mentioned for the first time in the testimony of Shakhovsky . . . This testimony, as quoted in the act of accusation, is absolutely improbable and proves its artificial character . . . but not the guilt of Beiliss . . . One who studies the act of accusation can reach only one conclusion—that the Shakhovsky testimony is a mere invention. This cannot serve as evidence against Beiliss; on the contrary, this fact directly speaks against the logic of the presumption of his guilt . . . I am ashamed to discuss the testimony of Shakhovsky's wife . . . especially on account of her tale . . . that on March 12, her husband Kasimir himself saw Beiliss drawing Yustshinsky toward the kiln . . . It is to be regretted that the act of accusation did not explain how, under such circumstances, the almost public kidnaping of Yustshinsky by the Jews was not discovered on the same day, nay, at the same minute . . . One cannot, therefore, help feeling at a loss to understand how this impossible absurdity, these senseless testimonies of Shakhovsky and his wife, . . . could be considered as foundations for placing Beiliss on trial."

Nevertheless, it was precisely on the basis of these senseless testimonies that Beiliss was tried. This was so monstrous that even Zamyslovsky admitted they had struck a snag in the progress of the case.



## CHAPTER VII

### MOTHER ASSASSIN OF HER CHILDREN

MYSTERY OF THE DEATH OF VERA CHEBERIAK'S CHILDREN.—  
MOTHER, THE ASSASSIN.

#### § 22.

As the trail led ever nearer to the den of Vera Cheberiak, it became increasingly evident that Zhenya Cheberiak, the nearest comrade and bosom friend of the murdered boy, was of the greatest importance as a witness in the case.

The last one who saw Andrei before his end was Zhenya. If Andrei had uttered even one loud, alarming cry before he lost consciousness, it was Zhenya who heard it through the door that shut in his face after Andrei had gone in. It is quite probable that Zhenya was tortured by remorse as he realized that the comrade of his games and childish quarrels had perished because he, Zhenya, had complained to his mother about him. Seeds of a serious tragedy were sown by this event in the family of Vera Cheberiak. The mother, experienced in lying, could not help fearing that her little Zhenya might blurt out a particle of truth. Such a prospect could not end happily for Vera Cheberiak.

Police supervisor Krasovsky, in whose hands all investigations were then centralized, was the first to interrogate the young lad. From the statements of Krasovsky and his collaborator Kirichenko we can form a picture of the first interrogation of Zhenya Cheberiak in the tenement of his mother. Krasovsky "interrogated Vera Cheberiak in the large room [the sitting room], while Kirichenko took Zhenya Cheberiak into another room and began to talk with him . . . Vera Cheberiak watched this talk from the neighboring room . . . When I asked Zhenya who killed Yustshinsky"—said Kirichenko—"I noticed that his face suddenly became convulsed.

I then instinctively looked together with Zhenya into the adjacent room, and when I leaned forward in the chair, I saw Cheberiak behind the wall making threatening signs with her hand and her entire body, and pointing to her tongue . . . I caught this gesture at the same time as Zhenya did . . . Zhenya suddenly became silent."

After this, when, on May 11, the Investigating Magistrate Fenenko personally tried to interrogate Zhenya, he got nothing but evasive answers. The second attempt to interrogate the boy was not made, therefore, until June 17, when his mother was under arrest in accordance with the order of the Procurator Brandorf.

Thus, it was not a mere accident that the only significant statements made by the boy were during this second interrogation when his mother was not there. This testimony deserved the most serious consideration, as its contents proved two things at once: that the boy was terrorized by his mother and that he knew much about the murder. This is what he said: "When you questioned me before, Magistrate, I was very much afraid to tell you that the late Andrei came to see me last time and asked me whether I had any gunpowder . . . I was afraid to tell you about the powder the first time you questioned me because I thought that you would beat me. Now, however, after you explained to me that the Investigating Magistrate does not beat anyone, I tell you the truth . . . I saw Andrei the last time . . . about ten days before the discovery of his corpse . . . On the same evening my father sent me to a saloon (for beer) . . . When I came to the saloon, there were many people there, and I saw Fedor Nejjnsky . . . Fedor was very drunk and stood with difficulty on his feet. When he saw me, he stopped and told me in a whisper: 'Andrei does not exist any more, he was stabbed.' . . . When Andrei was found dead, I told my mother what Fedor had said to me, and she told me that I was lying and that Fedor, probably, had not said anything of the sort."

On July 13, Golubeff came to Chaplinsky and sharply demanded the immediate release of Vera Cheberiak, "because she belongs to the Union of the Russian People." Chaplinsky carried out the demand at once: on July 14, Vera Cheberiak was released, and a

few days later, on July 20, she met, at the doors of the office of Fenenko, the lamp-lighter Shakhovsky who had on that day given his testimony against Beiliss. This time Shakhovsky had added to his previous testimony the statement that Zhenya, the son of Vera Cheberiak, knew much about the murder of Yustshinsky, but that "by the orders of his mother he does not want to tell the whole truth." At this meeting with Shakhovsky and his wife at the entrance to Fenenko's office, Vera Cheberiak cynically told them that "because of such trash as her boy Zhenya she would have to answer." Two days later, Polistshuk, the agent of the Secret Police, informed Fenenko that now Shakhovsky also feared to say anything, because when Vera Cheberiak met him on July 20, she threatened to settle with him in her own way. And a little later still Krasovsky informed Fenenko that little Zhenya "is all the time under the absolute influence of his mother, Vera Cheberiak." The neighbors of the Cheberiaiks heard the mother threatening her son again and again: "If you loosen your tongue, I will kill you like a dog! I will strangle you with my own hands if you utter a word to the detectives." Persons who knew Vera Cheberiak well considered her "capable of anything." Later, during the trial before the jury, one of the accusers, Shmakoff,\* naïvely declared that he could well believe "that Cheberiak knew the taste of champagne," but he did not believe "that she could terrorize the witnesses." He added that such influence upon witnesses could not possibly have been exerted by Vera Cheberiak; for such influence "the participation of Jews is necessary, something much stronger, something dreadful." And this was solemnly spoken at the staged ritual trial! The archives of the Ministry of Justice and of the Kiev Office of Procurators, in a confidential report of Chaplinsky to Stsheglovitoff, contain quite a different

\*The Russian criminal procedure was in many respects similar to the French. Thus, both the French and the Russian Codes of Criminal Procedure admit the presentation at the criminal trial of a civil action for damages by persons who suffered material losses from the crime. These persons or their attorneys may appear at the trial, participate together with the State Procurator in it, and present proofs and arguments as a party. Zamyslovsky and Shmakoff took advantage of this procedural possibility, and appeared at the trial as attorneys for the mother of Andrei Yustshinsky.—[Ed.]

opinion as to Cheberiak's influence on Zhenya. There was no necessity of concealing anything in this secret report, as both the Minister of Justice and the Kiev Chief District Attorney were conspirators in the same plot. Chaplinsky wrote in this report that "it is stated by secret observers and in many testimonies of witnesses that Zhenya Cheberiak is under the strong influence of his mother who brings him to every interrogation and gives him instructions as to the testimony he should give." These are the plain words of Chaplinsky, to which he adds: "This fact has a specially important significance as to Vera Cheberiak. There are secret indications that she has displayed an exceptional interest in the investigation of the case, has collected information about the facts testified to by the witnesses, and, in accordance with rumors, has prevented witnesses from speaking freely by her threats of settling matters with them. These threats of Cheberiak can have a certain influence, judging by her character: thus, several years ago, she burned the eyes of one Pavel Miffle with sulphuric acid. Her influence on the case was also apparent in the fact that she continuously watched her son Zhenya, the comrade of the late Yustshinsky and of the same age, evidently fearing that he might say something. During the repeated interrogations of the boy, one gained the impression that he knew much more than he told and that he possessed valuable information concerning the case."

This report of Chaplinsky does not need any commentary. The authorities knew that Vera Cheberiak was actively hindering the investigation and terrorizing the witnesses for fear that her son might say something about the murder of Yustshinsky, which was committed with her participation and in her tenement. Nor were the authorities ignorant of the threats which the boy had heard from his mother.

### § 23.

On August 8, 1911, five days after the proceedings against Beiliss were officially started, Zhenya Cheberiak died under very suspicious circumstances. Only a few days later, his little sister Valentina died; she also might have known many things about

Yustshinsky's murder both from her own observations and from the tales of her brother Zhenya.

The deaths of the two children attracted widespread attention in Kiev. The report of the official expert investigation stated that the children had died of dysentery. This investigation, however, was made by Doctor Tufanoff, of whom we already know that his signature of an official document does not guarantee its conformity with the facts or with his own real opinion. At the present time we do not possess sufficient medical material to make possible the verification of the official conclusion of Tufanoff. However, all the circumstances which accompanied these two deaths evoked most serious doubts as to the correctness of the official report.

As soon as the news of the death of Zhenya Cheberiak and his sister became widely known, all the organizations of the Union of the Russian People were instructed to use this fact as a slogan for anti-Semitic agitation. The *Zemstshina*, *Kolokol*, *Moskovskiya Vedomosti*, *Novoye Vremia* and also smaller, provincial papers supported this agitation. As was usual in such cases, the tone was given by the *Zemstshina*. Following are specimens of what these newspapers stated at that time: "Zhenya Cheberiak, the playmate of Andrei Yustshinsky, was poisoned and died in Kiev . . . The *Zhidi* call this poisoning mysterious. But what is there mysterious in this fact? The elimination of important witnesses is the usual means employed by this blood-thirsty race . . . Now there is a new victim in Kiev. The daughter of Cheberiak was poisoned. It is evident that the *Zhidi* decided to kill all those who might say a single word about the kidnaping of Andrei Yustshinsky by Beiliss . . . Another most important witness has disappeared who could have given testimony in the case of Yustshinsky harmful to the interests of the Jews."

When it became known that Zhenya Cheberiak was dying, the agents of the criminal investigation immediately came to the tenement of his mother, where they remained up to the moment of the boy's death. We can reconstruct from the words of these agents the touching picture of the last minutes of Zhenya Cheberiak. "Zhenya was in a very serious state . . . He was delirious all the time and returned to consciousness only a few times. In the delirium, he repeatedly pronounced the name of Andrei . . .

When he returned to consciousness, his mother turned toward him and said: 'Tell them [the agents] that you do not know anything about this case.' To this Zhenya replied: 'Let me alone, mother, do not speak to me about this, it pains me very much.' The mother continued: 'Tell them, dear little son, not to touch you and your mother because neither of us knows anything about the case of Andrei Yustshinsky.' . . . Often during his periods of unconsciousness, Zhenya would cry out: 'Andrei, Andrei, do not cry, Andrei, *fire*.' . . . The agents said that Vera Cheberiak was not at all interested in the condition of her son, and that she watched only to make sure that he did not do anything she did not wish him to do."

After having described this painful picture to the Investigating Magistrate Fenenko, Krasovsky expressed to him and also to the Procurator his suspicion that Vera Cheberiak might have poisoned her son, "because she desired to get rid of the witness who knew much about the assassination of Yustshinsky. There are obstinate rumors on the Lukianovka that Zhenya Cheberiak was poisoned by his mother, who feared that he might say something about the assassination of Yustshinsky."

"Zhenya Cheberiak was the main witness in the case of Yustshinsky's murder"—such was the unanimous opinion of all those officials who refused to support the ritual inventions and who understood that the boy perished in the den of the gang of Cheberiak.

Beside the mother and the agents of the police, however, one more person was present at the bed of the dying boy. This person was *the priest Fedor Sinkevich*. As the Cheberiaks did not live in his parish, the fact that this particular priest was invited to perform the last rites for the dying boy requires an explanation. Sinkevich asserted that such was the desire of the boy himself. In reality, the causes of his presence were quite different.

Fedor Sinkevich was one of the widely known and influential leaders of the Right monarchist movement in Kiev. When, in August, 1911, the Czar and his family arrived in Kiev, it was he who was selected to greet them at the railroad station in the name of the Kiev monarchist organizations. He was the President of the "Double-Headed Eagle" organization. It was he who arranged masses in memory of Yustshinsky, in the name of the Right

organizations. He wrote articles against the Jews in general and about the Yustshinsky case in particular. He wrote that "in the case of Beiliss . . . the question has arisen of the historical ritual crime of the Jewish people."

It was this priest who was invited by Vera Cheberiak to minister to her dying son. It is evident that the clever and shrewd Cheberiak invited him because she knew his influence among the Right groups. She wanted to force from the lips of her dying boy, in the presence of the agents of the secret police, a statement that she had not participated in the murder, and she was especially eager to have this priest present at the dramatic moment. She ardently wished that those words should be pronounced by her son in the presence of the agents and of the father confessor.

But the dying boy did not utter these words. He saw other visions in his twilight consciousness. In parting from life, he continued to hear the last, agonized cries of Andrei.

The procedure against Beiliss was already officially staged. Zhenya fell asleep for ever and could no longer cause any harm to his mother or say anything to anyone. Vera Cheberiak, however, was not yet certain that all danger was over. Only three weeks had passed since the death of her children when the Czar arrived in Kiev; and this woman, this leader of thieves who was suspected not only of the murder of Yustshinsky but also of the killing of her own children, had the audacity to forward to the Czar her "most humble" petition. In this she emphasized her "irreproachable life of toil," and stated that for some unknown reason she was suspected of the murder of Yustshinsky. "I want to express before the throne the grief of a mother . . . when she . . . loses two of her children . . ." For this reason Vera Cheberiak asked the Czar to consider "the sufferings of the mother" . . . and to discover to her the names of her persecutors, so that she might "free herself once for ever from this affair."

The petition is dated September 4, 1911. One can surmise who it was that helped Cheberiak in the presentation of this document. It was the same priest Fedor Sinkevich who on August 8 had shriven the dying Zhenya Cheberiak, and who delivered the address of greeting to the Czar in the name of the Kiev monarchist organizations.

The mystery of the death of the children of Vera Cheberiak was temporarily hidden under the mounds of their graves and under the seals of the archives.

§ 24.

Now we will ask the reader to keep in mind the circumstances of the death of Zhenya Cheberiak just described, and to transfer himself mentally two years ahead, to the autumn of 1913, when the dreadful tragedy of the Beiliss case began to be unfolded before a jury in the Kiev Superior ("Circuit") Court.

The presentation and discussion of the whole episode of the death of Zhenya Cheberiak was one of the most striking and significant moments of the trial. The attorneys who defended Beiliss lifted the questions bound up with this episode to great heights. Even *Za pravdu*, the paper of the Bolsheviki, which was not inclined to sentimentality, stated at that time that "the description by Maklakoff of the last minutes of Zhenya Cheberiak made a tremendous impression upon all present. There was deep emotion in the courtroom; there were tears in the eyes of many of the auditors."

A striking transformation occurred at the trial in the witness Polistshuk. This former agent of the Secret Police who, together with Krasovsky, had expressed, at the preliminary investigation in 1911, the suspicion that Zhenya Cheberiak had been poisoned by his mother, now suddenly declared that Vera Cheberiak's children were poisoned by Krasovsky. The Procurators seriously adopted this new assertion of Polistshuk as part of their attack. The State Procurator Vipper stated publicly at the trial: "We have heard here Mr. Krasovsky himself, who spread insinuations that Vera Cheberiak poisoned her own children—she, who was so grieved when her son and daughter died and who undoubtedly loved her children very much . . . These insinuations on the part of the person who made the investigations compel me to consider a little longer the question of the real cause of the death of these children . . . The attempt has been made to throw the entire guilt upon Cheberiak. It has been said that she did not wish Zhenya to reveal the truth . . . Mr. Krasovsky begins to



cast insinuations upon Cheberiak and says that she, the mother, poisoned her children." Simultaneously, Chaplinsky in his blindness enthusiastically wrote in his confidential report to the Minister of Justice Stsheglovitoff that "the testimony of the former agent of the Secret Police Polistshuk reflects his [Chaplinsky's] conviction of the ritual murder of Yustshinsky by Mendel Beiliss and confirms his opinion of the intentional misdirection of the investigation on the part of Krasovsky."

In his book, published almost on the eve of the Revolution of 1917, Zamyslovsky stubbornly repeated the assertion of "the absolute impossibility of presenting the slightest evidence against Cheberiak as the poisoner of her son." None of these persons, probably, ever thought that the contents of the archives would some day become known. But it is precisely in the archives that we find the solution of the mystery which Zhenya took with him to the grave. Thus, we find there, first of all, the explanation of the sudden transformation of Polistshuk at the trial. We discover that he not only served in the Secret Police but was also an agent of the Kiev monarchist organizations. There is a very interesting letter in the archives of the Kiev office of Procurators, addressed to Chaplinsky by Grigory Opanasenko, the president of one of the Kiev branches of the Union of Archangel Michael. The letter asks Chaplinsky to pay Polistshuk a fee because he had helped him, Opanasenko, in the Yustshinsky case. "I could arrange it by writing to the leaders of the Right," Opanasenko informed the Chief District Attorney, "but they like to make a noise, whereas a business matter does not tolerate noise." By order of Chaplinsky, the fee was paid to Polistshuk, who later appeared at the trial as a state witness and supported the version accepted by the Union of the Russian People.

The agents of the Department of Police in their secret correspondence always gave more sober judgments of the situation than, for example, Chaplinsky, who was blinded by his hatred of the Jews. At the same time that Chaplinsky wrote to the Minister of Justice of his satisfaction with the testimony of Polistshuk, the officials of the Department of Police of Kiev sent to Petersburg entirely different reports about this same testimony. "Polistshuk and the family Cheberiak testify . . . that the death

of Zhenya Cheberiak occurred after he had eaten a piece of cake given to him by Krasovsky . . . The testimony of Cheberiak herself has a doubtful credibility . . . Polistshuk, who is now serving somewhere in the Gendarme Administration, made a hardly favorable impression at the trial, first because he put the whole blame on Krasovsky, accusing him of poisoning the children of Vera Cheberiak, which can scarcely be true, *as it is possible that the mother herself poisoned them, and this is even more than possible, in the estimation of a competent person*, and secondly because after Polistshuk had been shown at the trial to several witnesses, he shaved his beard before he appeared in court on the next day. This last fact attracted the attention not only of the defense, but also of the public. And this very person had been previously one of the few credible witnesses on the side of the accusation." It is not difficult to guess that the competent person who stated that "it is more than possible that Vera Cheberiak murdered her own children," was none other than the gendarme Lieut.-Col. Ivanoff, whose task it had been to discover the real and not the spurious murderers; and it was the same Ivanoff whose inquiries had led him to the conclusion that "the boy Yustshinsky was an involuntary witness to one of the crimes of the band, who had to be eliminated because of fear."

This is another illustration of the dreadful situation under the Czaristic regime in Russia. First the band of criminals kills Andrei Yustshinsky, the involuntary witness of their crimes. Then a mother kills her children, the involuntary witnesses of the murder of Yustshinsky.

All this was known to the authorities . . . But they continued to speak officially of "ritual" murder; of the use of Christian blood and the elimination of the witnesses by the Jews; of the necessity of defense against the Jews and the urgency of restricting the elementary civil rights of the Jewish population; of the organization of Jewish pogroms as the most efficient measure in the struggle with this "cruel and criminal race."

## CHAPTER VIII

### POGROM AGITATION

ASSASSINATION OF STOLYPIN IN KIEV.—AGAIN THE QUESTION OF ORGANIZING A JEWISH POGROM.—SUPPORT OF THE POGROM-RITUAL AGITATION BY ARCHBISHOP ANTONY VOLYNSKY.—SECOND INTERPELLATION OF THE RIGHT GROUPS IN THE IMPERIAL DUMA.—NEW FALSE EVIDENCE AGAINST BEILISS.—REPORT TO THE CZAR.

#### § 25.

As has already been stated in one of the previous chapters, the Czar and his family were expected to arrive in Kiev in August, 1911, hence the organization of a Jewish pogrom was postponed until his departure. The autumn celebrations connected with this visit of the Czar did not at all turn out as quietly as was expected; Stolypin, the President of the Council of Ministers, was killed during a festive performance at the municipal theater, in the presence of the Czar and his family. Only three days later, the Chief of the Kiev *Okhrana* Branch reported to the Department of Police that "talks are being renewed among the members of the Right organizations of the necessity of a Jewish pogrom," and a few days after this, he eloquently stated in a code telegram that "after September 6, a Jewish pogrom is expected in Kiev, in connection with the murder of Yustshinsky and the assassination of the Prime Minister, the State Secretary Stolypin."\* It was also reported that the members of the Union of the Russian People "went to the monument of Bogdan Khmelnitzki on the Sofia Place with the portraits of their Imperial Majesties in their hands, intending to arrange a patriotic manifestation and later a Jewish pogrom, if they were joined by a sufficient number of members of patriotic organizations." Thus, these two events, the murder of Yustshinsky and the assassination of Stolypin, were raised to the

\*See Photostat No. 2.

same level. The author of all these reports was the same Lieut.-Col. Kuliabko, Chief of the *Okhrana* Branch, by whose order Beiliss had been arrested. This same Kuliabko had issued the permit admitting the assassin of Stolypin to the theater.

"Hundreds of Jews began to leave the city as if they were fleeing the plague, and tens of thousands of poor Jews are waiting in panicky fear. It is difficult to describe the feelings and the mood of the Kiev Jews. They expect a pogrom." So the situation in Kiev was described in one of the magazines of the time. The pogrom was averted by the interference of Kokovzeff, who succeeded Stolypin as President of the Council of Ministers.

We have no ground for believing that Kokovzeff was personally an advocate of a pogrom in any measure. His very position as Minister of Finance for a number of years had impressed him more than anyone else with the need for wisdom and foresight. From the correspondence which he had with the Paris banker Noetzlin at that time, Kokovzeff must have been convinced that the Russian governmental policy toward the Jews had not only an internal, but also an international significance. This prevention of a pogrom was but a natural step which any real statesman would have taken. Nevertheless, this act of Kokovzeff immediately called forth reproaches from the Right groups. The well-known reactionary journalist Menshikoff did not hesitate to state in the *Novoye Vremia* that "the order of V. N. Kokovzeff regarding the protection of the Jews . . . has made an unfavorable impression upon all those whom I have seen in recent days. Stolypin was looked upon as a valiant knight of the state power. Can it be that his accidental death from a treacherous bullet, due to fatal negligence, will become a signal of surrender to Jewry?"

As far as the Beiliss case was concerned, however, the Right groups could not but feel entirely satisfied. The substitution of Stolypin by Kokovzeff did not have the slightest effect on this case. Stolypin was dead, but *Stolypinstshina*\* survived. Besides, Stsheglovitoff continued to be Minister of Justice. The Government of Kokovzeff was just as much the government of the United Nobility as that of Stolypin had been. The prevention of a Jewish

\*See p. 2.

pogrom did not signify at all the discontinuance of the governmental campaign against the Jews. The Beiliss case continued to move along on ritual lines.

In the autumn of 1911, the Right organizations were finally joined in their pogrom agitation by the monarchist circles of the Kiev clergy, with Archbishop Antony as the leader. This was the same Antony who, later, became one of the pretenders to the high post of Patriarch (in 1917), and still later was one of the organizers of the Karlowitz Congress of the Russian emigrés, which proclaimed as its task "the restitution of the monarchy in Russia." It was Archbishop Antony also who invoked the blessing of God upon the labors of the Congresses of the Union of the Russian People. Encouraged by this blessing, the Union of the Russian People "placed its party banners in the church, side by side with the Christian holy symbols." The pogrom agitation conducted in the pages of the special paper of Archbishop Antony (*Pochayevsky Leaflet*) in connection with the Yustshinsky case was so indecent that it compelled the Kiev Governor-General to write a sharp letter of warning to the Archbishop. Unlike Chaplinsky, the Governor-General had not lost his mental balance and self-control. After stating that the preliminary investigation and the special inquiries were not yet completed, the Governor-General justly pointed out that "under such circumstances, the persons interested in this case ought to wait quietly for the results of the investigation in the assurance that all the necessary measures to solve this crime are being undertaken, and that the unbiased Court will punish the guilty." . . . The Governor-General also wrote to Antony that his paper "systematically publishes articles which do not contain any definite facts about the above-mentioned case, but have the obvious purpose of promoting the belief among the population that the murder of Yustshinsky was committed by Jews, and in this way to incite popular wrath against them."

The virulence of the anti-Semitic attacks during the autumn and winter of 1911 was not any weaker than in the first half of the same year. This fact was reflected in the Beiliss case, which moved forward in violent jolts.

The first days of September in Kiev were entirely devoted to the events connected with Stolypin's assassination. Investigating

Magistrate Fenenko and Lieut.-Col. Ivanoff participated in the investigation of the facts and circumstances surrounding this assassination. On September 9, Bogroff, the assassin of Stolypin, was executed. On September 10, Stsheglovitoff left Kiev for Petersburg. At this time the Right press began their campaign for the resignation of Brandorf, the Procurator of the Kiev Superior Court, the opponent of the ritual version, who had hindered Chaplinsky in the organization of the ritual trial. Immediately after his return to Petersburg, the Minister of Justice discharged Brandorf. A more obedient Procurator, Zapienin, was appointed as Brandorf's successor.

The whole "evidence" which was collected against Beiliss at the beginning of the investigation was summed up in the report which Chaplinsky had sent to the Ministry of Justice on July 29. All succeeding reports repeated the same statement: there is no new evidence. It was monotonously stated in the report of August 19 that "during the recent days no new facts in connection with Yustshinsky's murder which could have a serious bearing on the case" had been uncovered. At the end of August, Chaplinsky again reported simply that "no new facts which could serve to strengthen the presumption of the guilt of Mendel Beiliss have been discovered." When, in the beginning of September, Stsheglovitoff was in Kiev, he personally studied the whole situation. It is evident that at this time Chaplinsky received from him fresh instructions for the further direction of the case. The next report of Chaplinsky, which followed this sojourn of Stsheglovitoff in Kiev, is dated October 20, and this report again states that "no new facts have been uncovered during recent days." Thus, as Chaplinsky himself confessed several times, no new evidence against Beiliss was found during August, September and October of 1911. In other words, "the evidence" against Beiliss, up to November 1911, remained quantitatively and qualitatively the same as it had been at the time when Beiliss was arrested, about three months earlier.

Such "sluggishness" of the judicial authorities again aroused the Right organizations to activity. Again the Right groups sounded the big alarm bells, and brought before the Imperial Duma an interpellation about the Yustshinsky case. The close of the

legislative session of the Third Imperial Duma was approaching. The Right groups did not expect to have the same commanding position in the Fourth Imperial Duma as they had in the Third. Zamyslovsky, therefore, insisted upon accelerating the decisions regarding the Yustshinsky case: "When the preliminary investigation is finished," he said, "the trial will begin, and before the trial is completed, the Third Duma will very likely adjourn."

In support of this new interpellation, Zamyslovsky was again permitted to deliver from the rostrum a flagrantly pogromist address. "The aim of our interpellation," said Zamyslovsky, this time, "is to enlarge the limits of the investigation, in order to study not only this particular murder but also the fanatic sect which kills Christian children in order to obtain their blood . . . Believe me, when ritual murders are committed, the Jews make certain in advance that the police will not detect them and will even shield them . . . If they are not certain about this, they do not commit ritual murder in such a locality . . . The plain, simple people in the western region are firmly convinced that Yustshinsky was cruelly killed by the *Zhidi* for the observance of a rite, and I am firmly persuaded of this, too . . . The simple people see how the Jews escape from the hands of justice; more than this, they see that the Duma also seems to avoid the study of this question . . . By such behavior, you push the simple Russian people on a bad road, because they may finally become disappointed and say that the only way to deal with the Jewish power is to take the law into their own hands."

Immediately after this interpellation was submitted, the Ministry of Justice and the Ministry of the Interior demanded materials from Kiev, and the Department of Police even sent one of its important officials to that city.

The diligence of the Right groups in Petersburg did not diminish. The poison of anti-Semitism penetrated everywhere during the whole month of November, and the Right groups used this poison for their political purposes. Great days were ahead: the Duma was preparing to discuss the circumstances of the assassination of Stolypin. The Right groups especially were preparing for these great days. The discussion of the interpellations widened considerably. The Left groups criticized the existing system of political

inquiries and their provocative character. On the other hand, the leader of the Right groups, Markoff 2nd, again delivered one of his pogrom addresses in the Imperial Duma. This occurred on November 23, 1911, a date which the reader is asked to keep in mind. "Fifteen *gubernii* (provinces)," complained Markoff, "are feeding the Jewish race, and now there is a malicious intention to give the rest of Russia into the slavery of the Jewish *Kahal* . . . And this, gentlemen, is tolerated by the Russian Government, the Russian Administration . . . You, the Left, are, naturally, sold, everyone of you, to some *Zhid*, though not for a high price. What the Minister of the Interior did not tell you, I will: So long as the secret Jewish government, the *Alliance Israélite Universelle*, this undoubtedly real government of the Jews, continues this subterranean warfare against us, the Russian people, so long will the Ministry of the Interior be unable to suppress the revolution by any private measures."

Markoff further promised to produce new revelations regarding the murder of Andrei Yustshinsky, based on documentary evidence.

#### § 26.

In the meantime clouds began increasingly to lower over the head of Cheberiak. Vivid flashes of lightning penetrated through the darkness and brought the light of truth into obscure corners of the case. The trail of the secret gendarme researches led more and more assuredly to the den of the criminals, and it became more and more difficult even for the official investigation to ignore the real character of the murder.

A short time after the death of Zhenya Cheberiak it became known that there was one person who actually heard the cries of the murdered Andrei Yustshinsky.

Among those who had been interrogated as early as the summer of 1911 was one Zinaïda Malizkaia, who lived on the first floor of the two-story house in which the family Cheberiak occupied the second floor, that is just below the den of Vera Cheberiak. The testimony of this woman was evasive and enigmatic. She had stated, however, even in the beginning, that she had discontinued relations with Vera Cheberiak "because she had heard



that Cheberiak was a woman of suspicious character." When one reads the following statement in her testimony, one cannot help feeling that she did not say all she knew: "I met Vera Cheberiak in the yard, and looking straight at me, she said that I was a mad woman. Then I asked her *whether she would soon be sent to the katorga* [penitentiary in Siberia] and whether there would soon be a search in her house." This statement gives ground for the presumption that Malizkaia knew that Cheberiak had committed some offense for which the punishment was exile to a Siberian prison.\*

On November 10, Malizkaia was again interrogated by Kiri-chenko, the captain of police, and she told him some striking facts which he immediately relayed to Lieut.-Col. Ivanoff who, in turn, communicated them to the Investigating Magistrate Fenenko. Malizkaia stated that, on the morning of one of the days preceding the discovery of the corpse of Yustshinsky, her attention was attracted by an unusual noise in the tenement of Cheberiak. The door leading to Cheberiak's tenement slammed and somebody's steps stopped near this door. Then Malizkaia heard light and fast childish steps proceeding from the entrance door to the neighboring room; evidently, a child had run into this room. Then steps of adult persons were heard in the same direction, then came sounds of a child crying and screaming, and after this there was a noise of hurry and bustle. The children of Cheberiak were not at home at this time, and the voice of the child was not similar to the voices of either of her children, whom Malizkaia knew quite well. It meant that the crying and screaming which she had heard came from some strange child. "I thought even at that time that something unusual and very suspicious had happened in the tenement of Cheberiak," said Malizkaia . . . "I heard that morning the crying of the child in Cheberiak's tenement; it became clear to me that some child had been seized and that something was done to it." Later, it was proved by experiment

\*There was no capital punishment in the Czaristic Penal Code for general crimes. *Katorga*, i. e. banishment to one of the Siberian hard-labor prisons for a period not exceeding twenty years, was the highest penalty and was imposed for premeditated murder, corresponding to what is known in English and American law as "first degree" murder.—[Ed.]

that it was possible to hear, in the tenement of Malizkaia, steps and voices of persons moving and speaking in the tenement of Cheberiak, and that in this respect the testimony of Malizkaia could not be doubted.

Even if there had been no suspicion against Vera Cheberiak up to this moment, this testimony of Malizkaia would have attracted attention to the unusual events which had occurred in this tenement. The great significance of this testimony was especially clear to Fenenko, who had understood long before where the murderers had to be sought. On November 16, Fenenko finally decided to make a personal examination of the house in which the Cheberiak and Malizkaia families lived.

On the other hand, those of the Kiev Procurators who supported the ritual version of Chaplinsky also clearly understood that this testimony of Malizkaia presented a serious danger to their theory and might constitute an insurmountable obstacle in proving the ritual accusation against the Jews. Therefore, urgent measures were necessary to combat this testimony. Even if it were impossible to refute the words of Malizkaia, it was necessary to obtain such circumstantial "evidence" against Beiliss as would tend to prove the guilt of Beiliss more convincingly than the testimony of Malizkaia tended to prove the guilt of Vera Cheberiak. This was the aim to be achieved, and the means were found with lightning-like rapidity. Again the same method was used which had been applied once before: as the danger of detection of Cheberiak and her accomplices was again growing, new "evidence" against Beiliss was created. We will see from the following lines what this new creation was.

Zinaïda Malizkaia was interrogated by police captain Kirichenko on November 10, by Lieut.-Col. Ivanoff on November 12, and by the Investigating Magistrate Fenenko on November 23. Thus, Chaplinsky and his aides had about two weeks at their disposal, and they did not waste time.

On November 23, the same day that Markoff 2nd, in his Duma address, promised "new revelations" in the Yustshinsky case, Fenenko interrogated Zinaïda Malizkaia. Immediately thereafter, a man was brought to his office who had just been released from prison where he had served a term for theft. His

name was Ivan Kozachenko, and he had been confined in the same cell with Beiliss. Before leaving prison, he handed a note to one of the officials, saying that Beiliss had given it to him, asking him to deliver it to his (Beiliss's) wife. By order of the Procurator's office, this note was immediately sent to Fenenko, to whom it was handed at the same time that Kozachenko was brought to his office. The note did not contain anything implicating Beiliss; it was the usual kind message which prisoners are glad to send to their relatives when they have an opportunity. In this note, Beiliss protested his innocence.

Kozachenko was at once interrogated by Fenenko. Beside the description of the circumstances regarding the above-mentioned note, Kozachenko made the monstrous statement that Beiliss had asked him to poison two witnesses: "some lamp-lighter," and a second witness known by the nickname of "The Frog." "I told Beiliss that I agreed to do it," said Kozachenko, "but, naturally, I would not do such things because I do not want a Jew to drink Russian blood . . . Mendel Beiliss said it was impossible to bribe 'The Frog' and 'the lantern-lighter,' so I was to settle them with the aid of strychnine . . . Mendel told me that there was a hospital on the estate of Zaitzeff's factory, where someone would get some strychnine and give it to me. Beiliss said that I would be given three hundred or four hundred roubles for my expenses in executing this commission, and that if I succeeded in my mission, I would be given so much money that it would suffice for the rest of my life. This money would be given by the entire Jewish nation."

As soon as this testimony was given, Chaplinsky mailed to Stsheglovitoff a report in which he stated that "if no new evidence about Mendel Beiliss had come to the Investigating Magistrate before, the following event happened on November 23." And he went on to describe the Kozachenko episode, stating that his testimony would serve to confirm that of Kasimir Shakhovsky concerning the guilt of Beiliss. Stsheglovitoff also considered Kozachenko's testimony as very important. He asked the Ministry to keep Chaplinsky's report in a special, secret place, and simultaneously ordered the preparation of a "humble report" on the Beiliss case to His Majesty, as he had been in the habit of doing.

The wording of this report proves that the Czar knew the case very well, and that the purpose of the report was merely to inform him of the latest news. After quoting the testimonies of the Shakhovsky couple, of police agent Polistshuk, and of Kozachenko, Stsheglovitoff reported to Nicholas II that "*direct indications* have been obtained that the Jew Mendel Beiliss was one of the participants in the crime mentioned." Upon being asked, after the Revolution, how a first-class jurist and Minister of Justice could dare to regard the materials on Beiliss as "*direct indications*" of his guilt, Stsheglovitoff answered in a very evasive way, but had to admit that this was "a bold assertion" on his part. If Chaplinsky considered the testimony of Shakhovsky as sufficient for ordering Beiliss's arrest, that of Kozachenko was, in his opinion, sufficient for bringing him to trial. He, therefore, gave an order to conclude the preliminary investigation, and charged one of his aides with the commission of preparing the act of accusation (indictment or information) against Beiliss.

Thus, we see throughout this case a significant phenomenon, namely the complete and consistent parallelism of the procedural facts and the political activity of the Right monarchistic parties. Such a parallelism was but natural, after all. If, in the Imperial Duma, open pogrom speeches containing false accusations of the whole Jewish population were permitted, why should it have been impossible to create in Kiev, in unison with such Duma orations, false testimony against a single Jew?

It was not difficult at the time of the investigation and trial to guess that Kozachenko was a false witness, but we have now in our possession documents which adequately prove this fact.

Chaplinsky was not the only one who had become frightened by the testimony of Zinaïda Malizkaia, so much so, in fact, that, as an antidote, he created, with the aid of Karbovsky, the testimony of Kozachenko. Vera Cheberiak also understood the danger of this testimony. Just after Malizkaia was interrogated by Fenenko, Vera Cheberiak, in order to divert suspicion from herself and direct the investigation elsewhere, invented her version about Miffle and others, as murderers of Yustshinsky (see p. 120). In addition to this, she inspired her feeble-minded husband, Vasily Cheberiak, to go to Fenenko and tell him that their late son,

Zhenya, saw a Jew with a black beard seizing Andrei Yustshinsky. Vera Cheberiak herself, however, did not support this kidnaping story at that time. It was not until much later, in May, 1912, that she revived this invention, stating that Zhenya had told her the same story (see p. 139).

§ 27.

When the case of Beiliss was tried, Kozachenko did not appear in court. The official explanation of the chancellery of the court was that he could not be found. Actually, however, no measures were taken to find this witness; on the contrary, there was a definite desire on the part of the Procurators to assure the absence of Kozachenko and to make an attempt to impress the jury by his written testimony, while avoiding the danger of the unfavorable impression which, it was feared, Kozachenko's personality might create. Under such circumstances, the written testimony acquired unusual significance in the trial. The defense counsel, in the person of Grusenberg, very distinctly emphasized that "Kozachenko is the witness who presents the center of the act of accusation," and the State Procurator and his associates unanimously pointed out the importance of Kozachenko's testimony for the ritual version. "Can we believe Kozachenko or can we not?" asked Zamyslovsky, and he answered this question himself: "I can admit that we have no ground for confidence in the personality of this witness, but neither have we any ground for disbelieving him. Therefore, in order to decide whether he told the truth, we must proceed to the analysis of his testimony." Zamyslovsky further put a new question: "Could such testimony have been invented or not?" and answered: "I assert that such a thing could not have been invented." At the same time, Shmakoff, the other "private accuser" (attorney for the civil action of Yustshinsky's mother), directly stated that the testimony of Kozachenko "sufficiently proves the illegality of the means used by Mendel Beiliss in the hope of avoiding the responsibility." Also, in his closing resumé, the Presiding Judge (the President of the Kiev Superior Court) commended this testimony to the jury as important evidence against Beiliss.

There were serious grounds for the supposition that Lieut.-Col. Ivanoff was the best informed person as to the real circumstances of the murder of Yustshinsky and in the best position to refute the accusation against Beiliss. The interrogation of Ivanoff at the trial and his testimony about Kozachenko are, perhaps, one of the most telling moments for an estimate of the administration of justice during this period. The one person who knew the whole truth of the case, having uncovered it himself, completely concealed it from the jury.

When the defense lawyer Grigorovitch-Barsky asked Ivanoff what he had to say about the testimony of Kozachenko concerning the letter of Beiliss and the plan of killing two witnesses, he gave an evasive and shrewd answer: "Kozachenko was for a certain time under special surveillance . . . In some cases he gave entirely useful information, and in other cases his reports did not deserve confidence." In answer to the question: "Then there were statements which did not deserve confidence?" Ivanoff gave a similar answer: "I cannot tell you; there were statements deserving confidence, and also statements which did not deserve confidence." A little later another defense lawyer, Karabchevsky, asked Ivanoff: "Did you have conversations about the discovered materials [regarding Kozachenko] with Pikhno, the chief editor of the *Kievlianin*?" Ivanoff replied: "I do not remember."

The examination proceeded:

*Karabchevsky.* Did you not tell him at any time what Kozachenko had told you?

*Ivanoff.* I cannot exactly recollect conversations which occurred two years ago. I could not say anything about Kozachenko because up to two or three years ago I had no conversations regarding Kozachenko.

*Karabchevsky.* Why did you have no conversations?

*Ivanoff.* Because if I had had such conversations, it would have been two years ago, whereas I saw Pikhno for the last time in the year 1910 or in the beginning of 1911.

*Karabchevsky.* Then you did not tell him [Pikhno] that Koza-chenko confessed that his denunciation of Beiliss was false?

*Ivanoff.* I do not remember this.

The officials sent to the Department of Police special telegrams about this testimony of Ivanoff, in which they stated: "The central figure of the day was Lieut. Col. Ivanoff, who gave testimony which was correct and valuable for the accusation . . . Zamyslovsky and the Procurators are highly pleased with the testimony of Ivanoff, and have expressed their entire satisfaction . . . The testimony of Ivanoff was the culmination of perfection; he contributed weighty and significant material for the accusation . . . One can state with assurance that after the testimony of Lieut.-Col. Ivanoff, all the efforts of Krasovsky and company to release Beiliss by mixing into this affair the band of thieves led by Vera Cheberiak were broken to pieces."

Ivanoff certainly had reason to feel proud: his efforts had been praised as the culmination of perfection; he had been considered the central figure of the trial.

The archive documents, however, prove something quite different; they contain evidence that *Lieut.-Col. Ivanoff was the principal false witness in the trial.*

### § 28.

There were very few persons in Kiev in a position to know anything about the various manipulations connected with the investigation of the Yustshinsky case. One of these, whose social standing made it possible for him to get intimate information concerning the secrets of this case, was D. I. Pikhno, member of the Imperial Council and chief editor and owner of the paper *Kievljanin*, a man of conservative political views, but an uncompromising adversary of the ritual version of the Yustshinsky case. He possessed more foresight and sagacity than all the other leaders of the Right groups. After his death, his younger collaborator Shulgin, Member of the Imperial Duma, who became his successor as chief editor of the *Kievljanin*, displayed the same outspoken attitude, in opposition to the ritual version, as Pikhno had done (p. 81 f.).

A second close collaborator of Pikhno was Trifonoff, a member of the editorial staff of the *Kievlianin*. Pikhno and Trifonoff were the two persons who, though outside of the official circles engaged in the investigation of the Beiliss affair, nevertheless got to know of the absolute falsity of Kozachenko's testimony. Through them, Shulgin, in turn, learned about this important fact.

Shortly after the close of the Beiliss trial, this same Shulgin, member of the Imperial Duma, a conservative, a nationalist and an anti-Semite, himself appeared as a defendant before the Kiev Superior Court: he was tried for having uttered "a libel" against the Chief Procurator Chaplinsky in those articles of the *Kievlianin* in which he had mercilessly criticized Zamyslovsky and Chaplinsky for staging the Beiliss trial, so harmful, in Shulgin's opinion, to the cause of reaction and the anti-Semitic movement. (See pp. 81-2). Shulgin decided to defend himself, and, notwithstanding all obstacles placed in his way, he succeeded in disclosing at the trial some separate particles of the truth. He was, nevertheless, found guilty and condemned by the court.\* As we have seen, Shulgin based his articles on facts which he had heard from Pikhno and Trifonoff who, in their turn, had obtained them directly from Ivanoff. When Ivanoff was confronted with Trifonoff at Shulgin's trial, he did not dare to lie as brazenly as he had at the Beiliss trial. Ivanoff confirmed, in general, the account of the Kozachenko episode presented in the articles of Shulgin. The account was to this effect:

Kozachenko was a secret agent of the police. He was asked to watch the behavior of Beiliss and of people who surrounded him. Having had sufficient experience in investigations and having been secretly commissioned by Chaplinsky to discover the real facts of the murder, Lieut.-Col. Ivanoff found it necessary to check up on the credibility of Kozachenko and the correctness of his statements. The result was that Ivanoff caught Kozachenko lying. Being forced to the wall, Kozachenko fell to his knees before Ivanoff and confessed to him that his entire testimony

\*Libel cases in Russia were excluded from those crimes or misdemeanors which were tried before a jury, and were tried before a collegium of three Judges of a Superior Court.—[Ed.]



about Beiliss was a lie; he asked Ivanoff to pardon him and not to ruin his career.

Ivanoff immediately informed Chaplinsky of Kozachenko's confession. It is difficult to say now whether, at the moment when Chaplinsky so solemnly informed Stsheglovitoff about Kozachenko's testimony, he knew that Kozachenko was a false witness. There is no doubt, however, that it was only a few days after this testimony was given that Ivanoff informed Chaplinsky of the real character thereof. After the Revolution it became clear that Ivanoff informed also his Chief Shredel as well as Fenenko of Kozachenko's confession. Ivanoff even promised Fenenko to send him a memorandum in writing of his conversation with Kozachenko. He had scarcely begun to prepare this memorandum, however, when he received word from Chaplinsky, through Fenenko, that "it was not necessary to send a written statement about the Kozachenko incident." Chaplinsky even ordered him "not to make any notes on Kozachenko's confession on the ground that it will be difficult to repeat it at the trial in court." When the case came to trial, however, the lie of Ivanoff—as we have already seen—covered the lie of Kozachenko . . . Ivanoff could afford to be more frank with the officials of the Department of Police than he could before the jury at the trial. He told these officials, at the very time of the trial, that when he informed Chaplinsky of the falsity of Kozachenko's testimony, he refused to listen, said that he did not need such information, *and ordered the statements of Kozachenko previously made to the Investigating Magistrate to be inserted in the act of accusation as evidence of a genuine character.* From this act of accusation, Ivanoff saw for the first time that the lies of Kozachenko discovered by him were deliberately concocted and used as the fundamental and principal evidence against Beiliss. This was, probably, the only moment when even Ivanoff was shocked by the horror of the situation into which he had been drawn by Chaplinsky, who had commissioned him to discover the real murderers but did not initiate him into his diabolical game. It was just at this moment that Ivanoff invited Trifonoff for an intimate interview and informed him of the whole episode, requesting that Trifonoff arrange for him an interview with Pikhno,

member of the Council of the Empire. This meeting was arranged, and Ivanoff told Pikhno everything about Kozachenko and his confession.

This staging of Kozachenko's false testimony was all arranged by the local Kiev forces, without the participation of headquarters. Hence, when information about Kozachenko reached the Department of Police, it created much excitement among the high officials, who asked why this matter had not been brought to the attention of the Department before. Diachenko, the special representative of this Department at the trial, had to present to Bielezky, the Director of the Department, a special secret report. The necessity for secrecy was deemed so great that no typists in Kiev could be trusted, and Diachenko wrote the entire report in his own hand. In this report, Diachenko admits that Ivanoff did not conceal from him during the trial that he had been on very good terms with the late chief editor of the *Kievlianin*, Imperial Councillor Pikhno. "Lieut.-Col. Ivanoff," wrote Diachenko, "does not deny that he had conversations with Pikhno about the Beiliss case and about his [Ivanoff's] doubts as to the guilt of Beiliss . . . Kozachenko was caught by him making false statements . . . Not believing Kozachenko's testimonies, Ivanoff informed the Chief District Attorney Chaplinsky of the false denunciation by Kozachenko . . . The Chief Procurator, however, refused to accept the report of Ivanoff, and declared that he did not need such information. This fact was not revealed at the trial, because the parties did not question Ivanoff about this matter."

The official Diachenko was rather circumspect in his report. The comparison of the minutes of the interrogation of Ivanoff with the archive materials gives us a clearer picture of Ivanoff's systematic lying.

In one of the reports addressed to the Department of Police from Kiev while the trial was in progress, the special official of the Department wrote: "Ivanoff was probably summoned before the jury with the special aim of attacking the witness of the accusing side, . . . Kozachenko . . . The defense understood that Kozachenko was a dangerous witness . . . Lieut.-Col. Ivanoff, to the great dissatisfaction of the defense, began to say

improper things at the trial, and for this Attorney Grusenberg publicly charged him with dishonesty in the open court room."

After the interrogation of Ivanoff, Zamyslovsky declared triumphantly that this witness had been called at the request of the defense. To this Grusenberg replied: "There are neither witnesses for the defense nor for the accuser, but there are honest and dishonest witnesses."

Knowing that Ivanoff had lied at the trial, the representative of the Department of Police hesitatingly added to the above information in his report: "Whether Ivanoff's behavior was honest or dishonest one cannot judge, but a fact remains a fact."

## CHAPTER IX

### POLITICAL SITUATION

SUMMARY OF RESULTS OF THE FIRST YEAR OF "BEILISSIADA."—POLITICAL SITUATION AND THE POLICY OF GOVERNMENTAL ANTI-SEMITISM.—CONFLICT WITH THE UNITED STATES OF AMERICA.—RESULTS OF INVESTIGATIONS OF THE GENDARME ADMINISTRATION.—BEILISS CASE AND ELECTIONS TO THE FOURTH IMPERIAL DUMA.—COÖPERATION OF PROCURATORS AND "UNION OF RUSSIAN PEOPLE" IN STAGING THE RITUAL TRIAL.—"CONFESSION" OF BEILISS.

#### § 29.

March, 1912, marked the end of the first year of the pogrom-ritual agitation around the Yustshinsky case. Many months had passed since the doors of the Kiev prison closed upon an innocent man. The anti-Semitism of the Government did not diminish in the slightest degree. The political conditions which the government of Kokovzeff faced in the beginning of 1912 were, probably, even more complicated and confused than those which prevailed one year before, when Stolypin was Prime Minister.

In December, 1911, the prestige of the Russian Government received a blow in the domain of international relations: the Government of the United States abrogated its commercial treaty with Russia. This act was due to the anti-Jewish policy of the Czaristic regime, which also reacted upon the interests of American trade and industry. In particular, the Russian Government had refused admission into Russia, except in special cases, to foreign Jews, including citizens of the United States. They explained this refusal by stating that the Russian laws forbade the residence of foreign Jews in Russia. On December 13, the House of Representatives of the United States almost unanimously (300 votes against 1) adopted a resolution directing the President of the United States to denounce the commercial treaty

with Russia because the Russian Government refused to honor the American passport when borne by Jews. President Taft, learning that the Senate Committee on Foreign Relations held similar views, himself gave notice to Russia, on December 17, of the intention of the Government to abrogate the treaty, and so informed the Senate which, on December 18, unanimously adopted a resolution approving the action of the President.\*

On December 17, 1911, the American Ambassador in Petersburg, Curtis Guild, informed the Russian Minister of Foreign Affairs, Sazonoff, of this action by the American Government. The attitude in this matter of the Russian Government in general, and of its diplomatic officials in particular, illustrates the fact that the Ministry of Foreign Affairs, like the Ministry of the Interior, was entirely under the influence of anti-Jewish hatred. The method of reasoning of the Czaristic diplomats was no different from that of the Department of Police. Thus, the Russian Ambassador in Washington, Bakhmeteff, in his frequent correspondence with the Minister of Foreign Affairs, called the entire movement which led to the abrogation of the commercial treaty, "the *Zhidi* movement," originating from "*Zhidi* agitation" and "*Zhidi* intrigues."

"American *Zhidi* adroitly deceived the Congress . . . This whole story . . . proves that Americans are still at a very primitive stage of social development." The conceit of the writer is naïve and colossal. At the same time he gave the following advice to his Government: "Any concessions on our part are, naturally, out of the question, but as I said in my last conversation with the President of the Council of Ministers before I left Petersburg, it would be practical, in view of our present and future political and trade interests, to sugar the pill for the Americans." The Council of Ministers also discussed the situation created by the abrogation of the treaty. "One cannot ignore the fact," stated the Council, "that the real cause which brought the Government of the Republic to such a decision was the demand of the exceptionally influential Jews, who aim to acquire in Russia a privileged

\*For a history of the origin and development of this international episode, see *The American Jewish Year Book*, 5672 (1911-1912), pp. 19-128; 5673 (1912-13), pp. 92-210.—[Ed.]

standing as compared with other foreign Jews. It is obvious that the Imperial Government will not make any concessions in this direction. One must, therefore, anticipate at once that the negotiations with America will not lead to favorable results."

Thus, unexpectedly, the Jewish question introduced a complication in the diplomatic sphere. In this field also anti-Semitism was proclaimed a principle of the Czaristic Government, and no concessions were considered possible.\*

In the meantime, the Government was continuing to lose its friends in Russia itself. We know that the rupture between the Government and the Center groups of the Duma had already begun in March, 1911. From that time on the Government had definitely committed itself to the policies of the Right groups. In January, 1912, even Gutchkoff, who tried to be at least loyal to the Government, spoke in quite a hopeless tone about the official prohibition of press reports or articles about Rasputin: "Russia is going through dull, dreadful days; the Russian conscience is deeply excited; the dark ghosts of the Middle Ages are rising before us."

The political situation became more and more complicated. On April 4, 1912, the shooting of the workers at the Lena gold mines reverberated throughout the entire country and caused considerable unrest, which served as the beginning of a new upward trend of the revolutionary movement throughout the Empire. From this time on, the revolutionary mood never receded but kept on growing up to the very days of the Revolution.

On the other hand, the Right groups continued their efforts to influence the Government; militant anti-Semitism was as ever the main prop of their policy, and Kiev remained the important center of their anti-Semitic activities.

In the middle of January, 1912, Zamyslovsky came to Kiev. The real aim of his visit was, naturally, to become acquainted at

\*In his very interesting diary, Maurice Paléologue, the French Ambassador in Petersburg, frequently emphasized the intolerable and entirely unjustified position of the Jews in Czaristic Russia and the absurd anti-Jewish pogrom policy of the Government (*La Russie des Tsars*, vol. III, pp. 10-12). The other book touching this subject belongs to the pen of Georges Louis, M. Paléologue's predecessor in Petersburg (*Les Carnets de Georges Louis*, 1926).

first hand with the situation of the Yustshinsky case, especially as the preliminary investigation was considered as completed at that moment. His arrival was made the occasion for the delivery by him of a public address on the activity of the Right groups in the Imperial Duma. The Right newspapers announced with emphasis that the Kiev Governor-General, the Procurators Chaplinsky and Zapienin, and the expert, Professor Obolonsky, were present at this public address of Zamyslovsky. "*The murder of the boy Andrei Yustshinsky in Kiev does not play a minor rôle in the fate of the Jewish question . . . It has already rendered the service of burying for the time being the draft of the law for the abolition of the Pale of Jewish Settlement.*"\* These were the direct and plain words in which Zamyslovsky expressed his satisfaction with the results of the first year of agitation in connection with the Yustshinsky case. At the same time the Right groups submitted to the Duma an interpellation asking: "Why is it permitted to Jewish businessmen to reside and engage in trade in Kiev?" The real roots of anti-Semitism, that is the primitive motives of trade and industrial competition, were completely laid bare in this interpellation. Nor was the close connection of the anti-Semitic "principles" with the Yustshinsky case forgotten. Zamyslovsky declared in the Imperial Duma that "Russian trade in Kiev is subjugated; the Russian businessman is ruined; under the pressure of *Zhidi* capital, of Jewish businessmen, he surrenders one position after another . . . We cannot, naturally, remain unconcerned in the face of such a situation . . . If your progressive papers state that the act of accusation in the ritual murder is already completed, then anyone who says that this is a lie presents himself openly as a Jewish servant . . . We cannot forget that draft of the law proposing abolition of the Pale of Settlement!"

\*The question of the abolition of the restrictive laws against the Jews was not again raised in the Third Imperial Duma. The next attempt to put this question before the legislative bodies was made by the Social-Democratic fraction in the Fourth Duma, in the spring of 1914, i. e. after the Beiliss trial. The Fourth Duma, however, never discussed this question. The equality of the rights of the Jews with those of all other citizens of Russia was realized by the Provisional Government following the Russian Revolution in March, 1917.

The fear of the possible emancipation of the Russian Jews continued to inspire the policy of the Right groups even at this moment, when it was necessary to make decisions in connection with the preliminary investigation of the Yustshinsky murder case which, by this time, had been finally converted into the Beiliss case.

§ 30.

In the middle of November, 1911, the Investigating Magistrate Fenenko received information that Vera Cheberiak was greatly in fear of the discovery of the identity of "Vanka the Red-haired" and "Kolka the Sailor." Fenenko then asked Ivanoff about these two sobriquets, and Ivanoff told him that "Vanka the Red-haired" was Ivan Latysheff, a notorious thief who had been several times tried and convicted. Ivanoff informed Fenenko also that there were facts about the participation of Latysheff in Yustshinsky's murder, that "Kolka the Sailor" was also a member of the band of Vera Cheberiak, and that there were grounds for the presumption that this "Kolka" was the person who had written the anonymous letter of March 21, which contained the earliest assertion of the murder of Yustshinsky by Jews. Both "Vanka" and "Kolka" were summoned for an interrogation by Fenenko. As soon as Fenenko asked Ivan Latysheff a question connected with the Yustshinsky murder, Latysheff displayed a careful reticence, saying: "I will not answer your question whether I visited Cheberiak, until you tell me what it is you accuse me of." Latysheff displayed the same attitude toward Lieut.-Col. Ivanoff during his interrogations by the latter. He refused to speak of his acquaintances because "there is no necessity" of doing so. In particular, Latysheff refused to answer whether he was acquainted with Vera Cheberiak.

Latysheff knew that the Investigating Magistrate would proceed next to question Nicholas Mandzelevsky ("Kolka"). He, therefore, insisted that Fenenko read the minutes of his (Latysheff's) testimony in the presence of Mandzelevsky. When Fenenko refused, Latysheff seized the minutes and was about to tear them in pieces, but he had to return them when the soldier on guard threateningly lifted his sabre. A little later, Mandzelevsky stated



in the office of the Procurators that he had already been interrogated by Ivanoff, who "proposed to me that I confess that I had taken part in the murder of Yustshinsky, saying . . . that Vera Cheberiak and other persons . . . had already confessed their guilt of Yustshinsky's murder and had testified that I had also participated in this murder. I remember well that he (Ivanoff) did not mention Mendel Beiliss among the suspected persons."

After the Revolution, Fenenko informed the Investigating Commission of the Provisional Government of the impressions he received from the examination of Latysheff: "The great excitement displayed by Latysheff and the falsity of his explanations," stated Fenenko, "as well as his refusal to say whether he knew Cheberiak gave me ground for suspecting him as a participant in the murder. I told this to Lieut.-Col. Ivanoff . . . Personally I did not doubt that the inquests which were made by Lieut.-Col. Ivanoff would finally prove successful."

Fenenko was not mistaken. On February 14, 1912, the Gendarme Administration sent to the Department of Police a report based on the work and materials of Ivanoff. "At the present time," wrote Col. Shredel, "further investigations regarding Andrei Yustshinsky's murder are being made exclusively by my assistant, Lieut.-Col. Ivanoff . . . These investigations center chiefly around a person known to you, Vera Vladimirovna Cheberiak, wife of a postal clerk, *and certain criminals who are closely connected with her* . . . It has just been discovered that a whole series of burglaries in Kiev were committed by the members of this band. They robbed the two firearms stores. It is significant that the thefts were discontinued after the murder of the boy Yustshinsky. It also appears that the above mentioned burglars have discontinued visiting Cheberiak—probably because of the fact that investigations were started in Yustshinsky's case and because of some preliminary arrests. It is now possible to assert that *the boy Yustshinsky became an involuntary witness of one of the criminal acts of this gang, who, out of fear, considered it necessary to do away with him.*"\*

The investigations went on with continued success. After Latysheff, Lieut.-Col. Ivanoff investigated the past of the other

\*See Photostat No. 3.

murderer, Boris Rudzinsky, as well as that of Peter Singayevsky, the brother of Vera Cheberiak.

Shortly after the commission of the crime, all the three murderers of Yustshinsky—Rudzinsky, Singayevsky and Latysheff—threw the corpse into the cave and left for Moscow. On March 16, that is, before the corpse of Yustshinsky was discovered, they were arrested in a Moscow saloon as suspicious characters, and after identification were sent to Kiev, where they were thrown into prison.

On April 17, that is, on the day when the Kiev Union of the Russian People placed the cross on the grave of Yustshinsky and were preparing a Jewish pogrom, Rudzinsky was released from prison. The first thing he heard after he left prison was the agreeable news that the murder of Yustshinsky was charged to the Jews as having been committed by them for ritual purposes. He probably saw on the cross fastened to the grave of Yustshinsky by the Union of the Russian People, the erroneous statement that Yustshinsky was killed "on the night of March 12 and 13." The commission of the murder at night corresponded more closely to the ritual pattern. This assumption was, therefore, repeated also in the Right monarchist papers, until the official authorities, finally, turned their attention to this mistake.

Between the months of April and September, Rudzinsky was arrested several times. On September 14, he was apprehended for larceny with arms, and since then he remained in jail up to the beginning of the Beiliss trial. After this arrest, Lieut.-Col. Ivanoff busied himself with Rudzinsky's suspected connection with the murder of Yustshinsky. Cheberiak, however, enjoyed freedom, and kept herself informed of all these investigations. The fate of Rudzinsky appeared to interest her as keenly as if it were her own. "You will not find out anything about the Yustshinsky case; Latysheff and Rudzinsky will confess their participation in a theft, which will eliminate the suspicion that they took part in Yustshinsky's murder," Cheberiak told the agents of Lieut.-Col. Ivanoff. Just about this time, on March 5, 1912, Boris Rudzinsky, obedient executor of the commands of his leader, Cheberiak, sent to Ivanoff a communication stating that he desired to give additional information. He was brought to Ivanoff on March 7, and declared

to him that on the night of March 12-13, 1911, he was engaged in the commission of a theft from the optical store of Adamovich, and could not, therefore, have participated in Yustshinsky's murder at that time. He asserted again later that he could not have taken part in this murder, "because he was busy in the preparation and execution of a burglary in the store of Adamovich." *"I really confessed this theft with the sole purpose of eliminating the possibility of being suspected of the murder of Yustshinsky."*

The investigators found Peter Singayevsky, the brother of Vera Cheberiak, later than his associates. It is difficult to ascertain now the real reason for this delay. Perhaps the careful and benevolent attitude of the high authorities toward Cheberiak also sheltered her brother. Perhaps Cheberiak herself took measures to protect him. Only much later, after the Beiliss trial was finished, did it become known that when one of Cheberiak's neighbors urged her to tell the whole truth about the murder, Cheberiak answered: "How can I denounce my own brother? He will kill me!" Rudzinsky, however, asserted that Vera Cheberiak was the one who had given information which implicated him. Perhaps, Cheberiak's suggestion that he should confess the theft as an alibi was due to her desire to cover up her "mistake" regarding Rudzinsky. Be that as it may, when the investigators questioned Singayevsky, he made the same excuse as Rudzinsky: "In order to clear myself of any suspicion in this murder, *I was compelled to confess my participation in the theft with the purpose of proving that I could not have taken part in the murder of Yustshinsky.* I had no other way out, and the fact that I now confess this theft has to be explained by my helpless position."

Later, at the trial, both sides seriously discussed this attempt of Rudzinsky and Singayevsky to establish an alibi by these "confessions." The defenders of Beiliss pointed out that the participation in a theft on the night of March 12-13 did not exclude the possibility of their having committed a murder on the morning of March 12; and, conversely, that participation in the murder on the morning of March 12, was not an impediment to the commission of a theft on the night of March 12-13.

Zamyslovsky, on the other hand, argued in a businesslike manner: it is quite natural and understandable that criminals who

commit a crime, such as murder, must take time for rest and liquidation of the results of their crime; and they would not be likely to start immediately on a new one. Zamyslovsky, therefore, declared that the alibi of Rudzinsky and Singayevsky was quite satisfactory, and that if they participated in the robbery of Adamovich's store on the night of March 12-13, they could not have taken part in the murder of Yustshinsky on the morning of March 12.

All this discussion was based on the thought that Rudzinsky himself aimed to create his alibi from the very beginning by confessing his participation in the theft *on the night* of March 12, whereas the murder was committed *on the morning* of March 12. Rudzinsky, however, was shrewder than Grusenbergs supposed, and much smarter even than Zamyslovsky gave him credit for being. After he had been released from prison on April 17, Rudzinsky saw both on the cross at the grave and in the Black Hundred papers the assertion that the "ritual" murder of Yustshinsky was committed "on the night of March 12-13." He had, therefore, based his alibi on this assertion, because he did not know that the medical experts later established, beyond any doubt and in correspondence with actual facts, that Yustshinsky was killed on the morning of March 12.

The authorities behaved in a more simple way: they claimed that they did not believe these confessions of Rudzinsky and Singayevsky, and adjourned the inquiry of the participation of the two in the robbery of the store of Adamovich.

Vera Cheberiak, Peter Singayevsky and Boris Rudzinsky later jointly fulfilled the duties of the denunciators of Beiliss at his trial. The fourth murderer, Ivan Latysheff, did not live to see the trial; he committed suicide by jumping from a window in the court building during his final interrogation by representatives of the Investigating Magistrate.

On March 14, 1912, Colonel Shredel again sent to the Department of Police a report about the investigations of the Gendarme Administration, in which he stated: "The secret investigations in this case were chiefly directed, in recent weeks, toward the exploration of *contacts* of the wife of the postal clerk *Cheberiak with persons of the criminal world*; in this task . . . we must limit ourselves for a time to the examination of the activities of the

professional criminals *Ivan Latysheff*, *Boris Rudzinsky*, condemned to hard labor in Siberia, and Peter Singayevsky, who is not under arrest, but who has no definite occupation. The statements of these persons are so contradictory that it is necessary to subject them to the most careful analysis . . . On March 13, that is, the day following the murder of Yustshinsky, the above-named three persons left Kiev by express train for Moscow, where they were all arrested together on March 16.”\*

Chaplinsky did not permit Fenenko to direct the official accusation against the real murderers. As we have seen, all the materials relating to the band of Cheberiak were kept in the secret archives of the Gendarme Administration. Chaplinsky thought that these would never become known to the outside world. After the Revolution, however, everything was exposed. As Fenenko declared in his statement before the Investigating Commission of the Provisional Government (1917), “*Lieut.-Col. Ivanoff succeeded in collecting sufficiently significant material implicating Latysheff and others in Yustshinsky’s murder.* Ivanoff sent the materials of his investigation to the Chief Procurator Chaplinsky, and then told me that he did not arrest Latysheff and the others only because Chaplinsky considered their detention quite unnecessary.” Chaplinsky himself wrote to Minister of Justice Stsheglovitoff, in one of his later reports, that Ivanoff had informed him of the results of his investigations. “Recognizing them as quite adequate for accusing Vera Cheberiak, Latysheff, Rudzinsky and Singayevsky of Yustshinsky’s murder instead of Mendel Beiliss,” stated Chaplinsky, “he [Ivanoff] asked me for permission to arrest at once Singayevsky and Cheberiak.” Chaplinsky added that he had refused to grant his permission.

At the same time, the Chief of the Gendarme Administration, Col. Shredel, reported to the Ministry of the Interior that, notwithstanding the fact of the discovery of the real murderers, the criminal prosecution had not been started against them, “*because the Chief Procurator [Chaplinsky] categorically objects to it.*”

The two Ministers, of the Interior and of Justice, simply took cognizance of these reports as of something quite natural.

On January 15, 1912, Chaplinsky left Kiev for Petersburg for

\*See Photostat No. 4.

the purpose of consulting Stsheglovitoff on the question of placing Beiliss on trial, and he took with him two drafts of the act of accusation. He remained in Petersburg until February 3.

After the departure of Chaplinsky for Petersburg, the Kiev journalist Brazul-Brushkovsky declared to Zapienin, Procurator of the Kiev Superior Court (p. 96), that he had spent some time in gathering information about Yustshinsky's murder and had become persuaded that in suspecting Beiliss the investigating authorities were on a false track. Brazul-Brushkovsky added that he had succeeded in obtaining "from the notorious Vera Vladimirovna Cheberiak" information about the real murderers of Yustshinsky; there followed the names of Pavel Miffle, Luka Prikhodko, and some others. Pavel Miffle was the former lover of Cheberiak whom she had blinded with sulphuric acid. Luka Prikhodko was the stepfather of the murdered Andrei Yustshinsky.

This statement of Brazul-Brushkovsky was immediately sent to Chaplinsky in Petersburg, and the latter, in his turn, transmitted it to Stsheglovitoff, who acknowledged in his own handwriting the receipt of this statement. But no action was taken by the Ministry in this matter.

Simultaneously, the office of the Kiev Procurator Zapienin sent a copy of the declaration of Brazul-Brushkovsky to the Kiev Gendarme Administration. In addition to this declaration, Vera Cheberiak herself boldly said to Lieut.-Col. Ivanoff: "We have come to the persuasion that the murder was committed for the purpose of provoking a Jewish pogrom. We suspect of the murder Luka Prikhodko, Niejinsky, Nazarenko, brothers Pavel and Eugene Miffle." The shrewd and experienced Investigating Magistrate Fenenko several times expressed the opinion that in the Yustshinsky case "Cheberiak made attempts to lead the preliminary investigation on a false trail. As far as I was concerned," added Fenenko, "she did not succeed, because I did not doubt that she had participated in the murder of Yustshinsky, but she did deceive Brazul-Brushkovsky several times."

Fenenko's judgment was correct: the above-mentioned statement of Brazul-Brushkovsky proves that he had been led into error by Cheberiak. As a matter of fact, Brazul-Brushkovsky did not have the necessary experience in the investigation of crimes.

Very soon, however, Krasovsky joined Brazul-Brushkovsky in these efforts to discover the murderers, and, from that time on, the so-called "private investigation" followed the right track.

On the other hand, the publication by Brazul-Brushkovsky of his declaration in the newspapers (January 18, 1912) was of the greatest usefulness to the case. When Pavel Miffle and other persons named by Cheberiak as the murderers learned from the newspapers of the malicious assertions of this woman, they immediately decided to settle their accounts with her. Hence, on the day following the publication of Brazul-Brushkovsky's declaration in the Kiev newspapers, Pavel Miffle avenged himself by informing the investigating authorities of two crimes committed by Cheberiak in the past: one, a forgery, and the other, the sale of stolen goods. As the result of this denunciation, Cheberiak was tried for these two crimes, found guilty and sentenced to prison. Thus, when Cheberiak, "the wife of a nobleman," later appeared before the jury as a witness in the Beiliss trial (October, 1913), she already had an official criminal record.

The publication of Brazul-Brushkovsky's statement in the newspapers also informed Krasovsky of the private investigation and he immediately offered his coöperation. This began early in February, 1912, and proved of great value.

Generally, in the historical perspective, the behavior of the late Brazul-Brushkovsky must be appreciated as a positive feature in this whole affair. The opinion of those who, from the beginning, recognized the undoubted merits of Brazul-Brushkovsky's work was correct. His efforts shed light on the activities of the band surrounding Cheberiak, which otherwise would have remained unknown to the outside world. He published his results, containing later materials, in the newspapers, in May, 1912.

The declaration of Brazul-Brushkovsky in January, 1912, gave to the Gendarme Administration the occasion for sending to the Department of Police a detailed report containing the materials of Ivanoff "about the real murderers of the boy Andrei Yustshinsky." While suggesting that the information which Brazul-Brushkovsky had received from Cheberiak was not confirmed "by any facts," yet Col. Shredel added that "the participation of Vera Cheberiak in this statement [of Brazul-Brushkovsky], . . . her behavior at

the present time in connection with other facts discovered by secret inquiries, *give strong grounds for supposing that the murder of the boy Andrei Yustshinsky was committed with the participation of the above-named Cheberiak and professional criminals.*"

Thus, the tragic situation became still more acute. The blundering manner in which the investigations were conducted served to lengthen out the case and gave the authorities the opportunity of keeping the Jew Mendel Beiliss in prison in the rôle of the "ritual assassin," to serve as an illustration before the whole world of the "bloodthirstiness, cruelty and criminality of the entire Jewish race."

### § 31.

The Beiliss case became more and more an important element in the high governmental politics, continuing also to serve the separate, practical political tasks of the Government and of the Right parties. Up to this moment, the Beiliss case was used only as a weapon in the struggle against the projects of alleviating Jewish disabilities. Now, the situation became more complicated; the Beiliss case reached a higher significance and was put to the service of the general political interests of the Government and Right parties in the ensuing campaign for elections to the Fourth Imperial Duma.

Further developments in the Beiliss case and trial before the whole world did not promise any triumphs for the Government. This was understood by all those officials who preserved at least a partial capacity for sober judgment.

It must not be forgotten that on January 30, 1912, the copy of the confirmed act of accusation had already been served upon Beiliss.\* In other words, it had by that time been finally decided

\*Under the code of criminal procedure in Russia, the transmission of the copy of the act of accusation to the "accused" (defendant) was very important. Before this stage was reached, the accused was not permitted to have official counsel, throughout the period of the preliminary investigation, but within seven days after the receipt of the copy of the act of accusation, the defendant had the right to inform the court who would be his counsel at the trial; the "accused" or his counsel was also authorized to state, during these seven days, the names of old or new witnesses whose appearance at the trial was desired, in addition to the list of witnesses summoned for the trial by the Procurator.—[Ed.]



to place Beiliss on trial. Col. Shredel, the Chief of the Gendarme Administration in Kiev, wished, however, to clear himself of any responsibility for the future failure of this trial, and wrote at that time to the Department of Police that "the accusation of Mendel Beiliss in the murder of Andrei Yustshinsky, *in view of the insufficiency of the evidence collected against him* and in view of the universal interest in the case . . . might cause *great unpleasantness to the Court officials and they might be quite justly reproached for the haste of their conclusions and even for their one-sidedness.*" Though the tone of these expressions was delicate, the essence of the report was clear: it contained a warning of the undoubted confusion which the officials of the Ministry of Justice and the Court officials in Kiev expected at the trial. A little later, there occurred an episode which seemed to be of no great significance at the time, but which accurately illustrated the prevailing mood in Kiev.

The Procurator of the Kiev Superior Court received from the Ministry of Justice a telegraphic order to send to Petersburg copies of all the acts of preliminary investigation on Yustshinsky's murder. Immediately the Kiev Gendarme Administration informed its Petersburg superiors that "this order caused an entire flood of rumors and guesses to the effect that the knowledge of the complete absence of evidence against Beiliss has reached the Ministry of Justice."

Naturally, the Gendarme Administration had reason to fear or become excited about such rumors. Its heads, Shredel and Ivanoff, had repeatedly warned the Government of the entire absence of evidence against Beiliss . . . Even Chaplinsky had periodically felt doubts and fears about the further steps of the Government; he probably expressed the belief that the Government might finally refrain from openly staging the ritual trial. This periodical uneasiness of the Kiev Chief Procurator was reflected in the report of the Gendarme Administration just referred to. A few days later, however, it became known that the copies of the acts of investigation were demanded by the Ministry of Justice *because of the request of Zamyslovsky* for an opportunity to study the materials. Thus, there had been no "danger" for

Chaplinsky and for the ritual version in this telegram of the Ministry of Justice.

While the head of the Kiev Gendarme Administration was warning the central Government of the danger of failure in the projected trial, the Kiev Governor Girs was busy with purely practical problems in connection with it. On March 1, 1912, he sent an "absolutely secret" order to the Chief of the *Okhrana* Branch, instructing him "to investigate . . . in view of the forthcoming trial . . . the mood of the monarchist organizations with the purpose of ascertaining whether it is possible to expect that they will take justice into their own hands and commit acts of violence against Jews *in the event of the acquittal of Beiliss*, who will be tried for his participation in the murder of Yustshinsky."

Governor Girs was not the only one in Kiev who expected such consequences of the trial. It was perfectly understood in Kiev that the prospects for a verdict condemning Beiliss were not brilliant. The Kiev Superior Court, therefore, took advantage of the first pretext to remove the case from the court calendar, without fixing any new date for trial. Whereas, in any other case, the question of the date of the hearing would have been a purely technical matter, here it was a political question. It was made subject to political requirements and interests. This was why the Kiev Governor Girs wrote a special letter to the Ministry of the Interior in which he expressed the fear that the hearing of the case might be harmful for the chances of the Government at the elections to the Imperial Duma, because "in accordance with information we have . . . *the trial will undoubtedly end in the acquittal of the defendant due to the impossibility of producing facts which will prove his guilt in the commission of the crime charged to him.*"\*

This letter reached the Minister of the Interior Makaroff himself, who was busy at that moment with arrangements for the forthcoming elections, and with the working out of plans to safeguard the interests of the Government and of the parties supporting it. The opinion of Makaroff regarding the outcome of the trial did not differ from that of the Kiev Governor. He expressed his views on this matter in a detailed, "quite secret" letter to the

\*See Photostat No. 5.

Minister of Justice Stsheglovitoff. "There is reason for assuming," wrote one Minister to the other, "*that the trial will end with the acquittal of the defendant because of the impossibility of proving his guilt.*" The Beiliss case is attracting general attention not only in Russia, but also abroad, and will undoubtedly have wide social significance. The probable result of this case, that is, the acquittal of the defendant, will make a very distressing impression upon the Russian population and will, on the contrary, evoke a feeling of triumph among the aliens, especially among the Jews, because of such a favorable solution of the case, *which has been such a serious menace to the Jewish part of the population during this whole time.* At the time when the trial of the Beiliss case may be expected, there will be elections to the Imperial Duma in the Kiev Province. In order to guarantee the regular and quiet progress of these elections, it is necessary to take all measures for guarding the Russian voters against any disturbances. I, therefore, have the honor of respectfully asking Your High Excellency whether you will find it possible, on your part, to issue an order setting the Beiliss case for trial not before the end of the elections to the Imperial Duma in the Kiev Province."\*

The letter speaks for itself: the belief of its author that Beiliss was innocent is as evident as his certainty that it was impossible to prove his guilt. On the other hand, not less evident is *the political interest of the Government in the condemnation of Beiliss, notwithstanding the impossibility of proving his guilt.* The fear that the acquittal of an innocent man might signify the political defeat of the Government in general and at the elections in particular led to the practical solution of this question: elections first, and the trial afterwards.

Again both Ministers were at one in their attitude. Neither uttered a single word of protest against the accusation of a man whose innocence was absolutely evident to them. As before, both favored the staging of the ritual trial. Stsheglovitoff agreed to comply with the request of Makaroff and sent an order to Kiev to postpone the trial for a long time. Thus, Beiliss was doomed to remain in prison for one and a half years longer. The Right groups could be jubilant; the possible acquittal of Beiliss would

\*See Photostat No. 6.

not hinder their chances at the elections; on the contrary, they could use in full measure for their agitation the fact that the judicial authorities had found sufficient evidence upon which to base the assertion that a Jew had killed a Christian boy for ritual purposes, and that this Jew was going to be tried some time later. This pogrom-ritual agitation was included in the election slogans of the extreme Right groups. It is interesting to note that the priest Fedor Sinkevich was a candidate for the Imperial Duma on the list of these reactionary groups.

These pogrom-ritual incitements were very widely applied in the election campaign. The Kiev voters stated in one of their complaints to the President of the Council of Ministers and to the Minister of the Interior that, at the very doors of the houses where the meetings of voters are held and directly before the eyes of the officers of the police, leaflets were distributed "about Yustshinsky's murder," exciting one part of the population against the other. These leaflets claimed to be directed against those who "impertinently fool the Christians by assertions that ritual murders belong to the age of myths." When Governor Girs was asked from Petersburg about this matter, he confirmed these complaints by stating that "members of the Society Double-Headed Eagle . . . distributed leaflets describing the death of Andrei Yustshinsky and containing illustrations." Minister of the Interior Makaroff, upon receipt of a report of the Director of the Department of Police, ordered that no action be taken on these complaints. It was difficult, however, to expect any other attitude on the part of the Minister in this matter, because such a pogrom-ritual agitation entirely coincided with the plans of the Government. One may even think that this agitation was not the worst of the things undertaken by local government officials in connection with the elections. We discovered in the archives of the Ministry of the Interior the following code telegram of the Kiev Governor addressed to the Vice-Minister of the Interior: "The telegrams of Your Excellency, the secret letters, the telegrams of the Minister, yours, and mine, connected with the past elections of the Imperial Duma, as well as my last telegram about the destruction of all this correspondence—*were burned by me personally today. No. 899.*"\* This telegram requires

\*See Photostat No. 10.

no commentary. Thus do professional criminals usually obliterate the traces of their crimes. As a rule, however, the latter do not have the advantage of using the governmental telegraph\* for a correspondence in code between the accomplices.

§ 32.

Chaplinsky's chief assistant in the organization of the ritual trial was Karbovsky, the Assistant Procurator at the Superior Court. Zamyslovsky loudly praised Karbovsky for his "great and fruitful participation" in the case. As a matter of fact, it was Karbovsky who carried out the orders of Chaplinsky for the staging of the trial and the falsifying or forging of the evidence. The study of the ritual murder question itself was also entrusted to him. We are now in a position to know exactly *how Karbovsky "studied" this question, and who was his teacher.*

About this time, the police detained at the Kiev railroad station a half-crazed man who had in his possession an official visiting card of the Assistant Procurator Karbovsky, on which was inscribed a request that the Chief of the Secret Police secure for the bearer a safe trip to Odessa. The crazy man proved to be Levik Leisel, a Jew, and the information about him was very eloquent. First, he was suffering from maniacal madness; second, he was under the supervision of the police; third, during the preparation of the Beiliss trial, he was the adviser of Karbovsky in the study of ritual murders; and claiming to be a rabbi, he translated the Hebrew texts for Karbovsky. The opinion of Chaplinsky about the commission of ritual murders by the Jews was based on the scholarly authority of this crazy man, who needed a card of recommendation of the Procurator in order not to be arrested by the criminal police. These relations between Karbovsky and Levik Leisel led to an official correspondence which finally reached the Ministry of Justice and was definitely disposed of by a simple but decisive resolution of the Vice-Minister Verevkin: "to discontinue the whole correspondence about this matter."

\*In Russia, both the telegraph and the postal service always were monopolies of the Government.—[Ed.]

It was this Assistant Procurator Karbovsky who was called in by Chaplinsky on March 7, 1912, the same day on which Lieut.-Col. Ivanoff was interrogating Boris Rudzinsky about his participation in the murder of Yustshinsky. Chaplinsky asked Karbovsky to read the letter which he, Chaplinsky, had received a few days before from Grigory Opanasenko, one of the leaders of the Union of Archangel Michael, whose name has already been mentioned. Stating that he had been all the time in closest "business" relations with Polistshuk, the agent of the Secret Police, the author of the letter informed Chaplinsky that he had charged Polistshuk with the commission of obtaining for him, i. e. for the Union of the Russian People, the reports of the investigations of the Gendarme Administration; that he, Opanasenko, made the receipt of these materials an absolute condition for his coöperation with Polistshuk, and that for this service he in turn would help Polistshuk in the preparation of his reports to his superiors. Opanasenko then went on to inform Chaplinsky about a "discovery" which he had made in the Yustshinsky case:

"Conversations with persons who were present during the dissection of the corpse of Yustshinsky and heard the opinions of the experts; the facts published in the papers; and, finally, the photographic picture of the face of the dead (Yustshinsky), brought me to the thought," wrote Opanasenko, "that the death of Yustshinsky was not painful at all . . . The blood did not flow from the body, *it was drawn out by a special instrument or instruments.*"

The reader will bear in mind that the task of Chaplinsky and his collaborators was to ignore the true version of the murder of Yustshinsky, which was committed out of revenge and was attended by inhuman torture. The Union of the Russian People made a servile suggestion to Chaplinsky that the idea of drawing out the blood with the aid of "special instruments" would be useful in preventing the phantom of the original expert conclusion, which mentioned torture and thus pointed to vengeance as the motive, from appearing to plague the prosecution.

The letter of Opanasenko was transmitted to Karbovsky for "verification," and only four days later there appeared "the protocol of interrogation" of Moisei Kulinich, a criminal who had

been convicted of a forgery and was confined in the Kiev prison. This testimony was given by Kulinich to Karbovsky himself in the prison.

Karbovsky surpassed himself in the preparation of this "evidence;" it was so "shock-proof" that even Chaplinsky and his aides hesitated for a long time to make use of it.

Quoting Kulinich's words, Karbovsky wrote in his own hand that "after some hesitation"—such is the exact wording of the minutes—Kulinich stated that "Beiliss who had been confined with him in the same cell had told him as early as the beginning of December, 1911, that he had participated in the murder of Yustshinsky, but that there was no evidence against him because there was not a single witness who would testify against him . . . Beiliss said that the blood of Yustshinsky was necessary for some rites in connection with the holiday of Passover."

This testimony was evidently regarded as inadequate. On March 17, Opanasenko personally visited Karbovsky and had a talk with him, and only sixteen days later, on April 2, there appeared a new protocol of an additional interrogation of Kulinich: "I now recall the details," said Kulinich. He proceeded: "Beiliss told me that during the drawing of Yustshinsky's blood, some person was present who knew medicine, and he inserted into the wounds *the instrument which drew out the blood.*"

Thus it came about that in Chaplinsky's correspondence there appeared a testimony about the confession of Beiliss himself of the ritual murder of Yustshinsky, a confession which was edited in a form desirable to the leaders—and this time even to the inferior leaders—of the Union of the Russian People.

Being commissioned to "verify" the discovery of Opanasenko, Karbovsky, however, did not feel satisfied with the unsupported testimony of Kulinich. He decided that it was necessary to have an additional sworn statement that Kulinich was a person deserving of confidence. Accordingly, upon the nomination of Kulinich himself, as is stated in the protocol, Ivan Latysheff, one of the assassins of Yustshinsky who was then occupying the same cell as Kulinich, was asked to appear before Karbovsky. Undoubtedly Latysheff could confirm the testimony that Yustshinsky was killed by the Jews for a ritual purpose.

Karbovsky went so far in his zeal that even Chaplinsky did not make any official use of this material; it was half a year later, owing to some special conditions, that Chaplinsky recalled this invention of Karbovsky and Kulinich in order to consider the possibility of using these "proofs" to advantage.

It will become clear from the further narration that later circumstances compelled even Chaplinsky, in the course of the official preliminary investigation, to produce some facts connected with the *real* picture of the murder. And when this additional, involuntary, *forced* investigation menaced the whole ritual structure, that is, when it became clear that the real murderers could be positively identified through these additional materials,—then Chaplinsky was reminded of the statements of Kulinich, which were given "after some hesitation." At this moment, so critical for the ritual version, it was decided to set off against the materials pointing to the real murderers, the "confession" of Beiliss himself.

Almost *half a year* had passed since Kulinich had testified about this "confession," when Chaplinsky for the first time informed Stsheglovitoff, in his report of August 11, that "there will be a study of information which reached the office of the Procurators . . . and which contains facts confirming the evidence against Beiliss."

This "study of information" amounted to the following. Kulinich was transferred from the Kiev prison to the one in the city of Kanev (a small city, about seventy miles from Kiev). The new Investigating Magistrate Mashkevich, who was sent by Stsheglovitoff from Petersburg to Kiev in order to replace the "stubborn" Fenenko, was directed by Chaplinsky to go to Kanev for an official interrogation of Kulinich. On August 22, Kulinich repeated to Mashkevich his previous testimony, but, having forgotten some parts of it, added some new, more or less fantastic, details to replace the missing parts. In his next report to the Minister of Justice, Chaplinsky informed him of the contents of these statements, and added that of all the new materials collected by the additional investigation, Kulinich's statements alone were deserving of attention.



Thus, there was added to the false testimonies of Shakhovskiy and his wife; of Polistshuk, and of Kozachenko, one false testimony more, that of Kulinich. But, whereas the former interrogations were conducted by insignificant agents of the Secret Police, the statements of Kulinich were concocted by the Assistant Procurator Karbovskiy himself.

Later, when the supplementary investigation of Mashkevich was terminated and a new (second) act of accusation was confirmed, the Kiev Procurators decided to refrain from including Kulinich in the list of the witnesses to appear at the trial. The Kiev Procurators knew too well the origin of Kulinich's statements and understood that his appearance at the trial would be harmful for the prosecution. Soon after this, however, the Petersburg Procurator Vipper was appointed by Stsheglovitoff to be the State Procurator for the Beiliss trial. When Vipper arrived in Kiev, he was probably not yet aware of all the peculiar details about Kulinich and his evidence, and asked the Court to add Kulinich to the list of witnesses to be called to the trial. Vipper motivated this request as follows: Kulinich has to appear at the trial "to confirm the fact that the accused [Beiliss], being confined in the prison together with the witness, confessed to him that he had participated in Yustshinsky's murder."

As we know, Opanasenko, the inventor of the story that the blood was drawn out with "special instruments," had asked Chaplinsky to remunerate the agent Polistshuk who had helped him in his work. Now Kulinich also wanted to be rewarded, and he requested that his term of punishment for the forgery be reduced, as compensation for his evidence against Beiliss.

Like Kosachenko, Kulinich did not appear at the trial: the police "was not able" to find these two witnesses. Fearing scandal and confusion, the State Procurator Vipper did not insist on further attempts to find Kulinich. Nor did he—knowing by this time the real value of Kulinich's statements—insist on the reading of his depositions before the jury, stating that he did not consider Kulinich's testimonies essential. Thus, the State Procurator himself was compelled to condemn this "evidence of Beiliss's confession."

The whole story of Kulinich is a very vivid and characteristic illustration of the methods of investigation in the Beiliss case, of the gathering of falsified evidence and the staging of the ritual trial by the Procurators, in their coöperation with the pogrom instigators of the Union of the Russian People.

The Kulinich episode did not terminate the fruitful coöperation of Opanasenko with Karbovsky. On April 29, 1912, Opanasenko again came to Karbovsky and told him that, in accordance with rumors he had heard, "the ghost of Yustshinsky visits the murderers and asks them for his clothes. They pass sleepless nights, and are ready to confess everything."

The reader may recall that the overcoat of Yustshinsky was left in the tenement of Vera Cheberiak.

Opanasenko did not give Karbovsky the names of the persons from whom the ghost of Yustshinsky demanded the clothes, but Karbovsky quite seriously began the "verification" of this statement. It would seem that Karbovsky would have made it a point to see Mendel Beiliss at once and ask him about these night visions, for Beiliss was the one accused of the murder. The archive materials, however, have preserved for us proofs that Karbovsky was not so naïve or stupid.

Immediately after he heard this statement of Opanasenko, Karbovsky went to the prison and asked Ivan Latysheff whether he was troubled by unpleasant dreams. Upon receiving a negative answer, Karbovsky put the same question to Nicholas Mandzelevsky, the second member of Cheberiak's band, the author of the first anonymous letter. The latter also relieved Karbovsky by his statement that his sleep was very calm, untroubled by any dreadful dreams, and that the ghost of Yustshinsky did not ask him for the overcoat.

Assistant Procurator Karbovsky could quietly continue his creative work and gather "evidence" against Beiliss, the more so as fate prepared new possibilities for his energy and zeal.

## CHAPTER X

### INVESTIGATION OF BRAZUL-BRUSHKOVSKY

PRIVATE INVESTIGATION OF JOURNALIST BRAZUL-BRUSHKOVSKY.—STRUGGLE OF CHAPLINSKY AGAINST THE OFFICIAL DISCOVERY OF ACTUAL MURDERERS.—COÖPERATION OF CHAPLINSKY WITH VERA CHEBERIAK.—THE CHIEF ACCUSER OF BEILISS.—IMPRESSIONS IN THE IMPERIAL DUMA CONNECTED WITH MATERIALS OF BRAZUL-BRUSHKOVSKY.—MINISTRY OF THE INTERIOR AND MINISTRY OF JUSTICE.—SUPPLEMENTARY INVESTIGATION.

#### § 33.

An entirely new event occurred in the spring of 1912. The so-called *private investigation of the journalist Brazul-Brushkovsky* penetrated so deeply to the real roots of the murder that the official investigation could no longer ignore entirely these private inquiries and had to consider them seriously.

As we already know, Krasovsky joined Brazul-Brushkovsky early in February, 1912.\* In the autumn of 1911, Krasovsky had been eliminated by Chaplinsky from the police investigations, because he insisted that Yustshinsky was killed by the band of thieves and that the ritual version was an invention of the Right pogrom-instigators.

Krasovsky had a deserved reputation as an outstanding specialist in crime detection. He had aroused admiration by the solution of a significant number of complicated crimes which had been committed in Kiev. In order to rehabilitate his reputation before public opinion and to prove that he had been on the right track in the Yustshinsky case, Krasovsky decided to resume his inquiries on his private initiative. This was the origin of what may, on

\*For further details of the private investigation, see Arnold Margolin, *The Jews of Eastern Europe*, New York, 1926, pp. 155-247.—[Ed.]

first view, seem to have been an unnatural union between the former police official and the journalist. Both of them desired to get at the truth,—Brazul-Brushkovsky, for purely disinterested reasons, Krasovsky, because of his desire to reestablish his reputation and official career.

At that time it was supposed that with the support of Krasovsky and a few others, Brazul-Brushkovsky had, for the first time, newly discovered the real murderers of Yustshinsky, whose identity was previously not known to the authorities. As a matter of fact, and as we already know, it was not so. As a result of the discoveries of Lieut.-Col. Ivanoff, Chaplinsky and his subordinates knew very well who killed Yustshinsky. This information, however, had been entirely concealed from the outside world. Thus, the task of Brazul-Brushkovsky and Krasovsky did not consist in seeking the *unknown* murderers, but rather in an effort to give publicity to this whole matter and to compel the authorities to take official cognizance of the facts which had been gathered by the Gendarme Administration.

Krasovsky's first task was to check the materials of the Gendarme Administration against his own theories and facts as to the nature of the murder. This was easily achieved. Krasovsky knew intimately Kirichenko, the police officer with whom he had made his original investigations and who was now the aide of Lieut.-Col. Ivanoff. Kirichenko had not been initiated into the secret plans of Chaplinsky, and was carrying out, in good faith, his commission of gathering evidence against the real murderers of Yustshinsky. He willingly told Krasovsky everything he knew. It soon became evident that the Gendarme Administration was exactly on the same road which Krasovsky had been following. After this, Krasovsky himself interrogated those persons whose depositions were already in the possession of Ivanoff, and he finally became persuaded that the gang of Cheberiak was found out by the operatives of that Department. *The Gendarme Administration, however, did not possess the confession of the murderers.* Krasovsky decided to obtain these confessions. At this time Rudzinsky and Latysheff were in prison. It was dangerous to establish any ties with Vera Cheberiak—she was too clever and would sense the danger at once. Singayevsky was the only one who remained.

Krasovsky could not personally approach Singayevsky. He was too well known to the criminals because of his previous professional activities. It was necessary to act through other persons. Brazul-Brushkovsky succeeded in finding for this purpose two young men—Sergei Makhalin and Amzor Karayeff. Both were members of revolutionary organizations, and had once been confined for political offences in the Kiev prison. Owing to this fact, the professional criminals knew and liked them. These two men had still another feature in common in their previous life: they had once compromised themselves by service in the *Okhrana* Branch for a short period of time. They knew that, for political purposes, the Government was shielding the real murderers of Yustshinsky, and they decided that they might be able to rehabilitate themselves in revolutionary circles by helping to expose these murderers. Lack of space makes it impossible to discuss here the details of this interesting episode of the "private investigation." Through persons with whom Singayevsky associated, they finally became acquainted with Singayevsky himself. They told him that the Gendarme Administration was making inquiries about him and his accomplices in connection with the Yustshinsky murder, and that he might be arrested any minute as the murderer. This information could not fail to make an impression on Singayevsky, because he knew well that the Gendarme Administration was occupied with the case. Furthermore, Makhalin and Karayeff succeeded in interesting Singayevsky in a plan to throw some of the belongings of Yustshinsky into the house of some Jew, thus diverting suspicion from himself and his accomplices. Obviously, only a person who had taken part in the murder of Yustshinsky could agree to discuss such a proposition. Singayevsky showed great interest in the plan, began to confide in his new "friends," and finally informed Makhalin and Karayeff of the details of the murder. Asked by them why the boy had been so cruelly stabbed, Singayevsky replied in the following characteristic and unforgettable sentence which epitomized the whole affair: "*That was how the ministerial hand of Rudzinsky painted!*"

Now the private investigators possessed more material than the Gendarme Administration; they knew all that was known to Lieut.-Col. Ivanoff, and had, besides, the confession of one of the

murderers, Peter Singayevsky, the brother of Vera Cheberiak herself.

The activities of Brazul-Brushkovsky could not remain entirely concealed from the authorities. Lieut.-Col. Ivanoff was one of the first who heard about them, and he informed Chaplinsky that the private investigation was in possession of many important facts. On May 10, 1912, the same day on which Stsheglovitoff sent his order to postpone the trial of the Beiliss case until after the elections to the Imperial Duma, a report reached Petersburg from Chaplinsky, informing Stsheglovitoff, in some alarm, that the journalist Brazul-Brushkovsky intended shortly to publish an article on the murder of Yustshinsky. "After proving in this article that the murder was not committed by Beiliss and had no ritual aim, Brazul-Brushkovsky intends to emphasize the biased tendency of the judicial authorities in their handling of this case, and to point out that they refrained, in his opinion, from making a complete and rounded investigation of the case, and that he possesses proofs that the murder was committed by the professional thieves Ivan Latysheff, Boris Rudzinsky and Peter Singayevsky, with the participation of Vera Cheberiak, in order to get rid of Yustshinsky who had knowledge of their criminal activities . . . It is not known what facts about these persons are in the possession of Brazul-Brushkovsky, *but Lieut.-Col. Ivanoff knew about them already at the end of last year.*"

Contrary to the expectations of Chaplinsky, Brazul-Brushkovsky did not publish anything at that time. Instead, on May 6, he handed Ivanoff a detailed statement describing all the facts of the murder, as it was already known to Ivanoff. The confession of Singayevsky, however, was a new fact which Ivanoff did not know.

It was the duty of Ivanoff, upon receiving the declaration, to interrogate all those who were mentioned in Brazul-Brushkovsky's statement as persons possessing knowledge of the case. This he did during the two weeks from May 10 to 23. A critical moment came: everyone involved had to decide about his own behavior, because the question of disposing of the ritual version and placing the real murderers on trial became very acute.

The way chosen by Vera Cheberiak was a very simple one: she made preparations to flee from Kiev. As soon as Ivanoff heard

of this, he informed Chaplinsky and said that he personally considered it necessary to arrest Vera Cheberiak and her brother Singayevsky. Chaplinsky, however, refused to permit these arrests. On the next day, May 24, Ivanoff reported to Chaplinsky again, *this time in writing*, that Vera Cheberiak intended to run away. But still no order for her arrest was issued by Chaplinsky. On the same day, Brazul-Brushkovsky handed Zapienin, the Procurator of the Kiev Superior Court, a declaration to the effect that in accordance with his information, Vera Cheberiak was planning to disappear from Kiev. The Procurators, however, ignored these declarations, as if it was not their business to interfere with Cheberiak's plans. After these events, Shredel, the chief of the Kiev Gendarme Administration, in order to avoid any responsibility for future developments, informed the Department of Police on the same day, May 24, that "in accordance with secret information possessed by Lieut.-Col. Ivanoff, Vera Cheberiak intends to flee from Kiev during the next few days, and, in view of this fact, Lieut.-Col. Ivanoff has suggested to the Chief Procurator [Chaplinsky] the necessity of arresting her and Peter Singayevsky."

Entirely ignoring the Gendarme Administration, Chaplinsky continued to carry out his own plan, which made it necessary that Vera Cheberiak should remain free, at any rate out of prison.

On May 28, Chaplinsky sent another report to Stsheglovitoff, devoted this time to the materials which were in the possession of Ivanoff and which entirely corroborated the declaration of Brazul-Brushkovsky. "After having discovered these materials," stated Chaplinsky in his report, "Lieut.-Col. Ivanoff informed me about them and, considering them quite sufficient for accusing of Yustshinsky's murder, not Mendel Beiliss, but Vera Cheberiak, Latysheff, Rudzinsky and Singayevsky, he asked me for permission immediately to arrest Singayevsky and Cheberiak who . . . intend to flee from Kiev in the next few days. However, after considering the results of the inquiries of Lieut.-Col. Ivanoff, I found it absolutely impossible to share such a view, and I decided that the material gathered does not warrant the reopening of the preliminary investigation in the case of Yustshinsky's murder—in the sense of investigating the guilt of the above-mentioned

persons for this crime." A copy of the declaration of Brazul-Brushkovsky and copies of a collection of sworn depositions were enclosed with this report.

Following this part of the report, the author gives more intimate expression to his thoughts: "On reporting the foregoing," wrote Chaplinsky, "I feel it my duty to inform Your High Excellency in addition that at the present moment rumors are circulating more and more persistently in Kiev that the Mendel Beiliss case will not be tried at all, because the central authorities in Petersburg, including the judicial officials, as well as many other influential persons, have entirely changed their view of this case and look with disfavor upon the presentation of a ritual murder case before the Court." . . . Chaplinsky appears to have been very uneasy at this period, for he did not consider this report adequate for the situation. He wrote at the same time a private and confidential letter to the same Liadoff with whom he had one year before jointly prepared the plan of instigating a ritual trial. This secret letter was not filed even in the Chancellery of the Department. "I think," wrote Chaplinsky, "that the judicial power should not be a toy in the hands of all kinds of adventurers and we must not turn back the case for supplementary investigation on obviously absurd grounds; but having in mind that many Court officials, including the Chief Justice of the Kiev Supreme Appellate Court, have a different view, . . . I considered it my duty to report to the Minister [Stsheglovitoff] in detail, giving my reasons, so that in case His High Excellency should not share my view, he might instruct me, at the right time, to transmit the materials of Brazul-Brushkovsky to the Court, for its consideration . . . This case is very perplexing: pressure is being exerted with full force. Many persons, of solid standing, are taking steps to persuade me that the Beiliss case must be discontinued, that such is the desire of our Minister . . . Please inform the Minister of my report in detail. I find that this report is of great significance, because my refusal to reopen the case for an additional investigation will evoke clamor in the *Zhidi* press."\*

No wonder that, under such circumstances and in view of Chaplinsky's attitude, the Gendarme Administration simultane-

\*See Photostat No. 7.



ously wrote to the Department of Police that *notwithstanding the discovery of the real murderers of Yustshinsky*, "the question of reopening the case for additional investigation . . . in the meantime continues to remain undecided, because the Chief Procurator is categorically opposed to it."

At the same time, Brazul-Brushkovsky sent a copy of his declaration of May 6, which he had handed to Ivanoff, also to the two original defenders of Beiliss, the attorneys Margolin and Grigorovitch-Barsky, who resided in Kiev. In their turn, A. D. Margolin and D. N. Grigorovitch-Barsky presented this copy to the Procurator of the Kiev Superior Court, with the request that he submit to the Court the question of referring the case back to the Investigating Magistrate for additional investigation as to the real murderers of Yustshinsky. This request of Beiliss's defenders was completely disregarded by the Procurator, without giving any explanation.

#### § 34.

When the Beiliss case was publicly tried in the Kiev Court, in the fall of 1913, Vera Cheberiak turned out to be the chief witness of the prosecution, and the burden of her testimony was her assertion that her late son Zhenya had told her that he himself had seen Beiliss seize Andrei Yustshinsky and drag him away.

The reader will recall that in the first period of the investigation, this invention was fabricated by Polisthuk and Vygranoff, the agents of the Secret Police, in the form of falsified statements of Shakhovsky and his wife. It was Vera Cheberiak who undertook to support this version in the last period of the development of the case, and, in bringing this story before the Court, she quoted the same Zhenya of whom, as we already know, she was so desperately afraid. During the first year of the investigation, Vera Cheberiak had testified seven times before the Investigating Magistrate; of her seven depositions, four were made before and three after the death of Zhenya. And in not one of these depositions had she mentioned a single word about Zhenya telling her anything remotely resembling the story she told in court of the kidnaping of Yustshinsky. This assertion of Vera Cheberiak

appears for the first time in May, 1912, and its origin is intimately bound up with the fact that the results of the inquiries of the Gendarme Administration had ceased to be a secret, owing to the private investigation of Brazul-Brushkovsky and Krasovsky. This new testimony of Vera Cheberiak was the retort of Chaplinsky to the discoveries of the Kiev journalist Brazul-Brushkovsky. This was in fulfillment of the plan of Chaplinsky, which made unnecessary her disappearance from Kiev. When Vera Cheberiak was making her preparations for escape, she had a better opinion of Chaplinsky and his aides than they deserved.

We have already mentioned that during the period from May 10 to May 23, 1912, Ivanoff interrogated the persons who could, and actually did, confirm the facts already assembled about the real nature of Yustshinsky's murder. As we saw, however, it was not the duty of Ivanoff to stage the ritual trial and to gather false testimonies. Hence, the interrogation of Cheberiak had been entrusted by Chaplinsky not to Ivanoff, but to Karbovsky, the very same Assistant Procurator who had already procured the deposition of Kulinich as to the "confession" of Beiliss, checked up the dreams of Latysheff and Mandzelevsky, and, finally, used the services of the "scholarly" mad Jew Leisel regarding ritual murders. On May 14, Karbovsky had a long talk with Vera Cheberiak, the result of which was preserved in the archives of the office of the Kiev Procurators: *the rough draft of the future testimony of Vera Cheberiak written by the hand of Karbovsky himself*. This draft contained the statement of Cheberiak that her son Zhenya had told her of the kidnaping of Yustshinsky by Beiliss.

It was in this manner that the Procurators Chaplinsky and Karbovsky stubbornly prepared themselves, in the secrecy of their studies, for a contest to uphold the ritual version. This attitude of Chaplinsky could not, however, have been unknown to those persons who were close to Brazul-Brushkovsky and were watching the result of his submission to Ivanoff, early in May, of the memorandum of his findings. They also saw clearly the reluctance of Chaplinsky to take the right road, since he ignored the persistent demands of the Gendarme Administration and preferred to see Vera Cheberiak and her brother free, rather than in prison.

Three weeks passed. Seeing that his declaration was being

officially ignored by Chaplinsky and other Court officials, Brazul-Brushkovsky decided to take a further step—the step of which Chaplinsky was so fearful. On May 30 and 31, Brazul-Brushkovsky published in the Kiev newspapers, in the form of articles, all the materials he had obtained with the aid of Krasovsky, Makhalin and Karayeff. These revelations reverberated like thunder throughout the whole of Russia and were followed by a storm of indignation. Public opinion, in foreign countries as well as in Russia, expressed satisfaction that the Kiev ritual riddle had finally been solved in a simple and clear manner.

The situation became serious for the Procurators, and Chaplinsky could not be satisfied merely by the conversations of his aide Karbovsky with Vera Cheberiak. On June 2, two days after the publication of the materials of Brazul-Brushkovsky in the newspapers (June 1 happened to be a Sunday), Chaplinsky found it necessary to have *a personal talk with Vera Cheberiak*, and on the same day Procurator Zapienin drew up a protocol of the results of this confidential talk of the Chief Procurator with the leader of a band of thieves, the known murderers of Yustshinsky . . . This was the origin of the second variation of *the future official testimony of Vera Cheberiak*. This protocol was also preserved in the secret archives of the Kiev Procurators.

Not having received any reply from the Ministry of Justice up to June 4, Chaplinsky decided to remain in his previous position. On that day he received two sets of reports of investigations from different sources: the materials of the Gendarme Administration about the real murderers of Yustshinsky, and a copy of the official interrogation of Vera Cheberiak by Zapienin, which took place after Chaplinsky's unofficial talk with her.

After comparing the materials from these two sources, Chaplinsky refused to turn the Beiliss case back to the Investigating Magistrate for a supplementary investigation, for he had become persuaded that Vera Cheberiak was prepared to confirm the very same invention which, as he knew from the Gendarme Administration, Shakhovskiy and his wife had decided to repudiate at the trial.

Up to this moment, it was possible to speak of the close contact and coöperation between the Procurators and the Black Hundred

monarchistic organizations and of the intimate connection of the latter with the band which had murdered Yustshinsky. Now, however, there was established a direct alliance and collaboration between the band of thieves and the Chief District Procurator Chaplinsky and his aides.

§ 35.

When the revelations of Brazul-Brushkovsky were published, Vera Cheberiak became worried and, as we already stated, thought once more of fleeing from Kiev. Chaplinsky, however, did not even remotely consider any prosecution against her. On the contrary, he began to think of a new project—and a bold one—the prosecution of Brazul-Brushkovsky for false denunciation of Vera Cheberiak and her accomplices. No “queen of thieves” ever had a knight more devoted to her than had Cheberiak in the person of Chaplinsky.

At the end of June, however, it became known that for some special secret reasons, Minister Stsheglovitoff desired that the case be officially directed to the supplementary investigation. This meant that Chaplinsky had to abandon his project of prosecuting Brazul-Brushkovsky. On the other hand, the motives of Stsheglovitoff and his subordinates in reopening the investigation were not to implicate Cheberiak and her gang. The very opposite aim inspired their program: it was decided to shield and defend Cheberiak at any cost. It was deemed useful, for this purpose, to place her in a position of a slandered person who was defending her honor. These tactics, it was believed, would be useful for the ritual version of the Government. The first step was to get Cheberiak to file a complaint against those who had traduced her. This was soon arranged, and on July 3, Vera Cheberiak came to the Procurator of the Superior Court and personally handed him three identical charges of libel: one, against Trifonoff, the assistant editor of the newspaper *Kievlianin*; the second against Tarnavsky, the editor of the *Kievskaja Mysl*; and the third, against Brazul-Brushkovsky himself.

The authorities foresaw the acquittal of Beiliss by the jury, and they knew very well that the murder of Yustshinsky was

committed in the tenement of Cheberiak and with her participation. They could not, therefore, have serious hopes of easily finding judges to convict of libel journalists who had denounced as murderers those who were actually guilty. Acquittal in these cases, however, would signify official recognition of the correctness of the published statements exposing the band of Cheberiak. Therefore, to try these cases before the trial of Beiliss might lead to the collapse of the ritual structure. Hence, the authorities decided that it was best to initiate legal proceedings against the three journalists immediately, but to postpone the trials for a very long period, at least until after the Beiliss trial. And so it was arranged: though Cheberiak brought her complaints in July 1912, these three cases were not tried until April and May, 1914, when the Beiliss trial was already far behind, and acquittals could not be harmful to the outcome of the case against Beiliss. Thus, the accusers of Vera Cheberiak and her accomplices had the charge of libel and the threat of conviction hanging over their heads for nearly two years.

Later, when these cases were finally tried, the Court found in its sentence in the case of Trifonoff that "Vera Cheberiak's tenement was a den of thieves; that during the search in her tenement stolen chattels were found; that she was acquainted with professional criminals," and that "there was a suspicion against her of participation in the murder of Yustshinsky." The sentence of the Court in the case of Brazul-Brushkovsky stated that ". . . there was a suspicion that she [Cheberiak] took part in the murder; . . . that the murder was committed in her tenement; and that in the beginning the corpse of Yustshinsky was concealed there; . . . that the letter signed: 'Christian,' accusing the Jews of the murder of Yustshinsky, was the work of friends of Vera Cheberiak, and that she dictated this letter. Finally, the following statement of Cheberiak quoted by the witness Diakonova as having been addressed to her in reply to her advice [to Cheberiak] to confess: 'I cannot denounce my own brother'—cannot be considered otherwise than as a partial confession [of Cheberiak] of her participation in Yustshinsky's murder."

Trifonoff and Brazul-Brushkovsky were acquitted by the Court. The case of Tarnavsky was discontinued simply because Cheberiak

did not appear at the trial, having been discouraged by the results of the previous trials of Trifonoff and Brazul-Brushkovsky.

By that time, the Beiliss case had already become history. Its political consequences could not be affected by any sentences, and the urgent necessity of compelling the court officials to lie about Vera Cheberiak had already passed.

### § 36.

The newspaper publication of the so-called materials of Brazul-Brushkovsky caused a tumult in Petersburg.

On the same day, June 2, on which Chaplinsky had his talk with Vera Cheberiak, the Left fractions of the Imperial Duma introduced an urgent motion demanding that the Duma discuss the question of the notorious murder, and asked the groups of the Center not to be silent "at a moment when the entire better element of Russian society and Western Europe is so much interested in the Yustshinsky case." Addressing themselves to the Right groups, the orators of the Left fractions indicated that "the Imperial Duma cannot adjourn without expressing its definite view: whether it adheres to your medieval judgments or, on the contrary, despises your benighted notions about ritual murders, or, at any rate, does not share them. So long as the Imperial Duma does not express its view on this question, a certain shadow of suspicion that it shares your ideas falls upon the whole Imperial Duma, and we cannot adjourn with this shadow remaining upon us."

The proposition of the Left was accepted; it was resolved to put this question on the agenda for discussion in one of the subsequent evening sessions. On June 9, however, the Third Imperial Duma was dissolved by the Government because the term of its prerogatives had come to an end, and it adjourned without having adopted any official attitude on the Kiev case.

The country then entered the period of the campaign for elections to the Fourth, the last, Imperial Duma.

In its turn, the Ministry of the Interior also became interested in the Kiev case; a summary digest of all the reports of Col. Shredel was prepared and presented to Zolotareff, the Vice

Minister of the Interior, who was thus enabled to recall to memory that the Gendarme Administration had discovered the real murderers of Yustshinsky long ago . . . The digest was read by the Vice Minister and returned to the chancellery with the notation that "it was returned by His Excellency without any comment or orders." Evidently, even the subordinates were beginning to notice this flagrant and inexplicable aloofness and inaction on the part of the high authorities in the face of such clear, abominable facts. Especially striking did this situation become when the Ministry received, about this time, an additional report from Col. Shredel who stated in plain words that the facts published by Brazul-Brushkovsky entirely corresponded to the information gathered by the Gendarme Administration.

In this situation, a decision was imperative. If the Ministry of the Interior could permit itself the luxury of official silence and non-interference, it was not possible for the Ministry of Justice to remain inactive in the face of the new complexion put on the case by the revelations of Brazul-Brushkovsky. On June 9, Stsheglovitoff himself wrote the text of a telegram to Chaplinsky asking him to come immediately to Petersburg. Having in mind the request of the Minister of the Interior that the Beiliss trial be postponed until after the Duma elections, Stsheglovitoff decided that he had a brilliant pretext for a very long adjournment of this trial, namely, that he must return the case to the Investigating Magistrate for a supplementary investigation, which would drag along for a considerable time, during which the elections to the Duma would be completed. It was necessary only to arrange this supplementary investigation properly.

After five days of conferences at the Ministry of Justice, Chaplinsky returned to Kiev on July 18, with an order of the Minister of Justice to return the case to the Investigating Magistrate for a supplementary investigation. It required only four days for this order to be confirmed by the official decisions of the Kiev Superior Court and the Kiev Supreme Appellate Court. It was decided to keep Beiliss in prison. The supervision and direction of the supplementary investigation was again entrusted to Chaplinsky who, after his recent interviews with Stsheglovitoff, did not even think of abandoning the ritual version. Chaplinsky,

therefore, procured first of all the consent of Stsheglovitoff for the elimination of Fenenko from the case and the substitution of someone else, with whom it would not be necessary continually to argue and quarrel in regard to the ritual version. By a special order of Stsheglovitoff, the Petersburg Investigating Magistrate Mashkevich was appointed for this supplementary investigation. It would, however, be a mistake to think that this choice was entirely the result of the initiative of Chaplinsky or even of Stsheglovitoff; the monarchistic Right press had long before begun to insist that the investigation be turned over to Mashkevich, who enjoyed the reputation of a confirmed anti-Semite and who had previously been entrusted with investigation of cases which it was intended to use for anti-Semitic propaganda. "He will be able to confirm even now the features of the ritual murder" in this case, declared the reactionary papers.

One of the first acts of Mashkevich, after his arrival in Kiev, was the incorporation of the false testimony of Vera Cheberiak in the official materials of the investigation. This was the same testimony which had been prepared after the secret interrogation of Cheberiak on May 14 by Karbovsky, her talk with Chaplinsky, and her further interrogation on June 2 by Zapienin.

On July 10 and 12, Vera Cheberiak was officially interrogated by the Investigating Magistrate Mashkevich, and she repeated to him the same testimony about the kidnaping of Yustshinsky by Beiliss, which had earlier been prepared and elaborated with the aid of three Procurators, and which later was reproduced also at the trial of the Beiliss case.

Thus, *the alliance of the Procurators with Vera Cheberiak* was sanctioned by these official documents.



## CHAPTER XI

### THE TRIAL

THE TRIAL OF THE CASE.—THE DIVISION OF THE COUNTRY INTO POLITICAL AND SOCIAL GROUPS, AND THEIR INTERRELATIONS.—THE REACTION OF THE TRIAL ON PUBLIC OPINION IN RUSSIA AND ABROAD.—DIPLOMATIC CORRESPONDENCE OF THE MINISTRY OF FOREIGN AFFAIRS.

#### § 37.

Only the extreme Right sector of the political front was supporting the Government at this time: the organizations of the United Nobility and the Union of the Russian People. All those who stood to the Left of these groups were at this time hostile or, at least, opposed to the Government, beginning with the extreme revolutionary parties and going up to the moderate parties of the commercial and industrial bourgeoisie. The Beiliss trial was a challenge to the entire country by the Government of the United Nobility and the extreme Right elements.

The liberal opposition took upon itself the direction of the legal fight around the Beiliss case, and was represented in the counsel for Beiliss by leaders of the Moscow, Petersburg and Kiev bars: the Moscow attorney V. A. Maklakoff; the Petersburg attorneys O. O. Grusenbergh, N. P. Karabchevsky and A. S. Zarudny; and the Kiev attorneys D. N. Grigorovitch-Barsky and A. D. Margolin. Owing, however, to his close connection with the private investigation, Margolin was interrogated as a witness by the Investigating Magistrate Mashkevich, in the course of the supplementary investigation. In view of this fact, Margolin left the ranks of the official defense of Beiliss, and participated in the trial directly as a witness for the defense.\*

\*Except for N. P. Karabchevsky, the defenders of Beiliss are still alive. The publication of their reminiscences would make highly desirable contributions to

The Left sector of the Imperial Duma, and especially its Social-democratic fraction, became the natural center to which were directed resolutions of protest, information about strikes in factories as demonstrations against the trial, news of protest meetings in the universities, and indignant telegrams of political exiles from the farthest corners of Russia. The revolutionary secret organizations were greatly excited about the case. The legal press, especially the daily papers, devoted a very considerable space to the Beiliss case, and some of the leading Russian journalists, with the eminent writer V. G. Korolenko at their head, were present at the trial. In their turn, the foreign observers of Russian events were also well informed regarding the situation, and characterized in a perfect way the leading personalities of the opposing camps in the trial. "The opposing tendencies," stated, for example, one of the French papers, "are represented by two persons: Maklakoff, the defender of Beiliss, the most outstanding Russian advocate, member of the Imperial Duma, head of the liberal party; and Zamyslovsky, member of the extreme Right, who created this fantastic case about a ritual murder and supports the prosecution. The struggle between these two men epitomizes the struggle between the two camps." As a matter of fact, this was true: the legal duel between Maklakoff and Zamyslovsky in the Beiliss case was the natural counterpart of their permanent antagonism in their political work in the Imperial Duma.

It is useful to review here, albeit in a greatly abridged manner, the attitudes of the periodical press of the time—from the Right-Centrist group to the Left, in order to give the reader an idea of the evaluation of the trial by various political parties.

Even the Octobrist, or the Right-Centrist, *Golos Moscvy*, published an extended symposium of its readers against the ritual character of the trial. Though exhibiting no special emotion, the *Golos Moscvy* was, nevertheless, among the adversaries of the trial, and stated that the nervous shock the country suffered during the days of the Beiliss trial was much greater than in the

the history of this epoch. As far as we know, up to this time only one of the participants in the defense of Beiliss, A. D. Margolin, has published any memoirs about this case. (See footnote on p. 133.)

days of the October Revolution of 1905, or on the day of Stolypin's assassination; not even the days of the pogrom trials, or, for that matter, the days of the pogroms themselves had caused such excitement and indignation as did the Beiliss trial.

The *Russskiya Viedomosti*, the most serious and widely read organ of the academic liberalism, pointed to the Beiliss trial as "the most significant event of the year, which has made a tremendous impression not only in Russia, but also in the whole of Europe;" and the liberal *Russkaya Mysl* published an article by V. A. Maklakoff, one of the defenders of Beiliss, containing the following statements: ". . . Being allured by the proud thought of putting before the court a 'world affair,' taking as the real defendant not Beiliss and his 'fanaticism,' but the Jews and the Jewish religion, our Government, with an astonishing light-mindedness for such a sensational case, decided to expose before the whole world medieval trials as precedents and Pranaïtis as the learned scholar in the field of Jewish literature . . . Incidentally, they [the Government] have thrown a challenge to Europe . . . The governmental power—the Czar's eye—the Procurators, who began their deed under the influence and at the suggestions of the Right political organizations, are continuing it now in accordance with the instructions of the companions of Cheberiak. When more peaceful times will come, the accusers themselves will be horrified to think that this sinister case was ever brought before the court."

The "populist" magazine *Russkoye Bogatstvo*, which was edited by V. G. Korolenko, discussed in detail the social significance of the trial: "Never has there been in Russia . . . a case," stated this magazine, "which attracted, to so great a degree, the attention of the broad masses of the whole of Russia . . . The Beiliss case has pushed aside all other internal and all foreign affairs of Russia. . . . The eyes of everyone unfolding a newspaper seek not the items about the latest demands of Turkey or the new notes of Austria, not the latest news of a railroad catastrophe, but first of all the news about the Beiliss case . . . Evidently, Russian citizens finally understand that the Jewish question is not only a Jewish, but also a general Russian question; that the untruth and corruption uncovered at the Beiliss trial is an all-Russian untruth and corruption. They understand that it is impossible to remain

on the outside as indifferent spectators . . . , that the Russian super-nationalism is a threat to the whole of Russia. They understand what a barbarous, ignoble . . . Russia is being prepared for the Russians by such nationalism! . . . The Beiliss case marks a climax—at least in one domain of Russian life. The Russian nationalism has failed . . . The very pit which it has dug for the Jews will be the one into which it will fall. It has covered itself too much with shame . . . The damage done to this nationalism will be harmful for the whole trend of the present inner politics . . . One can believe that the present day Russian nationalism will not cleanse itself of the shame with which it has covered itself, even when this nationalism is dead.” Thus concluded an article by the well-known writer S. I. Elpatievsky.

The Marxian *Sovremenny Mir* emphasized that “If Messrs. Vipper and Zamyslovsky find that without introducing cabalism the murder of Yustshinsky is senseless and without motive, we have every ground for saying to them: If so, then it is an innocent man who occupies the bench of the accused . . . The initiation of cases similar to the one in Kiev will inevitably intensify national animosities and the lack of confidence, which are always seized upon for exploitation by sinister social forces.”

Those organs of the legal press which were closely connected with the revolutionary organizations naturally agreed in their judgment of the Beiliss case. Thus, the magazine *Prosvestshenie*, in whose direction Lenin took part, pointed to “the universal excitement, the tremendous interest in this case on the part of absolutely all the strata of society and population, not only among us, in Russia, but also in the rest of the world. We may take pleasure in the knowledge that our culture, our social development have progressed so far that such methods of provoking racial, national and religious animosity and hatred cannot now pass without punishment for those who by their creation seek and hope to find their last refuge and defense. The present resistance of the whole world of culture, of all the forces of science and knowledge, against this most cruel libel, is an unprecedented event in the contemporary history of humanity. Only this fact can gladden everybody: an impressive limit is being placed upon the display of ignoble forces in the world.” The Bolshevik paper *Za Pravdu*

stated that "it is quite evident why this trial has attracted such attention: a plain, average worker has been placed in the dock, and it is said: he is a cannibal and a vampire, because his religion prescribes to him to drink the blood of children . . . The Beiliss case has been met by an outburst of indignation in the whole civilized world, and the proletariat of Russia has been in the front ranks of those who raised their voices in defense of the trampled honor of the Russian people."

All these protests of the periodical press were not permitted to pass unnoticed; they met with the revenge of the governmental authorities. In "a quite secret report," the Kiev Governor informed the Ministry of the Interior that "the periodical papers of Left tendency, by their articles about the Beiliss trial, have already shown a desire to influence and excite society, by endeavoring to prove the incorrectness in the direction of the preliminary investigation which resulted in the indictment of Beiliss, and to refute the existence of the rite among the Jews." After describing measures of restraint already applied, the Governor promised that in the future he would continue to "apply at the right time repressions of maximum scope against the editors of these organs of the press." In his subsequent report the Governor had to confess that though "in some cases the infliction of punishment on the papers was not justifiable by the contents of the articles involved, . . . nevertheless . . . by these measures the entire Kiev progressive press had been forced within proper limits." Chaplinsky also reported these repressions to Stsheglovitoff with satisfaction. At this time, the authorities placed Vera Cheberiak along with Sicorsky under special protection. Thus, the Kiev paper *Poslednia Novosti* informed its readers that owing to the imposition of fines for the appearance of items about Vera Cheberiak, the publication of such news will be discontinued, "but as information about the fines was received when the section of the paper had already been made up, a blank space has been left where the article [about Cheberiak] should have been."

Not only in Kiev, but everywhere else in Russia, the periodical press was subjected both to judicial and administrative control in connection with the Beiliss case. Thus, among all the events which caused the application of repressions against the press in

1913, the Beiliss case occupies first place, for we find that during 1913 there were 102 applications of repressive measures in connection with the Beiliss case: the arrest of 6 editors, indictments in 8 cases, 36 cases of confiscation of editions of papers, 3 cases of complete suppression of papers, and 43 fines aggregating more than 12,500 roubles. Most of these fines fell on the papers of workers.

It was risky to discuss the Beiliss case not only in the press but also at public meetings. The following is an illustration of this fact: At the time of the Beiliss trial, a banquet was held in Moscow to celebrate the fiftieth anniversary of the paper *Russkia Viedomosti*. In the course of this celebration, speeches were delivered and telegrams and letters of greetings were read. The officer of the police who was charged with maintaining order at this banquet, patiently listened to the attacks against the Government which were so usual at this time and which formed a part of all addresses at meetings of liberal groups. When, however, the telegram of the writer Aisman was read in which it was said: "If there were more such papers as the *Russkia Viedomosti*, there could not be a Beiliss affair,"—the police official lost his patience and closed the meeting.

A trial was also arranged against a considerable number of Petersburg attorneys who protested against the Beiliss case at the general meeting of the Petersburg bar. The Petersburg court condemned them to disciplinary punishments, and the only reason the sentences were not carried out was because the outbreak of the World War caused their postponement and later they were annulled by the Revolution.

One of the most striking and characteristic pages in the history of all these persecutions and prosecutions, connected with the Beiliss affair, is the history of the prosecutions of A. D. Margolin. As we stated before, Margolin was one of the original defenders of Beiliss. He was very active from the very beginning of the case, collecting materials for the prospective defense. This activity stirred up the Kiev Procurators as well as the Ministry of Justice against him.\*

\*The details of these prosecutions of A. D. Margolin are described in Appendix I, 4, p. 242.

Member of the Imperial Duma Petrovsky was justified in criticizing the abuses practiced by the governmental organs during the elections to the Fourth Imperial Duma, in the following words: "How can we speak of freedom in a country where there is no freedom of speech; where a common economic strike is prosecuted by judicial and economic scorpions; where the police officers are legislators and interpreters of law; where workers and peasants are citizens of third and fourth degree; where the members of the Imperial Duma, elected by the people, are watched by the bands of the agents of the *Okhrana* Branch; finally, *in a country where there is still a possibility to arrange such things as the Beiliss trial?*"

Such was the echo of the Beiliss affair in the sphere of social and communal life; such was the opinion of the overwhelming majority of the thinking population.

### § 38.

Nor did the so-called illegal revolutionary organizations remain silent about the Beiliss affair.

The radical movement, which was weakened after the crushing of the Revolution of 1905, began to revive and flourish again in connection with the shootings at the Lena gold mines, in the spring of 1912. When the Beiliss case was approaching its solution through the public trial, waves of strikes at the factories and of protest meetings in the universities and other schools of higher learning rolled throughout the whole Empire. The correspondence of the Department of Police of that time contains many reports of local Gendarme Administrations concerning the manifestations of protest of the revolutionary organizations, as well as samples of the revolutionary leaflets which were circulated throughout the country during the Beiliss trial. These are preserved in the archives of the Department of Police. The appeals contained in them prove that judgment on the Beiliss case was always connected with the aims of the political struggle of this period:

"All the circumstances surrounding this dreadful prosecution speak of its political significance."

"The Beiliss trial must justify all the inhuman persecutions which the Russian Government has applied and intends to continue to apply to the Jewish people."

"Again all democratic Russia protests, and accepts this bloody challenge, this bloody weapon, one end of which is pointed against the Jewish people, while the other is turned *against the whole of struggling Russia*. The very object of creating this terrible affair was to shatter the Russian democracy."

"The Beiliss case is not only the case of the Jewish people . . . The ruling classes of the dominating nationality are utilizing all their forces to concentrate the attention of the backward masses of peasants and workers on this affair; to stifle their class and national self-consciousness and to direct their unconscious class dissatisfaction along the line of least resistance—along the line of Jewish pogroms."

"The medieval tales about ritual murders can be revived only in a country which is under the heavy yoke of absolute monarchy and of reactionary classes supporting this regime."

"It is not a mere accident that the Government has taken up this case just now . . . when the wave of the social movement again begins to rise and threatens to inundate the antiquated, rotting structure of the autocracy . . . The Government wishes to divert the boiling indignation of the people into another direction, showing them their imaginary enemies, in order to hide itself behind their backs."

"The Russian Government knows how dangerous is the ire of the people; the Government saw it in the days of the first Revolution, and it tries with all its force to lead this ire into a desirable channel."

"There can scarcely be found in Russia at the present time an honestly thinking man, not poisoned by the spirit of hatred toward humanity, who would not reject with nausea the senseless lie about ritual murders."

"*The Lena mines massacres and the Beiliss trial form the double crown for the criminal politics of the Double-Headed Eagle*. We have answered with huge strikes the shooting of our brothers in the far Lena region. We will raise our protest against the forthcoming trial of the Jewish worker Beiliss."



In accordance with the information collected by the Department of Police, strikes of protest against the Beiliss case were organized not only in Kiev but also in many other cities throughout the whole of Russia, including the capitals Petersburg and Moscow. The Department of the Police turned its special attention to the strikes of the Petersburg factory workers. Bielezky, Director of the Department of Police, found it necessary to report these protests in a special wire to the Minister of the Interior, to be submitted to the Czar, who was at that time in the Crimea.

After the end of the Beiliss trial, the same Bielezky presented to the Minister of the Interior a general report *on the political attitudes in connection with the Beiliss case.*

"A careful examination of the external events which occurred as a result of the Beiliss trial in different parts of the Empire," he wrote, "as well as of the inner moods which permeate the various elements of the population, Christians and Jews, radicals as well as loyally inclined people, in Russia and abroad, leads to the undoubted conclusion that all the efforts of the revolutionary organizations to provoke broad mass-disturbances, as a sign of protest against this case, have suffered a decisive failure . . . As far, however, as the moods of the radicals and of the Jewish part of society are concerned, things have not developed so smoothly, because both these elements, and especially the second, . . . have displayed an extraordinary wrath against the Russian Government." . . . Bielezky mentions further "the articles in the West European and North American press, especially the latter, which, owing to their independence of Russian law, are under no restraint and have made extraordinarily bitter attacks against the Russian Government merely because of the trial of the Jew Beiliss, and because of the ideas which have been advanced regarding the ritual background of this affair . . . Not limiting itself to insinuations against the Russian Government and Russian Justice, the Jewish hatred has made it its task . . . to inoculate the various social strata with the idea that the cause of the initiation of the trial is to be found in the personal *anti-Semitic feelings of the Supreme Power* . . . That the Beiliss case has aroused the anger not only of the Russian Jews and revolutionaries, but also of their sympathizers abroad, finds a new confirmation in the

fact that on October 22, in Zurich, a special meeting was held of the Swiss Social Democratic party, with the participation of 2,000 people, for the special purpose of discussing this trial . . . The speeches included attacks against exalted personalities and even against the Sacred Person of His Imperial Majesty, *by whose order, they said, the Beiliss affair was started with the aim of discrediting the Revolution itself by means of discrediting the Jews.*"

Though this report of Bielezky was written in characteristic police language, it depicts the situation quite accurately and recognizes the absolute isolation of the Russian Government from the whole cultural world. Those who were referred to in the police language of the report as "loyally inclined" elements of the population were no others than the circles of the United Nobility and those who belonged to their reactionary political organizations—the only allies which the Government had in this period of its existence.

### § 39.

Bielezky was right: the Beiliss trial caused general excitement and general indignation in the whole world, far beyond the limits of Russia.

Attacks in newspapers and magazines; meetings of protest in all the large cultural centers of Europe and America; individual and collective declarations of the outstanding representatives of science and art of all nations and of the most eminent social and political leaders of different parties, from extreme socialists to conservatives of the Anglo-Saxon type,—such was the reaction to the Beiliss affair.

As early as the eve of the year 1912 an appeal was published "to Russian Society," inspired by V. G. Korolenko and signed by representatives of the Russian intellectuals, with Korolenko and Gorky at the head. This appeal soon found an echo in Western Europe, where German scholars, political leaders and writers were the first to express their thoughts and feelings in connection with the Beiliss case. Among them were Gerhart Hauptmann, Friedrich Delitzsch, Thomas Mann, Theodore Nöldeke, Hermann

Sudermann, August Wünsche, Werner Sombart, Lujo Brentano and many others.

"This unscrupulous fiction, spread among the people, has from the Middle Ages until recent times led to terrible consequences. It has incited the ignorant masses to outrage and massacre, and has driven misguided crowds to pollute themselves with the innocent blood of their Jewish neighbors. And yet not a shadow of proof has ever been adduced to justify this crazy belief. The most esteemed Christian authorities on Jewish literature have proved incontrovertibly that the Jews have never been exhorted by their religion to murder their fellow-men.

"We deem it the duty of everyone to whose heart the moral progress of mankind is dear to raise his voice against such deplorable absurdities. We thus join in the protest of the most esteemed Russian scholars, authors, and artists, believing that it should not be limited by frontiers, but should concern the heart of the whole civilized world."

Almost simultaneously with the German appeal there appeared the protest of French public opinion, over the signatures of a very great number of persons, headed by Anatole France and Henri de Regnier of the Académie Française, who were followed by Members of the Institute, Professors at the Collège de France and other institutions of learning, authors, and other intellectual leaders. This protest was written in unemotional language, but was quite definite in its meaning: "The undersigned friends of Russia, who are not adherents of Judaism, denounce to public opinion the absurd accusation of ritual murder brought against the Jew Beiliss, of Kiev . . . In all ages and in all countries religious minorities have been victims of the same calumny—the early Christians under the Roman Emperors as well as quite recently the missionaries in China. They express the hope that such accusations may no longer find credence in a civilized country." There also appeared a separate protest of Anatole Leroy-Beaulieu whose authority Sicorsky had attempted to invoke.

In April, 1912, a very decisive protest was published representing English social opinion. "The question is one of humanity, civilization and truth," declared this document. "The 'Blood Accusation' is a relic of the days of witchcraft and blood magic, a

cruel and utterly baseless libel on Judaism, an insult to Western culture and a dishonor to the Churches in whose name it has been falsely formulated by ignorant fanatics. Religious minorities other than the Jews, such as the early Christians, the Quakers, and Christian missionaries in China, have been victimized by it. It has been denounced by the best men of all ages and creeds.”\*

Of all the other protests we shall quote only from the appeal of the Czech scholars, writers and social leaders, headed by Professor Masaryk, now the president of Czecho-Slovakia.\*\* “Until the present time,” it was stated in this declaration, “the prejudice about ritual murders existed only among the ignorant masses . . . In Kiev, however, it is for the first time supported by the governmental authorities . . . The Beiliss trial may be a signal for new pogroms and new shedding of Jewish blood . . . We protest against the attempts to support this horrible prejudice by the authority of the Government, . . . against the endeavor to violate the law and sacrifice an innocent man to political antagonism and racial and religious hatred.”

All these protests and many others, which we cannot quote for lack of space, were reported to the Russian Government by its foreign representatives, who found them very embarrassing. The Ministry of Foreign Affairs, however, merely transmitted the information to the Czar, and the matter was ended. There is not a single indication in the archive materials that the Minister of Foreign Affairs made even one protest against the ritual trial. On the contrary, we will show later that when the Russian high diplomatic authorities finally became more active, they did so only for the purpose of supporting the governmental enterprise of the Beiliss trial and to hinder the exposure of the lies.

Nor were we able to find any traces of activities on the part of the Russian Embassies in Paris or Berlin, in connection with the protests published in those countries. The publication of the

\*The texts and lists of signers of the English, German, French and Russian protests, as well as of the American petition to the Czar referred to later (see p. 161), are given in *The American Jewish Year Book*, 5675, pp. 65-82.—[Ed.]

\*\*See the recently published *Masaryk und das Judentum* (herausgegeben von Dr. Ernst Ricknovsky, Prague 1931). On pages 316-328, there is a special article by T. R. Polak, entitled “Mendel Beiliss.”—[Ed.]

English protest, however, evoked great excitement both in the Russian Embassy and in the Russian Consulate General in London. Baron Heiking, the Consul General, was not even able to preserve the conventional appearances of a diplomat. In his opinion, neither Russian nor British citizens had any right to criticize the Kiev trial. On May 6, 1912, he mailed to Petersburg the text of the English protest with a letter, in which he expressed his opinion to the Ministry of Foreign Affairs: "The said protest . . . has the appearance of an unsolicited and undesired interference in the affairs of the Russian Empire. As the trial is being conducted in accordance with the laws of the country, there is no reason for protests on the part of foreigners. The Procurators decide questions as to the form of indictment, and no foreigners or even private Russian subjects have any right to protest against this . . . With regret we must take cognizance of a new encroachment upon our internal affairs on the part of English people, instigated by the Jews."

Two days later the Russian Ambassador in London, Count Benkendorf, wrote a personal letter to S. D. Sazonoff, the Russian Minister of Foreign Affairs. The English protest was, in his opinion, "a sentimental demonstration, which entirely failed to take into account the kind of impression it might produce in the foreign country . . . I spoke with Sir Arthur Nicholson about this.\* I knew well that the English Government was absolutely powerless to hinder such a demonstration . . . I did not, therefore, give to my words the form of an official protest. In a quite confidential talk I expressed to Sir Arthur my astonishment and informed him that all this would simply evoke resentment in Russia . . . He asked me what I knew about the case. I answered that I did not know anything more than I was able to gather from reports in the Russian press . . . In reality, this question of the ritual crimes of the Jews comes down from ancient times because of the commission of pathological crimes, and it excites people's thoughts. I did not know anything about the way in which this question was being brought before our courts. But

\*British Under-Secretary for Foreign Affairs; earlier British Ambassador in Petersburg.

even if the decision ascribed a religious motive to this crime, I was certain that *public opinion*, inclined to recognize in this case a judicial error, *would refuse, at any rate, to put the responsibility upon the Jewish religion and upon the whole Jewish people. So, at any rate, it would be in England.*"

This information from London did not cause any action on the part of the Russian Ministry of Foreign Affairs. The trial proceeded as before. When it approached its final stage in the Kiev Superior Court, the excitement abroad again became very strong, reaching its culmination especially in America. This caused the American representatives of the Russian diplomacy to become particularly restless and active. Their presentation of the events, their attitude toward them, the very style of their letters—all these were quite in harmony with the standards so characteristic of the activities of the Russian statesmen belonging to the interior branches of the Government.

In his letter of October 17, 1913, Y. Bakhmeteff, the Russian Ambassador in the United States, wrote to A. A. Neratoff, the executive substitute of the Minister of Foreign Affairs: "The Jewish press in the United States is watching the Beiliss case with concentrated attention and, naturally, completely distorts all the news which comes from the Russian sources. Though not regarding this fact as very serious, I would nevertheless consider it desirable to throw light on the court proceeding from our point of view, in the American press."

This letter was reported to the Czar, but did not lead to any action. In the meantime, the excitement in America grew more and more intense. Almost simultaneously with this letter, Bakhmeteff dispatched to Petersburg a cablegram in secret code. "American *Zhidi*," he cabled to the Minister of Foreign Affairs, "have not failed to take advantage of an opportunity, and have used the Kiev case to foment a new agitation against Russia . . . They have succeeded in stimulating the organization in several localities of more or less numerous meetings expressing sympathy with the 'oppressed Jews,' and Congressman Sabath,\* himself a

\*Adolph J. Sabath, of Chicago, Ill.—[Ed.]

*Zhid*, has presented a resolution with a demand that the Secretary of State convey to His Majesty, through the Embassy in Petersburg, the expression of the feeling of indignation by the American people through its representatives. Senator Lewis\* has done the same in the Senate . . . Bryan, with whom, in a private talk, I discussed the falsity of the newspaper articles maliciously stating that we accuse the whole of Jewry of the commission of ritual murders, showed a complete lack of knowledge of this question and was astonished by my explanations; for this reason it seems to me useful to explain this affair somehow in the right way . . . This would undoubtedly influence public opinion which, up to the present moment, has been misled only by false information derived from evil-minded agitators." Only a few days after he sent this cable, Bakhmeteff had to admit that he had been mistaken in his analysis, in ascribing all the protests against the Beiliss case exclusively to "Jewish agitation." Shortly after his first cablegram, he had to cable again to Petersburg that "a deputation of American clergymen came to Bryan with the request that he convey to the Russian Emperor their petition praying for the discontinuance of the Beiliss case and the accusation against the *Zhidi* in general of ritual murder. The petition was signed by the New York Bishop, by one Cardinal, 21 Bishops and 12 clerics of various Christian denominations; but Bryan categorically refused to accept this paper. Then the paper was sent to me, and I mailed it to the New York Bishop, without any explanations."\*\*

The Minister of Foreign Affairs Sazonoff informed the President of the Council of Ministers of this desire of Ambassador Bakhmeteff that the Russian Government express its "correct" opinion on the Beiliss case. In his turn, the President of the Council of Ministers conferred with Stsheglovitoff as the Minister who was best informed in the matter. Finally, the Russian Government abandoned the thought of presenting its point of view to the judgment of American public opinion.

\*J. Hamilton Lewis, of Chicago, Ill.—[Ed.]

\*\*This petition bore seventy-four signatures, headed by those of the late David H. Greer, Protestant Episcopal Bishop of New York, William T. Manning, his successor, and John, Cardinal Farley, Archbishop of New York. (See *American Jewish Year Book*, 5675, pp. 79-82.)—[Ed.]

The Ministry of Foreign Affairs also received disagreeable news from the Russian Consulate in Canada where the municipal authorities became the exponents of public opinion and were the authors of the protests. This last fact was especially disagreeable to Czaristic diplomacy. "If the above mentioned protests," wrote the Russian Consul, "had originated from Jewish meetings, or from learned or other private societies, I would not have paid any attention to them and would merely have mailed them to the Department. As these protests, however, came from the Municipal Councils, that is from official institutions representing 300,000 inhabitants, I considered it my duty to ask the head of the [Canadian] Federated Government about the significance and legality of such protests. Your Excellency will see from the newspaper clippings that the Jews enjoy sympathy here . . ." The literary style of this communication and its ideological contents are also entirely in harmony with the best samples of the papers of the Department of Police.

At the same time the Russian Embassy in England informed Petersburg that numerous mass meetings were held in London, Glasgow, Edinburgh and other cities at which resolutions of protest were adopted against the renewal of medieval practices in Russia.

Finally, when the trial was already approaching its end, Prince Kudasheff, the Russian Ambassador in Austria-Hungary, wrote a personal letter to Sazonoff describing, in the following words, the indignation evoked by the trial in that country: "I will not bother your High Excellency by enumerating all those many and various forms in which interest in the case has been manifested (meetings, resolutions, threatening letters to the Embassy, etc.)." In the sequel the Ambassador informs his Minister that an interpellation was introduced in the Austrian Parliament asking the Government to call to the attention of the Russian Government the necessity of protecting the Jewish population from the impending pogroms, in connection with the Beiliss case. The Ambassador enclosed also the text of the interpellation itself.

The Beiliss case had taken on the dimensions of a real international scandal.



## CHAPTER XII

### THE TRIAL (CONTINUED)

GOVERNMENTAL PLANS AND ANTI-DUMA PROJECTS.—SOCIAL-POLITICAL MOODS AROUSED BY THE TRIAL.—BEILISS CASE THE CENTER OF ATTENTION OF ALL RUSSIA.—AGAIN DREAMS OF A JEWISH POGROM.—THE APPOINTMENT OF A NEW PRESIDENT OF THE KIEV SUPERIOR COURT.—GENDARMES' SURVEILLANCE OVER THE JURY OUTSIDE OF THE COURT AND DURING THE TRIAL.—THE OFFICIAL GOVERNMENTAL POINT OF VIEW ON THE TRIAL.

#### § 40.

The plans and activities of the Russian Government find their explanation in the general political program at this period. Secret plans for a new *coup d'état* were being elaborated in the inner Court circles. In accordance with the will of the United Nobility, Stolypin, by means of the law of June 3, 1907, had narrowed considerably the social basis of the electorate for the Imperial Duma. Now, however, it was a question of taking a further step on the road of removing the remaining part of the concessions which the Government was compelled to give after the Revolution of 1905. The head of the Ministry of the Interior was at this time Nicholas Maklakoff, who succeeded Makaroff and who dreamed of becoming a second Stolypin. We know now from the archive materials that just at this time a discussion was held on the subject of depriving the Imperial Duma of its legislative functions, in order to revert to the situation which existed before 1905.

Nicholas II spent the autumn of 1913 in the Crimea. In the very first days of the Beiliss trial, at the end of September, 1913, Maklakoff came to Crimea to make personal reports to the Czar.

On September 29, Bielezky, the Director of the Department of Police, wired the Czar from Petersburg describing the situation in various parts of the Empire. The greater part of his telegram was devoted to an account of the prevailing sentiment of the country regarding the Beiliss case; it gave information about meetings of protest in all parts of the land, about the strike of more than 50,000 workers in the Petersburg factories—all of which was not calculated to bring joy to the Czar and his Minister. It is noted in the diaries of the Czar that he received Maklakoff three times during these days: on the evening of September 29, for two hours; on the next morning; and again on the evening of September 30. Naturally, there was a discussion of the Beiliss case also during these conferences. The main topic of the conversations, however, is disclosed in the letters which Maklakoff wrote to the Czar immediately after his return to Petersburg, to attend the opening session of the Imperial Duma. After a brief study of the situation in Petersburg, Maklakoff wrote to the Czar: "The factory workers are in a restless mood, and the so-called *intelligenzia* are very much excited. Members of the Imperial Duma are arriving at the capital. The Duma fractions are holding their preliminary meetings . . . From the very first days the Duma will sharply raise the temperature of the social atmosphere, and if the very first steps are not met by strong resistance on the part of your Government, complete disintegration of our peaceful life is inevitable . . . It seems to me necessary first to try to force the Duma into its legal channel with a firm hand. For this purpose I would propose that the members of the Duma be given a quiet, clear and decisive warning from the rostrum that the road upon which they are again attempting to stray is dangerous and inadmissible . . . In complaining that the Government has violated the civil liberties granted to the people, the Duma is in fact entering upon a struggle against all authority and is paving the way toward the attainment of the last freedom—the freedom of revolution. This liberty will not be granted by the Government of the All-Russian Autocrat . . . Such a warning will perhaps help, or on the contrary it may evoke an outburst of indignation on the part of the Duma, a reaction to the unpleasant call to

order from the Government. If the second possibility is realized, then the epilogue, which seems to be inevitable anyhow, will be merely accelerated. If the tempest rises and a militant spirit spreads far beyond the walls of the Taurida Palace,\* the administrative authorities in the capitals and in the provinces will be able to crush all the disturbances and to master the revolt by swift and decisive actions; but two measures will be necessary for this achievement: *dissolution of the Duma and an immediate proclamation placing the Capital in a state of extraordinary defence*. It would, therefore, be necessary to have in Petersburg for emergency cases *Ukazy* (decrees) signed by your Imperial Majesty, providing for both measures."

Nicholas II answered immediately and the content of his personal letter completely exposes the real plans of the Government. "Having received your letter," wrote Nicholas II, "I was pleasantly surprised by its contents . . . I entirely agree with the thoughts which you intend to express in the Duma. This is exactly what they should have heard from my Government long ago. I personally think that such a speech by the Minister of the Interior will, by its very unexpectedness, clear the atmosphere and will compel Rodzianko\*\* and his satellites to become quiet." Furthermore, the Czar approved the suggestion of preparing rescripts on the dissolution of the Duma and on the proclamation of a state of extraordinary defence for Petersburg and Moscow. Then followed the political program of the Czar for the near future: "I also find it necessary and benevolently wise to have an immediate discussion in the Council of Ministers of *my old idea* of changing the article in the statutes of the Imperial Duma which states that if the Duma does not agree to the changes in the draft of a law made by the Imperial Council, the draft is annulled. This is a perfect absurdity, in view of the fact that we have no Constitution. Submission of the opinions of the majority

\*The old palace built in the era of Catherine II, which served as the building of the Imperial Duma since 1906.—[Ed.]

\*\*Rodzianko was the President of the Fourth Imperial Duma and one of the leaders of the moderate-liberal (Octobrist) party.—[Ed.]

and the minority to the decision and approval of the Emperor *will be a good reversion to the previous quiet current of legislative activity, and will at the same time correspond to the Russian spirit.*" Such were the political situation and the governmental plans less than a year before the beginning of the World War.

Subsequent events did not occur as prophesied in this correspondence. However, at the opening of the Duma, the thoughts of Maklakoff were expressed, though in a milder form, by Purishkevitch, one of the leaders of the Right parties: "I cannot permit," he said, "that through the Beiliss trial Russia should become another France, that Russia should share the fate of France during the Dreyfus period . . . when the entire country discontinued all its usual occupations, all ordinary tasks . . . and turned its attention to the trial of that Jew and waited for its conclusion. . . . I must warn the Imperial Duma . . . that by treading this path from the first days of our meetings . . . we lead the Duma to its dissolution . . . If we convert the tribune of the Duma into a continuous meeting, if we excite the passions at a time when, owing to the activities and efforts of other organizations, the lower strata have already begun to shake . . . then the Imperial Duma . . . cannot and must not exist." We can now assert, without mistake, that these words and threats of Purishkevitch were closely connected with the governmental plans prepared by the Minister and the Czar.

Again the Beiliss case served in the thoughts of these persons as an introduction merely to the solution of much broader problems in the offensive of the extreme Right groups. Thus, in governmental circles also, the Beiliss trial occupied the center of attention, together with the most important problems of current politics.

In Kiev, the Beiliss trial completely captivated the attention of the entire city. The local officials of the Ministry of the Interior, just like their Petersburg superiors, entertained far from a rosy view of the situation. "In the city of Kiev the attention of the entire population is concentrated on the Beiliss case, and persons from both camps—Right and Left—are intently watching its development," wrote Sukovkin, the new Kiev Governor, to Minister Maklakoff. The Kiev *Okhrana* Branch, in its turn,

prepared for the Department of Police an extraordinarily interesting and characteristic summary of its impressions of the moods and expectations prevailing in Kiev. "The present political situation," it said, "is favorable material for the Jews, and the defence is going to exploit it at the trial of Beiliss. The excitement of the moderate liberal circles against the Government, especially of the Octobrists, who resent being ignored by it, arouses the hope of converting the Beiliss case into a political focus in which the social moods will become refracted as in a prism, and these moods will manifest themselves in a form of a demonstration against the Government, resulting in the failure of the trial and in a scandal. . . . During the trial, the advocates will probably take advantage of the interrogation of such witnesses as Chaplinsky, trying to clarify his attitude toward Vera Cheberiak . . . V. Maklakoff will present the picture of the political side of the case, in which he will depict *the rôle of the Minister of Justice in this case.*" One cannot deny that this judgment was sober and correct. The expectations of the *Okhrana* Branch, however, were not fulfilled in their full measure: the defender, Maklakoff, did not uncover the real rôle of Stsheglovitoff, probably because he knew at that time much less about it than did the *Okhrana* Branch and than we now know from the archive materials. A priori, however, the expectations of the *Okhrana* Branch were logical because, first, Maklakoff was the only Member of the Imperial Duma among the defenders of Beiliss; and second, he was the regular Duma orator on all questions connected with the activities of the Ministry of Justice, and the consistent unmasker of Stsheglovitoff.

Especially interesting were the expectations of the *Okhrana* Branch that the defenders of Beiliss would illuminate the relations between the Chief Procurator Chaplinsky and Vera Cheberiak—the keeper of the den of thieves, the accomplice in Yustshinsky's murder, and the pupil of the Procurators in the art of false swearing. The *Okhrana* Branch knew well that there were in these relations many features which it would be very interesting to reveal for the sake of real justice. They were mistaken in only one thing: Chaplinsky was not even examined as a witness at the trial.

Naturally, the Right political organizations in Kiev were not

idle. Their excitement, as usual, was bound up with their dreams of arranging a Jewish pogrom. Thus, the official of the Department of Police had to report to Petersburg that "several thousands of common workers and of unemployed are preparing a pogrom of the Jews; the staging of such a pogrom has been agreed upon in principle, only the date is not fixed, and pogrom propaganda is being spread in order to attract the sympathy of petty landlords." This information was confirmed also by the Gendarme Administration: "There are several thousands of *pogromstshiki* [pogrom makers] . . . The *pogromstshiki* do not expect to meet with resistance on the part of the Ural Cossacks who are in Kiev." In his general summary, prepared for the Minister of the Interior, Bielezky spoke of appeals to massacre the Jews in Kiev "in the name of love of the throne and of the mother country, as in 1905."

The pogrom, however, was forbidden by Minister Maklakoff, and for the following remarkable reason: "In view of the growing excitement in the country, and the facts elicited from my study of the details of the Beiliss trial, I again confirm the extreme necessity of taking all measures, even the most severe, for the prevention of disturbances and mass violence. The Chiefs of the Police must be on the watch for *the instigators among the Jews and the enemies of the regime, to whom alone a display of racial hatred would be helpful.*"

This point of view, expressed in a Government circular, could not, however, claim to be original. Already two years before this, in the days of the beginning of the preliminary investigation of the Beiliss case, the Kiev *Double-Headed Eagle* reprinted an identical thought from the *Russkoye Znamia*: "In order to quash the Yustshinsky case, the *Zhidi* will prepare every day more and more the only ground which can lead to the dismissal of this case so ruinous for them. This one means is to provoke the Russian people to a pogrom . . . To do this, the Jews will not stop at anything . . . The case of Andrei Yustshinsky will open the eyes of all Russia, of all the world to what the Jews really are."

The organization of pogroms, therefore, was in the interests of those who were going to be massacred . . . Now one can laugh over this delirium. Then the dreadful threat of a real pogrom stood behind it.

## § 41.

Beiliss was tried before a jury in the Kiev Superior Court.\* The success of the trial, from the point of view of the Government, depended on two factors: first, the composition of the jury, and second, the amount of influence upon them which could be exerted by the presiding judge. It was necessary, therefore, to take care of these two factors, and it was to be expected that the Government would apply its methods toward these questions also, in conformity with the whole style of its behavior in this case.

As a matter of fact, it was indirectly through the Kiev Governor Girs that the presiding judge for the Beiliss trial was found. The Governor was charged with the general direction of the Government's preliminary electoral campaign for the Fourth Imperial Duma in the summer of 1912. "The Kiev *gubernia* . . . is in a favorable condition, having an excellent rule and, in general, good leaders of the nobility . . . Former elections . . . , with the participation of Governor Girs, proceeded very smoothly . . . Girs recommended himself most favorably by reason of his faithful service to the old-Russian principles." In these words did the Minister of the Interior characterize Governor Girs in the secret report presented to the Czar. In his consideration of government interests in the elections, Governor Girs could not forget the great significance of "proper" action on the complaints and protests of voters against the tactics of the Administration during the elections, in connection with the preparation of the list of voters, preliminary meetings of voters, etc. Such complaints were under the jurisdiction of special committees presided over by officials of the Judiciary.

Already in January, 1912, Governor Girs had reported to the Minister of the Interior the prevailing sentiment among the population of the Kiev *gubernia* in connection with the forthcoming elections to the Imperial Duma, and the attitude which could be expected from the various groups of the population at these elections. Among those whom Governor Girs considered for the

\*In accordance with the French example, Russian Criminal Procedure required the participation of three judges of the Superior Court for trials before a jury of twelve.—[Ed.]

direction of the elections, was Fedor Boldyreff, the President of a Superior Court in the small city of Uman. "Judging from the prevailing opinions about him, he is a person of quite definite Right orientation," wrote Governor Girs in a communication to Petersburg. And in the days when Chaplinsky was summoned in the summer of 1912 to Petersburg to receive instructions in the Beiliss case, the promotion of Boldyreff to the position of the President of the Kiev Superior Court was officially proclaimed, and it was decided to make him the presiding judge at the Beiliss trial. It remained only to verify his fitness for this rôle. Accordingly he was appointed, in consonance with his new position, as chairman of the Kiev committee reviewing complaints and protests arising out of the campaign. After its termination, Governor Girs informed Petersburg that the choice of Boldyreff was not a mistake. "Boldyreff is a person of quite definite loyal trend and of firm, absolutely Right persuasions," repeated the Kiev Governor. "He manifested quite a sympathetic and benevolent attitude toward the tasks of the Government during the past elections; devoted very much of his personal effort, energy and experience to achieve the election of Right candidates from the city of Kiev; and also helped to confirm my protests (more than two thousand) against the inclusion of some persons in the list of voters."

Boldyreff passed his administrative-political examination to the satisfaction of his superiors. The direction of the forthcoming Beiliss trial was in trusted government hands. It also became known after the Revolution that after his appointment as President of the Kiev Superior Court for the special purpose of presiding over the Beiliss trial, Boldyreff received in addition the promise of Stsheglovitoff that, after the trial, he would be promoted to the exalted position of the President (Chief Justice) of the Kiev Supreme Appellate Court.

Boldyreff prepared himself for the trial in great excitement. According to a report made to the Department of Police, he was afraid of the raising of political questions on the part of the defense, and especially on the part of Maklakoff. He even "took a special water cure."

It is not necessary to prove the axiom that the presiding judge can have and has in reality a tremendous influence upon the jury.



"In his power is not only the attention of the jury but also the direction of their understanding of things." No wonder that, when the absence of evidence against Beiliss was emphasized to Stsheglovitoff, he declared that he "had become persuaded from his own experience that sometimes *the most hopeless prosecutions*, owing to various incidents during the trial and mainly to the gifts of the presiding judge and the Procurator, were made to appear in quite a different light, and the case terminated in a conviction."

Before the beginning of the trial, Chaplinsky and Zamyslovsky expressed their fears of Boldyreff. Though they recognized that "he would be inclined to realize their desires, the more so because Stsheglovitoff had guaranteed him the future appointment to the post of President of the Supreme Appellate Court," nevertheless they feared "that . . . he might be influenced by the mood of the defense at the decisive moments of the trial, to the detriment of the interests of the prosecution"—such was the information of the Director of the Department of Police. When the trial was started, these fears were very soon transformed into direct dissatisfaction: it was reported from Kiev to the Department of Police during the first days of the trial, that "for the sake of impartiality, the President interrupts the Procurator . . . This makes Vipper nervous . . . Chaplinsky is not satisfied with the President, who hinders the freedom of the prosecution. I think that the President is right . . ." This was the opinion of the representative of the Department of Police, but Chaplinsky continued to feel indignant because Boldyreff desired to adhere to some judicial decencies and in the beginning tried not to put himself entirely at the service of the prosecution. It is, however, easy to guess that it was Chaplinsky who won this battle and that it was Boldyreff who surrendered. Thus, only one day after the report just quoted, the same police representative wired to the Department that "the evening session saw the establishment of peace between the President and Vipper," and two days later another telegram informed the Department of "the establishment of friendly relations between the President and the Procurator." Thus, Boldyreff was made to "toe the line," and after that he never swerved. After this peace between Boldyreff and Vipper was established, the representative of the Department

of Police was able to dispatch the additional information to Petersburg, that "the President adroitly directs the attention of the jury to the witnesses for the prosecution, and . . . sets the confused witnesses on the right road, protecting them against the attacks of the defense." And a little later still, the same official reported that both Boldyreff and Vipper often confer with him and "ask for his orders." It is thus possible to assume that it was this representative of the Department of Police who was instrumental in the reconciliation of the President and the Procurator, and that he not only succeeded in subjugating the President to the Procurator, but at the same time also put them both in the position of persons who received advice and orders from the Department of the Police.

This benevolent attitude of the presiding judge toward the prosecution continued during the whole trial. It was naturally expected that this aid would be subjected to its highest strain at the moment of the resumé\* of the presiding judge. This stage in the trial was looked forward to with impatience and anxiety. Several days before this point was reached, Stsheglovitoff received a letter from persons belonging to the extreme Right circles in Kiev, containing the following suggestive passage: "It is only by reason of your just attitude and the correct view of the case held by the Procurator Chaplinsky that the atrocities of the *Zhidi* have appeared in the light of day, and no matter what the outcome of the case may be, your name will be marked *in* the history of the Judiciary as that of a consistent champion of the Russian cause. . . . All say, however, that the decision of the case by the jury will depend *to a great extent* upon the resumé of the President." The last hopes were concentrated on Boldyreff. After Stsheglovitoff, Chaplinsky and Vipper, it was now Boldyreff's turn to express himself entirely in favor of the ritual accusation. Boldyreff did not disappoint those who placed their confidence in him. We will give the floor to persons who were present at the trial and heard this "historical" resumé in the "historical" trial. In his

\*Resumé is the term defining in France, Russia and other European continental countries the concluding address of the presiding judge to the jury, similar to what is usually referred to in the United States as the "Judge's charge."—[Ed.]

article on the trial, the well-known investigator of religious sects, V. D. Bonch-Bruevitch, pointed out that "the words of the President . . . in this trial, in which the composition of the jury was on the average so drab, had a particular significance. The jury listened to the resumé with continuous attention . . . When the resumé was finished . . . the overwhelming majority was certain of the sad end of the trial, the conviction of Beiliss." One of the defenders of Beiliss, O. O. Grusenbergl, also was forced to conclude that "after this resumé, only a verdict of guilty could be expected." Some people, however, may say that such a judgment was but natural from a liberal advocate and a journalist opposed to the Government. Let us, therefore, see the opinion of Boldyreff's behavior expressed by the official of the Department of Police who was present at the trial from beginning to end: "President Boldyreff, if he led the trial in the beginning in an easy and impartial manner . . . later began to lean obviously toward the prosecution. This biased attitude reached its culmination in his resumé, which was clearly hostile to the defense, notwithstanding the fact that the evidence against Beiliss . . . was very weak or, better said, entirely absent. When Boldyreff asked me, after the jury retired to their room, what I thought of his resumé, I frankly told him that I had expected greater impartiality from him."

The Union of the Russian People could feel entirely satisfied. The presiding judge displayed even greater partiality for the ideas of this Union than would have been approved by the representative of the Department of Police. Boldyreff himself could now calmly sit back and wait for his appointment as Chief Justice of the Kiev Supreme Appellate Court. In addition to this post, he was given a watch as "a special gift," by order of the Czar; and, in violation of the law, which gave the Duma the legal control over the budget, Boldyreff was also assigned, clandestinely, an additional yearly remuneration.

#### § 42.

The Beiliss case was tried not long before the celebrations of the fiftieth anniversary of the introduction of the new judicial system in Russia. In connection with this celebration, a series of

jubilee books was printed. The Ministry of Justice also published one, to which Minister Stsheglovitoff himself contributed an article on the jury. The ideas of Stsheglovitoff contained in this article will serve as an appropriate introduction to our narration of the circumstances which surrounded the activities of the jury in the Beiliss trial. Stsheglovitoff wrote: "The Russian institution of the jury was inaugurated not under the thunder and lightning of revolutionary shocks, as it was in other countries, but in the quiet atmosphere of reasonable search for a court which would be closely connected with life itself . . . Putting the courts outside of politics, the creators of the court statutes manifested, in many respects, an unprecedented audacity in creative thinking, which reached its culmination in the establishment of the institution of the jury . . . The jury has won for itself universal recognition and the confidence of the broad masses of the people . . . The jury, fortunately, has not had a political character in our country. This must not only be firmly remembered, but it must also be absolutely preserved . . . The real friend of the jury, looking toward its future, must be filled with an ardent wish that our institution of the jury should remain as far removed as possible from political passions. May it be so in the future too!"

Stsheglovitoff, evidently, wrote this article just at the period of the preparation of the Beiliss trial. And only a little later, in the days when the attention of the whole world was fixed upon the court room in the building of the Kiev Superior Court, where Beiliss was tried and where twelve jurymen had to solve this ritual affair, V. G. Korolenko, the eminent Russian writer and humanitarian, wrote in one of his letters from Kiev: "I state now without any doubt that the personnel of the jury was picked in advance with a tendency . . . by the Police and by the Administrative Committee, which prepared the lists of jurymen and excluded the *intelligentsia* from these lists in advance."\* Thanks to the archive materials, we are in a position to reveal much more than was surmised at that time by Korolenko and the country as a whole.

\*See Appendix I, 5, p. 244.

Anxiety as to the personnel of the jury was already manifested at the time when it was supposed that the case would be tried in May, 1912. On February 17, 1912, the newspaper *Zemstshina*, in one of its articles devoted to the Beiliss case, reminded and warned the Ministry of Justice that the outcome of the trial would depend chiefly upon the composition of the jury. This reminder was promptly understood and accepted. Stsheglovitoff went even further, and took this opportunity of "cleansing" the elements from which the jurymen were to be recruited not only in Kiev, but everywhere else in the Empire. On February 25, only eight days after this article appeared in the *Zemstshina*, a secret circular of Stshegovitoff was sent to all the Judicial Districts,\* including Kiev. This circular, the contents of which became known only after the Revolution, directed the Procurators to watch the preparation of the lists of candidates for juries, and to see that persons, otherwise eligible, who "belonged to that element of the city population which is most opposed to the Government and the government Courts, should not be inserted in these lists." Such persons, it was added, as are "strangers to the high aims of justice are usually well engraved in the memory of the Procurators who participate in the trials . . . and, naturally, they ought not to be included in the lists at all."

It was the Assistant Procurator Karbovsky, already well known to the reader, who was assigned to serve on the Committee which was to prepare the lists of the jurymen for the Court session in which Beiliss was to be tried. He filtered the lists in such a way that all those who might cause apprehension to the advocates of the ritual trial were not included. It would seem that the interests of the Government were thus guaranteed. As a matter of fact, however, even this was not deemed sufficient. The authorities did not have enough confidence even in this filtered personnel. Hence, after the selection, *the candidates were quietly watched by the secret political police . . .* On September 17, 1913, in accordance with the order of Minister of Interior Maklakoff, Bielezky, the Director of the Department of Police, gave the following order in code telegrams addressed to the Kiev Governor and to

\*See footnote on page 31.—[Ed.]

the Chief of the Gendarme Administration: "Establish the most systematic, careful, and skilled surveillance over the whole personnel of the jury . . . in the Beiliss case. Continue this supervision up to the beginning of the trial; instruct the watchers in the most detailed manner, in order that the surveillance may be conducted properly. It is necessary to be informed of all the contacts of the jurymen and of the possibility of any influence being exerted upon them by persons who are interested in the outcome of the case in one or another way. Inform the Chief Procurator of all the details of the supervision and report to him all the facts which may serve the judicial arm as materials for judgment concerning the moods of the jurymen. On the eve of the opening of the trial, wire me all the details of the supervision, for my report to the Minister." It was added that a special official was being sent from Petersburg, whose duty it was to acquaint himself with the results of these precautionary measures which were carried out with great zeal in Kiev. As there was not a sufficient number of secret agents in Kiev, political spies from neighboring provinces were urgently requested to go there. Thus, from early in the morning until late at night, several dozen agents watched over those whom Stsheglovitoff himself frequently called "judges of the people's conscience."

The establishment of such a supervision was unusual even in Czaristic Russia. It was motivated by the possibility of an anti-governmental influence upon the jury. The results of the supervision were rather poor and confusing: the only "disclosure" which resulted from it was that an "unknown" man approached one of the jurymen on the street and began to persuade him that "such cases had arisen also in the past, and the Jews spared no expense to bring about their favorable outcome . . . ; that they (the Jews) wish to win this Beiliss case at any price, and will not spare millions for this purpose . . . Be on your guard," the "unknown" person advised the jurymen, "and do not fall again into the mire." And when the trial began, Golubeff himself, in the very building of the Court, informed the jurymen of the details of the Beiliss case, "interpreting it in the sense of a ritual murder." On the other hand, the secret supervision did not uncover any attempts of the Left to influence the jury.

At the very opening of the trial, Procurator Vipper proved to be "on the level." As the Kiev representative of the Department of Police reported to his superiors, "Procurator Vipper is evidently an experienced man, for *he succeeded* [by means of challenges] *in eliminating the entire intelligentzia from the personnel of the jury.*" Thus, Vipper completed at the trial the little that remained undone by Karbovsky before the trial: he eliminated the remaining few intellectuals from the number of the jurymen who were to render the verdict.

Even all these precautions, however, did not entirely reassure the authorities. From the opening of the trial, the jury was isolated in the building of the Court and remained there, without leaving it for a minute, up to the end of the trial. But now a new requirement seemed to the authorities to be necessary. Whereas earlier they wished to know if and how the jurymen were influenced, it now seemed to them of the highest importance to know what the jurymen themselves were thinking of all the events of the trial and how they were reacting to the ritual proofs. At the end of the first week of the trial, the Ministry of the Interior received a brief communication stating that "the guard of the jurymen in the Court building has been reënforced *by two gendarmes in the uniform of Court officers* [messengers]." The Assistant Minister of the Interior informed Stsheglovitoff of the contents of this eloquent communication, but the latter did not offer any objections to this arrangement.

The history of this episode can be restored from the explanations given after the Revolution to the Investigating Commission of the Provisional Government by those officials who were present at the trial. Thus, the representative of the Department of Police asserted that "this was done ostensibly with the aim of strengthening the guard over the jurymen, but in reality it made it possible for the gendarmes to overhear the conversations of the jurymen which were reported to Shredel, who, in turn, reported them to me. In my turn, I communicated my information to Boldyreff, Vipper, Chaplinsky, to the Procurator of the Superior Court and to Zamyslovsky, in my private talks with them. Boldyreff approved such supervision and was very much interested in the information acquired . . . In the morning, before the beginning

of the hearing, he often asked me what news I had from Colonel Shredel . . . I reported to Bielezky by wire the information which I received from Shredel; Shredel himself reported everything to Chaplinsky." Much clearer and more precise was the description of this same episode given by Bielezky: "In accordance with the insistent demand of Zamyslovsky, and after a conference between Chaplinsky and Boldyreff, the latter gave permission to smuggle in among the court messengers stationed in the rooms of the jurymen two gendarmes disguised in the uniform of court attendants so that they might overhear the conversations of the jurymen, both before the opening of the trial and during the intermissions, and report on the impressions received by the jurymen at the trial, in order to give the necessary materials to Vipper and Zamyslovsky . . . I reported this measure to Stsheglovitoff, and he entirely approved it . . . I transmitted to Stsheglovitoff the information which I received."

It was from these conversations of the jurymen, which were reported to the Chief of the Gendarme Administration, the Procurator and the presiding Judge and finally reached the Petersburg high statesmen, that the latter were "secretly" informed, as the end of the trial approached, that "the jurymen say among themselves: how can we convict Beiliss if nothing is said about him at the trial?"\*

### § 43.

Of all the political cases which were tried before Russian Courts during the period between the two Revolutions (1905-1917), the Beiliss case was undoubtedly one of the most significant in respect of the political aim which the Government pursued, the repercussions of the trial far outside of the court room, and the historical importance of the case.\*\*

The presentation of the government's side was entrusted to the Petersburg Procurator Vipper who was especially appointed for this trial. His two presentation addresses (the fundamental one, and the reply) outlined the official attitude of the government.

\*See Appendix I, 6, p. 244.

\*\*See Appendix I, 7, p. 245.



The introductory remarks of Vipper were a characteristic attempt to conceal by hypocritical words the real aims of the Government. "We only recently went through a difficult period of revolution, an epoch marked by blood," began Vipper in his address to the jury, "but even against this sanguinary background the murder of Andrei Yustshinsky stands out as a particularly bloody stain . . . I can understand why this may be called a world case, because of those refined cruelties to which the unfortunate Andrei was subjected . . . But what significance has Yustshinsky for the world? Much more important for the world is Beiliss and the fact of his indictment. This became a world trial because the accused is Beiliss, and because we have the audacity, from the social point of view, to accuse him of having committed this crime from motives of fanaticism. It was sufficient to indict Beiliss, and the whole world became excited and the case acquired a universal character . . . What is the explanation of such an event? I could understand it if it were said that I am making this serious accusation against the Jews and Jewry. But this is not the case. We are accusing only an individual fanatic. We are not thinking at all of accusing Jewry . . . But some people feel like saying to us: 'You wish to accuse Jewry, and this is your weapon in the political struggle. You are putting in the dock not Beiliss, but the whole of Jewry . . . You wish to achieve through Beiliss's conviction the restriction of Jewish rights; you are pursuing certain political aims.' Once for all, I must say—nothing of the kind!"

This statement seems clear. The oratorical art, however, has not yet been sufficiently investigated in its psychological aspects. It would be very interesting, indeed, to undertake such a study in order to explain why it is that even outstanding orators very often express thoughts which the aims they desire to achieve should prompt them to conceal. This is what happened with Vipper. We have already stated that in his time Stolypin asserted that the Russian people must defend themselves against the pressure of the Jews. His successor Makaroff wrote confidentially to Stsheglovitoff that the very trial of Beiliss "presents a serious threat to the Jewish part of the population" and, consequently, he stood for the program of attacking Jewry as

a whole, which is precisely what they did. Vipper chose a middle path. After the introduction just quoted, the tone of his address began to change and assumed an emotional character: "From the first moment when Beiliss was indicted, Jewish circles became excited. They did not expect that the Government . . . would dare to accuse the Jews. I repeat, they did not expect this . . . The Jews are so sure of having in their hands the main lever of social life, the press, that they think nobody would dare to raise such an accusation against them, not only in Russia but even in other countries . . . They dominate our world . . . and we feel ourselves under their yoke . . . I personally consider myself under the power of the Jews; under the power of Jewish thought; under the power of the Jewish press; . . . The Russian press only *seems* to be Russian . . . To speak against Jews means to evoke a charge that you are either a Black Hundred, an obscurantist or a reactionary, or that you do not believe in progress, and so on. Nobody thought that the Government would ever try this case. Everyone wondered whether the Government would not be taking a risk . . . We will be accused even of having staged the trial, of wishing to incite the people against the Jews . . . There was, therefore, great astonishment on the part of the Jews when Beiliss was indicted: how could the Government dare to do such a thing when there is an Imperial Duma, in which various discussions will be started and a number of government officials may be held responsible for this? The Government, however, dared—and Beiliss was indicted."

Thus, in expressing the official point of view, the State Procurator himself recognized that by staging the Beiliss trial the Government had thrown a challenge to Jewry.

There is no need of emphasizing again that this challenge was thrown not to the Jews only, but also to the whole of Russia, to the whole cultured and civilized world.

## CHAPTER XIII

### THE TRIAL (CONTINUED)

ALLIANCE OF THE GOVERNMENT WITH THE RIGHT MONARCHIST ORGANIZATIONS AND THE GANG OF THIEVES.—SPYING BY THE GOVERNMENT INTO LETTERS IN CONNECTION WITH THE RITUAL ACCUSATION.—UNITED FRONT OF MURDERERS AT THE TRIAL: VERA CHEBERIAK, BORIS RUDZINSKY, PETER SINGAYEVSKY.—STRUGGLE AGAINST THE TRUTH CONTINUES.

#### § 44.

The alliance between the organs of the government and the keeper of the den of murderers continued up to the trial. The kindness of the officials, even the higher ones, toward Vera Cheberiak was boundless. This is evident from the following secret correspondence between Kiev and Petersburg in the autumn of 1913, just before the beginning of the trial.

As we have stated before, Chaplinsky knew as early as the spring of 1912 of Cheberiak's intention to leave Kiev. At that time he concluded an alliance with her against Beiliss, on the basis of her false testimony, which was invented with the participation of Karbovsky. When the time of the trial approached, Chaplinsky again became suspicious that Cheberiak might leave Kiev in order to avoid appearing at the trial. He, therefore, asked the Chief of the Gendarme Administration "to keep Cheberiak under the surveillance of secret agents who would follow her in case she left Kiev, in order to bring her to the trial." It would seem that this was a very simple request on the part of Chaplinsky, which could be easily fulfilled. Only two years before this the *Okhrana* Branch had, without hesitation, carried out a similar request of Chaplinsky to arrest Beiliss. But then it was the *Jew* Beiliss, the ritual murderer, whereas now Chaplinsky was asking

for the application of coercion to Cheberiak, whom he himself had called "an innocent Orthodox Christian woman." On the other hand, the Gendarme Administration had by this time recognized that its Petersburg superiors, the Department of Police, shared the attitude of Chaplinsky toward the Beiliss case. The Kiev Chief of the Gendarme Administration, therefore, decided to ask the Chief of the Department of Police how to handle Cheberiak in case she attempted to leave Kiev. The Chief of the Department in his turn was afraid to take the initiative in this important matter, and reported to the Minister of the Interior. The latter, finally, solved the problem: he permitted the placing of Vera Cheberiak under surveillance, but suggested that if Cheberiak attempted to flee, the Kiev Gendarme Administration should "not arrest her, but inform the Procurator and act in accordance with his instructions." It was understood in Petersburg that Chaplinsky would not permit any harm to be done to Cheberiak, because her testimony was one of the main hopes of the Procurators. We now know from the archive materials that the same two judges of the Kiev Supreme Appellate Court who had dissented from the majority opinion and refused to confirm the indictment of Beiliss, also gave a proper appraisal of the testimony of Vera Cheberiak. "From the very beginning of the police inquiries and the preliminary investigation," they wrote, "all suspicions were mainly directed to the tenement of Vera Cheberiak, which served as a den for persons who devoted themselves to professional criminal activities. Vera Cheberiak was even subjected by the police to a prolonged arrest. It is evident that this witness, as the most energetic and resourceful of her family, exerted every effort to divert suspicion from herself . . . And when the version of Yustshinsky's murder by the Jews for a ritual purpose came into circulation, Vera Cheberiak attempted to support it by her sworn statements."

At the trial, the contending parties were confronted with the insistent assertions of Vera Cheberiak, again quoting her late son Zhenya and repeating that he himself had seen Beiliss kidnap his comrade Andrei . . . During the interrogation of Vera Cheberiak, the defenders of Beiliss naturally tried to clear up the suspicious circumstance that Vera Cheberiak mentioned this

important fact for the first time sixteen months after the murder and eleven months after the death of her son, when there was no longer any danger of his contradicting her. Asked point-blank to explain this strange retardation of her testimony, she declared that she had told the Investigating Magistrate Fenenko while her son was still alive that he had seen "Beiliss kidnap Andrei." This was an outright lie and would need no discussion (had not Cheberiak lied many times before?) were it not for the following interesting feature connected therewith. The well-known anti-Semite Shmakoff who, together with Zamyslovsky, acted as a private accuser (representing the civil action),\* kept a detailed diary of the trial, in which he entered everything that happened, appending his comments, thoughts and impressions. This diary, which constitutes a manuscript of considerable size, is now preserved in the archives, together with all the other materials relating to the Beiliss case. The testimony of Vera Cheberiak, that while her son was still alive she had told Fenenko of the kidnaping of Yustshinsky by Beiliss, attracted the attention of Shmakoff, who then wrote in his diary, which was not intended for the eyes of strangers: "Fenenko interrogated Cheberiak on April 22, June 24, July 11, July 26, September 13, 1911, but she said nothing about the visit of Andrei [to Zhenya]. This hell-cat Cheberiak is lying when she says that she has spoken about Zhenya. And this is all that is important in this case." At the time of the trial some persons asserted that, unlike all the other adherents of the ritual version, Shmakoff, as an anti-Semite fanatic, sincerely believed in the correctness of his view of the case. The entries in his diary, however, and also the episode with the Catholic priest Pranaitis (see p. 203) leave no doubt that he lied just as willfully as all his allies and colleagues. The above mentioned part of his diary was not accidental. A few lines later, Shmakoff returned to the same episode which, it seems, seriously worried him: "At the end of the session, about midnight, amidst the confusion, Cheberiak abruptly said that from the day of the murder up to the day when the corpse was found in the cave, Zhenya had not told her anything about the attack of Beiliss

\*See footnote on p. 85.—[Ed.]

on Andrei. This is a bad admission, important for the defense." At the same time, the representative of the Department of Police wired to Petersburg that "confidence in the allegations of the family Cheberiak has been seriously exploded by the cross-examination . . . The public does not believe the witnesses of the prosecution who are, in the majority, Gorky types\* . . . The story of the man with a black beard who kidnaped Yustshinsky has not been confirmed."

Such was the real appraisal of the situation made by Shmakoff in his secret diary, where he had no need to conceal his real thoughts.

What did the prosecutors say publicly, however? What did they wish to prove to the world? Of what did they try to persuade public opinion and the jury?

"They wish to accuse innocent people, beginning with the mother, aunt and uncle [of Andrei Yustshinsky], and ending with thieves who are not guilty of anything," exclaimed Vipper in his address. "It will be my duty," he continued, "not only to prove the guilt of Beiliss . . . I shall also have to prove first that those persons who have appeared before us as witnesses . . . who have been shamelessly called murderers in the newspapers, are not guilty . . . After I have cleared an entire group of persons who have been called murderers, only then will I begin my prosecution!"

"Just as the Procurator did, I must begin with many versions in which innocent people are suspected," seconded Zamyslovsky. Thus, the prosecutors openly proclaimed themselves the defenders of Vera Cheberiak and her accomplices, the murderers of Yustshinsky.

"It is said that the center of the drama is in the tenement of Cheberiak," said Vipper. "Attorney Karabchevsky is extremely trustful. He believes the version about Singayevsky, Rudzinsky and Latysheff." Shmakoff, on his part, even asserted that "there was no gang," and that "the gang was invented by the defenders."

\*Gorky, the well-known Russian writer, in his earlier short stories, described men and women of the Russian underworld. Since then, such characters have frequently been referred to as "Gorky types."—[Ed.]

"We must say," proclaimed Vipper, with official aplomb, "that neither Rudzinsky, nor Singayevsky, nor Latysheff, is guilty . . . The Government does not desire to conceal anything, and it would indict them if they were guilty." Shmakoff, who had pointed out in his diary that "the hell-cat Cheberiak lied," attempted to persuade the jury that "the whole version about the thieves is only idle gossip, a fairy tale which cannot stand, and which falls at the slightest touch of sound human understanding."

Having finished the declamatory part of their speeches, the accusers decided to include moral arguments in their orations. Vipper concentrated on the topic of the ethical traits of criminals: "Does a thief, a criminal, a rascal, subject children to such tortures and barbarities? They may commit a murder, a wretched murder . . . but they never apply such refined, bestial torture. So, gentlemen of the jury, notwithstanding all the gossip about them, you must remember, you must bear in mind . . . that Singayevsky, Rudzinsky and Latysheff are not guilty, that the blood of Andrei is not on their hands, and that this blood is on other hands."

In addition to all this, Shmakoff decided to strengthen the defense of the "lying hell-cat" also by invoking ethnological ideas. He swore before the jury that "a Russian is not able to commit such a crime . . . A Russian may cut a man's throat; he may cruelly kill a person suddenly with two or three blows. No Russian, however, would ever inflict forty-seven wounds and torture an innocent child, a creation of God, in such a manner."

Thus, the prosecutors brought into the trial itself the idea, which had been spread by the Right monarchist papers from the beginning of their agitation—namely that there exists among the civilized nations an exceptionally criminal, cruel and blood-thirsty race—the Jews!

#### § 45.

One of the measures employed by the Czaristic Government in its struggle with the country was the widespread secret censorship of the mails by the Department of Police. After the Revolution, it became known that special clerks opened the mail, and any letters of interest were immediately sent to the Director of

the Department of Police. This censorship was especially strict where it concerned the Beiliss case. All letters which had any bearing on the case were spied upon. In particular, all the correspondence of the defenders of Beiliss was secretly opened by the Department of Police. The manner in which the intercepted letters were handled depended upon their contents. For example, when the Department of Police succeeded in laying hold of a letter addressed to the defender O. O. Grusenberg, containing hints and advice which, in the opinion of the Department of Police, might have been useful for the defense, they marked it with the cynical notation: "To be mailed on the day of the end of the trial."

With the aid of such espionage, the authorities regulated the movement of the trial itself: the censorship was placed at the service of the prosecutors and of other exponents of the ritual version.

Among the witnesses summoned to appear at the trial were two men who were then serving terms in Siberia,—Boris Rudzinsky, one of the murderers of Yustshinsky, who had been condemned to imprisonment with hard labor (*Katorga*) for an armed robbery, and Amzor Karayeff, one of the participants in the so-called private investigation of Brazul-Brushkovsky, who had been sent to Siberia by administrative process, i. e. without any trial. The aim of Chaplinsky was very simple: Karayeff was dangerous for the Procurators because of his revelations, hence it was better that he should not be at the trial. On the other hand, Rudzinsky, who denied his guilt in Yustshinsky's murder, might be useful. It was necessary, therefore, to bring him from Siberia to Kiev for the purpose of having him refute orally the written testimony of the absent Karayeff. The cipher telegram which Chaplinsky sent to the Department of Police, therefore, read as follows: "Karayeff is not necessary for Procurators. Please accelerate the coming of Rudzinsky."

The authorities had already taken care of Karayeff. The censorship of the mails was absolutely fatal for him. Already in July 1912, that is, soon after the materials of Brazul-Brushkovsky were published in the newspapers, the authorities succeeded in seizing a letter connected with the private investigation in which



the name of Karayeff was mentioned. Immediately, the Kiev authorities received from Petersburg a request for an explanation, and the Kiev Gendarme Administration answered that Karayeff was the very person who had definitely discovered the real murderers of Yustshinsky. Directly, the administrative machine began to work. Orders were issued for the arrest of Karayeff and his deportation to Siberia for a term of five years. This was done in the so-called administrative way, that is, without any judicial investigation or trial. Thus, Karayeff was made to feel the effects of attempting to struggle against the governmental version and to help in the establishment of the truth. Long before the Beiliss case was tried, Karayeff was in far-off Siberia. The court was legally required to summon him, which it officially did, and the Governor of the Siberian district where Karayeff was detained replied in the same official manner that an order had been issued for Karayeff to be taken as a prisoner to Kiev. Notwithstanding this communication, however, Karayeff was not sent to Kiev, and the court decided to try the case in his absence. This is the official version of the situation. Behind the scenes, however, lay the real explanation of the absence of Karayeff at the trial, as revealed in secret code telegrams which were exchanged between Petersburg, Kiev and Eniseisk (Siberia); letters were seized, conferences were ordered, and instructions were given in these telegrams.

Shortly before the trial, Karayeff wrote a letter to Krasovsky, informing him that he clearly realized that the authorities would use every means to prevent his going to Kiev and that he had therefore decided to make an attempt to escape from Siberia in order to testify at the trial. This letter was seized by the Department of Police and reported to the Director of the Department, who gave two orders: "The letter is not to be transmitted [to Krasovsky]," and "Wire to arrest him [Karayeff] as a fugitive from the place of deportation, *without any mention of the Beiliss case.*" In conformity with this second order, telegrams were sent to various places ordering the arrest of Karayeff, again "without any mention of the Beiliss case." A copy of this telegram was filed in the Department of Police, together with all the materials relating to the Yustshinsky case, and the Kiev *Okhrana*

Branch filed the original of the telegram with the "Case of Mendel Beiliss." The Kiev authorities understood the language of their Petersburg superiors.

Immediately after this exchange of telegrams, the Chief of the Kiev Gendarme Administration relieved the anxiety of the Director of the Department of Police by informing him that a communication had been received from the Eniseisk Governor saying that measures had already been taken to prevent the arrival of Karayeff in Kiev: he had been arrested at the place to which he had been deported and confined in prison. All this was reported to the Minister of the Interior Maklakoff and to the Minister of Justice Stsheglovitoff. By their silence both approved this ruthless violation of law.

The plan of Chaplinsky to eliminate the danger of oral testimony by Karayeff was thus brilliantly fulfilled. There remained, however, the written testimony which he had given before the Investigating Magistrate, and Chaplinsky feared that it might make a great impression on the jury. It was necessary, therefore, to find a way to discredit it. Bielezky, the Chief of the Department of Police, decided to help Chaplinsky in this matter. As the reader may recall, there was one dark spot in the biography of Karayeff—his connection for a short time with the *Okhrana* Branch. This fact was recalled at this moment by the Department of Police, and Bielezky ordered that the following urgent telegram be sent to Kiev: "Karayeff is under arrest . . . It has become known that he was an operative of the *Okhrana* Branch, and not a truthful one . . . Report to the Chief Procurator, and if it be necessary to bring him [Karayeff] now for the purpose of shaking the defense by bringing out his former collaboration, let the Chief Procurator wire me, and we will bring him back." Chaplinsky, however, was firm and consistent; his attitude did not change, and he answered: "Karayeff is not necessary to the Procurators." In accordance with this decision, Karayeff was not brought to Kiev, and the case was tried without him. However, the Procurators found another means to discredit the written testimony of Karayeff. When, in 1912, he had been confined in the Kiev prison, one Aleksei Feofilaktoff, who had been arrested

for a political offense, occupied the same cell. Here an unmailed letter was found from Feofilaktoff to Karayeff, which contained certain remarks about the activities of Karayeff in the Yustshinsky case and certain other expressions which were capable of being used to compromise Karayeff from the revolutionary point of view. At the request of Zamyslovsky this letter was read before the jury, behind closed doors. Immediately thereafter, a telegram was dispatched to Petersburg, reporting to the Minister of the Interior and to the Minister of Justice that "the testimony of . . . Karayeff was read, as well as the letter of Feofilaktoff compromising Karayeff." As soon as Feofilaktoff heard that his letter had been used in this way, he immediately sent to the President of the Superior Court, through the Administration of the prison, a declaration in which he asked that the jury be informed that the part of his letter containing aspersions on Karayeff was based on unreliable hearsay which Feofilaktoff did not consider deserving of serious confidence, and which he had included in his letter for the sole purpose of forcing Karayeff to have a frank talk with him. "My present declaration," concluded Feofilaktoff, "is caused by my desire to help the court in the establishment of the truth in the case of Beiliss, of whose innocence I am firmly convinced." This letter was transmitted, through the Procurators, to Boldyreff, the President of the Superior Court. The latter's plain duty was to inform the two parties to the trial of the receipt of Feofilaktoff's declaration, and then, upon the demand of either party, if not on his own initiative, to have this declaration read to the jury, along with the above mentioned letter of Feofilaktoff. If this course had been followed, however, the entire tendency of the trial would have been changed. And, in that case, what would have remained of the effort to discredit Karayeff? Therefore, this declaration was concealed both from the defense and from the jury, and was not even filed among the documents of the court during the trial. Only several days after the termination of the trial, the court noted on the paper: "This declaration, which does not require any order on the part of the court, to be filed."

Thus, the tendency of the trial suffered no alteration.

## § 46.

In the absence of Karayeff, the testimonies of Brazul-Brushkovsky, Krasovsky and Makhalin were of the greatest importance. The first of these was at that time under indictment for libel. On Krasovsky was concentrated all the venom of Chaplinsky's vindictiveness shortly before the case of Beiliss came up for trial. When, in the summer of 1912, the case was sent back for a supplementary investigation, Krasovsky declared to the Investigating Magistrate Mashkevich that, "owing to the interference of the Right organizations, this case could not develop in a normal way, and, as an official, I was very much handicapped in my investigations by this very interference. The Right organizations think it is a ritual murder, and I am absolutely convinced that this is an ordinary murder, committed by ordinary criminals from motives of revenge." On the very next day after this declaration, Krasovsky was arrested, put into prison, and then indicted for some offense alleged to have been committed by him nine years before in connection with his official duties as a police captain. This accusation was so absurd that, later, the Kiev Supreme Court acquitted Krasovsky "because of the complete absence of evidence." All these prosecutions did not frighten Krasovsky, and he gave at the Beiliss trial a complete account of the results of his investigations. "If one compares all that Krasovsky did in connection with the investigation of this case," wrote the journalists who were present at the trial, "with those trifles which we heard from the side of the prosecutors, one will clearly see that Krasovsky was on the right track; and if there had not been any interference with his work, it is most probable that he would have solved this horrible crime." In their public addresses before the jury, the prosecutors, naturally, refuted the testimonies of Krasovsky and made all efforts to sully his name and reputation. The contents of the secret reports, however, in which the representatives of the Department of the Police who were present at the trial expressed their real impressions in plain words, were quite different: these officials frankly stated that "Krasovsky energetically supported the version of the murder of Yustshinsky by the band of thieves, with the participation of

Cheberiak and in her tenement . . . The testimony of Krasovsky has a serious significance and may shake the prosecution if the witnesses mentioned by him will confirm his statements . . . The testimonies of Makhalin, in connection with those of Krasovsky, gave a serious blow to the prosecution." The conviction that the band of Cheberiak killed Yustshinsky grew stronger and stronger among those who listened to the trial. The whole mystery of the murder vanished. As a matter of fact, Boris Rudzinsky and Peter Singayevsky were shown up as murderers of Yustshinsky even before their interrogation at the trial. Their denial of their guilt could no longer help the prosecution very much, while their confession might blow up the entire ritual structure erected by orders of the extreme Right groups. Chaplinsky, therefore, hastened to wire to the Department of Police that "the necessity for bringing . . . Rudzinsky has now passed." His telegram, however, was sent too late. On the seventeenth day of the trial, it was reported at the court session that Rudzinsky had been brought to Kiev and that he was in the court-house. Neither Karayeff nor Makhalin had had any opportunity of talking with Rudzinsky during their investigations, as they had talked with Singayevsky, because Rudzinsky was then in prison. Hence, Karayeff and Makhalin could not say anything about their personal impressions of Rudzinsky. There was, however, a person who did possess such impressions, but the essentials were concealed from the jury.

The reader is reminded that Rudzinsky was arrested on July 9, 1911; he was first confined in one of the Kiev police stations together with other persons. Among the latter was one, Krymovsky, who had been arrested with Rudzinsky on the same charge, and Shwachko, a barber who had been arrested separately in connection with some insignificant incident.

One night, the inmates of the detention room, Rudzinsky and Krymovsky, began talking about their criminal deeds, about the feats of the band and, perhaps, about their future plans. They thought that nobody could overhear them at that late hour. Suddenly Krymovsky asked Rudzinsky about the murdered boy, referring to Yustshinsky. "He was finished, the treacherous rascal!" answered Rudzinsky.

Unknown to Krymovsky and Rudzinsky, there was also another man in the room who was not asleep. This was the barber, Shwachko. He knew who they were and heard what they said, but did not know of whom they were talking and said nothing.

About a year passed. At the end of May, 1912, there appeared in the Kiev newspapers, along with the materials of Brazul-Brushkovsky, the photographs of Rudzinsky, Singayevsky, Latysheff and Vera Cheberiak. Shwachko saw these photographs and recognized that of Rudzinsky as his room mate at the police station. He now realized that he had unexpectedly been a witness and had overheard a conversation of no ordinary crime, but of the murder which had excited the whole world. He immediately went to Brazul-Brushkovsky and informed him of the conversation which he had heard about a year before. Later, Shwachko repeated his information before the Investigating Magistrate and, still later, reproduced it at the trial of the Beiliss case. A special official paper certified to the fact that Shwachko had actually been detained at the police station together with Rudzinsky and Krymovsky. The prosecution asserted that Shwachko was a false witness. There being at that time no other proofs of the confession of Rudzinsky, it was a question of taking Shwachko at his word; there was before the court no corroborating evidence of Shwachko's story of Rudzinsky's confession.

There was, however, among the political exiles in far-off Siberia, in the place to which Rudzinsky had been deported, still another witness of the confession by Rudzinsky of his participation in the murder of Yustshinsky. Unfortunately, here also the censorship of the mail helped the authorities to conceal the witness as well as the truth.

At the time of the trial, the Department of Police seized a letter sent to O. O. Grusenbergh, one of the defenders of Beiliss, by Pavel Susloff, a political exile, who had met Rudzinsky in the Irkutsk (Siberia) prison. The author of this letter wrote: "On September 1, a summons to appear at the trial on September 25 was handed to Boris Rudzinsky. When he saw the summons, he became extremely agitated, turned pale, and kept on asking whether he was going to be brought before the court or freed.

His agitation became so intense that he wished to flee [from the prison]. I became very much interested, and asked him some questions. He said that Cheberiak had denounced him. First he had been wanted by the authorities as the culprit, and then as a witness. He was afraid of the Beiliss trial. Believing that these facts might be useful to you, I decided to inform you of them . . . Rudzinsky was an accomplice in this murder." This letter, as stated, was intercepted by the Department of Police. We do not know whether it ever reached its destination. At any rate, it could not be used at the trial, though it is clear that it would have had great significance in confirming the testimony of the witness Shwachko. Now that we know of Rudzinsky's confession in the Kiev police station, as well as his conversation with Susloff in the Irkutsk prison, we can see great psychological value in still another letter which was seized by the authorities and was even filed in the Beiliss case docket, but did not attract the attention it deserved during the trial. It was a letter written to Rudzinsky by his relatives. Unlike Singayevsky, Rudzinsky came apparently of an honest family. This is the text of the letter: "Nobody thinks of disavowing you. As our brother, we will stand by you forever. We only pity you as one who has turned away from the right path, but we hope that you, Boris, will attempt to return to the right road after you leave the country . . . It is stated in the papers that you stabbed Yustshinsky. If this is true, I advise you to confess . . . By your confession, you will take away the blot from an entire nation accused of the crime . . . Greetings from all; all kiss you and pardon you for all the sorrow which you have caused to the whole family. Come back to the road of truth."

These were the reflections of the family in their great grief caused by the young member and his alliance with the Procurators. Rudzinsky, however, knew that he was under the protection of the authorities and therefore remained firm to the end, denying his participation in the murder of Yustshinsky.

When the Beiliss trial was ended, the Department of Police registered in its files a communication stating that Boris Rudzinsky, this "head of a Minister" and murderer of Yustshinsky, had escaped from custody . . . It is impossible at the present time

to find out whether the disappearance of Rudzinsky occurred with the connivance of the authorities or not.

We can add to this only that the Department of Police was warned, before the event, of the intention of Rudzinsky to flee and that Lieut.-Col. Ivanoff himself had promised, long before, to arrange an escape from prison for Ivan Latysheff, the other murderer of Yustshinsky . . . Let the reader draw his own conclusions.

§ 47.

Makhalin succeeded in escaping persecution for his participation in the private investigation of Yustshinsky's murder. It was known already before the trial, from the deposition he made before the Investigating Magistrate, that Singayevsky confessed in Makhalin's presence his participation in the murder of Yustshinsky. Naturally, the champions of the ritual version feared his testimony, and the prosecution sought every means for discrediting both Makhalin and his testimony. It was decided to use the same weapon against Makhalin as had been proposed by Bielezky in regard to Karayeff: to disclose to the jury the fact that Makhalin had been for a short time an operative for the *Okhrana* Branch, and thus to compromise his credibility in the eyes of the jury. On the day Makhalin was to be interrogated at the trial, there was great excitement behind the scenes. Bielezky, the Director of the Department of Police, received from his representative in Kiev the following alarming telegram: "President Boldyreff, Procurators, Zamyslovsky are certain that Makhalin was on the staff of Ivanoff. The excited Zamyslovsky insists that Makhalin be named by Ivanoff at the trial as his former dishonest assistant, and declares to me that if the case is lost, he will, from the rostrum of the Imperial Duma, blame the *Okhrana* Branch for the failure of the case and accuse Lieut.-Col. Ivanoff of provocation and bribery." This telegram was strengthened by another, no less alarming, from the Chief of the Gendarme Administration, in which he indicated that it was important for Zamyslovsky "to create a moral distrust of the testimony of Makhalin" by means of disclosing his former connection with Ivanoff. As a result, instructions from the Depart-



ment of Police were eagerly awaited by all the Kiev authorities. The tension and impatience which prevailed among the Kiev officials, in the meanwhile, may be better understood if we recall that there existed a strictly secret circular of the Director of the Department of Police in which the Gendarme authorities were solemnly warned of "the necessity of keeping absolutely secret the tactics and the methods of the secret investigations, and the names of officials who acted in carrying them out. Therefore, all attempts to disclose, either at formal investigations or through any other means, the methods of the secret investigations, will be considered as an intentional breach of official duty." In other words, the Gendarme Administrations and the *Okhrana* Branches were told to keep the judicial organs in the dark about their secrets even though their information was necessary for establishing the truth by the court.

Upon receiving these telegrams of inquiry about Makhalin, the Department of Police checked his record, but found no evidence of irregularity during the period of his employment in the *Okhrana* Branch. It seemed impossible, therefore, to satisfy Zamyslovsky. Another way was found, however. In accordance with the order of Maklakoff, the Minister of the Interior, Bielezky wired to Kiev that Lieut.-Col. Ivanoff was permitted, in case he was asked about Makhalin at the trial, to state that Makhalin was his assistant and that relations with him were discontinued "because of slovenliness in money accounts." We could find nothing in the archive materials to substantiate this charge. It was simply a deliberately invented hint for the use of Ivanoff in order to discredit Makhalin.

The oral testimony of Makhalin made a tremendous impression upon all present at the trial. It is interesting to compare the opinions of this testimony expressed by journalists opposed to the Government with the secret reports made by the officials and agents of the Secret Police. *The confrontation of Makhalin with Singayevsky was, probably, the climax of the whole trial in the psychological tension felt by all present in the court room.*

"The testimony of Makhalin made the deepest impression . . . Makhalin answered with devastating simplicity and presence of mind . . . The tone, the persuasiveness and the good sense

of his answers affected every one intensely . . . All the jurymen were stirred. Great agitation among the public . . . The whole court room became very quiet; everyone held his breath during the confrontation of Makhalin with Singayevsky . . . The confrontation was an entire surprise to Singayevsky, and he was obviously shocked. He looked [at Makhalin], recognized him at once, but for a long time did not dare to say that he knew him . . . There was on the face of Singayevsky, stated those who saw him, the fear of a trapped animal . . . We saw the murderer." Such were the opinions of the journalists opposed to the Government.

"The officials of the judiciary branch, who were seated behind the table of the Judges and had an opportunity to watch during the whole time the expression on the face of Singayevsky, say that when he saw Makhalin, his face became entirely changed, and reflected so much terror that it became dreadful."

The appraisal of the effect of Makhalin's testimony given by the governmental camp is perhaps more modest in form but identical in essence. It was contained in secret telegrams addressed to Petersburg: "The central figure of the day was Sergei Makhalin, who declared that Singayevsky confessed to him his participation in the murder of Yustshinsky . . . In general, Makhalin proved skillfully and logically that Yustshinsky was killed by three thieves in the tenement of Cheberiak. The testimony of Makhalin, taken in connection with that of Krasovsky, inflicted a serious blow upon the prosecution . . . Zamyslovsky personally informed [the Gendarme Administration] of Makhalin's testimony at the trial that Singayevsky confessed to him, in the presence of Karayeff, his participation in the murder of Yustshinsky. This testimony . . . has seriously weakened the chances of Beiliss's conviction."

This seemed the right moment to use the Petersburg permission to discredit Makhalin through Ivanoff's disclosure of his former association with the *Okhrana*. The proponents of this measure met, however, with unexpected resistance from the Kiev Gendarme Administration which, it turned out, understood the situation much better. They knew that the aim of the defenders of Beiliss was to prove that the murder of Yustshinsky had been committed by a band of thieves. Ivanoff knew that the defense

naïvely expected him to tell the truth about the materials collected by the Gendarme Administration exposing the real murderers. Under these conditions, the disclosure before the jury of the former association of Makhalin with Lieut.-Col. Ivanoff might, instead of compromising Makhalin, have the opposite result—the recognition that the allegations of Makhalin were deserving of serious confidence. The real facts of the murder had to be concealed, however, in accordance with the plans of the Government, and it had, therefore, been decided to conceal the findings of the Gendarme Administration. In carrying out this plan, it was not advisable to disclose the association of Makhalin with Ivanoff. The Kiev Gendarmerie, as we just stated, understood this and decided, at their own risk, to prevent the suggested disclosure. They informed the Department of Police that they “succeeded in persuading Zamyslovsky to withdraw his demand for the exposure of Makhalin by Ivanoff,” and that, in any case, the disclosure of this secret must be postponed. After Makhalin’s testimony, Lieut.-Col. Ivanoff, the chief false witness of the trial, was examined. “The consistent and well-prepared testimony of Ivanoff strengthened, to a significant degree, the previously shaken position of the prosecution . . . He gave weighty and significant facts for the accusation, saying nothing that was not necessary, and the words ‘*Okhrana* Branch’ never slipped from his mouth . . .” Such was the information received by the Department of Police from its subordinates.

The reader can now realize what nervousness was felt behind the scenes of the trial at the very thought of the confrontation of Makhalin with Singayevsky. This cannot be explained simply by the fact that Makhalin had trapped Singayevsky through his confession. It is true that Vera Cheberiak had also been caught, but the authorities were much calmer in her case. In opposition to the evidence against her they brought their “proofs,” but they did it in a quiet and deliberate way. The appearance of Singayevsky at the trial, however, worried the authorities much more and caused them serious anxiety. The study of the archives indicates that as a matter of fact the authorities were afraid that Singayevsky would publicly confess his participation in the murder of Yustshinsky.

The Department of Police had in its possession a letter addressed to Shmakoff, one of the accusers. The letter was not signed, but undoubtedly came from persons who sympathized with the aims of Shmakoff in the trial. There is even ground for supposing that the letter was written by one of the band of Vera Cheberiak. The author of the letter informed Shmakoff that Plis (this was the nickname by which Singayevsky was known by his associates) intended to confess his guilt in the murder of Yustshinsky: "Plis says . . . that he wishes to take upon himself the murder of Yustshinsky . . . I inform you of this," wrote the author of the letter, "so that you may know the truth." The anonymous person who wrote this letter understood clearly that the organizers of the trial had to be warned of the danger which threatened them. One copy of this letter was left in the files of the Department of Police, and another copy (or, perhaps, the original) was "quite secretly" sent to Colonel Shredel in Kiev. This secrecy was so strictly preserved in this case that the letter to Shredel was not even marked in the general register of the Department. This is the text of the remarkable letter: "We send you enclosed quite confidentially for your personal consideration only . . . the information collected by agents under No. —, and we have the honor to inform you that these facts cannot be communicated to outsiders, regardless of their official positions, and that this information, naturally, must not be filed with correspondence and reports . . . If, however, the information herein contained should make an investigation necessary, one should be started, but under the absolute condition that the source which prompted the taking of this or any other measures be kept secret."

Thus, Petersburg dispatched to Kiev explicit advice to take measures to prevent Singayevsky from carrying out his dangerous intention of confessing that he had committed the murder.

Singayevsky did not, at the trial, repeat his confession of having participated in the murder of Yustshinsky. "The innocent thieves," as the State Procurator Vipper called them in his speech—Vera Cheberiak, Boris Rudzinsky and Peter Singayevsky—maintained a united front in their appearance and in their behavior before the jury.

## CHAPTER XIV

### EXPERT OPINION OF PRANAÏTIS

RITUAL EXPERT OPINION OF THE CATHOLIC PRIEST JUSTIN PRANAÏTIS, THE "PERVERTER OF THE GREEK-ORTHODOX CHRISTIANS" AND THE "HATER OF THE JEWS."—DEFENSE OF THE LIES OF PRANAÏTIS BY THE RUSSIAN DIPLOMATIC CORPS.—STRUGGLE OF THE RUSSIAN DIPLOMACY AGAINST THE INITIATIVE OF LORD ROTHSCHILD.—CONSPIRACY OF FALSEHOOD, HATRED AND HYPOCRISY AROUND THE JURY.

#### § 48.

The attempts of the Government to put the trial on a "scientific" foundation knew no limits. Things which, before the trial, were considered only prejudices had to be established at the trial as scientific truth. This explains the abundance of various experts in the Beiliss case. The falsified medical expert conclusion of Obolonsky, Tufanoff and Kossorotoff proved that Yustshinsky was killed for the special purpose of making possible the utilization of his blood. The psychiatric expert conclusion of Sicorsky proved that such murders are usually committed by Jews, and that it was possible to establish, according to the condition of the corpse of Yustshinsky, that this murder was also committed by Jews. The Kiev Society of the Double-Headed Eagle, in the person of its leader Golubeff, found the Jew who had to be indicted for this murder. The false testimonies of the Shakhovskiy couple, of Polistshuk, Kozachenko, Kulinich and Cheberiak proved the guilt of Beiliss and even his confession. Even all this, however, seemed to be insufficient: it still remained to explain why the Jews commit such murders in general, and why Beiliss killed Yustshinsky, in particular. If it were proved that such murders are required by the Jewish religion, then it would become possible to insist, on a scientific basis, upon the

elimination of a people harboring such cruel fanatics from the midst of cultured peoples. It was necessary, therefore, to find a learned expert who would be willing to add this last feature to the whole trial.

A Catholic priest, Justin Pranaïtis, undertook to fulfill this task. A closer acquaintance with this man is very instructive, as it helps the reader to understand among what elements the Government had to seek support.

Twenty years before the Beiliss trial, Father Pranaïtis wrote, in Latin, a monograph entitled: *The Christian in the Jewish Talmud; or, the Secrets of the Teachings of the Rabbis about Christians*. Father Pranaïtis chose for himself the pose of a discoverer of the secrets of Jewry, whose religion demands the killing of Christians. Pranaïtis pictured himself in advance in the halo of a martyr who "is ready to sacrifice his life for the sake of the truth about which he could not be silent in the controversy of Semites and anti-Semites." Pranaïtis, therefore, asserted in his book that he undoubtedly "would be killed by the Jews." The critics of this monograph emphasized at the time of its appearance the absolute ignorance of Pranaïtis. They also stated that "the quotations in the Hebrew language . . . contain in abundance the crudest mistakes and falsifications," and that there is nothing to be found in his book except hatred of the Jews. After this, Pranaïtis lived more than two decades in complete safety, and nobody even attempted to think of preparing for his removal. Soon after the appearance of his book, Pranaïtis was forgotten, and nobody would have even recalled his name had it not been for an episode which was quite unusual in the biography of one who was a scholar and a priest at the same time.

In 1894, a man brought to the workshop of Avanzo in Petersburg a small picture, with the request that the frame be gilded. While the work was being done, the picture accidentally fell into the fire and was partly burned. The owner made a great to-do about this accident, declaring that the damaged picture had been painted in the seventeenth century by the famous Murillo, and that it had belonged to the collection of Cardinal Gintovt. He demanded three thousand roubles compensation. Very soon, however, he calmed down and consented to take five

hundred roubles in cash, and a note for five hundred roubles. The master agreed to these conditions, because the owner of this masterpiece impressed him with his solemn appearance as a Catholic priest. Later it became known that the picture had never been in the collection of Cardinal Gintovt, that it was not the product of the brush of Murillo, and that the owner simply wished to take advantage of this opportunity to extort a considerable sum of money.

This extortioner was the Roman Catholic priest Justin Pranaĭtis. After this incident, Pranaĭtis disappeared for a long time from Petersburg, and nothing was heard of him up to 1906.\* Fate took him to far-off Turkestan, where the local authorities discovered that the priest Pranaĭtis, "beside performing his regular duties, . . . is also engaged in converting persons of Greek-Orthodox faith to the Roman Catholic religion. He uses very shrewd means for this purpose." Owing to the fact that Turkestan was at that time under military rule and that there were also military persons among those converted by Pranaĭtis, a special correspondence about him ensued between the Turkestan Governor-General and the staff of the Military Region on one hand, and the Chief of Staff, the clerical Consistory, the Supreme Procurator of the Holy Synod\*\* and the Ministry of the Interior, on the other. The result of this correspondence was that Makaroff, at that time Vice-Minister, later Minister, of the Interior, proposed to the Roman Catholic Archbishop "to inflict upon the priest Pranaĭtis the appropriate penalty," and warned the Archbishop that "if this penalty . . . should be considered by the Ministry as inadequate, the priest . . . will be removed from his office." Pranaĭtis was subjected to a reprimand, and the Ministry did not insist on further punishment at that time. When, however, in 1909, it was proposed that Pranaĭtis be made a bishop, the

\*The episode of the picture just mentioned was described in all its details in the special correspondence which was filed in the Department of Police. This correspondence was destroyed in 1912, when it was decided to invite Pranaĭtis as an expert in the Beiliss trial. There is a special reference of December 12, 1912, to the destruction of this correspondence in the "Case No. 131/1912 about the propaganda of Catholicism in Russia."

\*\*Institution supervising all the churches and all religious affairs in Russia.

Ministry of the Interior objected. As before, Pranaïtis was accused of a "tactless display of Catholic fanaticism toward the Greek-Orthodox church. This fanaticism might evoke religious and national hostility between Russians and Poles." Such were the official motives of the Ministry of the Interior for refusing to approve the promotion of Pranaïtis.

Fate, therefore, had not been kind to Pranaïtis, and he did not enjoy the favor of the authorities. He had to think of ways and means of improving the attitude of the authorities toward him, and of influencing them to forget his sins of converting the Greek-Orthodox believers to Catholicism. It was necessary to work out a plan of behavior which would be especially agreeable to and fall in with the views of the authorities, so that they would have no further interest in remembering his sins. Pranaïtis made the right choice in his campaign for rehabilitation in the eyes of the Government: he decided to occupy himself with cursing and maligning the Jews. As a reward for this, everything was forgotten and pardoned. These thoughts, then, were the foundation of the alliance which Pranaïtis concluded with the Council of the United Nobility; both contracting parties were mutually necessary to each other. Pranaïtis placed at the disposition of the United Nobility his stupid Latin brochure. This leaflet had been written twenty years before; its Russian translation was presented to the Seventh All-Russian Congress of the United Nobility in February 1911, as a "scientific" proof of the actual commission of ritual murders by the Jews. One month after this, Yustshinsky was killed, and the pogrom ritual agitation which was started around the case was, from the very first days, closely connected with the priest Pranaïtis. When the first interpellation of the Right groups in the Imperial Duma about the Yustshinsky case was supported by Markoff, he quoted "scientific evidence" from the brochure of Pranaïtis, discovered by the United Nobility. "There will, naturally, appear volunteers who will say that this Master [of Theology] does not know anything either," declared Markoff in a patronizing tone. Two days later, the well-known Right journalist Meshikoff recommended Pranaïtis to the readers of the *Novoye Vremia*, on the same day that A. V. Liadoff, the representative of the Minister



of Justice, arrived in Kiev to arrange the ritual trial. At the same time, the brochure of Pranaïtis was presented to the Ministry of the Interior, as a rare book which was not on sale. In this way, the preliminary agitation in favor of Pranaïtis was started; his name was recalled, and was now bound up with the ritual version in the Yustshinsky case. It remained only to bring him into the trial. The first attempt of introducing Pranaïtis in the trial was made by A. S. Shmakoff, the theoretician of anti-Semitism, in a petition presented by him to the court, in which Shmakoff wrote: "The crime has a ritual character . . . An appropriate expert opinion is, therefore, necessary . . . The medical expert conclusion alone, or the psychiatric, cannot solve this problem. For this purpose a dogmatic expert conclusion is necessary, in the domain . . . of the secret . . . Jewish religion . . . There are experts even in Russia, and there are more in Germany and in Rome. Now, we have an undoubtedly learned scholar, the Professor of the Petersburg Roman Catholic Academy, Pranaïtis, who is now engaged in a spiritual mission in Tashkent [Turkestan]." There followed an enumeration of foreign specialists (Ecker, Byer, Rohling, Fritsch, Beer). "Finally," stated Shmakoff, "the Collegium of Cardinals in Rome also includes great spiritual powers and broad knowledge which cannot be ignored in an effort to solve the historical task of universal importance which is implicit in this case." Such was the solemn and pretentious entourage of stars among whom Pranaïtis was for the first time mentioned to the court; he headed the list of the learned experts, which ended with Roman Cardinals.

However, the introduction of the opinion of a religious expert was put off for a long time. It was not until the autumn of 1912, when it became known that not one of the important priests of the Greek-Orthodox faith was willing to have his name connected with the Kiev ritual adventure, that it became necessary to make a final decision about inviting Pranaïtis to act as the only expert of the Government on religious questions. On September 14, a confidential report was presented to the Minister of the Interior stating that Minister of Justice Stsheglovitoff requested that Father Pranaïtis be urgently summoned to Petersburg, because

he was "a person informed regarding the question of ritual murders." From this time on, Pranaïtis was referred to in the public official correspondence as "the theological expert" or "the savant in the domain of the Jewish religion." In the secret correspondence, however, things continued to be called by their real names, and Pranaïtis was referred to as an "expert on ritual murders."

The request of Stsheglovitoff was granted: Pranaïtis was urgently asked, through the mediation of the Catholic Bishop Zepliak, to come to Petersburg. Upon his arrival at the capital, he was immediately summoned to appear at the Ministry of the Interior.

Just at this time, the Department of Police again received reports that Pranaïtis continued to "pervert" the Greek-Orthodox to Catholicism. The Director of the Department of Police, therefore, decided to inquire about this subject from the Department of the Ministry having jurisdiction of the non-Orthodox religions. The "very secret" letter which he received in reply to his questions is extremely interesting. First of all, it is stated in the letter that Pranaïtis, in his past career, had received a reprimand as a penalty for his behavior, and it was recalled that objectionable facts about Pranaïtis were already known to the Department in 1894. This was the episode mentioned above of his attempt at extortion for damage to his picture. Then followed the general characterization of Pranaïtis. This contained one feature which could not fail entirely to rehabilitate him: "I consider it necessary to add," wrote Menkin, the Director of this Department, "*that Father Pranaïtis is known to the Department as a person who feels very hostile toward the Jews . . .* Being very well versed in the question of ritual murders, Father Pranaïtis has published a very valuable book referring to the Jewish religion . . . and was summoned, in accordance with the desire of the Minister of Justice, to come to Petersburg as an expert for the case of ritual murder in Kiev."\*

It was evident that many things could be pardoned in "a person who feels very hostile toward the Jews," and "is very well versed in the question of ritual murders;" even the "perversion" of Greek-Orthodox people to Catholicism could be forgotten.

\*See Photostat No. 8.

If Father Pranaïtis needed a real fence for screening his former activities and shielding him from attacks by the Government, he could not have invented a better means than cursing the Jews.

Thus, an ignorant Catholic priest with criminal inclinations became the expert in the world trial created by the initiative of the United Greek-Orthodox Nobility.

#### § 49.

After preliminary conversations in the Ministry of the Interior, as to the contents of which we can only surmise, Father Pranaïtis was examined by the Investigating Magistrate Mashkevich on the question "whether there are, somewhere in the sources of the Jewish religion, direct indications . . . of the use, by Jews, for religious purposes, of the blood of non-Jews in general, and of Christians in particular?"

The scope of our book does not require the discussion of the essence of Pranaïtis's "expert opinion" from the point of view of its theological foundation and contents. It is sufficient to quote his conclusions: "I have not come upon . . . such direct indications. It is, however, impossible to assume that such indications would be contained in printed sources accessible to anyone interested in the Jewish religion; nobody declares his criminal activities aloud. Nevertheless, it cannot be concluded from this that such a rite does not exist among the Jews; that there have not occurred murders of non-Jews, and particularly of Christians, by Jews for ritual purposes; that there are, in general, no ritual murders in existence and that the accusation of Jews in such murders is an absurdity or invention . . . The need of blood by the Jews does not necessarily imply that it is used in food . . . The murder of a non-Jew, and especially of a Christian, by the Jew in the name of the prescription of the law is in itself a murder for religious motives and for a religious purpose . . . independently of the question how this murder occurs and what disposition is made of the blood . . . Ritual murders of Christians by Jews are not an invention but a reality . . . *So long as the contrary is not proved, the murder of Andrei*

*Yustshinsky in Kiev . . . bears all the distinctive and characteristic features of a typical ritual murder."*

"So long as *the contrary* is not proved . . .," declared the learned expert, Father Pranaïtis.

It became necessary to prove "the contrary" at the trial, in the court room; and the means by which the Government and its various agents defended the opinion of Pranaïtis again afford abundant material for the characterization of the whole regime. In this matter, that is in the question of the theological expert opinion, new participants appeared for the first time *in an active rôle* in the Beiliss case—the Ministry of Foreign Affairs and the Russian diplomats.

The first persons who gave expression to the Government's expectations from Pranaïtis were those representatives of the Department of Police who secretly and behind the scenes took part in the discussion of various questions connected with the arrangement and preparation of the trial. "The whole trend of the trial," it was stated by these persons in their writings to their Department at the very beginning, "will depend upon the extent to which the benighted personnel of the jury will be receptive to the arguments of the priest Pranaïtis, who is convinced of the existence of ritual murders . . . As a priest, he knows how to speak and will convince the peasants. As a scholar who defended a dissertation on this subject, he will give support to the court and the Procurator; but nothing can be said in advance . . . Consequently, all will depend upon the arguments advanced by Father Pranaïtis; he has arguments and they are destructive for Jewry." Upon the demand of the defenders of Beiliss, several first-class scholars of extensive learning and knowledge in the field of Jewish culture and religion were invited to appear at the trial to refute Pranaïtis's opinion. As Pranaïtis himself recognized that the universally known sources gave no ground for assuming that ritual murders are committed by Jews, an attempt was made to substitute for "ritual murders in the Jewish religion," "murders committed by fanatical Jewish sects." In connection with this plan, it was attempted to present Pranaïtis as a special expert on these "fanatical Jewish sects." If one wished to draw a real caricature of the authority of Pranaïtis as a theological expert, one could

not do better than quote the report sent to the Department of Police by its representatives, who had no such humorous purpose. "The best connoisseur of these sects is the priest Pranaïtis, a Lithuanian by birth, a Pole by education, a resident of the Jewish Pale of Settlement, but more of a Russian in his soul and way of thinking than Pavloff, Bekhtereff, Karabchevsky, Krasovsky and other equally obedient servants of Jewry." What, indeed, could be better? In addition to all this he was a "person who feels very hostile to the Jews" and a "specialist on ritual murders." We shall see a little later that Pranaïtis himself was not so enthusiastic about his many-sided nationality.

Even those who believed Pranaïtis very soon began to feel disappointed in him, though they refrained from declaring this publicly. The tone of the reports and opinions of the police officials also went down rapidly.

When Pranaïtis began his expert testimony at the trial, the President of the Court, Boldyreff, indulgently offered to permit him to use his notes. "I can testify without notes," proudly answered Pranaïtis; and, by the introductory part of his testimony, he completely captivated the representative of the Department of the Police, who wired to Petersburg: "In general, this expert opinion has a valuable significance for the prosecution." This joy, however, did not last long. Already at the end of the first day of Pranaïtis's examination, when he finished his original presentation, "without notes and by heart," Shmakoff asked the court to permit Pranaïtis "to supplement his testimony, as there were many things he had been unable to recall during the day." It became evident that Pranaïtis was unable to give his testimony without the notes whose contents were so well known to Shmakoff. We now know that during all the days of the trial Shmakoff had in his portfolio the book of the notorious German charlatan, Rohling, which constituted the scholarly source of the opinion of Pranaïtis. The stenographic minutes of the following sessions of the trial show clearly the miserable character of the expert opinion of Pranaïtis. This became clear also to the reporters of the Department of Police. On the following night, they sent to Petersburg quite a different telegram, containing no joyous or enthusiastic opinions: "The cross-examination of

Pranaïtis reduced the convincing power of his arguments and disclosed a lack of knowledge of the texts and an insufficient acquaintance with Jewish literature. In view of the dilletantism of his knowledge and his shiftlessness, the expert opinion of Pranaïtis has very little significance. Professors Troïtzky and Kokovzeff, who were examined today, gave expert conclusions extremely favorable to the defense, praising the dogmas of the Jewish religion, and not admitting even the possibility that they [the Jews] commit religious murders." But as it was difficult for the officials to confess openly that the opinions which they had already expressed to their superiors were wrong, the agent who believed so strongly in the ability of Pranaïtis to do the work expected of him tried to explain his failure at the trial by putting the blame on the unskillful procedure of the prosecution. This he depicted in his special report to Petersburg in the following manner: "The expert opinion of Pranaïtis, to the great pleasure of the Jews, did not make a strong impression. The Procurator and Shmakoff contributed much to his failure. The former does not know how to put questions properly and is too agitated, while the latter made it necessary for Pranaïtis either to remain silent or to say 'I do not know,' because, having found in the Bible obscure and, as he thought, blasphemous sentences, he [Shmakoff] asked Pranaïtis to confirm these sentences [as blasphemous]. As a priest, Pranaïtis did not feel that he had the right to undermine the authority of the Bible as a sacred book and therefore remained silent. The Jews, accordingly, exposed him as an incompetent expert who could not, as it seemed, answer the most simple question." As a matter of fact, however, this impression of Pranaïtis was general.

When Procurator Vipper wished to justify the selection of the Roman Catholic Pranaïtis as an expert, he said that "no one so learned, courageous and steadfast was to be found among the Greek-Orthodox clergy." Weaving his expert opinion out of lies and hatred, this Catholic priest could not, however, ignore the fact that several Popes had issued bulls in which these heads of the Catholic Church, and especially Innocent IV and Clement XIV, had denied the commission of ritual murders by Jews and condemned the staging of ritual trials. It would be a mistake,

however, to suppose that Pranaïtis allowed this circumstance to act as an obstacle. He countered this point very simply. He declared that the texts printed in various editions of the bulls of the Popes, insofar as they differed from his opinion, were false, and that he could not find the above statements in the "editions which deserve confidence." Pranaïtis understood perfectly the strategic value of this position. The original documents containing the opinions of the Popes were in the archives of the Vatican, behind a high wall, under seven locks, and—far away from Russia. It was, therefore, impossible to obtain those documents and bring them into court, while the copies which were published and were available were declared by him to be falsified. The only way in which the lie of Pranaïtis could be refuted was to secure certified copies of the original bulls and present them to the court. The defenders of Beiliss determined to make an attempt to do this. The difficulties were tremendous. Nevertheless, they were all overcome, except the barrier erected by the agents of the Russian government—the *diplomatic officials*.

In winding up the speeches of the prosecution at the trial, Shmakoff quoted from the testimony of Pranaïtis on October 25 and solemnly declared: "The quotations from the bulls of the Popes can have no value. Father Pranaïtis has explained to you that there are no bulls in which the Popes prohibited the accusation of Jews in such acts. The Popes were surrounded by very clever persons and, moreover, some of the Popes were highly intellectual men who could not fail to realize that a human being is not able to foretell the future, and that all guesses and assertions that such a crime could never be committed simply contradict sane, human, common sense. It follows that there never were such bulls and that they could not have appeared. When Father Pranaïtis emphasized this proposition, it remained without any refutation . . . If this assertion could have been shaken, the defense, so brilliantly represented here, would naturally have attempted to do so and would have proved to you that at least one such bull existed."

The trial was attracting the interest of the entire world at that time. Telegraph wires and transoceanic cables brought to all the corners of the world information about all the details of

the trial. The falsities of Pranaitis shared in this publicity and could not fail to evoke a corresponding reaction.

Several days before the beginning of the Beiliss trial in the Kiev Superior Court, Lord Rothschild of London wrote a letter to Cardinal Merry del Val, the Secretary of State for Foreign Affairs at the Vatican under Pope Pius X. Lord Rothschild presented, together with his letter, the exact copies of the text of the Papal bulls as they appeared in authoritative books, the authenticity of which was denied by Pranaitis even at the preliminary investigation. Rothschild asked that these texts be compared with the originals kept in the Vatican and the correctness of the copies certified.

The request of Lord Rothschild was granted: the copies were compared with the originals and found to be correct. Accordingly, Cardinal Merry del Val certified them under his official seal and informed Lord Rothschild of this in a special letter. Two weeks before the end of the Beiliss trial, the London *Times* published the correspondence of Lord Rothschild with Cardinal Merry del Val. On the next day, this correspondence was reprinted in all the capitals of Europe and in all the important Russian papers. The Russian Embassy in London immediately sent the clipping from the *Times* to the Ministry of Foreign Affairs in Petersburg, where it was carefully filed, together with the accompanying letter of the Embassy, among the papers "On the murder of the boy Yustshinsky in Kiev." . . . That was all.

These certified copies were never presented at the trial in Kiev. A natural question arises: Why were not the lies of Shmakoff refuted? And why was he given an opportunity to mock the defense and to assert that the bulls were falsified since the defense could not prove their authenticity?

The archives give their irrefutable answer to this question also. In order to present these documents in a Russian court, it was necessary that the genuineness of the signature of Cardinal Merry del Val be certified by the Russian Embassy at the Vatican. In order to secure this certification, a person entrusted with the task by Rothschild presented the copies bearing the attestation of the Cardinal to Nelidoff, the Russian Ambassador at the



Vatican. The latter understood that every day's delay on his part in completing this formality would diminish the chances of the arrival of these documents in Kiev in time for their use at the trial. . . . How, under such circumstances, would an honest representative of a decent Government have acted, and how did Nelidoff act in this case? As an ambassador worthy of his Government at this epoch, Nelidoff resorted to a ruse for the purpose of artificially delaying the certification of the signature, so that the documents could not be mailed to Russia in time, and would thus become useless. In a personal letter addressed to S. D. Sazonoff, the Minister of Foreign Affairs, Nelidoff told of his purpose and of the manner in which he achieved it. Reporting that these copies were presented to him "with the request for certification of *the authenticity of the signature of the Cardinal Secretary of State,*" Ambassador Nelidoff continues: "I agreed to fulfill this request provided the word 'Duplicata' was inscribed on the roll presented to me. When this was done, the copy had to be mailed to Kiev, but it could no longer have any significance, for *it would not reach Kiev until after the announcement of the verdict in the Beiliss case.*"\*

Thus acted the Ambassador of the Greek-Orthodox Czaristic Government accredited to the Pope, the head of the Roman Catholic Church. In his letter to Sazonoff, Nelidoff also expressed his dissatisfaction with Cardinal Merry del Val's readiness to fulfill the request of Lord Rothschild, as it proved "*the willingness of the Curia when opportunity arises, to please even the Jews.*"

The Minister of Foreign Affairs Sazonoff reported this letter of Nelidoff to the Czar. A special sign was put on the letter indicating that the Czar had read it, and this was the end of the whole episode. Neither the Czar nor his Minister considered for a moment that there was anything reprehensible in the stratagem used by Nelidoff to prevent the refutation of falsehood by truth.

This was the manner in which the Ministry of Foreign Affairs also contributed its share to this general enterprise of the Government. On the other hand, this episode proves once more that the Beiliss case was a political adventure of the Government as a

\*See Photostat No. 9.

whole, and not merely of particular persons belonging to one or another interior branch of the Government.\* In addition to the information reported to the Czar by Stsheglovitoff, the letter of Nelidoff brought to the knowledge of the Emperor that an ambassador, acting in his name, had assumed the task of concealing the truth from the Russian jury; of preventing the presentation of the truth in place of an outright lie; of holding an innocent person up to infamy as a murderer; of subjecting him to torments and the risk of being sentenced to imprisonment at hard labor in Siberia; and of casting obloquy upon an entire people. And no word of indignation, no expression of protest issued from the lips of the authorities!

The fact that the lies of Pranaïtis were exposed by the authentic bulls of the Popes was known in Paris, London, Washington, Berlin, Vienna, Brussels and Rome. The whole reading public in Russia knew this, including the Procurators and private accusers, the President of the Court and all the officials. The defenders of Beiliss were, however, powerless to put before the court these documents verified by the College of Cardinals at the Vatican, because the Russian diplomatic corps had decided to place obstacles in the path of truth. The Government knew it, the Czar knew it too . . . Only the twelve jurymen before whom Beiliss was tried were not informed of this crime of Nelidoff, as the jury was isolated from contacts with the people and forbidden to read the newspapers. The plot of lies, hatred, cynicism and hypocrisy probably reached its peak in this episode.

\*See Appendix I, 8, p. 245.

## CHAPTER XV

### ACQUITTAL OF BELISS

ACQUITTAL OF BELISS BY THE JURY OF PEASANTS AND HUMBLE CITY DWELLERS.—BELISS TRIAL IN THE ESTIMATION OF THE DEPARTMENT OF POLICE.—ATTEMPTS TO ORGANIZE A NEW RITUAL TRIAL.—COMMISSION TO THE ORGANIZERS OF THE TRIAL TO WRITE A BOOK TO REHABILITATE THE GOVERNMENT BEFORE WORLD OPINION.—AGAIN PRANAÏTIS: "BELISS TRIAL, NOT THE FIRST AND NOT THE LAST."—DEDUCTIONS AND CONCLUSIONS.

#### § 50.

The more sober and the less blinded persons in the governmental camp understood even before the trial that it would be a most difficult task to achieve the conviction of Beiliss by a jury. This explains why such unusual and illegal measures were resorted to in order to control the composition of that body. During the trial, it became quite evident that the conviction of Beiliss was impossible, especially from the time when gendarmes, disguised in the uniforms of court attendants, secretly reported such expressions of the jurymen as: "How can we convict Beiliss if there is no mention of him at the trial?" Realizing the situation, the authorities began to think how to achieve a favorable end for the trial from the point of view of the prestige of the Government, even if Beiliss were acquitted.

During the hearing of the case in court, Shmakoff and Zamy-slovsky received a letter from a "group of Russian noblemen who warmly approve your work." This letter was intercepted by the Department of Police. "In the name of God, speak at last about Beiliss!" wrote the noblemen. "He is sitting at the trial like an innocent lamb; not a word, not a sound about him. You must speak only about this . . . If Beiliss personally is not guilty, the assassination of Yustshinsky by Jews must be proved at all costs. Our entire hope rests on you."

This view of the "group of noblemen" became the view of the Government as the end of the trial was approaching. All the organizers of the trial had already realized the impossibility of proving the guilt of Beiliss. They, therefore, reformulated their aims. The Government now clearly placed itself in opposition to the whole people personified by Beiliss; the people to whom Beiliss belonged; the people against whom the Government was carrying on a war. All that was bad for the defense of Beiliss was good for the Government, and vice versa. "This is not a trial of an obscure, unknown Jew, but a general battle between the world's Jewry and the Russian Government . . . It will be the worst result of the trial, insofar as the defense is concerned, if the jury establish the practice of the rite in connection with the murder of Yustshinsky, while admitting that the participation of Beiliss is not proved. Though an appeal, if Beiliss is acquitted, will be impossible, the legend about the use of blood will receive official recognition."

Thus were defined, in their essence, the actual aims of the Kiev trial: it was decided to validate the ritual legend with the official seal of the government Court, and to lift an ignorant prejudice to the height of a truth established by a judicial sentence. Even Bielezky, Director of the Department of Police, when he was shown certain documents after the Revolution, was compelled to confess that the Government used the Beiliss case as an argument against any enlargement of the rights of the Jews and against the abolition of the restrictive anti-Jewish laws. The cynicism and criminality of this governmental task can be shown in a still clearer light by a comparison of the aforementioned thoughts about the actual aims of the trial with the conclusions in the reports of the Police about the facts of the trial. "We, the police," wrote the authors of the final report, in which they summed up their impressions, "have not the right to rebuke the advocates who appeared at the trial of intentional lying. Let us admit that not one drop of blood was found in the tenement of Cheberiak. Let us admit that the thieves who met at Cheberiak's home had no reason for killing Yustshinsky. But we must recognize that this version, though hopeless, *yet the only probable one* among all those presented, was surrounded with such a wealth

of evidence that one could not fail to envy the energy of the Jewish leaders . . ." This analysis does not need any comment. The Government knew who killed Yustshinsky . . . The Government knew that Beiliss was not guilty . . . Why was it necessary, under such circumstances, to conceal, even in the secret correspondence, the actual aims of the trial? Probably, the authorities were ashamed to admit even among themselves that all their efforts were directed to the goal of sanctioning, *through a court sentence, a lie as the truth*; of strengthening the persecution and hatred of an entire people by such a sentence; and of having a moral justification for these persecutions. The Government of the United Nobility wished to achieve this goal by the vote of the peasants, who constituted the majority of the jurymen. "It is the fate of the simple Russian peasant to show to the whole world the truth in this case," declared the Kiev monarchist *Double-Headed Eagle*.

"All the luminaries of literature, medicine, science, are on the side of the Jews who have succeeded in procuring their coöperation; only the soul of the simple man, which has not yet been tainted by the Jewish enlightenment, still stands against them [the Jews]"—repeated, in its turn, the Department of Police. So everything was staked on the "Russian peasant," in the terminology of the Russian monarchists, or on the "simple man" in the wording of the Department of Police. It was not for nothing that the intellectuals had been eliminated from the personnel of the jurymen. "Procurator Vipper is evidently an experienced man, because he succeeded (through challenges) in eliminating the whole *intelligentzia* from the jury . . . Every one saw the defenders exchanging looks when the personnel of the jury became known . . . The personnel of the jury brings confusion upon the defenders, because it will be impossible to make them understand the necessary arguments . . . All will depend on the arguments presented by the Catholic priest Pranaïtis . . . The ignorant jurymen might convict because of racial enmity"—so wrote the officials of the Department of Police in their reports. They were not ashamed to state as a self-evident truth that racial antagonism might take the place of evidence, and that the conviction of Beiliss might be expected as a result of this

antagonism. Therefore, the authors of these reports concluded by encouraging their superiors and expressing the agreeable hope that "the verdict will not be in favor of Jewry." When a similar report was brought to the knowledge of Stsheglovitoff, he answered the Director of the Department of Police with this cynical note: "I am afraid that the expectations will not be realized. The Jews will probably triumph."

On that very day, Procurator Vipper, the representative of the prosecution, who was appointed for this trial by Stsheglovitoff himself, asked the jury to convict Beiliss "for the ritual murder" of the boy Yustshinsky, deriding all those who were so light-minded as to believe that Yustshinsky had been killed by "innocent thieves." At the same time, the representative of the Department of Police wired with satisfaction to Petersburg that Vipper in his address to the jury "pronounced several sentences *which may inflame racial antagonism.*"

Nothing, however, could help the Government. On October 28, 1913, the jury, of whom the majority were simple peasants, acquitted the Jew Mendel Beiliss. The stake of the Government of the Nobility on the "Russian peasant" was lost. "The 'simple, plain man' did not realize the hopes of the Union of the Russian People." As O. O. Grusenber, one of the defenders of Beiliss, expressed it: "The plain peasants proved to be higher in their moral sensitiveness than many representatives of the contemporary judiciary . . . The jury, in the persons of plain peasants, showed that their feeling of justice stands higher than the views of a great many representatives of the judiciary in their official dress."

Even after the trial, its organizers and inspirers attempted to conceal from the public their realization that the game was lost. They organized in the apartment of Boris Nicolsky, the leading reactionary, a kind of banquet in their own honor. In a letter to the well-known reactionary Archbishop Antony, the same Nicolsky wrote: "It is still too early to act because the social reaction has not yet been felt. The only thing which remains under the circumstances is to organize ourselves and unite . . . This very rôle I have taken upon myself. My house has become a center around which the dispersed forces gather. The main

part of my work, however, is teaching the statesmen. I can say without exaggeration that not a single question in the Imperial Council or even in the conferences with the Czar was decided without my unseen participation."

In November, 1913, one week after the end of the trial, a brilliant group gathered in the house of this illustrious teacher of statesmen, this unseen participant in the conferences with the Czar. Here was present Doctor Dubrovin, President of the Union of Russian People, convicted twenty-two times of libel, the recognized organizer of Jewish pogroms, who said about himself: "I will press one button—and there will be a pogrom in Kiev; I will press another—and there will be a pogrom in Odessa." Here was present journalist Menshikoff, who unceasingly conducted the ritual propaganda in the pages of the *Novoye Vremia*; who advertised the priest Pranaïtis in his articles; and who earlier expressed his sorrow and indignation when the authorities forbade the staging of an anti-Jewish pogrom in Kiev. Here was to be seen the Kiev Metropolitan Flavian, who earlier had informed the Synod that there was nothing of a ritual character in the murder of Yustshinsky. Here was one of the participants in the trial, Procurator Vipper, who had inflamed, to the satisfaction of the Department of Police, the racial antagonism of the jurymen. Finally, the Minister of Justice, Ivan Grigorievich Stsheglovitoff himself, honored this solemn dinner by his presence. There were also present other greater or lesser dignitaries.

At the request and in the name of all those present, the hospitable host wired greetings to those who had been especially active in the Beiliss case—the Procurator Chaplinsky; Investigating Magistrate Mashkevich; experts Sicorsky and Kossorotoff; and the inspirers of the trial, Zamyslovsky and Shmakoff. In these telegrams were emphasized "the noble courage and the high moral dignity of incorruptible and independent Russian men" and the desire of the senders of the telegrams "to counterbalance and to cover by their sympathy, esteem and warm feelings the hatred, the calumny and the furious attacks which are spread against our illustrious fellow citizens by all the sinister forces of Russia, with their venal, criminal or insane satellites."

"The illustrious fellow citizens" replied in telegrams composed in a similarly elevated style, in most generous words which concealed the most heinous behavior of every one of them. Chaplinsky, the closest ally of Vera Cheberiak, thanked "the outstanding and most talented representatives of the best part of Russian society," and swore that "so long as the thirst for truth and justice is not exhausted in Russian hearts; so long as the love of our country, which unites all its faithful sons throughout the whole expanse of our beloved fatherland, endures; so long will no libels or attacks frighten us." The Investigating Magistrate Mashkevich, who based the supplementary investigation upon the false testimonies of Vera Cheberiak and Kulinich and upon the expert opinion of Pranaitis, modestly wired that he especially appreciated "the greeting of persons . . . who sincerely believe in the Russian court." Professor Sicorsky, whose expert opinion inspired in his hearers and readers pogrom aspirations and hatred of the Jews, answered in an elaborate letter, in which he pointed out the agreement of the feelings of Metropolitan Flavian with those of Minister of Justice Stsheglovitoff. This style was preserved up to the end, and the abyss between the original opinions of Flavian and Stsheglovitoff was disregarded and forgotten. They were again together, in the camp of reactionaries—the Metropolitan, who was one of the first in the spring of 1911 to declare that there was no ritual character in the Yustshinsky murder, and the Minister of Justice, who had advised the pessimists not to lose hope of the success of the ritual accusation, because "sometimes even the most hopeless cases can be won."

"The enmity of the ritual race toward me," wrote Sicorsky, "has reached the highest peak. After having studied the ritual question, I will continue to speak about it and will not conceal anything." Shmakoff, on his part, raving like a maniac, wrote as follows: "The significance of the Kiev epic spreads far beyond the walls of the court. The cruel sons of Judah started a dangerous game."

As a matter of fact, however, the representatives of the Government perfectly understood that the acquittal of Beiliss was a serious blow to the Government and had brought the whole regime still nearer to the abyss. "The trial of Beiliss was the



Tsushima\* of the administration which will never be pardoned"—these were the hopeless expressions in which the trial was summed up in the final report of the Department of Police. The characterization of the situation was correct. It would be still better to state that this was not only the administrative Tsushima, not only the Tsushima of the Russian Judiciary—it was the political Tsushima of the entire regime.

It is no wonder that under such circumstances "a very difficult situation arose for the Government after the trial," as was pointed out by Nicholas Maklakoff, Minister of the Interior. As he himself recognized: "The opinion has grown up and is beginning to spread everywhere that there were no traces, no hints of such a crime, and that this whole case was arranged and staged by the Russian Government with special secret purposes. This opinion is beginning to find expression also abroad."

The Government attempted to seek a way out of this disagreeable situation, again in coöperation with its former allies in the Beiliss trial. This was officially called "rehabilitation." With the sole purpose of rehabilitating itself, the Russian Government undertook two activities: one, through the Ministry of Justice; the other, through the Ministry of the Interior. Both of them are interesting, typical and characteristic of the epoch.

### § 51.

The acquittal of Beiliss appeased public opinion to a considerable degree because of the fact that an innocent man had not been convicted.\*\* The enigma of the trial was not, however, entirely unriddled by the public at that time, because all the facts which we know now were concealed in the archives and remained so until the Revolution of 1917. The Government

\*There was a naval battle near the island Tsushima during the Russian-Japanese war in 1905, in which the Russian fleet was disastrously defeated. This was a decisive defeat and was followed by negotiations for the conclusion of peace.

\*\*Georges Louis, the French Ambassador in Petersburg, states in his memoirs, under date of February 20, 1914, that the tension in Russia was relieved after the termination of the Beiliss trial.

were in fear lest some persons or groups might decide to continue the investigations in order finally to unmask the real murderers and publicly prove their guilt. On December 11, 1913, the Vice Minister of the Interior, General Djunkovsky, reported to Stsheglovitoff that, in accordance with information received from Lieut.-Col. Ivanoff, those who were interested in the refutation of the ritual version and the formal discovery of the actual murderers had the intention of continuing the private investigation. "The Ministry of the Interior on its part," added Djunkovsky, "does not find it expedient now, after the termination of the trial, to begin new inquiries in the case, through its organs."

In reality, Djunkovsky's opinion was logical: the murderers were known to the authorities; the latter did not wish to indict them; why, under such conditions, should further inquests be undertaken? General Djunkovsky, therefore, merely asked the Minister of Justice to inform him "to what extent such private investigations are legal (permissible)."

Stsheglovitoff understood very well the real aim of the question and his answer is entirely in the style of the time and characterizes his attitude to the questions of legality and justice. "To my regret," answered the Minister of Justice, "*the investigations mentioned are not forbidden by law, though in essence they are very undesirable* in such a case as the Beiliss affair presents. I, therefore, think that it would be highly *useful to hinder* the proposed investigations and to warn . . . persons who intend to undertake these investigations that it may cause *their deportation from Kiev.*" Thus, the Minister of Justice ordered administrative deportation for an act which, in accordance with his own assertion, was permitted by law. This answer of Stsheglovitoff was immediately reported for execution to the Kiev Governor-General and to the Kiev Gendarme Administration. Thus, the attempts of further inquiries "from the Left" were prevented. On the other hand, the Government favored any initiative of private inquiries "from the Right," directed to establish new false proofs that the Jews commit ritual murders. One of those who displayed such initiative was Akazatoff, "a member of the Club of Nationalists," who, together with Golubeff, bustled around the Yustshinsky murder case. He had declared, during his testimony at the trial,

that the Right monarchist organizations had asked him, as a well-to-do man, to participate in the private investigations and to support them financially. "My wife definitely protested against my support of this idea . . . I said that it was impossible, because such a thing requires much money." This declaration seemed to be clear, though naïve. This was, however, only a declaration for public consumption. Almost simultaneously with the time of the correspondence between Djunkovsky and Stsheglovitoff about the legality of private inquests, the Department of Police intercepted an interesting letter from this same Akazatoff to Zamyslovsky. "A few days ago," wrote Akazatoff, "I sent an article to the *Zemstshina* about the private investigations of the Yustshinsky case being made by the Jews of Kiev, . . . As you know, however, it is impossible to write everything in the article, because it is absolutely disadvantageous for us to inform the adversaries of matters in our knowledge, whilst our surveillance has been of good result and we do not let anything leak out. All this is secret, and nobody suspects that detectives whom I pay out of my own pocket are at work on this case . . . I did not give any information because I do not know whether it is already possible to discover that the threads are all in my hands . . ." The knowledge of this private investigation "by the Right" came into the hands of the Department of Police not only through the intercepted letters. Its own officials reported from Kiev that "a private investigation is being conducted by quite decent volunteers from the *Right* circles, but nobody can warrant that they will not spoil the case . . . There are two men who promise not only to point out the man who carried out the corpse but also to prove that it was Beiliss who asked him to do this." In other words, "the decent volunteers from the Right" used previously designed methods in their work: they sought false witnesses. Very soon, however, their plans changed. Instead of renewing the attempts to prove that Beiliss was a ritual murderer, the Kiev monarchists, again in alliance with some of the Procurators, decided that it was better to organize a new ritual trial and in this way to rehabilitate also the accusation against Beiliss.

On November 27, 1913, the corpse of a boy of eleven or twelve was found in the hamlet Fastov, situated not far from Kiev.

There were thirteen knife wounds on his neck—the exact number required for a ritual murder, in accordance with the assertions of the charlatans of various countries. Professor Sicorsky hastened to declare, in the pages of the *Novoye Vremia*, that “this murder too was ritual. Whereas, however, Andrei Yustshinsky was stabbed and the blood was drawn from his body by masters of the art, the Fastov murder was carried out in a crude way.”

During the very first stages of the investigation, the corpse was recognized and identified; the victim was Yosel (Joseph) Pashkoff, a Jew, son of a tailor, Froim (Ephraim) Pashkoff, a resident of Fastov. Nevertheless, the case was reported to Stsheglovitoff, and in accordance with the precedent of the Beiliss case, it was again proposed to the Chief Procurator of the Kiev District to undertake the personal direction of the investigation. By this time, however, Chaplinsky had already been promoted to the high position of Senator (Justice of the Supreme Court of Russia) as a compensation for his activities in the Beiliss case. The post of the Chief Procurator of the Kiev District was still vacant, and the Acting Chief Procurator was Volodkovich, one of the Assistant Procurators. The latter decided to outdo even Chaplinsky, and invented a criminal plan compared with which the Beiliss affair was child's play. He started his activities by an order to make it clear whether the murdered boy was really one of the sons of Pashkoff or whether it might not be that the Jew murdered a Christian boy and affirmed that the victim was his son in order to conceal the crime. “I think that this case will develop into broad dimensions,” reported Volodkovich to Stsheglovitoff. At the same time, the Right monarchist press, endorsing the invention of Volodkovich, began to spread rumors that the Jewish boy Pashkoff had fled “together with Beiliss” to America, and that a murdered Christian boy had been buried in Fastov under Pashkoff's name. “The acquittal of Beiliss,” asserted the reactionary elements everywhere, “encourages the commission of ritual murders.” The *Novoye Vremia* zealously took upon itself the popularization of this official version: “The simulation of the Jewish origin of the boy and of the family name of Pashkoff is suspected . . . There are thirteen wounds on the face of the assassinated.”

In the Beiliss case, the authorities after the discovery of the corpse of Yustshinsky, began to seek a Jew for the rôle of defendant. This time the situation was different: "The murderer" was found. Froim Pashkoff, the unfortunate father who had lost his son, was imprisoned as the person accused of ritual murder. The authorities had no knowledge, however, of any Christian child who might have been killed or had disappeared from the neighborhood at that time. The Minister of Justice, Stsheglovitoff, was expected in Kiev in the next few days. "Let us hope," wrote the Kiev reactionary papers, having in mind the coming of Stsheglovitoff, "that the local authorities will be more efficient in their investigations." Stsheglovitoff arrived together with Zamyslovsky. The work of identification was still going on, though two months had passed since the murder, and the corpse was almost entirely decomposed. Persons appeared on the scene again already known to the reader from their activities in the Beiliss case. One of the leading monarchists, Opanasenko (the one who had inspired Chaplinsky and Karbovsky to arrange the "confession" of Beiliss), brought to Fastov a woman, related to him, who recognized the corpse as that of "a boy who had disappeared." After this, the agent Polistshuk, the collaborator of the Procurators and of the Union of the Russian People, brought another woman in order that she might recognize the corpse as that of another boy who had also "disappeared." No less than three Christian boys were identified in this way, who were said (but not proved) to have disappeared. It only remained to choose one of these three candidates for the rôle of the *corpus delicti*.

The vacant post of the Kiev Chief Procurator had just been filled. The new appointee, Nicholas Chebysheff, had the reputation of an honest person, and he did not care to follow in the footsteps of his predecessors. Suddenly, all the boys who were alleged to have disappeared and had been identified with the decomposed corpse of Yosel Pashkoff, were found alive. The father of Pashkoff was released from prison, and soon after it was discovered, without any particular difficulty, that the unfortunate son of the tailor Pashkoff had been killed by the professional criminal Ivan Goncharuk, who had a record of ten convictions to his credit,

had been arrested for possessing a forged passport, and was sought also for another serious crime. The case was investigated in a normal way, Goncharuk was tried, found guilty, and was sentenced to imprisonment at hard labor in Siberia.\*

We know that the organizers of the Beiliss case used for their purpose an ordinary murder committed by a band of thieves. The situation in the Fastov case was different; here the attempt was made to stage *not merely a ritual trial but the ritual murder* itself. It failed because of a mistake of the murderer, who did not know that he was inflicting the thirteen knife wounds on the body of a Jewish boy.

Such was the abortive result of the attempt by the judiciary to rehabilitate the ritual inventions of the Government.

The other attempt at rehabilitation of the Government was undertaken by the Ministry of the Interior, who asked Zamyslovsky, one of the organizers of the Beiliss trial, to write a special book with the aim of demonstrating that the Government actually possessed sufficient facts to prove that this had been a ritual murder, and that Andrei Yustshinsky had actually been killed by the Jews for ritual purposes. The appearance of this book was considered highly important. It was expected to ameliorate "the disagreeable situation of the Government," as the Minister Maklakoff put it. With the permission of the Czar, the Ministry of the Interior ordered the payment of 75,000 roubles to Zamyslovsky, from the secret funds of the Department of Police, as compensation for writing and publishing his voluminous book, *The Murder of Andrei Yustshinsky*. This book appeared in 1917, on the very eve of the Revolution, and its aim was to rehabilitate the Czaristic Government before the public opinion of the world.

Zamyslovsky did not even dream that the archives of the Czaristic Departments might soon become accessible to the student.

\*Capital punishment was abolished in Russia during the reign of Catherine II. The punishment for premeditated murder (murder of first degree) was imprisonment at hard labor (*Katorga*) in Siberia for a period not exceeding twenty years. All the criminals condemned to *Katorga* had to remain in Siberia for the rest of their lives, after the termination of their punishment.

Capital punishment was, however, applied in Russia for some political crimes, and also for ordinary crimes, in localities under martial law.—[Ed.]

Considering what we now know of the materials contained in these archives, the book of Zamyslovsky makes the impression of the delirium of a political maniac, blinded and poisoned by his feelings of racial hatred. Here are some specimens of this madness.

"The tales of Brazul-Brushkovsky about Andrei Yustshinsky having been killed in the tenement of Vera Cheberiak by a band of thieves led by her are utterly absurd, improbable and quite impossible."

"The fanatic murder committed by the *Zhidi* in order to obtain Christian blood is not a legend even in the twentieth century; it is not a blood libel; it is a terrible reality; many who doubted and hesitated about it became convinced after the Kiev trial. However, the historical and social significance of the Beiliss affair is far from having been exhausted by these discoveries of the bloody rite and dogma which were repeatedly described aloud in public, in the name of the State Procurator, at the trial in Kiev . . . The Beiliss case is a vivid and indelible page from that book of the world's history, which contends that Jewry immediately opens war against the Christian state system everywhere as soon as it has succeeded in strengthening itself, and it does not shrink from using any means at its disposal."

"The liberal press cried alarm throughout the whole world at the arbitrariness of the Russian Government and the lack of justice in the Yustshinsky murder trial. But where is the arbitrariness, and how was the lack of justice manifested?"

At the present time, the reader is in a position to judge for himself whether there is any word of truth in these assertions of Zamyslovsky. He will surely not require us to answer again the questions formulated by Zamyslovsky in his book; we have already answered them in the foregoing pages.

#### § 52.

These, then, were the serious tasks which the Ministries of Justice and the Interior had to perform in the rehabilitation of the Government. But they were not alone. Other Departments and individuals who had taken part in one or another way in the

Beiliss affair did not fail to make practical use of the experience they had acquired in this case.

Vera Cheberiak, who was evidently considered to be the best informed person on this subject, received an invitation from the director of a circus to present a pantomime of Yustshinsky's murder. This was, however, forbidden by the local authorities.

Lev Tikhomiroff, the well-known renegade, a former revolutionist who became an extreme monarchist, proposed to the Ministry of the Interior the organization of a special, permanent Committee with the participation of Pranaïtis and Chaplinsky for the study of ritual murders.

The Ministry of Foreign Affairs engaged in a diplomatic correspondence with the English Government protesting against the presentation, in the London theaters, of plays and films dealing with the Beiliss case, on the ground that they impaired the prestige of the Russian Imperial Government. The Department of Police also took part in this correspondence, charging that the Russian Embassy in London did not take sufficient care of Russian interests abroad and did not defend them in a proper, energetic way. On his part, Baron Heiking, the Russian Consul General in London, insisted on the necessity of influencing the British Government, "because the policy of Great Britain is now directed toward the creation of an *entente* with France and Russia in international affairs," and also "because the plays directed against Russia, or rather, against the Russian Government, are regarded favorably by the English people, notwithstanding the Russian-English friendship."

The Holy Synod permitted the gathering of donations throughout the Empire for the erection of a monument to Andrei Yustshinsky, "cruelly killed by the Jews," but imposed the condition that this be done "without particular noise."

The actual participants in the "world's ritual trial" were duly rewarded in various recognized forms, such as titles, orders, promotions, valuable gifts, and money.

The only one who was not properly rewarded and who seemed to have been forgotten was the Catholic priest Justin Pranaïtis. Chaplinsky ordered that he be paid 500 roubles, but this was all; the authorities treated him without any gratitude, as if he were a squeezed out lemon. It was evident that they were dissatisfied



with his services. They had sufficient grounds for believing that he had ruined the trial by his ignorance. It is interesting to see Pranaïtis's fate after the trial.

"Let them give me a position at the Ministry, where I could be useful, because this Beiliss case is not the first and it will not be the last"—in these words Pranaïtis indicated his desire to be allowed to remain in Petersburg. "The Beiliss case is terminated, and so is mine. Who am I, and what am I, and to what nationality do I belong?—I do not know myself. The Metropolitan is not satisfied with me, because I involved myself in this expert opinion . . . The Poles scold me. The Jews curse me . . . Now I am called a Black Hundred, because the Right sympathizes with me . . ." These were the complaints Pranaïtis made to his friends. He did not receive any appointment in Petersburg, and was compelled to return to Turkestan where, being a clergyman, he was Chairman of the local Roman Catholic Welfare Society. A short time after his return to Tashkent (Turkestan), a conflict arose between him and the other members of the Board, whom he ordered to withdraw because "they understood Catholicism in a different way from that in which the Catholic church understood it."

As a matter of fact, however, this conflict had very little to do with principles; it was more prosaic. The municipal administration of Tashkent owed the Society about 1,500 roubles, which the Chairman Pranaïtis appropriated for his own use. "All the attempts of the members of the Board to convince Pranaïtis of the lawlessness of his acts were unsuccessful . . . The Board asked the Chairman, Father Pranaïtis, to return the sum withheld by him . . . but he neither returned the money nor answered the letter." This was the way in which the Board of the Welfare Society described this episode to the Governor-General. The complaint was reported to Petersburg, but the Government preferred to quash the case . . . No wonder that, after this, Pranaïtis dared to affirm that the authors of the complaint, who differed from him in their views on Catholicism, should be removed from the Board as persons "who had committed an anti-moral act."

This was the principal expert of the Russian Government in the great trial, in which, according to the statements of the prosecution and their friends, world problems were to be solved, depending upon the manner in which the benighted and ignorant personnel of the jury would respond to the arguments of the priest Pranaïtis . . . This was the "chief accuser of Jewry," as he had been called by the Right monarchist press—an extortioner before the trial, a liar and an ignoramus at the trial, and an embezzler after the trial.

Pranaïtis came again to Petersburg in the winter of 1916-1917, when he became seriously ill. Reporting Pranaïtis's illness to the Ministry of the Interior, Bishop Zepliak recalled that "Pranaïtis had successfully fulfilled the responsible commissions with which he had been entrusted," and asked that a subvention in the amount of 900 roubles be assigned "to the deserving priest."

On January 29, 1917, the newspaper *Novoye Vremia*, which had worked so hard in its time in the creation of the Beiliss trial, published the news of the death of the priest Pranaïtis and the plan of removing his body from Petersburg to Tashkent. Bishop Zepliak renewed his request for the subvention—to defray the expenses of the funeral. The request was refused, especially because there arose at this time, in high circles, a great uneasiness in connection with the plan of sending the body of Pranaïtis to Tashkent. The Department of Ecclesiastical Affairs wrote a secret letter to the Department of Police, reporting that Pranaïtis had in his time developed an energetic activity in the promotion of Catholicism in Turkestan, which caused his fame to spread among the Roman Catholics in that region. "Upon consideration of the question of his burial, I must indicate the danger that it might cause a pilgrimage to his grave among the local Catholics and, later, a growth of fanaticism which would naturally be used by the Roman Catholic clergy in the interests of proselytism. In view of this, it would be more judicious not to permit . . . the transportation of the body of Pranaïtis to Tashkent . . ." Then followed a correspondence between Petersburg and the Turkestan authorities. General Kuropatkin, then Governor-General of Turkestan, answered with a short telegram: "The late Pranaïtis did not leave a good memory among all, and I find the transportation of his body undesirable." On the other hand, General Khabaloff,

the Commander of the Army in the Petersburg military region, "profoundly" felt that "the settlement of this question in an affirmative sense does not seem to present any immediate danger to our state interests on the Middle-Asiatic frontier."

It appears, therefore, that the question of the place where the priest Justin Pranaïtis was to be interred was weighed as a serious political problem. The living Pranaïtis had been the single clerical support of the Government in the difficult days of the Beiliss trial in 1913, whereas, in 1917, the presence of his corpse in Turkestan was feared as dangerous.

It was not until February 20, 1917, almost one month after the death of Pranaïtis, that this question was settled. On that day the Department of Police gave permission for the transportation of the corpse of Pranaïtis to Tashkent. This was in the thick of the World War, and only one week before the Russian Revolution. The coincidence was symbolic. Just about this time, there appeared the above mentioned book of Zamyslovsky devoted to an attempt to rehabilitate the Czaristic Government, in regard to the Beiliss affair, before the public opinion of the world. Finally, during these very hours the Government also recalled Nicholas Maklakoff, who was Minister of the Interior at the time of the Beiliss trial and was even then dreaming, with the Czar, of the dissolution of the Imperial Duma. Now, when the days, nay the minutes, of the Czaristic regime were numbered, the Emperor returned to this question. The preparation of the Czarist manifesto in which the population was to be informed of the plan to dissolve the Duma was again entrusted, through Minister Protopopoff, to Nicholas Maklakoff, whose name has thus become bound up in the history of Russia with the idea of the further preservation of the nobility as the upper privileged class and as the foundation of the dynasty of the Romanoffs.

We have not ascertained whether the body of Pranaïtis was transported to Tashkent. Anyhow, it could not have reached "our Middle-Asiatic frontier" and become a threat to "our state interests" before the beginning of the Russian Revolution, when the process of the decomposition of the Czaristic regime came to its logical end; when a new Government was established in Petersburg and a different understanding of "our state interests"

was introduced; when the secret archives which concealed the tragic truth about many matters beside the Beiliss case were opened.

The book of Zamyslovsky could no longer rehabilitate any one . . . Even the Manifesto projected by Nicholas Maklakoff was powerless to stop the march of the revolutionary events.

The persons of the Beiliss affair passed, together with the regime, into history\*.

It is interesting to recollect that just one hundred years before the Revolution, in March, 1817, Emperor Alexander I ordered the publication in his name of the following declaration:

“In view of the fact that, in several of the provinces acquired from Poland, cases still occur in which the Jews are falsely accused of murdering Christian children for the alleged purpose of obtaining blood, his Imperial Majesty, taking into consideration that similar accusations have, on previous numerous occasions, been refuted by impartial investigations and royal charters, has been graciously pleased to convey to those at the head of the Government his Sovereign Will: that henceforward the Jews shall not be charged with murdering Christian children, without any evidence and purely as a result of the superstitious belief that they are in need of Christian blood. If, however, a murder should occur somewhere and the Jews are suspected, without, however, the prejudice that they committed it in order to obtain Christian blood, then an investigation by legal process shall be made, in accordance with the evidence connected with the particular occurrence, as is done in the case of persons of other religions who might be suspected of the crime of murder.”

A hundred years had passed since then—the depressing years of the reaction of Alexander III and Nicholas II and, finally, the period of decay of Czarism bound up with the reign of the last Czar Nicholas II, when the Government not only disregarded the necessity of caution recommended by Alexander I, but itself staged, on falsified evidence, a ritual trial, the loudest in the whole history of anti-Semitic ritual trials.

\*See Appendix I, 9, p. 246.

The Beiliss case was tried in the same year (1913) in which the dynasty of the Romanoffs celebrated the 300th anniversary of their reign over Russia. Czaristic Russia created for itself a rather peculiar historical monument in this trial. One can see among the figures supporting the regime an entire gallery of persons rising gradually from the den of thieves and the riff-raff of pogrom makers to the pedestal of the throne—from Cheberiak to the Czar himself.

This explains why the Beiliss affair—the case of the humble, unknown Jew, Mendel Beiliss—has acquired such significance in the historical perspective and, together with all the circumstances, presents such a vivid picture of the whole Czaristic regime in the last years of its existence.

We can finish our work with the same statement with which we began : From the point of view of the legal and political regime of the last years of the existence of the monarchy in Russia, as well as from the special point of view of the history of Russian anti-Semitism as a method of solution of national problems, the Beiliss affair gives us material unsurpassed in interest, in wealth of content, in vividness of color, and in significance reaching beyond the limits of Russia.

No historian of the last years of Russian Czarism will be able to pass by this affair. No political leader can afford to ignore it in his endeavor to become informed of all the monstrosities of political reaction and national hatred which were possible under the autocratic regime of Czar Nicholas II.

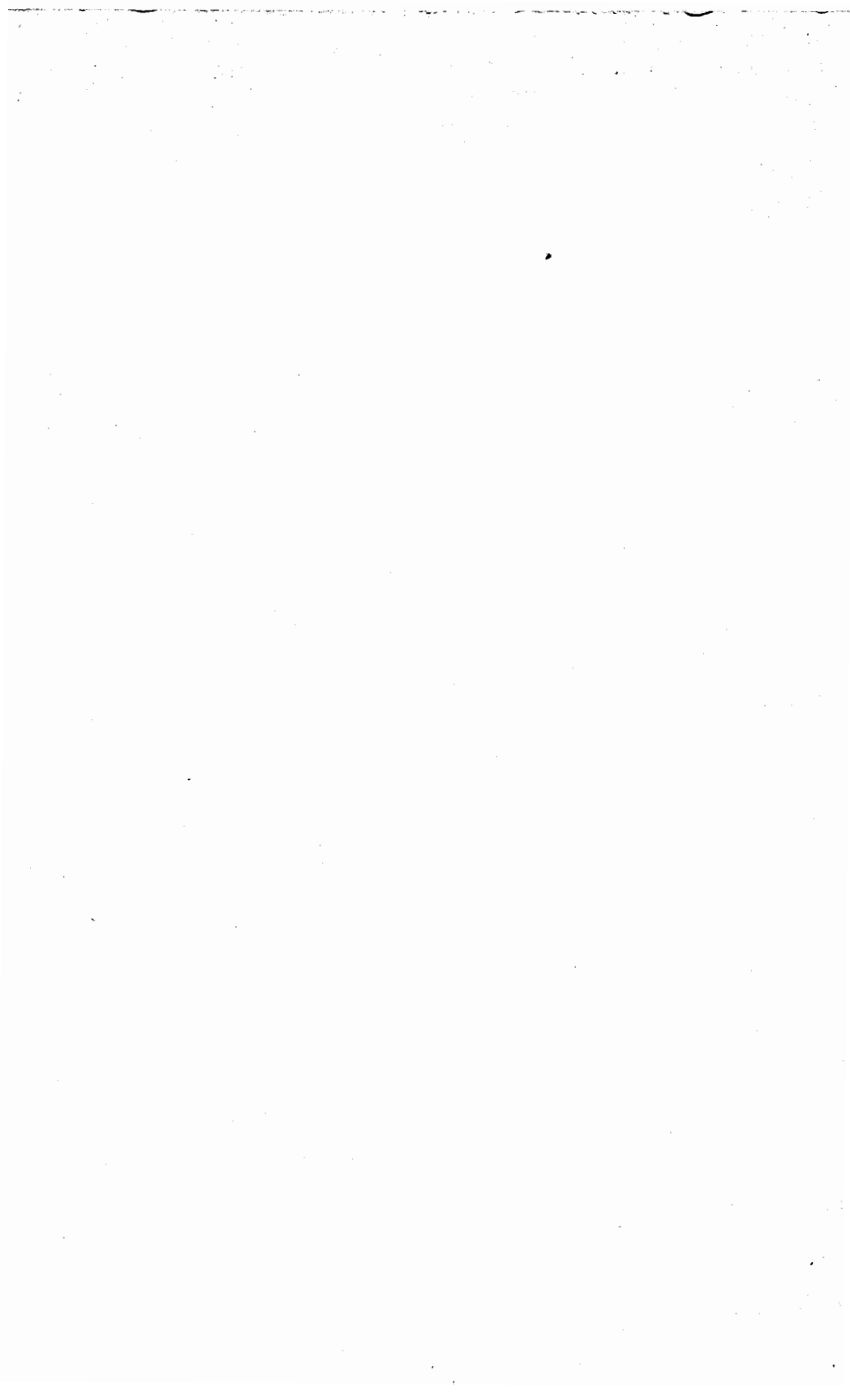
THE END



## APPENDICES











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## 10. (See p. 126)

*Telegram of Governor Girs of Kiev, November 8, 1912, No. 899, addressed to the Vice-Minister of Interior Kharuzin.*

$\frac{31}{vii}$  912, No. 1370

Decipherment of the code telegram addressed to the Vice-Minister of the Interior, Hofmeister Kharuzin. From Kiev, November 7, 1912.

Secret letters, telegrams of Minister, yours, mine, mentioned in telegram of Your Excellency, regarding elections Imperial Duma, as well as last telegram containing indications that I personally destroy above mentioned correspondence, were today burned personally by me. No. 899.

GOVERNOR GIRS.

Correct: (Signature illegible)

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*The original of this document is kept in the Central Archives. See case on the elections to the Imperial Duma in the Kiev province, No. 16/44, 1912, p. 206.*

Signature: *Secretariat of the Collegium of the Central Archives, R.S.F.S.R.,*

5. X. 1932.

*Beketova.*

was ransacked, but it is also possible that a copy of this report of Ganganelli might have remained in the files of the former nuncio in Poland. This is the only way in which this document could have reached the press in Dublin, and become known to Lord Rothschild."

These explanations of Cardinal Merry del Val now present a purely informational interest only, but they prove, nevertheless, the readiness of the Curia to please on occasion even the Jews, if at the same time there is a possibility of evading "the essence" of the religious questions.

In connection with this same Kiev trial, one of the ambassadors accredited to the Vatican assured me that Cardinal Ferrata (a probable candidate for the Papacy) expressed to him his conviction of the actual existence of ritual murders by the Jews and referred him to a very learned investigation on this subject.

Accept, Sir, assurances of my best respect and absolute devotion.

D. NELIDOFF

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*The original of this document is kept in the Central Archive Office.  
See case "The Holy See Telegrams," No. 32/948, 1913, p. 88.*

Signature: *Secretariat of the Collegium of the Central  
Archives, R.S.F.S.R.,*

5. X. 1932.

*Beketova.*



A local banker, a Jew, brought to our Imperial Mission a copy of the Cardinal's reply, with the request that I certify the authenticity of the undoubtedly genuine signature of the Cardinal Secretary of State on the copy. I consented to fulfill this request provided the word "Duplicata" was placed on the paper presented to me. This copy then had to be sent to Kiev, but evidently it could not have any significance, for it would not reach Kiev until after judgment had been announced in the Beiliss case.

This incident, however, permitted me to enter into a conversation with the Papal Secretary of State on this subject.

The Cardinal pointed out that in his answer to Lord Rothschild he limited himself to the purely formal side of the question, by confirming the authenticity of the copies presented to him, but had no intention of expressing himself on the substance of the question asked by Rothschild. "In this question," said the Cardinal, "the press obviously put a strained interpretation upon the documents in question. It is one thing to forbid a ritual murder charge against the Jews without sufficient evidence, it is another thing to deny that Christians had at any time been killed or even tortured by Jews. This the Church cannot possibly deny. As far, however, as the quasi-authoritative opinion of the 'Cardinal' Ganganelli, later Pope Clement XIV, is concerned, it represents only the private opinion of Father Ganganelli who was not yet at that time a Cardinal and who presented it for the consideration of his colleagues at the office: 'Consulteurs du tribunal du Saint Office.' This document was not at all intended for general knowledge and should have remained in the files of the above-named office. During the disturbances of the year 1848, however, one part of the Holy Office's archives

## 9. (See p. 211)

*Letter of D. Nelidoff, Resident-Minister at the Vatican, November 5/18, 1913, No. 42, addressed to S. D. Sazonoff, Minister of Foreign Affairs.*

[There is a mark on the first page of this letter, in the left-hand margin, which indicates that it was read by the late Czar Nicholas II.]

No. 42.

Received  
November 10, 1913.  
1189.

Rome, November 5/18, 1913.

Sergei Dmitrievich.

Sir:

The Roman Curia appears to have mixed in the notorious "Beiliss case," recently concluded in Kiev.

Your High Excellency has probably already directed your attention to the long letter which was published in the newspapers, a letter addressed by the prominent English Jew, Lord Rothschild, to the Cardinal Secretary of State. Lord Rothschild requested confirmation of the fact that the Roman Pontiffs always denied the existence of ritual murders, a fact, said he, which is proved by the extracts which he enclosed in his letter from two documents whose existence, he said, was denied by the priest Pranaïtis, expert at the Kiev trial.

In his very short reply, Cardinal Merry del Val limited himself to the certification of the identity of the copies enclosed in the letter with the originals kept at the Vatican, and to the expression of the hope that his declaration "will serve the purpose aimed at by Lord Rothschild."

To His  
High Excellency  
S. D. Sazonoff.

Termez, and citizen Tula *Smirnova*, who resides at the frontier post Nijne-Piandjsk, from the Greek Orthodox Christian faith to Roman Catholicism—in violation of the prescriptions of the Circular of the Ministry, of August 18, 1905, No. 4628.

Besides the report of the Department of Police of December 9, 1894, No. 6154, there is no other derogatory information about the priest Pranaïtis in the files of the Department of Ecclesiastical Affairs.

I find it necessary to add that priest Pranaïtis is known to the Department as a person whose attitude has been very unsympathetic toward the Jews, in particular toward their activity in the Turkestan region. Being very well versed in the question of ritual murders, the priest Pranaïtis published a very valuable work on the Jewish doctrine, and at the end of September of this year, according to the desire of the Minister of Justice, he was summoned to St. Petersburg in the capacity of an expert in the ritual murder case in the city of Kiev.

Accept, Sir, the assurance of my complete respect and devotion.

(Signed) E. MENKIN

No. 12216

December 28, 1912.

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*The original of this document is kept in the Central Archive Office. See case of the Department of Police, No. 131: "About the propaganda of Catholicism in Russia," p. 132.*

Signature: *Secretariat of the Collegium of the Central Archives, R.S.F.S.R.,*

5. X. 1932.

*Beketova.*

I find that this report is of the greatest significance, because my refusal to present the case to the Investigating Magistrate for additional investigation will raise a clamor in the *Zhidi* press.

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*The original of this document is kept in the Central Archives. See, case of the 1st Department of the Ministry of Justice, II Criminal Branch, 2nd section, No. 423, vol. III, 1913: "On the murder of Yustshinsky in Kiev," p. 178.*

Signature: *Secretariat of the Collegium of the Central Archives, R.S.F.S.R.,*

5. X. 1932.

*Beketova.*

8. (See p. 204)

*Letter of E. Menkin, Director of the Department of Ecclesiastical Affairs, December 28, 1912, No. 12218, addressed to S. P. Bielezky, Director of the Department of Police.*

Director of the  
Department of  
Ecclesiastical  
Affairs.

Special Branch.

Confidential. 132.

Jan. 26, 1913.

Stepan Petrovich,

Sir:

In view of the letter of December 16, No. 110110, I have the honor to inform Your Excellency that in March, 1908, according to the order of the Ministry, the priest Pranaitis, Curate of the Tashkent Catholic Church, received a severe reprimand from the Executive of the Mogilev Roman Catholic diocese for having converted *Markoff*, who served with the military engineers in the hamlet of

His Excellency  
S. P. Bielezky.

7. (See p. 138)

*Letter of the Chief Procurator of the Kiev Supreme Court, Chaplinsky, May 28, 1912, addressed to A. V. Liadoff, Vice-Director of the Ministry of Justice.*

28

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V

Much respected

Alexander Vasilievich,

Simultaneously with this letter, under No. 2338, I present to the Minister a report on the case of Yustshinsky. I state therein the reasons why I ignored the declarations of Brazul-Brushkovsky. The information given by him is confused, evidently absurd, and is calculated to obscure the facts of the case. My view is that the judicial authority cannot be a toy in the hands of all kinds of swindlers and must not return cases for additional investigation on evidently absurd grounds. As, however, many Court officials, and among them also the Chief Justice [of the Supreme Court] have a different opinion, and maintain that any new information, no matter how absurd, must receive attention according to article 549 of the Statute of Criminal Procedure, I considered it my duty to report to the Minister about my order in detail, so that if His High Excellency should not share my view, he may order me to transmit the information given by Brazul-Brushkovsky to the consideration of the Superior Court and the Supreme Court, according to article 549 of the Statute of Criminal Procedure.

This is a very unfortunate case, and great pressure is being brought to bear on all sides. Many persons of solid position are trying hard to persuade me that the Beiliss case must be discontinued, that such is the desire of our Minister, and so on . . .

Naturally, I am not caught with this bait, and drive away my well-wishers.

Yours devotedly,

(Signed) CHAPLINSKY

Do not fail to communicate my report in detail to the Minister.

possible outcome of the case in the acquittal of the defendant will make a very distressing impression upon the Russian population, and, on the other hand, will evoke among the alien groups, especially among the Jews, great jubilation because of so favorable a solution of the trial which has all along constituted a serious threat to the Jewish part of the population.

At the time when the Beiliss case may be expected to be tried, the elections to the Imperial Duma will take place in the Kiev province, requiring the necessity of taking all possible measures to guard the Russian electors against burdensome shocks.

In view of this, I have the honor most humbly to ask Your High Excellency whether you would think it advisable to give an order to put the Beiliss case on trial not before the end of the elections to the Imperial Duma in the Kiev province.

Accept, Sir, the assurance of complete respect and devotion.

No. 232.

MAKAROFF.

May 3rd, 1912.

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*The original of this document is kept in the Central Archives. See case of the "Department of the Ministry of Justice, II Criminal Branch," No. 423, vol. III, 1913: "On the murder of Yustshinsky in Kiev," p. 146.*

Signature: *Secretariat of the Collegium of the Central Archives, R.S.F.S.R.,*

5. X. 1932.

*Beketova.*