

The Red Scare And The Bi's Quest For Power: The Soviet Ark As Political Theater

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THE RED SCARE AND THE BI'S QUEST FOR POWER:
THE SOVIET ARK AS POLITICAL THEATER

by

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B.A. in History, University of Central Florida, 2008

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ABSTRACT

The Red Scare of 1919-1920 has been presented as a wave of anti-Radical hysteria that swept post WWI America; a hysteria to which the state reluctantly capitulated to by arresting Radicals and deporting those alien Radicals they deemed most threatening. This presentation, however, is ludicrous when the motivations of the state and its conservative allies are examined. The truth of the matter was that almost all of the people targeted by the Red Scare represented no significant threat to the institutions of the United States and were merely targeted for holding Leftwing ideas, or being connected to a group that did. This work examines how the Red Scare deportations were used as a performance to gain power and funding for the Bureau of Investigation and how the Bureau sought to use this performance to set itself up as the premier anti-Radical agency in the United States.

While the topic of the Red Scare of 1919-1920 has been thoroughly covered, most works on the subject attempt to cover the whole affair or even address it as part of a larger study of political repression in the United States. In these accounts these authors do not see the Red Scare as a performance, which culminated in the Soviet Ark deportations, put on by the BI in order to fulfill its goal of expanding its own importance. This work addresses the events leading up to climactic sailing of the Soviet Ark, as political theater put on by the BI and its allies in order to impress policy makers and other conservative interest groups.

Since the Soviet Ark deportations were the climax of the Red Scare performance, this work addresses the event as a theatrical production and follows a three act dramatic structure. It begins by exploring the cast of characters, both individuals and organizations, in the BI's performance. This is followed by an analysis of the rising action of the BI, and other reactionary

groups in the evolution of their grand performance. Finally the deportations serve as the climax of the Red Scare in this performance that the BI and its allies would use to justify an expansion of their influence.

Through the use of government records, biographies, and first hand accounts, this work explores the Soviet Ark deportations as the high point of the first Red Scare, the point in which the BI and its allies took their quest for expanded power the furthest before having to change course. The grand performance that the Bureau of Investigation put on is looked at, not as a response to placate others – something the BI was merely swept up in – but as a performance that they designed to meet the specific needs of their campaign to grow their agency, a performance for which they were willing to draft those that represented no real threat despite the consequences to those individuals.

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INTRODUCTION

The guns of the Great War had only just been silenced and the trenches that crisscrossed the European continent like bitter scars had only recently been vacated, when across the Atlantic Ocean the war machine of the United States began to wind down. The Great War was fought to preserve democracy, and though the forces of tyranny were defeated, the United States found itself already faced with another imminent danger before any peace treaty was signed. Perhaps even more threatening than the Central Powers, this new danger was a threat that was arising from within. This was the threat of the Radical Left; or so the state hoped to make the populace, and more importantly the legislature believe.¹

Though they already held substantial influence in how the media portrayed the threat of the Radical Left, the Department of Justice sought to drive the point home with a grand show of both the danger that Radicalism represented and their own capabilities as an institution that could safe guard the “American way” from it. They constructed a type of grand political performance set on the national stage. The message to be conveyed by the performance was as follows:

¹ Throughout this work I make a distinction between radicals, those that associate as people or groups of people whom seek change that the contemporary political and economic structures could not provide, and Radicals, those people or groups of people whom are portrayed as radicals by others though they themselves might not identify as such. The Socialist Party serves as an excellent example of a group that was referred to as radical by the state and the reactionary right – those conservative elements that desire a return to the status quo prior to the success of the labor movements and the appearance of Radicals, though many of its members asserted that its goals and methods were not radical at all but could be achieved through reform, and were connected to many basic American values. Furthermore, the uncapitalized term radicals can also be used to reference rightwing groups that sought change outside the existing political and social structures, and therefore I use the capitalized Radicals to specify that I mean Leftwing groups that the state and the reactionary right viewed as radicals or sought to present as such. When I reference the state’s view or portrayals of all Leftist groups, I use the capitalized Radicals in order to make this distinction. Furthermore, I capitalize Leftists and Left in a similar manner, utilizing the capitalized form for the state’s portrayal and view (some anarchist groups viewed themselves as outside of the right-left paradigm).

The Radical Left tried its best to sabotage America's effectiveness during the war. The Industrial Workers of the World (IWW), Anarchists, and Socialists, instigated strikes, slowdowns, and sabotage, in key war industries as they agitated against the draft, and their terrorist bombings took innocent lives. With the cessation of hostilities abroad, the Radical Left was poised to once again strike at US institutions and the American way of life. Existing police and federal agencies needed to be drastically overhauled in order to deal with the menace. Realizing the imminent threat this Red Peril represented, the government and population soon set about investing authority in the Department of Justice to eradicate the Radical Left.

This move could not have come sooner. The newly formed Bureau of Investigation (BI), the forerunner to the Federal Bureau of Investigation, quickly discovered numerous bomb plots, specific dates set for coordinated revolutions, and the collaboration of different Radical Left factions. The BI, despite its initial lack of sufficient personnel and resources, utilized the talent of its members to infiltrate different Radical Left organizations and coordinated with the Department of Labor a series of lightning-fast raids on the offices of Radical organizations. Record numbers of Radicals were arrested, and evidence of their plots to violently overthrow the United States, and the tools to carry them out, were discovered.

With these Radicals in custody, the Justice and Labor Departments were ultimately able to remove the threat they represented to the United States by means of deportation. Finally in custody and awaiting their expulsion, newspapers were able to publish images and stories of the true face of the Radical threat. Despite the shrewd efforts of Radical sympathizers and high-priced lawyers, the sheer talent, tenacity, and determination of government officials such as A. Mitchell Palmer, and J. Edgar Hoover, and the patriotic support of the American citizenry, the dangerous Radicals were escorted onto an Army transport docked at Ellis Island under a

necessarily heavy guard. Even as Radical sympathizers rioted at Ellis Island to free their comrades, the determination and bravery of the government officials, soldiers, and police assured the safe send-off of the ship. Thus the message was sent to those Radicals still remaining in the United States that their plots against the American way of life would not go unchallenged. The American citizens were reassured that their country's strength and resolve would protect them from subversive domestic threats. Now, with proof in hand of their abilities, the BI went to the legislature in order to secure the necessary funding and power to deal with the Red Menace.

With that work of showmanship complete, the curtain briefly closed as the various state players prepared for their next performance, another scripted and carefully publicized deportation, another performance of political theater. Once again institutions within the state staged a complicated performance meant to increase their power by fabricating an imminent national threat and a popular fervor to stamp out that threat.

At the close of the First World War, the United States held thousands of immigrants either in prison or on its deportation schedule. At a time when immigrating to the United States was much easier than in the Twenty-First Century, it is hard to imagine that so many people were awaiting expulsion. What makes this more unimaginable is that these people had come to the United States legally and, in the case of the majority, had not committed any crime in the conventional sense. Many were "thought criminals", persecuted for holding or being associated with a dissident ideology.

These "thought criminals," like many persecuted for holding dissident ideologies, were not simply arrested and prosecuted. The state did not merely bring them quietly into the night, disappearing them as is common in many totalitarian states. The "dangers" that these ideologies

represented were too valuable a political commodity to be quietly erased. The “thought criminals” that fell victim to the Red Scare were people that the state felt it had to use as an example. This example of course was made a grand show in order to reach the widest audience and have the greatest effect. These dissidents were drafted into a play and made its villains. This performance had significant consequences for themselves and the state institutions that put on the performance.

The climax of this performance would come in December of 1919, 246 “Anarchists” were loaded onto the US Army Transport *Buford* to be sent to Finland and then to the nascent Soviet Russia, which was still in the midst of a Civil War. On board were two of the United States’ best known Anarchists, Emma Goldman and Alexander Berkman. The *Buford*, under a heavy military guard of 200 marines and accompanied by a destroyer, set sail for Finland on December 21st, 1919. On January 20th, 1920 the deportees were escorted across the Russian border. The ship was nicknamed the Soviet or Red Ark by many journalists, and was referred to as such by politicians and state authorities because of both the ideology of some of the passengers as well as the destination.

This paper focuses on the state’s crafting of a grand performance that would culminate in the Soviet Ark deportations. Was this merely a type of political performance meant to elicit a reaction from the public and legislature, or did it address real security concerns? If it was not a performance, then were the roundups and deportations an appropriate response to the threat that the Radical Left represented? What was the importance of this event, and how did it affect the social landscape on which it occurred? In particular, how was the Red Scare presented, and what did it mean to the different audiences involved including state officials, Radicals, and the general public? Furthermore, what was the intended purpose of those that put on this grand show, and

was this purpose accomplished? What did the officials of the Justice Department and other governmental institutions seek to accomplish, and could they have accomplished their goals without resorting to the use of political theater? Finally, how did Red Scare and the way it was presented set the stage for later uses of political theater by the Justice Department and against Radicalism including the second phase of the Red Scare, Prohibition, McCarthyism, and later suppressions of the anti-war movement?

The study of the Red Scare as political theater is also relevant to understandings of US foreign relations, particularly during the pre-Cold War era. The *Buford* deportations signify the start of a shift toward a focus on Russia and Communism by the state in regard to which group and ideology it pursued the most vehemently. Additionally, the repression of this period also urged a significant number of Radicals to shift their focus and ideology toward the standard set by Russia.

The Red Scare has remained a particularly “sexy” topic given the many angles from which it can be addressed. The romantic elements of both the Radical struggle for a new world, as well as the intrigue of detective stories that follow the careers of Bureau agents, make for fascinating fiction and, arguably, even more fascinating scholarly work that seeks to separate fact *from* fiction. While the subject has no shortage of studies, they generally are concerned with what happened, who did it, and why. However, often what is left out is a critical analysis of how these groups presented their actions.

Other works have examined the government apparatuses utilized in order to bring about the deportation of Radical immigrants. Charles McCormick published two books that deal with the Red Scare. His work, *Seeing Reds* deals with the criminal investigations that accompanied

the Palmer Raids and much of the larger governmental efforts that went into them. This work is specifically an examination of anti-Radical policing in the Pittsburgh mill district from 1917-1920, and therefore it explores only part of the larger picture of the Red Scare. *Seeing Reds*, while useful in determining how the Justice and Labor Departments conducted their investigations of Radical Left-wing groups and the evolution of various enforcement agencies at the end of World War I, focuses too heavily on the actions of specific undercover government agents and radical attorneys. This prohibits it from offering a broad enough analysis of the time and events, and moves away from a strictly scholarly approach as it takes on some aspects of a detective story. While McCormick recognizes that the Red Scare was not merely carried out, but specifically presented in such a way to increase support for the Justice Department, since this is not the focus of his work, he predictably does not elaborate on the subject. McCormick's other work *Hopeless Cases*, is even more specific, analyzing the various bomb threats associated with the Red Scare. Once again, McCormick's focus is on the detective work that went into hunting for the source of the bombs and the way in which the Department of Justice and Bureau of Investigation presented their Red Hunt is omitted.²

William Preston, Jr. published an account of how anti-immigrant sentiment fuelled a vengeance hunt against the successes of labor, particularly the Industrial Workers of the World (IWW). According to Preston, capitalists and the US government initially believed the IWW to consist of predominantly foreign born Radicals. His work asserts that a failure to effectively prosecute the IWW as a whole, a body actually composed, in large part, of native born US citizens, led to a focus on the persecution of foreign Radicals. Preston's assertions stop,

² Charles H. McCormick, *Seeing Reds: Federal Surveillance of Radicals in the Pittsburgh Mill District, 1917-1921*, University of Pittsburgh Press (Pittsburgh: 1997); Charles H. McCormick, *Hopeless Cases: The Hunt for the Red Scare Terrorist Bomber*, University Press of America (Lanham, Md: 2005).

however, just short of examining how that anti-immigrant sentiment is used. He does not explore how that nativism led the state to go after Russian laborers. The work does not contain a study of how state institutions framed the conflict in such a way that benefited them. Also absent from the analysis is how these same institutions used these conflicts to compete with one another for funding and power. Additionally, Preston's work does not examine the different audiences that were the targets of these varying presentations of the anti-Radical crusade.³

The lives of the most notable characters involved, namely Emma Goldman, Alexander Berkman, J. Edgar Hoover, and A. Mitchell Palmer, have also been extensively documented in the numerous biographies that chronicle their lives. A plethora of books have been published about the evolution and methods of the FBI - and its forerunners - in surveiling, apprehending, and prosecuting Left-wing Radicals and their organizations. These biographies tend to romanticize their subjects, as many biographies do. When these texts examine what their subjects did and the records left behind, they often take a broad approach to their analysis seeking to give heady meaning to the person's life as a whole. To properly examine the way anti-Radicalism was presented, the study has to be separated from the elites and Radical leaders and focused instead on the presentations and consequences of their actions in context with specific moments and messages in the past.⁴

The work that comes closest to the mission of this paper is that of Regin Schmidt's 2000 study, *Red Scare: FBI and the Origins of Anticommunism in the United States* in which the

³ William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, Second Edition, University of Illinois Press (Urbana and Chicago: 1994).

⁴ Alice Wexler, *Emma Goldman in America*, Beacon Press (Boston: 1984); Emma Goldman, *Living My Life*, Dover Publications (New York: 1970); Alexander Berkman, *The Bolshevik Myth (Diary 1920-1922)*, Boni and Liveright, (New York: 1925); Curt Gentry, *J. Edgar Hoover: The Man and the Secrets*, Norton (New York: 1991); Ralph de Toledano, *J. Edgar Hoover; The Man in His Time*, Arlington House (New Rochelle, N.Y.: 1973); Stanley Coben, *A. Mitchell Palmer: Politician*, Columbia University Press (New York: 1963).

author asserts that the Red Scare was not a product of mass hysteria but was the result of the Justice Department's manipulation of legislative and popular opinions. This manipulation, Schmidt asserts, was nothing new for the Department. The author argues that the tactics utilized by the Justice Department and the Bureau of Investigation during the Red Scare had already become standard operating procedure at the time. The difference, Schmidt posits, was that the Red Scare witnessed these institutions acting on a scale previously unseen. These concerted actions created an artificial state of hysteria among patriotic societies, the legislature, and various other governmental bodies local, state, and federal. However, Schmidt's study focuses predominantly on the latter half of the Red Scare and the Justice Department's crusade against the Communist and Communist Labor Parties. Though it ostensibly examines the Bureau's hunt for anarchists and the Union of Russian Workers (UORW), this section is much slimmer than the later section of the book that deals with the Communist parties. Furthermore, while the presentation of the *Buford* deportations is examined, it is not given the depth of analysis as that of the latter crack downs on the Communists, and its theatrical value is ignored.

Where this thesis differs from the existing literature is its focus on how the Red Scare was utilized by the state to present the image of Radicals that best suited state interests. Specifically, the state sought to portray themselves as gallant heroes fighting back the un-American hordes in order to safeguard the American way of life. It will look at how the Red Scare was crafted by the state to affect the views and opinions of the public, patriotic organizations, the legislature, business communities, and other government institutions local, state, and federal. The performance that culminated in the deportations will be examined for their significance as forerunners to the later assault on the Communist parties and the

renegotiation of the US government and radical communities in the United States toward an emphasis on Communism and Soviet Russia.

In order to answer these questions this paper will explore the manner in which the Red Scare of 1919-1920 was carried out and presented to the public, to other state officials and entities, as well as to the various Radical communities that found themselves the targeted. Particular attention will be paid to the role that state and Radical leaders, including J. Edgar Hoover, A. Mitchell Palmer, Luis F. Post, Emma Goldman, and Alexander Berkman, played in the deportations that culminated the performance and any shifts that they caused. It will also examine the state's goals in presenting the Red Scare to each group as it did. Contemporary trends such as business interests and nativism will be investigated for their influence on how the Red Scare was presented to different audiences, and how these audiences each perceived and dealt with them. Finally, the paper will explore the instances in which these tactics failed, where and why they were rejected, as well as where and why they simply fell short of their intended goals.

Given that this work deals with political theater, it is organized as if it were a play. The three chapters herein mirror the three act structure of many plays and the progression of my own research on this topic. Furthermore, it parallels the progression of the BI's attack on the whole of the Radical Left.

The first chapter introduces the important players in this performance. Like most first acts, this section of the work provides readers with the status quo of these characters in order to establish their intentions and the likelihood of their behavior. The second act sees the action rise, and focuses on the BI's previous attempts to create a grand performance of political theater that

would allow them to grow in both finances and jurisdiction. How the Bureau put itself into a position where this recital was even possible will also occupy a significant percentage of this chapter. Finally, the climax is reached in the third chapter where the BI has crossed the threshold past the point of no return. In this chapter, the Palmer Raids and the Soviet Ark Deportations are analyzed for their value as a performance used to further the ends of the Bureau of Investigation and the Justice Department as a whole.

Drawing on media sources including the *New York Times*, *L.A. Times*, *Washington Post*, and *the Chicago Tribune*, this paper will explore how the Soviet Ark deportations were portrayed to the general public. These sources will be examined for bias and their connections to business and state interests. Government documents including Congressional and court records, police reports, and correspondence and memos to and from officials in both the Departments of Justice and Labor, will be used to illustrate the prevailing attitudes within the various government apparatuses involved in the Soviet Ark episode. Complicity or collusion between government institutions and the media will be given particular attention and examined for their effect and intent.

Similar complicity will be examined on the part of state institutions and patriotic societies, private detective agencies, and the business community. These entities comprised some of the active supporters of the state's actions in the anti-Radical crusade. Other scholars have asserted that patriotic societies and private detective agencies, at the behest of the business community, were the state's most active allies in the Red Scare, and often served as the ground troops for the BI and other state institutions that sought to intimidate, arrest, surveil, and eventually deport members of the Radical Left. Furthermore, these groups were often looked to in order to determine if public opinion was behind the assaults on the Radical Left; thus in

determining the popularity of their oppressive actions the state looked not to the masses as a whole, but to its own instruments and partners in oppression. The interactions between these groups and the state will be examined in order to understand how state institutions attempted to expand through the inclusion and coopting of private entities that were willing to assist voluntarily or were being paid to do so by other groups such as businesses.

Radical newspapers and publications including Emma Goldman's *Mother Earth*, the Communist Party of America's *Daily Worker*, the IWW's *Industrial Worker* and *Solidarity*, the Socialist Party's *The Socialist* and *The Call*, and the UORW's English language pamphlets including *Plain Words*, will be investigated for their representation of the American Left's substantial turn toward Russia as the new hope for revolution. These papers provide a counterpoint of Radical ideology and actions compared to how these things were presented by the state. Furthermore, this paper will also analyze diaries, memoirs, and autobiographies of those involved in order to elucidate the intentions and attitudes of state and Radical leaders and the organizations to which they were tied. These sources provide an account of the Radical's treatment that is less couched in the obfuscating language of government documents or the often hyperbolic rhetoric of Radical publications.

CHAPTER ONE
THE PLAYERS
PORTRAYALS, PERCEPTIONS, AND PURPOSES

Like any good performance the Red Scare of 1919-1920 had a cast of characters. The Dramatis Personae of this political performance is divided into two groups: the Radicals that were targeted by state institutions and drafted into this performance; and the agents of various state institutions, particularly the BI and the Department of Justice, who put on the show of deporting the Radicals. This work deals with perceptions and the way one group sought to portray the other.

In order to understand the performance that was the Red Scare, it is necessary to explore those that took part. Unlike the Montagues and the Capulets, these two groups were not merely at odds because they had been so for time out of mind. Both groups were motivated by specific ideologies and interests that set the two against one another in a variety of ways. The reactionary portrayal of the Radicals will be juxtaposed with the reality of the threat they represented to different American institutions. Then, the self-portraits of state and reactionary organizations will be contrasted with their obfuscated ideological and material agendas. Together, the understanding of these two opposing groups will contribute to a fuller picture of the performance that the state would eventually put on in the hope of achieving its goals.

How state institutions viewed the Radicals and sought to portray them to the general public differed from the reality of the Radical Left. The reactionary right held a specific prejudice against the Radical Left that was guided and enhanced by their own self-serving motives. These motives compelled the state to distort the truth for their own gain.

The Radical Left was a broad ideological group that believed in sweeping fundamental social changes favoring workers' rights and control of industry. They sought systemic measures to end poverty, and worked for a complete overhauling or abolition of the repressive aspects of the state – or in some instances the entire concept of the state itself. These groups were known as radicals because the changes they sought were so broad that they could not be achieved within the framework of the existing social systems. Thus, they needed to work in a manner outside of the established norms to bring about the change they envisioned.

Perhaps it was this radicalism that allowed the state and the reactionary right to label the Radical Left as violent revolutionaries. They were spoken of as bomb throwers and murderers who were intent on using physical violence in order to attain their goals without regard to the consequences. Deputy Director of the Department of Labor, Luis F. Post, summed up this opinion well in his statement that Radicals were, “malignant conspirators and destructive revolutionists.”⁵

This image of the bomb-throwing Radical was commonly presented by agents of the state and by the right wing. The Radical Left was viewed as violent revolutionaries regularly connected to bomb plots, assassination attempts, and conspiracies to cause wide spread panic through the use of indiscriminate violence. Even in *Little Orphan Annie* a Marxist makes an attempt on the life of Daddy Warbucks. Presented as the terrorists of their day, the Radical Left was associated with all the negative images the state, capital, and the media could muster. They were described as boogymen in children's stories – and perhaps that comparison makes sense. The image of the Left was a bit more imaginative than the right would like to be believed. As the

⁵ Louis F. Post, *Deportations Delirium of Nineteen-Twenty: A Personal Narrative of an Historic Official Experience*, Charles H. Kerr and Co. (Chicago, 1923), p. 14.

American satirist H. L. Mencken put it, “The whole aim of practical politics is to keep the populace alarmed by menacing it with an endless series of hobgoblins, all of them imaginary.”⁶

While Post’s statement sums up the view reactionaries held of the Radical Left, he actually continued to refine his point beyond the right wing stereotypes. Post recognized the diversity of Radical ideology and tactics. He asserted, “At one extreme are malignant conspirators and destructive revolutionists; at the other are apostles of peace, preachers of the principle of non-resistance, of ‘turning the other cheek,’ persons supremely harmless except to those perverted imaginations which anticipate violent revolutions as consequences of non-resistant propaganda.”⁷

This recognition of the diversity of Radical ideas was a rarity within the state. Lumping all of the Left together was not only much easier, but also more useful for the state. Though there are instances of misunderstanding (though whether those are genuine or not is not certain), Post’s assertion regarding the multiple Leftwing opinions about violence seems to ring true. No matter how divergent on the idea of violence the Radical Left might have been, they were being pursued by “those perverted imaginations which anticipate violent revolution.”⁸

Realistically, Radicals simply did not represent a threat to the state or reactionaries. Radicals possessed neither a significant enough number of the US population to threaten it with violent revolution, nor the resources to take on the might of the state and the business community. The closest the vast majority of Radicals ever came to violent revolution was their

⁶ Though *Little Orphan Annie* would not be produced till 1934 the comic strip that inspired it, and much of the ideology that inspired it, grew up in the time around the Red Scare; Quote from: H. L. Mencken, reprinted in Howard Zinn, *A People’s History of the United States: 1492 – Present*, Harper Perennial (2003), p. 647.

⁷ Post, *Deportations Delirium of Nineteen-Twenty*, p. 14.

⁸ Ibid.

firebrand language and violent imagery.

Unfortunately, this type of language abetted the rhetoric of the state. Eliot Asinof summed up this affect: “If super-patriots argued that a revolutionary plot was stirring, Radicals would agree and call for that very thing to happen. The super-patriots would then cite Radical words as proof of the conspiracy, and Radicals would then cite such rhetoric as the onset of repression. If the national patriotic press claimed a strike was ‘Red led,’ the Radical press would then boast of how powerful they were. The patriotic press would then quote the Radical press as proof of their claims.” Unfortunately for Radicals, this circular logic only bolstered the state’s anti-Radical resolve and provided them with the justification they desired.⁹

The orderliness of the 1919 Seattle General Strike spoke to the inaccuracy of the general portrayal of the Radical Left as violent revolutionists.

The hour of the strike call 10:00 am, February 6, 1919, arrived and suddenly all was quiet. ... For the citizens of Seattle, there was water and powdered milk stations for children, gasoline for doctors. There was laundry and cooking gas for hospitals. Thousands of union men of the War Veterans Guard patrolled the streets with white armbands to prevent chaos. Everything possible had been organized in preparation for this day. This was not revolution but order.

The people of Seattle were astonished. The unions had taken over the city and all was peaceful. What became apparent was that the object of the general strike was not to provoke [chaos] but to show solidarity for the sole purpose of redressing grievances. The Strike Committee functioned in continuous session to alleviate whatever conditions demanded its attention. Business representatives were forced to seek approval for their actions and they did so courteously, as did the mayor himself; they were dealt with accordingly.¹⁰

Despite what they may have preached, it warrants noting that there was no significant risk of violence to the state from the Radical Left. This was not only because of their lack of numbers and resources but also because of a general disunity and disorganization that plagued much of the Radical Left.

⁹ Eliot Asinof, *1919: America’s Loss of Innocence*, Donald I. Fine, inc. (New York, 1990), p. 151.

¹⁰ *Ibid*, p. 135.

The Radical Left was too small to represent the kind of threat the state credited them as being. Many of the groups were not large enough to have a nationwide effect. Furthermore, they simply did not possess the resources necessary to bring about the type of revolution that the state, and the BI in particular, claimed they possessed. At best, the largest of the organizations could have regional effects, and even then, could rarely sustain any action for very long given the tremendous opposition the state and other elements of the reactionary right were able to throw against them.

Despite the reactionary claim that the Radical Left was joining forces in order to enact a nationwide revolution, the Radical Left was far from cohesive. Different factions not only refused to work together, but –as Post’s statement about the diversity of radical ideology would suggest – several of them despised one another on ideological grounds. Communists despised groups that favored strikes which did not lead to a “revolutionary type situation,” while anarchists struggled against the exact type of hierarchy that communists insisted was necessary to bring about radical change. Meanwhile, the Socialist Party condemned the slowdowns and work stoppages that the IWW called for in order to resist militarization and make headway in workers’ rights.¹¹

There is simply no evidence of national, or even larger regional, Radical Left groups working together in any substantial, prolonged way. Strikes occurred that were supported by numerous Radical organizations, but there is no evidence of large-scale collaboration among them. Claims such as these made by the state that Radicals of all ideological bents were collaborating to bring about a coordinated, violent overthrow of the United States government –

¹¹ Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States*, Museum of Tusculanum Press, University of Copenhagen (Copenhagen, 2000); Asinof, *1919: America’s Loss of Innocence*, p. 223.

claims that went so far as to even include specific dates that these revolutionary uprisings were to occur – appear to simply have been fabrications.¹²

Furthermore, even with their proclaimed internationalism the Left was not above cultural divides. The Union of Russian Workers (UORW) was an organization that mainly dealt with their own ethnic group. The Galeanisti, which was viewed as the group responsible for several of the 1919 bombings, was comprised solely of Italians. Meanwhile, numerous labor organizations held prejudices against both black workers and immigrants. Only a small number of the major Radical Left movements, most significantly the IWW, and to a lesser degree, the Socialist Party and later the communist parties, were able to breach cultural divides in any meaningful way. Despite their ideology that viewed these differences as mainly the product of the oppressive systems they struggled against, the Radical Left as a whole was not able to bridge these divides.

Yet the reactionary right, time and again, made the accusation that the Radical Left was uniting in order to bring about a revolution. The BI in particular made several claims that they had evidence of collaboration between the groups, and specific dates on which all of the Left was planning to rise up against the state and destroy the American way of life. Numerous July fourths and May firsts were announced to be the known dates of an attempted overthrow by this vast Radical conspiracy. Wobblies were reported to be teaming up with Bolsheviks to stir racial discontent among southern blacks for the purpose of a revolutionary take over, but nothing came of it. These claims were simply an exaggeration that the state and right used to paint their

¹² Jay Feldman, *Manufacturing Hysteria: A History of Scapegoating, Surveillance, and Secrecy in Modern America*, Pantheon Books (New York, 2011), p. 78; “Extremists Here Plan a Revolt to Seize Power,” *New York Times*, March 11th, 1919; “I.W.W., Anarchists, Socialists, in Conspiracy to Overthrow Government,” *Las Angeles Times*, March 11th, 1919.

adversaries as more of a menace than they were.¹³

What was the purpose of this deception? Why paint such a non-threat as the greatest danger to the United States since the Hun? The answer is self-interest. The state had a clear interest in its attacks on the Radical Left. If any of the Radical Left movements won their goals, the state could not continue to exist in its contemporary form; for that matter, if anarchists won their goals the state would cease to exist at all. However, the goal of generally fortifying state institutions against reformist or Radical changes does not explain the attack on the Radical Left that the Red Scare came to be. In order to understand this desire to eradicate the Left, we have to look to the state institutions that most vehemently sought its destruction. First among these institutions was the BI.

Though the Bureau of Investigation, like most bureaucratic and police institutions, maintained that it was a completely apolitical body, it did more than merely enforce the laws put forward by other government organizations. The BI had a very specific agenda, namely to expand in size, power, and funding.

This desire to expand enticed the BI to utilize tactics that went beyond merely enforcing existing laws as effectively as it could. It instead sought to portray the Radical community as such a threat to the American way of life that the Bureau would require significantly more resources to combat it. In order to accomplish this, the BI exaggerated the threat that the Radical community represented in order to receive a larger amount of funding, and expanded powers. To do this, the BI, and the Department of Justice in which it was nestled, had to convince Congress that not only was the Radical Left a significant threat, but also that the BI was the institution best

¹³ Fredric C. Howe, *The Confessions of a Reformer*, Charles Scribner's Sons (New York, 1925), p. 273-274; Feldman, *Manufacturing Hysteria*, p. 83, 87.

able to deal with it given an expansion of funding and jurisdiction.

This tactic was not new to the BI. Prior to its assault on Radicalism, the BI was the primary institution pushing for a crusade against “white slavery.” This assault on prostitution also relied on exaggeration. The Bureau presented organized vice as a significant danger to the American public. Through the use of this exaggeration and a broad interpretation of the law and their own purpose as a government agency, the BI was able to expand in both size and jurisdiction. Prior to this, the agency was limited to dealing with bank fraud and anti-trust violations. By attaching itself to a sensational cause, even one they exaggerated, the Bureau was able to grow into an influential bureaucratic agency with much broader powers.¹⁴

Secretary of Labor William B. Wilson, a man whose perspective benefited from both his place inside the state, as well as his objective stance outside of the BI and the Department of Justice, unequivocally stated that the Red Scare was manufactured. In particular, he called out the BI for exaggerating the Radical threat in order to pursue its own agenda. The BI, he asserted, “had to justify its existence...There was a training up of the public mind in the first instance to expect red outbreaks, and I think that training up was, [deliberately committed by the] Bureau of Investigation which had to get appropriations of liberal size from Congress.” Later Wilson asserted that, “The whole thing was done [by the Department of Justice] with a hurrah that gave the country the impression that it was honey-combed with anarchy and revolution.”¹⁵

The BI’s financial requests sharply increased as they pulled themselves further and further into the task of eradicating the Red Menace. After a dramatic raid against alien Radicals,

¹⁴ David J. Williams, “*Without Understanding*”: *The FBI and Political Surveillance, 1908-1941*, Ph.D. Dissertation, University of New Hampshire, 1981, p. 51, 52; Regin Schmidt, *Red Scare*, p. 85.

¹⁵ Letter, Woodrow Wilson to James Duncan, April 22, 1920, Correspondence 1920, Wilson Papers, Historical Society of Pennsylvania; Schmidt, *Red Scare*, p. 86.

Attorney General Palmer, before the Subcommittee of the House Committee on Appropriations, sought \$2,500,000 for the BI's operations, 40% of which would go to investigating Radicals.

Palmer claimed to congress, as he had done prior to this, that the anti-Radical raids had thwarted revolutionary conspiracies bankrolled by Soviet Russia. When asked to present evidence of this conspiracy, Palmer claimed, "I will not put in the record the evidence we have, but our files are filled with proof that that is what they were after."

Regin Schmidt, in his work *Red Scare*, concurred with Wilson's assertion. He stated that, "A closer analysis of the congressional appropriations hearing during this period shows that the Justice Department needed to put considerable pressure on the committees" to obtain the funds they desired for their anti-Radical campaign. Lending credence to the notion that the Red Scare was not a popular hysteria, but something advocated by specific institutions and interest groups.¹⁶

It was thus necessary to overcome this reluctance through a grand show, one for which the intended audience was not always willing to suspend disbelief. One such instance of congressional disbelief helps to illustrate the validity of the BI's claims regarding the actual threat that the Radical Left represented as well as the BI's ability to be the savior. Senator Reed Smoot, the Republican Chair of the Senate Finance Committee, mocked BI officials requesting funding increases. He referenced the many Department of Justice press releases about the progress made by the BI in their search for the bombers: "Do you think if we increased this to \$2,000,000 you could get one single bomb thrower? I do not mean in the papers; I mean actually

¹⁶ Schmidt, *Red Scare*, p. 152.

get him?”¹⁷

In addition to an increase in their funding the BI also sought to expand their powers and jurisdiction. This desire to expand not only included an attempt to become the be-all-end-all of anti-Radicalism, but also to take on all the intelligence functions of the state. Though the Radical Division was established merely to prepare deportation cases against alien Radicals, eventually the Division expanded significantly under Hoover and was renamed the General Intelligence Division (GID). The BI was able to incorporate all the aspects of researching and prosecuting Radicals by early 1920. Key to this expansion was the Division’s ability to exaggerate its own necessity and the danger of the Radical threat.¹⁸

By and far, the most dramatic of these exaggerations of the Radical threat was the accusation that the Radical Left was filled with gangs of mad bombers. Like many good lies, this one had a hint of truth to it. There was historical precedence for anarchists using bombs against real and symbolic targets of the systems they opposed; however, much of that had been left in Europe, and the vast majority of groups in the United States – a completely different social environment – simply did not feel that resorting to this tactic was useful. To quote a pamphlet of the anarchist philosopher Bakunin, Capitalism is a social relationship, and “you can’t blow up a social relationship.” Far fewer groups utilized bombings, and those groups that did were often completely disconnected from the rest of the Radical Left. Socialists, Communists, and the IWW, did not have any significant history of using bombs. The BI knew this, but continued its

¹⁷ US Congress, house, Subcommittee of Committee on Appropriations, *Sundry Civil Appropriation Bill*, 1920, Second Hearing, 66th. Congress, 1st Session, p. 7-8; Schmidt, *Red Scare*, p. 153.

¹⁸ J. E. Hoover, Memorandum Upon Work of Radical Division, August 1, 1919, to October 15, 1919, October 18, 1919, OG 374217, RG65, National Archives, Washington DC; Memorandum, op.cit., August 1, 1919 to March 15, 1920, ibid.; Memorandum Upon the Activities of the Radical Division, Department of Justice, May 1, 1920, ibid.; AG Reports 1919, 15-16; 1920, 178; 1921, 129, 131; Schmidt, *Red Scare*, p. 161.

investigation and its rhetoric, associating the bombings with larger Leftist groups.¹⁹

Assistant Secretary of Labor, Luis F. Post, outlined his view of how the BI presented these bombings as part of a vast Left wing conspiracy. He wrote that, “One detective who at first was thoughtful enough to suspect that the bombs had been sent by some irresponsible crank, quickly came to the orthodox police-conclusion that ‘the whole thing was a gigantic conspiracy by an organized gang.’ And so the hue and cry clattered on, with every now and again a police assurance to the reporters that ‘the net tightens’ or ‘the lightning is about to strike.’”²⁰

Yet despite the presence of such a supposed “vast conspiracy,” charged as it was with revolutionary violence, there was no evidence that clearly linked the bombings of early 1919 to any Radical group or individual. Despite this lack of evidence, the DOJ and BI attempted to present the attacks as the beginnings of a mass Radical uprising. They continued their exaggerations in order to obtain public support and the necessary appropriations from Congress for an expansion of the government’s anti-Radical efforts.²¹

Compounding this deception were the embellishments and manipulations of the groups to whom the BI outsourced their investigations. Private detectives, as well as the paid informants of the BI, were known to regularly exaggerate the level of danger involved in whatever they were investigating in order to ensure their job security. Some went even further, causing the very danger that they were sent to investigate in order to create more work for themselves. The BI knew about these incidents, and while it cautioned some of its agents to take the word of

¹⁹ Iain McKay, *An Anarchist FAQ* AK Press (2008), p. 51.

²⁰ Post, *Deportations Delirium of Nineteen-Twenty*, p. 39.

²¹ Julian F. Jaffe, *Crusade Against Radicalism, New York During the Red Scare, 1914-1924*, National University Publications Kennikat Press (Port Washington, NY and London, 1972), p. 88; US Congress, House, Subcommittee of Co Committee on Appropriations, Sundry Civil Bill 1920. *Second Hearing*, 66th Cong., 1st Sess., (Washington, DC, 1919), 304; Schmidt, *Red Scare*, p. 150.

informants and private detectives with a grain of salt, there is no evidence that these criminal incidents caused by people on the BI payroll were ever investigated or that this information was made public. After all, revealing such information would detract from the Red Scare they were trying to create.

These embellishments on the part of private detectives and BI informants went beyond merely exaggerating the truth. John Reed suggested that the bombs were actually planted by reactionaries in order to bring the hammer of the state down on the heads of Radicals. While Reed, a celebrated socialist, could be said to have a biased opinion that would skew his reasoning, he was not alone in this conclusion.²²

According to a letter he wrote to Attorney General A. Mitchell Palmer, Francis Fisher Kane, the US Attorney in Philadelphia, stated that a number of the most extreme agitators, who had been kept under surveillance by the Bureau of Investigation, had turned out to be spies employed by private detective agencies. These people had “been actively stirring up trouble, fomenting it by their activity, and even at times creating, as I believe, evils that did not exist.” Kane claimed that the purpose of the provocations was to create more work for them. He asserted that the threat of calamity was “the meat they feed on, – they know on which side their bread is buttered.”²³

The BI itself backed up Kane’s assertion. According to the LA field office, private detectives were the main suspects in several bomb attacks against southern California oil fields. The Bureau believed that the detectives were motivated to commit these terrorist attacks in order

²² Asinof, *1919: America’s Loss of Innocence*, p. 148; Regin Schmidt, *Red Scare*, p. 35; Report, S. A. Connell, November 22, 1919, Old German files 376413, Record Group 65, National Archives, Washington, DC.

²³ Letter, Francis Fishe Kane to A Mitchell Palmer, July 16, 1919, DJ 202600-39-2, Record Group 60, National Archives (microfilm); Schmidt, *Red Scare*, p. 34.

to secure employment as guards at these very installations. The field office reported that, “I know that these things have happened before, and were done by unscrupulous detectives and agencies, and no doubt their ‘frame-ups’ will continue for some time.” And this was not merely a regional issue. According to a Bureau policy document, “there is a marked tendency among a great majority of informants to endeavor to perpetuate their jobs, and for the person who employs them to have an exaggerated idea of their importance to the service.” The BI files show that the Bureau suspected that at least some of the bombs allegedly planted, mailed, or made, by anarchists in 1919, were actually created, planted, or sent by private detectives.²⁴

Despite the BI’s knowledge of private detective and informant exaggeration of, and even occasional responsibility for, the bombings they sought to stop, they still pointed to the Radical Left as the culprit. The idea of the bomb plots simply represented too good an opportunity to smear their enemies, the Radical Left, setting them up as targets of congressional scrutiny, and setting themselves up for a possible funding windfall. Assisting the BI, all the while, in this deception was the media.

Many newspapers followed the BI and police lines that they were close to finding the conspiracy that was responsible for the bombings. The claims of the state were never questioned, and in some instances BI communiqués were reprinted verbatim as news stories. Like the BI’s own misrepresentation of the Radicals, the media was complicit with the BI for several self-serving reasons. Reactionary businessmen owned a significant number of

²⁴ First quote: Report, S. A. Connell, November 22, 1919, Old German files 376413, RF65, National Archives, Washington DC; Schmidt, *Red Scare*, p. 35, 170; Second Quote: Reports, # 836, March 30, 1920, Bureau Section files 202600, National Archives, Washington DC; #836, March 24, 1920, Old German files 136944, *ibid.*; #836, February 18, 25, March 4, 17, 23, May 26, September 10, 18, 25, October 13, 1919, Old German files 352037, National Archives, Washington DC; Asinof, *1919: America’s Loss of Innocence*, p. 148; Report, S. A. Connell, November 22, 1919, Old German files 376413, National Archives, Washington DC.

newspapers. These owners generally held an anti-Radical ideology similar to that of the BI. The larger daily papers, the *New York Times*, the *Washington Post*, and the *Chicago Tribune*, reflected the conservative ideologies of their owners and were consistently favorable to capital in both their editorials and their news columns. However, the chief reason was that these papers sought to increase sales with headlines as dramatic as those provided during the war. As Max Eastman postulated in *The Liberator* (a Socialist publication), the capitalist press seemed to shout “Bolshevism whenever an explosion occurred, but their shouting only strengthened the plausible hypothesis that it was for the purpose of this shouting that the explosion occurred.”²⁵

The press’s need for something to substitute the dramatic war news and guarantee solid circulation was certainly one reason for the sensationalism of the media. Historian John Morton Blum noted that, “The negotiations at Versailles and the treaty fight did not provide the stuff of circulation. Bombs, strikes, and Bolsheviks: red hunts, deportations, and injunctions did.” It was believed, with sales evidence to support it, that these headlines enticed readers to purchase daily papers, and these stories were often then rerun or used as the basis for stories in weekly papers. Thus, the echo of any blast was not only sustained well after the explosion, the blast was often amplified and directed toward the Left.²⁶

However, all of this teasing the public with stories of bomb plots seemed to only work for short stints of time. Louis F. Post described the public’s reception stating, “so much tightening of nets and no fish, and so much thunder with no lightning, made the public weary.” Before the month of May had run much more than half its course the sensation was over and detective

²⁵ Schmidt, *Red Scare*, p. 37; Irving Bernstein, *The Lean Years: A History of the American Worker 1920-1933*, Houghton Mifflin (Boston, 1960), p. 154, 155; Quote reprinted in: Asinof, *1919: America’s Loss of Innocence*, p. 148.

²⁶ Quote from: John M. Blum, “Nativism, Anti-Communism, and the Foreign Scare, 1917-1929,” *The Midwest Journal*, Vol. III, No. 1 (Winter 1950-51), p. 46-53; Schmidt, *Red Scare*, p. 37.

chatter about the postal bombs of that summer had lost its headline value. Without any real headway made in the investigations into the June bombings, they, like those in May, fell out of the popular mindset by the middle of the month.²⁷

This need for bigger and better stories did not just affect how the media operated. The BI found that it was useful to escalate the tales that it told. Claiming that the Left was a threat, that Radicals were violent, even that the Reds were responsible for the myriad of rumored and fictional bomb plots was not enough. The BI and DOJ would have to not only make claims of conspiracy but also assault the character of its enemies. With this tactic, the Bureau sought to create a visceral gut reaction on the part of the public and, much more importantly, legislators that would drive them to an extremely anti-Radical stance. The BI sought to influence them and the public on an emotional level where such an understanding of the Radicals was simply not necessary.

Hoover, and others in the state and reactionary right, portrayed the Radical Left as criminals. He made the claim that Radicalism, “was eating its way into the homes of the American workman, its sharp tongues of revolutionary heat were licking the altars of the churches, leaping into the belfry of the school bell, crawling into the sacred corners of American homes, seeking to replace marriage vows with libertine laws, burning up the foundations of society.” Radicals were criminals and their ideology was urged on by unclean and immoral motives.²⁸

Attorney General Palmer told congress that most of the Radical Left in the United States was not comprised of “genuine” Americans but was actually made up of the foreign-born. He

²⁷ Post, *Deportations Delirium of Nineteen-Twenty*, p. 39, 41.

²⁸ A. Mitchell Palmer, “The Case Against the Reds,” *Forum*, February 1920, p. 173-176; Schmidt, *Red Scare*, p. 296

stressed that they had no legitimate political concerns or ideas, and were either “idealists with distorted minds...many even insane,” or “professional agitators who are plainly self-seekers.” He claimed these people were “potential or actual criminals whose baseness of character leads them to espouse the unrestrained and gross theories and tactics of [Radical] organizations.” To prove his claims, Palmer pointed to the DOJ’s photographic collection of revolutionaries, and claimed that, “Out of the sly and crafty eyes of many of them leap cupidity, cruelty, insanity, and crime; from their lopsided faces, sloping brows, and misshapen features may be recognized the unmistakable criminal type.”²⁹

And if being slandered as criminally insane was not bad enough, the Radical Left was also accused of being in bed with foreign powers. The BI and the reactionary right believed that the Left-wing Radicals were traitors. In their eyes, not only was the Left in cahoots with Soviet Russia, but they also had connections to the Germans. This alleged German connection was used to whip up anti-Radical sentiment during and after the war, even going so far as to say that the Bolsheviks were German agents. With these accusations the BI and the reactionary right sought to connect wartime, and post war, anti-German sentiments to the Radical Left, which it labeled as deleterious to the war effort and even treasonous.

The Bureau had a significant interest in finding a new domestic enemy to help it maintain its internal security role. Soviet Russia’s signing the Brest-Litovsk peace accord with Germany seemed to make the Bolsheviks traitors to the Allied cause and possibly even pro-German. Anti-German passions of the war were thus transferred to not only the Bolshevik regime, but to all the Leftists the state conflated with Bolsheviks. With the publication of the Sisson documents – a

²⁹ Schmidt, *Red Scare*, p. 89; Quotes from: *AG Palmer on Charges*, US Congress House Committee on Rules, (Washington, DC, 1920), p. 19.

series of falsified documents that supported the German-Bolshevik connection – the state endorsed the theory that the Germans paid for and pulled the strings of the Bolshevik revolution. This too, however, was no misunderstanding. It was a deliberate misassociation that served the BI, by their own account, by “enabling the wartime passions against the Germans to be transferred into an anti-Bolshevik opinion following the Armistice.”³⁰

One of the rightwing groups responsible for promoting this transfer of anti-German sentiment to the Bolsheviks was the Overman Committee, a special subcommittee of the United States Senate Committee on the Judiciary that sought to investigate domestic German and Bolshevik elements. This committee linked those they viewed as disloyal during the war to supposed pro-Germans. The targeted group mainly consisted of pacifists and those opposed to conscription. They were linked with the postwar Radical Left by the claim that the same elements, that had opposed participation in the war, now made up the Radical Left. Archibald Stevenson, an advisor to the Overman Committee and later the Assistant Counsel of the Lusk Committee (the New York State version of the Overman Committee), asserted that since revolutionary socialism had its origins in Germany and in Marx’s works. It then logically followed that the “Bolsheviki movement is a branch of the revolutionary socialism of Germany.”³¹

These accusations even came from within the Wilson administration. During his

³⁰ US Committee on Public Information, *The German Bolshevik Conspiracy* (Washington, DC, October 1918), 3, copy in Bureau Section files 202600-1998-2, Record Group 65, National Archives; Schmidt, *Red Scare*, p. 137, 25; Quote from: George F. Kennan, “The Sissons Documents,” *The Journal of Modern History*, Vol. XXVIII, No. 2 (June 1956), 132; *ibid*, *Soviet American Relations, 1917-1920*, Vol. I, Princeton University Press (London, 1956), 412-420, 441-457.

³¹ Quote from: *Brewing and Liquor Interests and German and Bolshevik Propaganda*, Vol. III, 14, 16, the brewing community, attached to Germany as it was, connected itself to state anti-German efforts in order to remove themselves from the suspicion of being pro-German; Schmidt, *Red Scare*, p. 139.

campaign to promote the Treaty of Versailles, Wilson himself attacked “those with divided loyalties” as “un-American.” He claimed that, “any man who carries a hyphen about him carries a dagger that he is ready to plunge into the vitals of this republic whenever he gets the chance.” He claimed it was foreign sympathizers that opposed his Fourteen Points and the Treaty of Versailles.³²

Federal officials began publicizing the danger of Bolshevik propaganda in the US. On January 6, 1919, the New York office of the Department of Justice announced that secret agents had arrived from Russia carrying \$500,000 to finance Bolshevik propaganda activities. However, the BI reassured the public that the state was more than prepared and that the DOJ was watching the Bolsheviki. They announced that the postal authorities were scanning a number of Left-wing publications, and the Secret Service had “the Reds in this country card indexed and that activities in the interest of Bolshevism could be summarily ended by deportation, because most of its supporters are aliens.”³³

This, of course, was all for the purpose of further sensationalizing Radicalism as a sinister force and creating the image of a vast pro-German-Russian conspiracy. By making the Radicals “others,” the state sought to further ostracize them and thus make them even more vulnerable to state repression. During the Seattle General Strike, the press attacked those that took part claiming, “There can be no compromise on Americanism!” They asserted that the workers were “muddle-headed foreigners...scum of the melting pot of hell...riffraff from Europe intent on

³² Schmidt, *Red Scare*, p. 74; Quote from: Arthur Link, *Woodrow Wilson and the Progressive Era, 1910-1917*, Harper (New York, 1954), p. 501; Wilson was referring to both foreign born citizens and those that associated strongly with a particular ethnic or cultural group, as well as those in the Radical Left such as ‘anarcho-syndicalists’ that made use of hyphens in describing their political ideology.

³³ Quote from: “Bolshevist Fund Here,” *The New York Times*, January 7, 1919; Schmidt, *Red Scare*, p. 137.

terrorizing the community.”³⁴

It was only the Communist Party, not even the Communist Labor Party, which received monetary assistance from Soviet Russia. Other Radical Left organizations were, in fact, viewed as counter-revolutionary by the Soviets and were often condemned. There is absolutely no evidence that the Union of Russian Workers, which would be the subject of a severe attack during the first of the Palmer Raids and be one of the stars of the Soviet Ark performance, was connected with the Soviet's. They, like the IWW, were not even connected to the Third International.³⁵

This notion of foreign involvement served the purpose of creating the fiction of a coordinated Radical Left threat on a massive scale. However, this lack of wholesale support from the Soviet Union, or the much more ridiculous idea of an American Left financed by the German state, further pointed to the factitiousness of the Radical Left. Within the Socialist Party, by and far the largest Radical organization, there was a significant split when it came to dealing with the Great War. The minority of party members that favored opposing the war in any significant way, ostensibly on account of internationalism, were expelled from the party. In this way, somewhat ironically, the Socialists created their own type of repression regarding “permissible beliefs and action within the framework of discontent.” Their anti-sabotage clause can even be looked at as a forerunner to the laws that the state would aim at the Radical Left. If the Left was willing to suppress its own ideas then of course other groups would be more than

³⁴ Letter, Fredrick W. Henshaw to US Attorney John W. Preston, August 23, 1917, Preston to the Attorney General , August 29, 1917, Department of Justice file 188044-1, 186701-5,-57, 1888032,188044; William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, University of Illinois Press (Urbana and Chicago, 1963), p. 134; Asinof, 1919: America's Loss of Innocence, p. 136.

³⁵ William Haywood, *Bill Haywood's Book: The Auto Biography of William Haywood*, International Publishers (New York, 1929).

willing to do so. When it was politically favorable to them, Progressives, Republicans, and Democrats, eagerly pushed anti-Radical repression. Thus, the largest organization of the Radical Left sought to avoid further repression during the war and in the post war period, by disallowing sabotage, anti-conscription rhetoric, and anti-war rhetoric, but also by generally giving lip service to supporting the war effort. This failed, however, to fortify the party against reactionary repression.³⁶

Let us now look at the other side of this conflict, the reactionary right and the state that sought the destruction of the Radical Left. Along with understanding the portrayal and reality of the Radical Left, we must also understand the other side. Ostensibly the reactionary right and the state's pursuit of Leftists served to protect national interests. However, in much the same way that the right twisted the image of the Radical Left, it also portrayed its own methods and motivations as quite different from what they really were.

In order to understand the motivations of the reactionary right and the state, we must first address what the Red Scare was. The Red Scare has often been regarded as a wave of mass hysteria that swept over the public making the masses of America clamor for the heads of those on the Radical Left. The government has been portrayed, and indeed sought to portray itself, as hesitant to get involved and only succumbing to the wishes of the public when it could no longer hold back the tides of rage that threatened to flood the streets with the blood of Radicals. This portrayal, however, has been discredited in the last 25 years with the declassification of many BI documents and through the thorough analysis of devoted scholars.

In fact, the Red Scare was not a mass hysteria to which the state merely begrudgingly

³⁶ Preston, *Aliens and Dissenters*, p. 50; Haywood, *The Auto Biography of William Haywood*, p. 259.

capitulated, but was actively promoted by the state institutions responsible for carrying it out. These institutions, along with the business community and other elements of the reactionary right, sought to promote their own political and financial interests with the repression of the Radical Left. According to Regin Schmidt, in his historiographic overview of the Red Scare, if we look past this commonly held misconception of mass hysteria, and “we instead accept that social conflicts existed and search for groups, which might have had an interest in an anti-Radical campaign and which were in a position to promote it, we find the business community and other organized economic and conservative groups.”³⁷

Numerous state agencies, as well as a large number of private detective agencies, business groups, and patriotic societies, were involved in anti-Radical activity. During the war, the number of these institutions increased as various military intelligence agencies began policing the Radical Left. Civilian agencies also grew in size, and the BI in particular grew substantially. As the hostilities in Europe drew to a close, however, it was the BI that remained strong, and in fact continued to grow in size and prominence – while other agencies were reduced in size or even done away with.

The BI, the Secret Service, the Office of National Intelligence (ONI), the Military Intelligence Division (MID) – all worked closely with local groups such as the NYPD Bomb Squad, and private detective agencies specializing in strike breaking and anti-union activity – investigated Radical activity during the war. It was only the BI, however, that continued to devote a significant part of its effort and resources to anti-Radical investigations after the secession of hostilities in Europe. Furthermore, it was only the BI that created a specific Radical

³⁷ Schmidt, *Red Scare*, p. 32.

Division, which sought to, “Direct the investigations connected with Radical activities in the United States and to collect and arrange evidence for submission to the Department of Labor in connection with the advisability of instituting deportation proceedings.”³⁸

A lot has been made of the professionalism and skill of the BI. Furthering this notion of the BI as a particularly professional institution was the notion of it being an apolitical body, what Eugene Lewis termed “the creation of an apolitical shield.” Lewis claimed that public bureaucracies present themselves, as neutral, non-partisan groups that serve the public will. By maintaining this image, they hide their agendas which are much more inline with the public views of politicians and interest groups. The DOJ presented the BI as “objective and nonpolitical experts.” Palmer went so far as to claim that they had “no social or economic theories to exploit,” but had only “the simple desire to work intelligently and effectively...to perform their duty...to execute the orders of the Department of Justice in the enforcement of the law.” According to Palmer, this professionalism gave Bureau agents the objectivity to carry out their work. The Attorney General described them as chosen in a completely non-political manner, based only on their qualifications. Many of the agents had university degrees and most of those were trained lawyers. He even asserted that, “it is harder to get into the Bureau of Investigation than it is into any Government service in Washington.”³⁹

This idea of the BI as a highly skilled, professional, nonpartisan bureaucracy, which the BI lauded itself as to the public and the legislature, seems to have been believed by those connected to the agency as well. However, this notion of professionalism and being apolitical,

³⁸ Charles McCormick, *Hopeless Cases: The Hunt for the Red Scare Terrorist Bombers*, University Press of America, (2005), p. 28, 46.

³⁹ Eugene Lewis, *Public Entrepreneurship: Toward a Theory of Bureaucratic Political Power, The Organization of Lives of Hyman Rickover, J. Edgar Hoover, and Robert Moses*, Bloomington, Indiana University Press (June 1980); Schmidt, *Red Scare*, p. 164.

even if fully believed by those within the organization, acted as a mask that operated to hide a self-serving agenda.

The Bureau's agenda was primarily centered on expansion. In particular, the BI and the DOJ sought an increase in their power through a Peacetime Sedition Law. During the war, the BI, along with various military intelligence groups, had their jurisdiction broadened thanks to the Espionage and Sedition Acts that allowed them to target political dissenters during the time of hostilities. With the end of such hostilities however, the Department of Justice, and the BI in particular, began to push for a peacetime version of these laws that would expand their power and allow them to round up Leftists and labor agitators with even greater ease. Palmer, Hoover, and others in the DOJ and BI knew that, though the war had not yet officially ended, and therefore the wartime Sedition Act was still valid, it was only a matter of time till some form of peace treaty was signed. These state institutions and leaders were looking ahead to ensure the growth of their agencies and the expansion of their own power.

The DOJ and its conservative allies in the legislature had already proposed numerous Peacetime Sedition bills by late 1919. The first of these was the Overman Bill that outlawed the advocacy of violent overthrow of the US government or the destruction of industrial property, displaying a red flag, or mailing any printed support of revolution. Though it was widely supported in the Senate, it died in the spring of 1919.⁴⁰

After the bombings of that year, four separate sedition bills were brought before the Congress. The Aswell Bill made illegal all attempts to destroy life or property, and specifically prohibited bomb throwing. The Myers Bill struck out against Germans in particular by denying

⁴⁰ Jaffe, *Crusade Against Radicalism*, p. 174.

the use of the mail to publications in that language. The Walsh Bill completely outlawed the IWW and other Radical Leftwing organizations, and the King Bill was a last attempt to duplicate the content of the Overman Bill. None of these bills passed, however, because of the Senate's preoccupation with matters such as prohibition, women's suffrage, the Treaty of Versailles, and a large degree of skepticism that the existing police institutions could bring the 1919 bombers to justice even with increased jurisdiction and funding.⁴¹

Palmer himself even introduced a Peacetime Sedition Bill that was promptly taken up in the House. According to this bill, any "act of force against any person or any property," was seditious. It went further to state, that, "any act of terrorism, hate, revenge, or injury, against the person or property of any United States officer with intent to ... cause the change, overthrow or destruction of the government, or of any of the laws or authority thereof," would suffer ten years of imprisonment. It also prohibited the making of, displaying, writing, printing or circulation of "any sign, word, speech, picture, argument or teaching that might justify such an act." His bill was so severe that even conservative labor, normally onboard for much of the DOJ's red bating, spoke out against it because they believed it might be used as an antistrike weapon. In the end, this bill too was defeated.⁴²

BI and DOJ officials' desire for a Peacetime Sedition Law would be one of their major motivations during the postwar period. Palmer, Hoover, and other officials of the state wanted to impress upon the legislature that, with these expanded powers, they would be capable of safeguarding the nation from all manner of subversive plots and activities. Through exaggeration, these same individuals and institutions sought to convince the legislature that such

⁴¹ *New York World*, June 13th, 1919, p. 14; Jaffe, *Crusade Against Radicalism*, p. 177.

⁴² Quotes from: Jaffe, *Crusade Against Radicalism*, p. 177; Asinof, *1919*, p. 209.

plots were grave matters that had to be dealt with, and that the BI was best fit to be given these expanded powers to stop the Radicals they claimed were bent on destroying the American way of life.

In addition to their quest for increased powers, the BI viewed the Radical Left as criminal, and, as a police agency, held the outlook and resulting prejudices common among police agencies. This mindset usually reflected the view that, it wasn't dissatisfaction with the state of contemporary society that caused unrest or opposition to the government, but the work of seditious agitators. Therefore, all the political dissent of the Radical Left was not protest, but criminal behavior. With that in mind, things like broad social and economic change were not necessary; it was simply a matter of getting rid of Radical agitators. Societal calm would soon return once these truculent rabble-rousers were removed.⁴³

The sense of professionalism cultivated by the BI hid their prejudice of being unable or unwilling to look at root causes of Radicalism and instead being determined to see all actions as that of individual criminals. This predisposition actually led to a rather systemic lack of knowledge of the very Radicals that they were investigating.

One of the major achievements that the BI celebrated was J. Edgar Hoover's elaborate card index system. It contained over two hundred thousand cards with detailed information on Radicals and Radical organizations and publications in the United States. Documents such as membership rolls, names of officers, and times and locations of meetings, were all indexed. It

⁴³ Ibid, p. 94; Richard Hofstadter, *The Paranoid Style in American Politics and Other Essays*, Knopf (Chicago, 1965), p. 29-40; Seymour M. Libset and Earl Raab, *The Politics of Unreason: Right-wing Extremism in America 1790-1970*, Harper and Row (London, 1970), p. 14-17; Murray B. Levin, *Political Hysteria in America: The Democratic Capacity for Repression*, Basic Books (New York, 1971), p. 141-175.

also contained personal histories of over sixty thousand “dangerous Radicals.”⁴⁴

Behind this seemingly thorough filing system laid a problem with the BI’s general knowledge of the Radical Left. The filing system was built upon the foundation of their prejudiced ideology. That 24-year-old Hoover was considered an expert on radicalism in America is testimony that the Department of Justice had neither the experience nor the expertise to deal effectively with the Radical threat. Furthermore, the mandate given to him was so broad as to invite bureaucratic empire building.⁴⁵

Charles McCormick, a historian of the BI, stated that the famed filing system was, “simply raw data of indeterminate quality. It was worse than useless unless experts properly interpreted it. Reliance upon it by less than knowledgeable agents invited half-baked generalizations about the nature and extent of the Radical movement.” A leading example of such a generalization was Hoover’s misleadingly precise, and very self-serving, assertion that seventy-five percent of the activity of the Radical Left in the United States was of Communist and foreign origin. The acceptance of this notion would later even be used by the BI to justify the expansion of their activity to foreign shores.⁴⁶

Here the sizzle served to hide the lack of steak. The ostensible professionalism of the BI masked a significant lack of knowledge of their quarries. As with many prejudices, the anti-Radicalism of the BI and other police institutions was confounded by a simple lack of understanding.

Radical ideologies were conflated with one another, almost always in the most negative

⁴⁴ Asinof, *1919*, p. 205.

⁴⁵ Ibid, p. 47.

⁴⁶ McCormick, *Hopeless Cases*, p. 48.

way possible. In their portrayal of anarchists they imposed the extremely hierarchal nature of Communism. In their portrayal of Communists and Socialists they made the claim that the two groups absolutely reviled the state and all rule of law. And when they portrayed the Socialist Party, as well as all but the most conservative of organized labor, they claimed it sought nothing but revolution and refused to work within the existing system. These misrepresentations seem to have come in part from a lack of understanding of the differences in Radical ideologies, and even of the meaning of the individual ideologies themselves.

However, the misrepresentation of the Radical Left was not so innocent. It was more than the Justice Department's conservative bias that brought this about; it also came from its bedfellow, the business community. Capital was the ally of the BI, the patron of the patriotic organizations, and usually the employer of the private detective agencies and was, no matter the specific ideology, opposed to the Left. Though the Radical Left was not in reality a significant threat to the American business community, all of its various permutations did represent (at least in theory) an existential threat to the current *modus operandi* of American capitalism. Thus, to this community, these differences of specific Leftwing ideologies simply did not matter and they were more than willing to conflate all of their opponents.

The business community, in its contemporary (and current) form, was anathema to the Radical Left. It was threatened by the goals of the Left, but the small gains the Left made in the field of labor organization at a time when general "labor unrest" was at such a highpoint, were what really scared the business community. Furthermore, the business community was struggling as it attempted to roll back the wartime gains made by the more conservative elements of organized labor. After the armistice, the restraints with which the business community conducted itself during the war were abandoned. The Great War saw both sides make huge

gains; labor increased wages through union organization, and capital made huge profits via cost-plus contracts – in which wage increases were just another part of the cost paid by government. In peacetime, however, wages would be the first item to be reduced, and to assure the success of this endeavor, management committed itself to crushing the unions that had implemented the wage increases during the war. Luckily for them, they had very significant connections in the government, and the Radical Division of the BI was one of their strongest connections.

1919 was a particularly turbulent year in regards to labor “unrest.” In fact, it was the most tumultuous year of the labor market in the history of the United States. In that year alone there were over 3,630 recorded strikes and lockouts, which saw more than 4,160,000 workers take part; that was roughly 22.5% of the workforce.⁴⁷

Many BI agents had significant connections to capital. Often agents came from a background as labor spies or private detectives, or sought to leverage their connection to the BI to attain such positions in the future. The Bureau’s work was essentially corporate detective work and they operated similarly to private detective agencies. The focus of this was investigating workers’ compensation claims, something that inherently placed the detectives in the position of looking out for the interests of capital. Furthermore, private industry job prospects motivated BI agents. Thus, the BI was significantly tied to the corporate world not only in its conservative ideology, but also in an overlap in its membership. This double similarity, created an intense prejudice against not only Radicals, but also organized labor.⁴⁸

However, as already stated, the Radical Left was much smaller than the more

⁴⁷ Charles McCormick, *Hopeless Cases*, p. 15.

⁴⁸ 836, Report, 29 April – 1 May, 1918, Bureau of investigation Old German files 18197, Record Group 65, (M1085) National Archives, Washington, DC; Charles McCormick, *Hopeless Cases*, p. 15.

conservative labor unions like the AFL. Though Radical groups, particularly the IWW, had made some significant gains in the fields of workers' rights, they were still much smaller and much less influential than the business community made them out to be. Why then would Radicals be focused on as the threat?

The answer is that the business community's assault on the Radical Left served to conflate Radicalism with organized labor as a whole and thus put a stop to the advances of any groups that would stand in the way of capital. The "closed shop" in particular was something that the business community sought to destroy, and in many ways the assault on the closed shop mirrored the Red Scare. The purpose of the open shop propaganda was to connect labor unions to subversive Radical groups and ideas and thereby discredit them. The open shop was often called the "American Plan" and the portrayal of it as representing 100 percent Americanism served to depict organized labor as inimical to American values. By contrast, the closed shop was called "sovietism in disguise" and "un-American," and thus the labor movement was to be considered "nothing less than bolshevism"⁴⁹

The state, in large part because of its connections to capital, soon utilized similar tactics. Eliot Asinof stated that, "If the Russian Revolution had never happened...if there were no such thing as Bolshevism...the war against closed-shop unionism would have been just as virulent. To paraphrase Voltaire, if Bolshevism did not exist, it would have been necessary to invent it. The Red Scare of 1919 had many psychic causes that flourished in postwar unrest, but the witches to be burned had a union label on their brooms. The rest was chimera."⁵⁰

⁴⁹ Bernstein, *The Lean Years*, p. 147-148; Schmidt, *Red Scare*, p. 33; Robert K. Murray, *Red Scare. A Study of National Hysteria: Ten Perspectives*, University of Minnesota Press (New York, 1955), p. 92-94, 117-119.

⁵⁰ Asinof, *1919*, p. 176.

The press worked hard at tying unions and the closed shop to Bolshevism. This went so far as to claim that unions that held a meeting to protest the United States intervention in the Russian Civil War were proof of the whole of the labor movement being tied up in Radicalism. Eliot Asinof asked, “Was this not treason? Why else did police invade, beat up people, arrest leaders in a so-called legitimate patriotic curtailment of free speech?”⁵¹

Here the workers were made to be victims, not of wages or working conditions, but of their union leaders who were Radicals boring from within. These Bolsheviks forced the membership to strike, not to gain concessions as they claimed, but to destroy American society. In actuality, it was the union leaders that were generally much more conservative than the rank and file membership. Thus, the reactionary strategy was presented as: “Beat the strike, save the nation from Bolshevism and the workers from their leaders.” Even conservative AFL president Samuel Gompers was labeled a Red for his eventual departure from the Gary Steel Strike conference that was motivated by the sheer intractability of the management. Did his unwillingness to find a common ground with management not link him with all radicals?⁵²

Most of the social unrest following the Armistice was explained away as the people being duped by Radicals. Therefore, in 1919 the West Virginia coal miners were “the earnest laborers” who were led astray by anarchists of the UORW. This happened the same year a railroad strike was caused by subversives from the IWW and the Communist Party while “the workers...were for the most part innocent dupes in the business.” The idea of boring from within made not only Radicals, and leaders like Gompers – whose actions were scrutinized to no end – but all of the AFL and other conservative labor unions suspect. The Bureau claimed that, “there is a concerted

⁵¹ Ibid, p. 134.

⁵² Ibid, p. 140.

effort upon the part of the anarchists, the Communists, and of anti-American elements to inject their insidious and pernicious propaganda into the rank and file of the American Federation of Labor,” where these “crafty borers from within” appealed to the “vicious and to the ignorant, which are to be found in all organizations.” Thus, according to the BI this was not a “fight between capital and labor, as the ultra-Radical agitator insists, but...a fight between organized government and anarchy.” The Wall Street Journal simply said: “Organized labor was succumbing to the IWW’s and Russian Bolsheviks.”⁵³

The same tactics that were used against organized labor were used against the Radical community. These two assaults were intertwined, and the proliferation of one exacerbated the other. Blacklists were compiled of union members that corporations would fire or refuse to hire, and new hires not on these lists were often required to sign “yellow dog” contracts swearing that they would not join a union. The labor spy industry was also tremendously successful. By 1928 an estimated 200,000 people were employed as labor spies and \$65 million came into the three largest detective agencies in the 1920s alone. And though the state was, theoretically, enforcing its laws without bias, the Department of Justice rabidly dogged the Left, exaggerating the revolutionary danger, while federal law enforcement showed great restraint when it came to the business community. Radicals and organized labor were harassed while the business community was treated with kid gloves and cases against it were “put on the back burner.” Even a means of breaking up corporate power was used against labor when, the Supreme Court decided that the Sherman Anti-Trust Act applied to strikes dealing with interstate trade. Immigration Commissioner Frederic C. Howe underscored this point when he stated outright that the Justice

⁵³ Letter, SAC Pittsburgh to Frank Burke, October 8, 1919, Bureau Section files 202600-184, Record Group 65, National Archives, Washington, DC; J. E. Hoover, Memorandum upon the Work of the Radical Division, August 1, 1919 to March 15, 1920, Old German files 374217, *ibid*; *AG Palmer on Charges*, p. 32; Schmidt, *Red Scare*, p. 87, 88; Asinof, *1919*, p. 141; Wall Street Journal.

Department was “An agency of employing and business interests” that had profited by the war. He said that while an assault on labor and Radicalism was all they seemed to discuss, “Discussion of war profiteers” was simply not to be permitted.⁵⁴

The BI even received information directly from various employer groups that sought to target organized labor. An agent in Cincinnati described how the cooperation between the Bureau and employer groups worked: “Agent interviewed Mr. J. M. Manley, Secretary of the Cincinnati Metal Trades Association, who has operatives covering the American Federation of Labor convention at the Armory Building and he has agreed to furnish this office with complete copies of the reports of each of his operatives covering the entire convention.” The Bureau’s connections with the employers were used to monitor not only Radical activities, but also the legitimate activities of groups like the AFL.⁵⁵

Thus, the business community had a vested interest in perpetuating the attacks on the Radical Left. With its strong connections to the BI and the Department of Justice in general, the two groups were as one in their desire to rid the United States of Radicals. However, in this process the business community purposely conflated the conservative labor movement with the Radical Left. The purpose behind this deliberate misconnection was to make organized labor a

⁵⁴ Stanley Coben, *A. Mitchell Palmer: Politician*, Columbia University Press (New York, 1963), p. 188-195; Schmidt, *Red Scare*, p.; Christopher Tomlins, *The State and the Unions: Labor Relations, the Law, and the Organized Labor Movement in America, 1880-1960*, Cambridge University Press (Cambridge; NY, 1985), p. 30, 36-40, 46-50, 83, 84; Harold W. Metz, *Labor Policy of the Federal Government*, Brookings Institution (Washington, DC, 1945), p. 26, 27; William E. Forbath, “The Shaping of the American Labor Movement,” *Harvard Law Review*, Vol. 102, No. 6 (April 1989), 1111-1256; David Brody, *Workers in Industrial America: Essays on the 20th Century Struggle*, Oxford University Press (New York, 1980), p. 25, 26; Letters, Acting Chief to Frank R. Stone et al, February 11, 1920, Old German files, Record Group 65, National Archives, Washington, DC; Schmidt, *Red Scare*, p. 205, 70; M. J. Davis, Memorandum for Mr. Hoover, February 7, 1920, *ibid.*

⁵⁵ Quote from: Report, F. C. Baggarly, July, 1919, Bureau Section files, 202600-823, National Archives, Washington, DC; letters, Edward Brennan to William J. Burns, December 8, 1921, 61-557-1, *ibid.*; Schmidt, *Red Scare*, p. 206; Brennan to Burns February 17, 1922, 61-1092-1, *ibid.*; report, deleted, June 22, 1922, 61-126-619, FBI/FOIA.

target of the Red Scare and therefore weaken its ability to hold onto the gains made during the war, let alone stand on an even footing with management.

The Gary Steel Strike provides us with a useful example of this conflation. The BI's role in Gary was significant. It consisted of gathering information on Radicals, providing the military with lists of Radical activists to be used in later raids, and interrogating and opening deportations against those that were apprehended. These actions were taken despite the BI's knowledge that the strike was not being led by Radicals at all, but was firmly in the hands of conservative labor.⁵⁶

The National Committee [leading the steel strike] made no political demands but limited its demands to such issues as the right to collective bargaining, an eight-hour day, higher wages and the abolition of the company unions. The Radicals' influence on the strike was minimal... Most likely, the charge of Radical subversion of the strike, made in clear contradiction of the Bureau's internal evidence, was ... used to justify the government's intervention in and breaking of the strike; as the Justice Department pointed out, the injunction 'brought the strike to an end and with it the activities of such ultra-Radicals as had sought to take advantage of the strike for their own purposes.' Thus, the Red Scare was used and promoted as part of the federal authorities' campaign to end the coal strike and thus to ensure the supply of fuel to the industry and the population in the face of the winter.⁵⁷

The same type of behavior can even be seen earlier in 1919 in the much more romanticized Seattle General Strike. Most of the information received by the BI about the strike was from informants employed by the American Protective League (APL), the Minute Men, and private detective agencies such as the Pinkertons. These groups monitored and reported on the various organizations that coordinated the strike, including: the Seattle Central Labor Council, the Soldiers', Sailors', and Workmen's Councils, the local shipyards, and the Wobblies. This network of informants ensured that the Bureau received biased information since the private detectives that gathered information on Radicals and broke up strikes worked for employers, and

⁵⁶ Asinof, *1919*, p. 222.

⁵⁷ *Ibid*, p. 223.

both the APL and Minute Men, were patriotic societies that were bankrolled by capital in order to watch, disrupt, and oppose Radicals and Radical Organizations. Therefore, Special Agent Petrovitsky, the head BI agent in the city, could not have really believed that Seattle was on the cusp of some Soviet style revolution. He was clearly aware that the patriotic societies and the business community promoted the anti-Radical campaign for political and economic reasons. Why didn't the Bureau and its special agents, both of whom were in the know, not inform the public of the truth? Why, instead, did it take action against the Radicals? The answer seems to lay in the values and ideology which dominated the thinking of Bureau officials and agents alike and which tended to color their assessments.⁵⁸

Traditionally, the Red Scare has been described as a wave of mass anti-Radical hysteria that eventually drove the state to repress the Radical Left. Scholars have now come to the consensus that specific reactionary interest groups, and not a mass movement, actually propelled the events of the Red Scare. Furthermore, these interest groups sought to masquerade their actions as the will of the masses, something that apparently succeeded – at least in many high school history textbooks that continue to portray it as such.

One of the ways in which these interest groups were able to accomplish this was by looking to very specific demographics in order to feel out public opinion. In order to do just that, the BI utilized its connections to patriotic societies. These groups were not merely chosen selectively for their preexisting opinion, they were also encouraged to, and sometimes even

⁵⁸ William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, University of Illinois Press (Urbana and Chicago, 1963), p. 155-156; Schmidt, *Red Scare*, p. 128, 131; Joan Jensen, *The Price of Vigilance*, Rand McNally and Company (Chicago, 1968), p. 125-129; Letter, S. J. Lombard to Hon. Miles Poindexter, February 17, 1919, box 385, Miles Poindexter Papers, University of Washington Libraries; F. D. Simmons, *Radical Activities in the Seattle District*, November 2, 1919, Old German files 91928, Record Group 65, National Archives, Washington, DC.

created specifically to, oppose the Radical Left. In this, the BI's connections to the business community served them well, as many of these patriotic societies had similar links to capital and helped to move along their anti-Radical agenda in just the same manner.

In the discussion of this connection between patriotic societies, the BI, and the business community, political scientists have shown that bureaucracies are not merely neutral agents that respond to outside pressures. Bureaucrats, in actuality, pick and choose the interest groups they will allow themselves to be pressured by, and they often influence the interest groups and use those groups to gather support for the policies they want to see enacted. These officials may even establish groups that serve to extend the reach of the state agencies.

Thus, the relationship between bureaucratic agencies and interest groups was symbiotic. The officials of the agencies have arranged for public pressure to be applied in favor of particular action. That pressure was then used to legitimize the actions that the agencies had wanted to take all along. Looking at public bureaucracies this way, we can see they had not just responded to pressure from interest groups, they had used them to further their own goals.⁵⁹

The Bureau continued down its path as an activist bureaucracy and sought to create its own constituency. They suggested to the American Legion that it should lobby Congress to give the Bureau "adequate funds and power" to "deal with this scandalous situation" of growing Radicalism. "What seemed to be the expression of an organized public opinion, demanding increased power to the Bureau, was, in fact, inspired and influenced by the Bureau."⁶⁰

⁵⁹ Eva Etzioni-Halevy, *Bureaucracy and Democracy: A Political Dilemma*, Rutledge and K. Paul (London, 1983), p. 147; Schmidt, *Red Scare*, p. 95.

⁶⁰ Quotes from: William Pencak, *For God and Country: The American Legion 1919-1941*, North Eastern University Press (Boston, 1989), p. 51, 312-313; Schmidt, *Red Scare*, p. 115.

“There existed more than 30 such [patriotic] organizations in the years following the war, but they only had a combined membership of perhaps 25,000.” The vast majority of these were just small cults of personality, which were financed by the business community in order to rail against organized labor. The exception to this was the largest of the patriotic organizations, the American Legion. The group was created largely to ensure that WWI veterans would not be critical of their experiences during the war, the US government, or the social and economic situation to which they returned. The Legion credo expressed, “the need to foster 100 percent Americanism.” Founded February 15th 1919 by only a score of American officers in Paris, the American Legion grew to 843,013 by the end of 1920. Most of these members were upper and middle class, and had strong connections to capital. The press was overjoyed, claiming that to enlist veterans against the Bolsheviks in the United States was, “one of the greatest forces for good this country has ever known.” The American Legion also saw significant Bureau cooperation and in some cases even protection.⁶¹

The extent to which the American Legion was utilized in order to gather information on behalf of the BI can be seen in a letter from Legion official Arthur Wood to Hoover: “Your letter of February 3 has been received and I am taking it right up with the people who ought to know, asking them to send me whatever information they have about [a Radical] organization, so that I can forward it to you.” Deputy Commander of the Legion, Charles W. Taylor, claimed he received from the BI a large number of “genuine Communistic propaganda pamphlets which were being distributed in this country by the Communists.” According to Taylor, these

⁶¹ First two Quotes: Schmidt, *Red Scare*, p. 35, 105; Third Quote: Paul L. Murphy, 1971. *The Constitution in crisis times, 1918-1969*. New York: Harper & Row, p. 67; *ibid*, 1979. *World War I and the origin of civil liberties in the United States*. New York: Norton; Norman Hapgood (ed.), *Professional Patriots: An Exposure of the Personalities, Methods and Objectives Involved in the Organized Effort to Exploit Patriotic Impulses in these United States During and After the Late War* (New York, 1927); Asinof, 1919, p. 149; Pencak, *For God and Country*, p. 49, 53-59, 81.

pamphlets were useful “as a basis for addresses and parts of addresses which were continually given in public.” Thus, the Bureau provided some of the ammunition for the patriots’ anti-Radical crusade.”⁶²

Just as capital had sought a similar growth in their profits, groups such as the BI sought to put in motion what would become a perpetual increase in their own power. They needed a way that they could prove, not only how dangerous and detestable the Radical Left was – something they and the business community alike had been working on for some time – but also how vital, irreplaceable even, they were to combating the threat that Radicalism represented.

The BI came to the conclusion that they needed a showdown with the Radical Left in order to prove their reprehensibility and the Bureau’s own indispensability. This showdown would have to be a grand performance that would incite the opinion of the legislature and the masses that they depended on for reelection. Whatever they chose would have to hit the public hard. Elliot Asinof used a brilliant metaphor to explain how the BI sought to arouse an even more ardent level of anti-Radicalism within American institutions:

All the Red Menacing, though it thrived from coast to coast, almost from day to day, seemed infinitely less than satiating. Like the account of the Braddock constabulary attacking ‘babies’ to provoke the fathers, the bloodbath did not happen; there was little in the incident to sink your teeth into (and hence it was never reported in the newspapers). The Seattle general strike had been devoid of confrontation. The Boston police had simply capitulated. The steel strike was an endlessly plodding drawn-out battle of attrition, with no more casualties than a routine mine cave-in. America still needed its orgasm.⁶³

To continue Asinof’s metaphor, the BI couldn’t keep teasing the American public and legislature. The Bureau, however, would have to grope around before finding where they could

⁶² First Quote: Letter, Arthur Wood to J. E. Hoover, February 4, 1920, Old German files 371688; Second Quote: Schmidt, *Red Scare*, p. 101, 102; Third Quote: Letter, Charles W. Taylor to Hon. Robert G. Simmons, March 24, 1932, att. To J. E. Hoover, Memorandum for Assistant Attorney General Dodds, April 4, 1932, Justice Department 202600-16, Record Group 60, National Archives (microfilm).

⁶³ Asinof, *1919*, p. 198.

make their big thrust and exactly how it should be carried out.

CHAPTER TWO
THE RISING ACTION
BUILDING TO THE CLIMAX OF THE RED SCARE THROUGH FAILED
PERFORMANCES AND REALIZATIONS

Clearly the state was willing to purposely conflate different Radical movements with one another and with the labor movement. Why the state made use of the *Buford* deportations as the climax of its big performance is another question. The answer is that the Soviet Ark was not the only attempt at a grand show. Numerous times before, the state and its reactionary allies attempted to utilize raids, attacks, and sanctions on the Left to further their anti-Radical and anti-labor objectives.

Previous attempts had not provided the spectacle that was desired. These attempts could not perpetuate the Red Scare and provide the state and its allies with the increase in power and scope of jurisdiction that they desired. The reasons that they failed serve to shed light upon what was needed in the climax of our story. Their inclusion is necessary in order to present the rising action of the Red Scare that led to the Soviet Ark deportations, which would be the state's greatest performance and would be the climax of the Red Scare of 1919-1920.

There were a variety of failed performances by the state. They differed, not only in how and why they failed, but also in whom they targeted. Whether the target or the tactic was the cause of the failure of these dramatic presentations, they did serve as rehearsals that helped to inform the state as to what would be necessary in the final grand display.

The first of the failed attempts was the assault against draft dodgers or "slackers." The Conscription Act gave the state ample authority to crack down on those that resisted and those that spoke out against the draft. Although this seemed like a natural launching point for the

expansionist efforts of state agencies like the BI, this performance suffered from a major flaw in both concept and execution.

The Bureau's conduct of the "Slacker Raids" in New York City between September 3 and 5, 1918, was criticized strongly by both the press and Congress. In these raids, 35 special agents and 2,000 members of the American Protective League, along with 1,350 soldiers, 1,000 sailors, and hundreds of local police officers, arrested all conscription-age men they encountered on the streets who were not carrying their registration cards. Though an estimated 5,000 were taken into custody, only about five percent were found to be slackers.⁶⁴

This attempt to crack down on draft dodgers was a tremendous flop as a performance. The BI could not claim that it was saving the nation from cowards and dangerous pacifists when the men they rounded up were not actually slackers. The BI would learn an important lesson from this botched assault. To be effective they needed to control the image of those they targeted. If the people rounded up were not really the criminals the state claimed them to be, the state would simply have to make sure they were portrayed that way. This endeavor did, however, employ mass coordinated raids that provided broad sweeping arrests on the targeted group. The BI and its allies would come to rely heavily on this tactic in the years to come.

The raids were just the type of dramatic action that could hide the truth behind who was being attacked and why the state agencies utilized such theatrics. These coordinated assaults allowed state agencies to play up their heroics in the media. They also provided the BI and the Department of Justice the opportunity to prove that they could rally the necessary forces, and coordinate their efforts.

⁶⁴ Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States*, Museum of Tusculanum Press, University of Copenhagen (Copenhagen, 2000), p. 84

Such a show could prove the Bureau and DOJ to be the leading force against a major internal threat; a force that had the talent and skill, but simply lacked the funding, broadened jurisdiction, and increased powers it would need in order to be optimally effective. Not all of their performances made use of these raids, however, and that contributed to the failure of those actions to be the dramatic shows of force that the BI and Department of Justice were seeking.

Of all the radical organizations, the Socialist Party was the only one to have any real electoral success. Even prior to the onset of the war, there were 56 Socialist mayors, over 300 aldermen around the country, numerous state legislators, and one Congressman. Those Socialist Party candidates that won office occupied a precarious position. As radicals, they were viewed as outside the system. Their ideology and any administrative or legislative efforts were considered alien and illegitimate by other government institutions and officials. At the same time, these Socialists also found themselves inside the halls of power and beyond the attacks that the Right levied against their unelected comrades. Nonetheless, Socialist Party politicians were assaulted at both the state and national level. Apparently the state would violate even the theoretical sanctity of their own governmental processes and institutions to go after Radicals.⁶⁵

When in office, Socialist politicians “approached their new tasks with dedication and enthusiasm.” They tended to draft an unusually large number of bills. Most of the Socialists in office dealt with fairly non-revolutionary issues, such as municipal distribution of ice, regulation of milk prices, free school lunches, day nurseries for the children of the working class, increased pay for municipal employees, and minimum wage legislation. Victor Berger, the first Socialist elected to Congress, and former mayor of Milwaukee, was associated with a group of Socialists commonly referred to as “Sewer Socialists” because of their strong desire for public

⁶⁵ Julian F. Jaffe, *Crusade Against Radicalism, New York During the Red Scare, 1914-1924*, National University Publications Kennikat Press (Port Washington, NY and London, 1972), p. 2.

infrastructure improvement – and supposed bragging about the sewer systems of the state of Wisconsin. These types of measures were controversial because of their support for the working class, but the debate about these matters paled in comparison to their proposed legislation for the amnesty for political prisoners and a ban on the use of police as strikebreakers.⁶⁶

Despite the unpopularity of some of their policies, the expulsion of Socialist politicians did not occur prior to the war. The various political bodies to which Socialists were elected were often divided, and, in lack of unity, they abandoned their attempts to simply remove these Leftist officials. The cases against them were strengthened by an increase in Socialist membership in legislative bodies during the war. When Victor Berger was elected as one of Wisconsin's congressmen the Right believed that the Radicals had gone too far. Opponents utilized the wartime Espionage Act to twice deny Berger the seat to which he was elected. His expulsion from congress encouraged further action against Socialist politicians.⁶⁷

In the New York State Legislature the assault on Socialist politicians went as follows:

Without warning, Speaker Sweet directed the sergeant-at arms to present the Socialists before the bar of the house. The sergeant obeyed. Reading from a prepared resolution, the speaker said: 'you whom I have summoned before the bar of the House are seeking seats in this body. You have been elected on a platform which is absolutely inimical to the best interests of the State of New York and the United States.' This was followed by an enumeration of the charges to the effect that the Socialist Party was not a regular party, that it admitted aliens and minors into its ranks, that its elected officials were bound by instructions of the party's executive committee, that it was disloyal during the war, and that it was in sympathy with the Communist International and its program of violence and civil war.⁶⁸

Louis Waldman, one of the Socialist state representatives, pointed out that the rules of the Assembly stated that, "an elected member could only be unseated after charges were filed against him, a hearing held before the Judiciary Committee, and the entire house voted for

⁶⁶ Ibid, p. 71.

⁶⁷ Ibid, p. 166.

⁶⁸ Ibid, p. 145.

expulsion.” There was no procedure, Waldman asserted, for suspension pending a hearing. Furthermore, he observed that no charges had been levied against the Socialists; charges had only been made against the Socialist Party. Speaker Sweet simply overruled him.⁶⁹

In an open letter, Evan Hughes, the lawyer for the expelled NY representatives, stated that he would understand if these men had been deemed guilty of criminal offenses and charged accordingly. However, the action was not directed against the five legislators as individuals. Instead, Hughes claimed, it was directed against a political party that the rest of the state representatives sought to deny representation. The Left saw this attack as even more egregious because the Socialist Party was still considered a legal political party.⁷⁰

The removal of these officials deprived thousands of American citizens of representation. These voters had placed their faith in the electoral system, believing they had voted into office men with the ethics and ability to implement the positive social change they thought was necessary. That faith in the electoral system was simply trod upon because these men held ideas that were unpopular. Their ideas were not unpopular in their districts, where the Socialist officials were obviously popular enough to beat both Republican and Democratic candidates, but were unpopular among the right; among the ideological opposite of their constituency. The expulsion of the New York State Representatives alone disfranchised more than 60,000 voters that had cast their ballots in favor of these men.⁷¹

In several of the areas where Socialist politicians had been expelled the constituents simply would not allow it. In New York City the removal of the Socialist State Representatives from office caused the calling of special elections in their five districts. In these elections all five

⁶⁹ Ibid.

⁷⁰ Open letter from Evan Hughes to Speaker Thaddeus Sweet, see *Brooklyn Daily Eagle*, January 8, 1920; Jaffe, *Crusade Against Radicalism*, p. 148.

⁷¹ Ibid, p. 146.

were reelected against the fusion candidates that opposed them. The state representatives were once again sworn in and soon faced another vote to expel them. Three of the five Socialists were again expelled and Orr and De Witt chose to resign rather than remain seated in a body that ejected their legally elected colleagues. The following November four of the five were reelected.⁷²

This struggle inside the halls of the state legislature not only provided an example of the opposition faced by Leftist politicians, it also served as a clue to why the action against the Radical officials failed. Socialist expulsion in the New York State Legislature made some fear that the anti-Radical pendulum could swing the other way. Removing Socialist statesmen from office threatened to increase (or at least not discourage) Radical electoral support as more Socialists mobilized voters on behalf of the ousted officials. Their removal even threatened to drive a wedge between the politicians of the two dominant parties. It set a dangerous precedent of removing those officials whose ideas were not in line with specific dogma. The legislators feared that could lead to investigations and expulsions of officials other than the Socialists. Furthermore, the fact that the Socialists were consistently elected in a number of districts spoke to the popularity of their ideas in those areas, and undermined the notion that the assaults against them were actually part of a mass hysteria. Though public opinion is difficult to ascertain in a time before opinion polling, by looking at voting, it is clear that Socialist ideas were popular in certain elections.⁷³

The expulsion of Socialist politicians simply failed to provide the type of performance that the BI was looking for. Debates and rules of order paled in comparison to dramatic police raids. The Bureau and its reactionary allies were looking for, or seeking to successfully fabricate,

⁷² Luis Waldman, *Labor Lawyer*, E. P. Dutton & Company (1945); Jaffe, *Crusade Against Radicalism*, p. 164.

⁷³ *Ibid*, p. 167; Waldman, *Labor Lawyer*.

bombs not rhetoric. They wanted proof of a violent threat; they wanted to see evidence of insurrection. Political ideology that brought about public utilities was just not “sexy” enough. In order to get over the hurdle of finding actual proof of these violent plots, the BI and Department of Justice would eventually redefine what was considered violent action.

The crusade also spilled into the country’s classrooms. Anti-Radicals targeted teachers, asserting that they utilized their influence over impressionable young minds to promote Leftist ideas. Educators were subjected to a bevy of ideological tests that sought to scrutinize their political and economic beliefs. Many lost their jobs, and many more were forced to conceal their true values in order to avoid the sack and the public hearings that often accompanied them.

New York provides us with another set of examples as it produced the most prominent occurrences of discrimination against Leftist educators. The mood within the school system was made clear after school board officials released the statement that, “no person adhering to the Marxist program or the Leftwing of the Socialist party would be allowed to become a teacher in the public schools of New York, [and that] if such a teacher were found already licensed, he would be dismissed.” A similar proclamation that was put into law by the Education Act of 1917 stated: “a person employed...as a teacher in the public schools shall be removed from such a position for the utterance of any treasonable or seditious statements.”⁷⁴

This law was utilized against teachers, not only for uttering treasonous statements, but also for merely belonging to an organization the state viewed as treasonous; that is to say any Radical Left organization. One direct example of this is the story of six teachers who were arrested during a small 1919 raid on the Communist Party. After their arrest, they were brought to the offices of the state’s attorney general. During questioning, all of the teachers said outright

⁷⁴First quote from: “New York’s Disloyal Teachers,” *Literary Digest*, December 8, 1917, p. 32; Second quote from: *New York Call*, March 23, 1919; Jaffe, *Crusade Against Radicalism*, p. 109, 105.

that they were communists, but swore that they never spread their doctrines to their classes. Attorney General Berger recommended dismissals because, “the accused teachers would probably teach their revolutionary doctrines ‘indirectly.’”⁷⁵

The issue of guilt by membership in a Radical organization is one that would come up during the discussions over deporting Radicals. Could membership in such an organization warrant punishment though no crime had been committed? The attorney general’s recommendation on this matter of guilt by membership was the assertion that it essentially was a type of punishment for thoughts and ideas rather than for actions. Nonetheless, six teachers were dismissed; many other educators faced a similar fate.⁷⁶

Students were also victims of this ideological crusade. In some schools, students were forbidden from forming or joining Leftist youth organizations under threat of dismissal. In other schools, students were required to take loyalty oaths not unlike those their teachers were forced to take. Those students that found themselves on the wrong side of these regulations were often disciplined – expulsion was fairly common – or systematically ostracized through public rebukes from their teachers and school administrators.

Still other schools examined students’ patriotism with a series of tests. In the spring of 1919, the New York City Board of Education created a quiz for students in order to assess their familiarity with socialism. Some of the questions included: “Who are the Russian Bolsheviks and what are their chief aims? ...Do you believe Bolshevism to be a danger threatening the people of New York? If so, why? ...Tell definitely the sources of your information about Bolshevism. Explain what led you to believe as you do about the movement.” Teachers were to inform the

⁷⁵ Ibid, p. 111; “Freedom of Speech in the New York City Schools,” *School and Society*, February 8, 1919, p. 178; Kevin Murray, *Red Scare: a Study in National Hysteria 1919-1920*, McGraw-Hill (1965), p. 171; Quote from *New York Times*, April 9, 1919.

⁷⁶ Jaffe, *Crusade Against Radicalism*, p. 111.

principal of any students that displayed significant knowledge of Leftist thought. This tactic served not only to impress upon students the danger of associating with Leftist ideology, something the disciplinary actions and ostracism helped to cement. It also assisted school officials in identifying faculty members that were introducing Radical ideas to students outside of demonizing the ideology.⁷⁷

Aside from wanting to vilify the Radical-Left, school boards had a vested interest in keeping Leftists and even conservative organized labor from making inroads into the school. School boards, after all, were employers. In the same way that any other employer would be unhappy about the growth of a union in its midst, the school boards attempted to keep those likely to be labor organizers out of their workplace. Since some leaders of the teachers' union were also in the Socialist Party, it was to the benefit of the school district to link the union with socialism.⁷⁸

In 1919, the Socialist Party was the largest of the Radical-Left organizations. Even by 1912, the party had brought its share of the national vote to nine hundred thousand and had achieved considerable electoral success. They had not only been able to win numerous local and state elections, but they were able to put a party member in Congress and generate an impressive turnout for three presidential elections. Though the party was considered a legal political party, they were treated like criminals by the state, which saw their Marxist ideology as iniquitous within the confines of a capitalist society.⁷⁹

As the United States entered the Great War, the intolerance towards the Socialist Party increased. The party, foreseeing this and attempting to avoid or blunt the blow of wartime

⁷⁷ Ibid., p. 114; Quote from: "Bolshevism in New York and Russian Schools," *Literary Digest*, July 5, 1919, p. 40.

⁷⁸ Jaffe, *Crusade Against Radicalism*, p. 116.

⁷⁹ Ibid., p. 2.

patriotism “gave its principles to Marx and the Majority of its leadership to Wilson.” The April 7, 1917 emergency Socialist Convention at St. Louis declared the conflict to be a struggle among predatory capitalists and asked Socialists to oppose the war through anything from individual resistance to class-conscious mass action. However, many of the party leaders supported Wilson and American intervention. These leaders, and a large portion of the party membership, left the party, while others remained in it but challenged the official antiwar stance.⁸⁰

This division led to the creation of the Socialist Anti-Sabotage Clauses and the party attempted to define “an index of permissible beliefs and action within the framework of discontent.” The split makes clear that there was a large portion of the Socialist Party that believed socialism would come about gradually and through legally acceptable means. This type of Socialist, like Hillquit and John Spargo, believed that reform was desirable and would lead to a “step-by-step progression toward socialism through worker education and success at the ballot boxes” while the less prominent left-wing of the party thought such laws only postponed revolution.⁸¹

This ideological split represented a challenge for the state. With lesser-known organizations, such as the Union of Russian Workers, the state could rely on the public being almost completely ignorant of their beliefs. Though the state and the business community did much to vilify the Socialist Party, it was large enough and well established enough to show *some* resistance to being completely demonized. Furthermore, the Socialist Party claimed as many of its most prominent members, some of the country’s most noted lawyers. While this did not deter

⁸⁰ Ray Ginger, *The Bending Cross: A Biography of Eugene Victor Debs* (New Brunswick, 1949), p. 341-343; Daniel Bell, “Marxian Socialism in the United States,” in Donald Drew Egbert and Stow Persons, eds., *Socialism and American Life* (Princeton, 1952), I, p. 311-314; Quote from: William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, University of Illinois Press (Urbana and Chicago, 1963), p. 90; Jaffe, *Crusade Against Radicalism*, p. 2.

⁸¹ First quote from: William Haywood, *Bill Haywood’s Book: The Auto Biography of William Haywood*, International Publishers (New York, 1929), p. 259; Second quote from: Preston, *Aliens and Dissenters*, p. 50.

the state from harassing the group, it did warrant more caution on the state's part when it came to bringing these men to trial.

Perhaps the greater difficulty the state and the reactionary right faced was that the Socialist Party as a whole was still a legal party. Furthermore, most of the group's members were not as easy to prosecute as the state would have liked. Though the Socialist Party was subjected to police raids like many of the other Radical organizations, the membership of the party was composed of about 73 percent American citizens who were not subject to deportation even under the broadened scope of the Immigration Act of 1918.

In order to act against these Radicals, the state would need to bring them to trial. A trial would put the Radicals at a tremendous disadvantage and it would allow the state to utilize the courtroom for grandstanding. However, as good as a trial seemed, the burden of proof would be on the state and would require more than mere association to win convictions. The need to prove individual guilt was a hurdle the state wanted to go around and not over.⁸²

If there was one organization the state and the business community seemed to really fear more than the others, it was the IWW; the proponents of the one big union for all workers. Though the right's fear was not justified, the rhetoric of the IWW was certainly more blatantly radical than anything put forward by the Socialist Party, and arguably tended to be some of the most radical rhetoric in the United States.

The IWW organized the type of people that would normally be put out of an AFL meeting – unskilled workers, migratory workers, immigrants, and even some blacks. Their agitation throughout the war years and their frequent disputes with many western city

⁸² Testimony of Otto F. Branstetter before the New York State Legislature reprinted in Jaffe, *Crusade Against Radicalism*, p. 161.

governments about their right to assemble made them easy targets. As historian William Preston put it, their continued agitation during and after the war was a “politician’s dream.”⁸³

At the height of their organizing success, the IWW led more than thirty thousand unskilled textile workers to victory in a strike against the American Woolen Company of Lawrence, Massachusetts. During the war years, however, the IWW was less active. In a last minute attempt to avoid further official repression, the IWW toned down, or in some cases outright ignored, its antimilitaristic and antigovernment background, even going so far as to cut down on many of its calls for sabotage and direct action. Despite the Wobblies’ attempt to appear as less of a threat to the government, state institutions continued to pursue them in a search for the tools of destruction they believed would be necessary in the violent revolution the IWW advocated.⁸⁴

Soon after the government determined that the IWW represented a potential threat to the war effort through their organizing workers in such key war industries as lumber and mining, the state set about its attack. A multitude of arrests were made and a vast amount of literature was confiscated throughout the thirty-three cities in which the BI raided Wobbly offices on September 5, 1917. Later that month, 166 officers, organizers and secretaries of the IWW were charged with having, “conspired to obstruct the production of war materials by strikes and sabotage,” and of “having unlawfully aided young men not to register for the draft,” and, “caused insubordination in military forces.” According to Attorney General Gregory, the state possessed very sensational and convincing evidence that the IWW members in custody attempted to incite sabotage and interfere with the prosecution of the war. However, the authorities had no hard

⁸³ Preston, *Aliens and Dissenters* p. 50

⁸⁴ Paul F. Brissenden, *The I.W.W.: A Study of American Syndicalism* (New York, 1920), p. 284, 286; Preston, *Aliens and Dissenters*, p. 35

evidence that any individual member or leader violated the law. The arrests were simply based on the IWW's extreme and often revolutionary propaganda. That August, after a mass trial in Chicago, ninety-nine defendants were found guilty and sentenced to a maximum of twenty years. The effect of this sentencing was the destruction of the IWW as a force within the labor movement.⁸⁵

The problem, the state discovered, was that the IWW trials provided the Leftists with a platform to elucidate their ideas and critiques of the existing system. Furthermore, the decisiveness of the raids was undermined by the drawn out proceedings of the trial. This notion of a trial not fulfilling the needs of the state for a dramatic and decisive show of a Radical threat, and their ability to deal with the threat, steered the state away from judicial procedures for their grand show. The Centralia Incident serves as an example of this problem.

The Bureau used the Centralia Incident as proof of IWW lawlessness and a specific example of their campaign of sabotage. In this instance, a Wobbler was hanged, shot, and castrated for shooting an American Legionnaire during an American Legion attack on the IWW headquarters. The Bureau stated that, "the Centralia Wash. outrage was evidence of the IWW agitation." The Centralia case illustrates how the Bureau, for political reasons, exonerated the activities of the local business community and the American Legion and painted the IWW as murderous terrorists and dangerous revolutionaries.⁸⁶

The Centralia Incident, however, was only the most brazen attempt by the state to make the IWW appear to be readying a violent overthrow of the government. The September 5th, 1917

⁸⁵ Attorney General Report 1918, 53-54, 104; Schmidt, *Red Scare*, p. 72; The Papers of Woodrow Wilson, Vol. 47, 604; National Civil Liberties Bureau, *The Truth About the IWW Facts in Relation to the Trial at Chicago by Competent Industrial Investigators and Noted Economists* (New York, April 1918); Quotes from: Philip S. Foner, "United States of America Vs. Wm. Haywood, et al.: The IWW Indictment," *Labor History*, Vol. 11, No. 4 (Fall 1970), 500-530.

⁸⁶ Quote from: Schmidt, *Red Scare*, p. 109; Attorney General Palmer on Charges, 182.

raids were the culmination. Arrested and put on trial, the IWW stood no realistic chance in court. There was no judge or prosecutor that would give them an unbiased trial. The IWW feared entanglement in the courts. They believed that, “you cannot fight the masters with the legal weapons they have built for their own protection.”” Despite the home-field advantage, the state still wanted a deck even further stacked in their favor and was not satisfied with trials.⁸⁷

The Lumber industry was the group that first urged federal involvement in the suppression of the IWW in the Northwest. They, however, came to see a problem with their own method of dealing with the Wobblies, as the ever-growing blacklists used to break up IWW organizing capabilities created a dilemma of their own. As the IWW steadily gained members and adherents, industry leaders feared that “the blacklist might eliminate from the woods some of the industry’s best workers.” While federal prosecution and deportation seemed the most likely way of quashing this Radical threat, this method eventually faced the same predicament. Once the raids began, the timber industry and large agricultural communities ran into the same problem, and pleaded just as vehemently for the raids to cease. Former Minnesota Governor John Lind contacted Attorney General Gregory on behalf of the business community claiming that, “If this raid on labor is not stopped promptly, a large percentage of our crops will be wasted and lost and ... the lumber industry will be paralyzed.” Ironically, it was the IWW’s necessity to the war industries that saved much of their membership from the mass arrests that their anti-war stances made them subject to in the first place. There simply wasn’t enough labor to provide for the

⁸⁷ Investigation Activities of the Department of Justice, 11, 12; Quote from: Schmidt, *Red Scare*, p. 66, 90.

increased demand. Here the business community stepped in to stop the assault on labor simply because they could not meet their own interests if they lacked hands in the field.⁸⁸

The 1919 Seattle General Strike was the earliest prominent general strikes in United States history. The important port city of Seattle, Washington had long been a hotbed for organized labor, as well as the Left, and in early 1919 a dispute between management and the workers of several major industries lead to a general strike. At a designated time on January 19th, 1919 all organized workers simultaneously stopped working in a show of solidarity that exemplified the spirit of the closed shop. These workers would not permit their bosses to exploit them or their brothers and sisters, and were willing to walk out en masse in order to prove it. The AFL and the IWW, two very unlikely partners, even joined together. They, along with roughly 65,000 workers, took part in a work stoppage. The strikers worked together to maintain the day-to-day operation of essential city services. Children were fed, streets were patrolled, and contrary to the predictions of the right, disorder was hardly the result.

The Seattle General Strike was the fight against the closed shop writ small. For the state and the business community, it represented an opportunity to strike at the symbolic heart of the labor movement. For the rightwing, smashing the general strike would theoretically dishearten labor. If such a large strike with such a broad coalition of supporters could not successfully change the relationship between capital and labor, then perhaps nothing could. Even with these high stakes, the BI chose not to attack labor and the Left with full force. They believed that the Bureau's intervention would only complicate matters and possibly push the labor movement to take more drastic actions.

⁸⁸ Ibid., p. 123, 127; First quote from: Letter, A. Bruce Bielaski to F. D. Simmons, November 30, 1918, Old German files 91928, Record Group 65, National Archives; Second quote from: Bielaski to Simmons, December 18, 1918, Old German files 91928, Record Group 65, National Archives.

The BI asserted that local and state law enforcement were making arrests with little consequence, and that from the beginning of the strike it seemed as though it would be over rather shortly. The BI's restraint was a tactical decision. Initially the Bureau planned on apprehending the strike leaders during the strike, but once it became clear that the strike, while orderly, was not going to succeed, the BI decided that federal intervention would only provoke the strikers. Instead, the BI compiled lists of "subversive elements," and waited for the situation to cool off. Given that this was the largest strike the United States had ever seen, the BI's reluctance to get fully involved can also be seen as a disinclination to engage so many workers. The Bureau preferred to tackle a group of more manageable size.⁸⁹

Despite their lack of involvement, the BI learned a valuable lesson from the way the local government handled the strike. Mayor Ole Hanson's actions in Seattle acted as a dress rehearsal for the Bureau's own actions later that same year. Hanson attempted to make himself into a hero by saving his beloved city from revolution. The Mayor charged that the strike was not the work of recognized labor unions, but the revolutionary machinations of Russian Bolsheviks, seeking to establish soviets in Seattle. He deputized thousands of new law enforcement officers and added hundreds more to the regular police force. Hanson kept himself in the public eye and stayed on message; the strike was the beginning of a revolutionary plot connected to Soviet Russia. This is exactly what J. Edgar Hoover and A. Mitchell Palmer would attempt to do later that year with the Soviet Ark deportations. While Hanson used his notoriety as an anti-Radical for fame and fortune on the lecture circuit, Hoover and Palmer sought their notoriety to advance their political agenda of expanding the police powers of the state.⁹⁰

⁸⁹ Telegram, Simmons to Allen, February 9, 1919, Old German files 91928, Record Group 65, National Archives; Schmidt, *Red Scare*, p. 134.

⁹⁰ Eliot Asinof, *1919: America's Loss of Innocence*, Donald I. Fine, inc. (New York, 1990), p. 135.

The steel and coal industries had long been a bastion of the power of capital, and had often been viewed as synonymous with the robber barons. As management sought to close the inroads organized labor had made into the steel industry during the war, the state came to the aid of its allies in the business community. Workers in Gary, Indiana refused to accept a pay cut to the prewar levels and went on strike. Though there was a significant lack of evidence of Radical involvement in the strike, the state and the business community conflated it with the Radical-Left in order to better crack down on the unions that organized it.

The fact that the Bureau had clear evidence of a lack of Radical subversion of the strike, but made the accusation any way, is plain evidence that they sought to justify government intervention in breaking the strike. However, the state was limited in its ability to act against those it painted as Radicals because of the necessity of getting the workers back in the mines. With winter approaching, one of the state's goals was to end the coal strike and ensure the supply of fuel to the nation and especially industry. Of course, in order to keep those natural resources coming out of the mines, the state would not only have to get miners back to work, but would have to refrain from arresting or deporting so many miners that production would be slowed.⁹¹

This issue of the availability of workers was something that plagued the state's efforts during the Red Scare. The business community was one of the main proponents of anti-Radicalism, and of the deportation of alien labor leaders. However, when the raids and deportations reached a certain level the business community promptly withdrew its support and began urging the state to take a lighter hand. Cheap, usually immigrant, labor was necessary for capital to operate at the low cost that kept its profits high. When the state's anti-Radical crusade began to threaten that supply of cheap labor, the business community pressured state officials to

⁹¹ Asinof, *1919*, p. 223.

call off the strongest of their efforts. Fear that access to the enormous pool of immigrant labor would diminish even stopped the second round of mass deportations that made up the Palmer Raids.

Throughout the latter half of 1919 the BI and DOJ seemed to be hunting feverishly for a group of bombers. However, to say that the state was driven by the fear caused by the string of unsolved 1919 bombings is a misstatement. State officials had been searching for secret Leftwing weapons caches years before. The problem they found, however, was that the bloody Left-wing plot they were looking for simply did not exist.

Without the weapons necessary for violent revolution, the state's claim that the Left was a force that endangered the whole of the United States was significantly undercut. The Left's rhetoric had always been much more forceful than their actions. Rather than create the evidence they needed, the state simply changed what it considered to be evidence of violence. If the Radical-Left did not possess the guns and bombs for a bloody seizure of power, the state claimed that rhetoric was itself a weapon.

There were, of course, alternatives to the assault on expression. The state had other means by which they could have dealt with radicals while still respecting their rights. In order to deal with the causes of radicalism, lawmakers could have dealt with the social and economic problems that made Radical ideas attractive. They could also have legislated protections for unskilled and migratory labor from exploitative employment practices. If they only wanted to deal with effects and not causes, the state could have written into the Penal Code clearly defined punishments for proven property destruction. Along with this adjustment, there could easily be a call for nationwide action against such destruction through federal police action. The state could have focused on deeds and not ideas by singling out specific actions. Those rounded up for these

crimes could be provided the same safeguards and rights to which all criminals were theoretically entitled. Rather than look at the cause or focus on criminal actions, the state focused on the symptoms of industrial discontent and attacked the free speech of Radicals. Besides the state's rightwing bias, however, the state focused on these symptoms because the state was targeting more than just Radicals.⁹²

As with much of the Red Scare, the Radical Left was targeted as a way for the state and its reactionary allies to move against labor. Congressman Meyer London, a Socialist from New York, and Adolph J. Sabath, a Democrat from Illinois, claimed that labor was the true target of the immigration laws that ostensibly targeted Leftwing beliefs. More specifically, they claimed that these laws would allow the removal of strike leaders without judicial process. London and Sabath pointed out that there were already laws against advocating the destruction of property on the books and that additional clauses would be superfluous. However, their colleagues in Congress ignored their suggestions.⁹³

Early hearings about this type of revolutionary speech, "revealed how easily one man's free speech became another man's sedition." To many of the inspectors any critique of capitalism, or the support of IWW strikes was seditious and equated with disloyalty to the American form of government in the most contemptuous of ways. The issue was that the legislature displayed an inability to define – with the necessary specificity required by law – the type of speech it considered subversive. Furthermore, federal lawmakers couldn't impart this idea between permitted and forbidden speech to those carrying out the policies. Thus, officials enforced vague and ill-defined laws that allowed individual prejudice, and more importantly

⁹² Preston, *Aliens and Dissenters*, p. 75.

⁹³ Congressional Record, 63rd Congress, 2nd Session (1914), 2892; *ibid*, 64th Congress 1st Session (1916), 5166; Preston, *Aliens and Dissenters*, p. 77.

bureaucratic self-interest, to influence how laws were imposed. It is no surprise that, as William Preston put it, “the attempt by government to uncover and analyze the innermost convictions of the human mind was a tragic failure.”⁹⁴

Though this attempt to determine which ideas were valid and which were insurrectionary was not successful in a philosophical sense, this did not stop the state from attempting to treat expressions of those ideas as criminal acts. If ideas themselves could not be dealt with, the state would look to documentations of those ideas. Following this logic, a Department of Justice report to Congress stated that, “one of the most potent and far reaching influences in stirring up discontent, race prejudice, and class hatred in this country is the large number of Radical newspapers and other publications which are given wide circulation.” The same report charged that Radicals used their press “as a means of propaganda to educate [their] fellow [workmen] and inculcate [them] with the doctrine of anarchism, communism, and Radical socialism, and enlist [their] services in the revolution.”⁹⁵

Literature became an important element of the anti-Radical investigations. The literature from radical Left groups served as evidence of their beliefs and allowed the state to portray them as evil. Radical pamphlets and papers were reproduced and publicized in order to vilify their creators. Collecting it was therefore nearly as vital as the actual apprehension of the Radicals themselves. Such literature was used to present the Left as a threat that required quashing and one that the nation could not merely tolerate until it committed a crime. This kind of material, the state claimed, was the smoke that would lead to the fire of violent overthrow. According to groups like the BI and DOJ, a Peacetime Sedition Law could make sure that the fire could be

⁹⁴ Louis F. Post to the Commissioner General, March 17, 1920, Immigration and Naturalization Service files, Record Group 85, 54809/General, sec. 2; Preston, *Aliens and Dissenters*, p. 176.

⁹⁵ Schmidt, *Red Scare*, p. 90; Quotes from: *Investigation Activities of the Department of Justice*, p. 11, 12.

quashed at the first sign of any smoke. In order to get this law passed they would first have to identify the seditious speech, which they wished to stop.

Federal agents informed Congress of a “wave of Radicalism” that had risen in the United States in November of 1919. This wave, the agents claimed, was indicated by the 50 additional Radical publications which had appeared since the armistice; an addition that brought the total number of Radical publications to 471. This growth in Leftist communication is one of the reasons that the state was able to portray the Radical Left as a bigger threat than its numbers made it seem. State agents claimed that its large number of periodicals, speakers, and other public events multiplied the Radical threat. When asserting that the voluminous nature of Leftist literature was what made it particularly perverse, reactionaries often fixated upon the Socialist Party. State agents claimed that the Socialist Party published, “5 English and 8 non-English dailies, 262 English and 36 non-English weeklies, and 10 English and 2 non-English monthlies.” Thus, the attacks on the Socialist Party can be seen as part of the greater effort to amass a collection of Radical literature. The state sought to prove the extent and severity of the threat the Radical Left represented.⁹⁶

With a lack of evidence, the state used Radical propaganda as proof of the imminent danger of a Leftist revolution. The bias of the state agencies such as the BI made their claims suspect. Aside from the dilemma of state bias, figures pertaining to this type of literature simply cannot be relied upon to elucidate the size, extent and intent of Radicalism. Unfortunately, there is no comprehensive list of papers classified as Radical, and even if there were, it would have to

⁹⁶ Quotes from: *Investigation Activities of Department of Justice*, 12; Schmidt, *Red Scare*, p. 155; *Crusade Against Radicalism* – Jaffe, p. 14; Department of Labor Research, *American Labor Yearbook* (New York, 1916), p. 96; Charles Edward Russell, *Bare Hands and Stone Walls: Some Reflections of a Side Line Reformer* (New York, 1933), p. 203.

distinguish between the larger, more permanent publications and the numerous short-lived ones.⁹⁷

Evidence of the state's preoccupation with propaganda can be seen in the several raids that were focused, not on making arrests, but on confiscating Radical literature to later use to indict Leftists. One of these raids was on the socialist Rand School. Fifty policemen and other government officials entered the premises, and searched the school, its offices, and its bookstore, removing large numbers of documents and books. Though no arrests were made, officials still considered the raid a success.⁹⁸

But the state wasn't taking possession of secret Leftwing documents. Most of the literature confiscated in the raids on these Radical organizations was readily available in bookstores. The importance of the raids came from the fact that they were a better way to obtain this type of documentation of Radical thought. By seizing the literature it implied that the material was a guarded secret. Furthermore, it was just more dramatic.⁹⁹

The overt acts that "proved" the Radical conspiracies, against both business and the war effort, were not acts at all. They were mainly statements, declarations, newspaper articles, and personal and organizational correspondence. It was the distribution of these that the state used as evidence of conspiracy. Thus, the term "overt act," with its connotation of violent action, came to stand for speech and written material that was used to convict Radicals. The government mainly built its case on Radical expressions of ideology about "capitalism, the class struggle, the master class, strikes, sabotage, militarism, war, and conscription." Much of this material

⁹⁷ Letter, W. R. Bryce to William J. Flynn, May 24, 1921, Bureau Section files 202600-2126-x, Record Group 65, National Archives; Schmidt, *Red Scare*, p. 155.

⁹⁸ "By Stevenson Out of Lusk," *The New Republic*, June 15, 1962, p. 66; Jaffe, *Crusade Against Radicalism*, p. 128, 133.

⁹⁹ *Ibid.*, p. 134; Benjamin Gitlow, *I Confess: The Truth About American Communism* (New York, 1940), p. 60; Letter, Palmer to Wilson, January 2, 1920, Immigration and Naturalization Service files, Record Group 85, 54809/General; Preston, *Aliens and Dissenters*, p. 219

predated the outbreak of the war and the passage of the war legislation, but the courts allowed its use because they claimed that it revealed the intent and preparation to commit conspiratorial acts.¹⁰⁰

With this new interpretation of what violence was, the state was armed to make any number of assaults on the Radicals. But why not simply prevent them from making such statements – that is to say violent revolutionary attacks under the new interpretation? The state did try to curtail Radical speech in several ways, but that method simply did not serve the purposes of the state. Radical speech was something that needed to be utilized by agencies like the BI. If the state stopped Radical speech all together, it could not as easily capitalize on those statements, which were now considered acts of violence. Though the state abandoned most of the direct attempts at censorship, it is still useful to examine the abandoned attempts in order to see the progression of the state's reasoning that led to the conclusion to focus on more dramatic tactics.

The BI and other police agencies not only utilized their agents, informants, and the courts to crack down on Radical speech, they also enlisted the help of postal clerks to silence dissenting voices. By interfering with a Radical group's ability to send out propaganda, newspapers, defense fund notices, or other forms of official correspondence, the state severely curtailed the ability of an organization to carry on its sustaining functions. With their ability to communicate

¹⁰⁰ Quotes from: Preston, *Aliens and Dissenters*, p. 120; Indictments in *US v. W. D. Haywood, et al.*, *US v. C. W. Anderson, et al.*, and *US v. Edw. Anderson, et. Al.*, Department of Justice files 188032, 189152, 186701-57, and 188561, Enclosures; R. N. Butterworth to Lewis J. Baley, October 13, 1920; Biss Morton to Lewis J. Baley, October 13, 1920; Robert Boren to J. E. Hoover, October 11, 1920; W. M. Lamar to Hoover, September 1920, Bureau Section files 202600-282, National Archives; Attorney General Reports 1920, 178; 1921, 129; Letter, Hoover to Herbert Putnam, Library of Congress, September 15, 1920, Bureau Section files 202600-282, Record Group 65, National Archives; Schmidt, *Red Scare*, p. 163; Louis F. Post, *Deportations Delirium of Nineteen-Twenty: A Personal Narrative of an Historic Official Experience*, Charles H. Kerr and Co. (Chicago, 1923), p. 12; Asinof, *1919*, p. 151.

hindered, the Radicals found significant difficulty increasing their membership, fundraising, and communicating their ideas to one another and the public at large.

Initially, the main thrust of attempts to restrict the mails dealt with literature that challenged the draft legislation. However, prosecutions under the Conscription Act declined with the passing of the Espionage Act in June of 1917. This law provided the state with increased powers to protect itself against anything it perceived as a danger to the war effort. It provided for large fines and a jail sentence of up to twenty years for those that were willfully helping the enemy, causing insurrection in the military, or attempting to hinder the draft. The same law also established postal censorship when it banned “treasonable or seditious material from the mails.” In October 1917, Congress passed the Trading with the Enemy Act that empowered the president to “censor all international communication” and provided the postmaster general with broad powers over the foreign language press.¹⁰¹

Laws like the Espionage Act and the Trading with the Enemy Act forced Radicals into a face off with the postmaster general. According to Section 12 of the Espionage Act, the state could only delay deliveries of literature that violated the law. It was the postmaster who assumed the power to deny second-class mailing privileges, though such an idea was not laid out in the act. The postmaster used the power to intervene with seventy-five Radical papers by the fall of 1918. More than half of these were Socialist papers. Those papers affected included the *Masses*, the *New Republic*, and most of the foreign language Radical papers.¹⁰²

Under section 211 of the Criminal Code, the Department of Justice was able to declare non-mailable any “indecent” material. “Indecent,” according to a 1911 amendment, included

¹⁰¹ Quotes from: Department of Labor Research, *American Labor Yearbook* (New York, 1916), P. 96; Charles Edward Russell, *Bare Hands and Stone Walls: Some Reflections of A Side Line Reformer* (New York, 1933), p. 203; Jaffe, *Crusade Against Radicalism*, p. 14.

¹⁰² *Ibid.*, p. 62; *US v. Binder*, 1918; “Burlson and The Call,” *New Republic*, January 7, 1920, p. 158.

“matter...tending to incite arson, murder, or assassination.” Furthermore, the postmaster general could also exclude anything that violated the Espionage Act or its successor, the Sedition Act of 1918. In the 1918 law, sedition was expanded to be anything “disloyal, profane, scurrilous, or abusive language, or language intended to cause contempt, scorn, contumely or disrepute as regards the form of government of the United States; or the Constitution; or the flag,” or anything “urging any curtailment of production of any things necessary to the prosecution of the war with intent to hinder its prosecution.” The Postmaster General could prevent the delivery of mail to any individual he believed had violated the law. Once a single issue of a paper or magazine had been banned, the post office could revoke its second-class mailing privileges on the grounds that it was “not regularly issued at stated intervals” as required by law.¹⁰³

The National Civil Liberties Bureau was incensed and held an emergency conference on July 13, 1917, specifically to address the issue of mail censorship. Out of that conference, four lawyers, Clarence Darrow, Frank P. Walsh, Morris Hillquit, and Seymour Steman, met with Postmaster Burleson to ask for a policy that treated Leftwing expression more reasonably. The four attorneys requested guidelines so that Leftwing papers could avoid printing material that would get their papers banned. Post Master Burleson, however, refused to even consider the request, and stated, “if a paper disagreed with the decision of his department it was free to take its case to court.” No suit or protest had any effect, and the targeting of Leftwing expression in papers and in the mail continued throughout the war.¹⁰⁴

During the IWW trials, which saw dozens of Wobblie leaders facing a litany of charges, the state sought to restrict the abilities of the IWW to launch a successful legal defense. The state

¹⁰³ Preston, *Aliens and Dissenters*, p. 144.

¹⁰⁴ Jaffe, *Crusade Against Radicalism*, p. 65; Quote from: Alexander Tractenberg and Benjamin Glassberg, eds., *American Labor Yearbook* (New York, 1921-22), p. 11.

interfered with some of the group's most fundamental rights through censorship of the Post Office. Use of the mail was essential to one of the few nationwide Radical organizations of the time. Without it, the IWW was not able to publicize the case or raise money for legal counsel. The Wobblies could not mount an effective defense in large part because of these restrictions until the war ended and censorship of all sorts ceased.¹⁰⁵

Restrictions of the mail were very useful. They could be used to hamstring particular campaigns, including legal defense funds and propaganda efforts. These restrictions, as damning as they were to the IWW, failed to be the decisive tool the state needed to suit its purposes. Though the government could have stopped all IWW mail, such a blatant act of censorship would not only have given the Wobblies ammunition to use in court, but would most likely have rubbed many Americans the wrong way.¹⁰⁶

To American citizens, the mail was a nearly sacred right. If the state had interfered with the mail to the degree it desired, far too many citizens would have objected. Furthermore, restriction of the mail was simply not dramatic enough. It was a useful tool for interfering with an organization's ability to organize, propagandize, and fundraise, but it occurred behind the curtain, and would not convince legislators to increase the power of the BI and Department of Justice. For the drama the state desired, it would need to be reacting to Radical malice, not preempting it.

Beyond the restrictions of the mail, the Radicals' right to freedom of expression was further curtailed when the state attacked their ability to assemble. The state made an effort to restrict even peaceful assemblies, targeting not only rallies and demonstrations, but even public

¹⁰⁵ Jaffe, *Crusade Against Radicalism*, p. 144.

¹⁰⁶ Thomas W. Gregory to Woodrow Wilson, May 14, 1918, Wilson MSS; Preston, *Aliens and Dissenters*, p. 149.

lectures, and private meetings. A hyperbolic example of this restriction was the St. Patrick's Day parade that Butte, Montana's Irish and Radicals wanted to hold in 1917.¹⁰⁷

Prominent citizens, fearing that a public demonstration of this kind might result in riot, influenced the mayor and the council of defense to prohibit the parade. On the request of Montana's governor, the commanding general of that area told his troops at Butte to 'cooperate fully' with the local authorities. When some six thousand workers assembled in the town on the holiday afternoon, the soldiers cleared the streets, helped police make over a hundred arrests, and chased off the few who resisted 'with bayonets or rifle butts.'¹⁰⁸

In Albany, New York a local judge tried to clamp down on public speaking. He asked that the police commissioner give the names and police records of all those who made "offending speeches" to the grand jury. Radical "soap box orators" were the target. Once the state had a list of names, it could carry out prosecutions against those speakers it did not approve. The compilation of this type of list speaks to the determination of the state to stop Radical speech. However, while police dragging in every person who made radical pronouncements may have been what the state desired, there was a simpler way to stop the expression of the Radical Left.¹⁰⁹

In the same way that the business community created black lists of labor leaders and Radicals, there were lists of people and organizations to which meeting hall owners refused to rent their spaces. In some cities, hall owners that bought into the Red scare, feared losing other patrons, or earning the ire of reactionaries, embarked upon this boycott. In still other cases, municipal governments applied pressure to hall owners to bar Leftists.

In areas where IWW agitation took place, meetings and rallies were commonplace. Rather than attempt to arrest the Wobblies in attendance, police found it easier to ensure that public halls were not rented to them. In New York City, Leftists attempted to hold a protest

¹⁰⁷ Ibid., p. 112.

¹⁰⁸ Captain Omar N. Bradley to Commanding General, Western Department, March 19, 1918, General Records of the Adjutant General's Office, Record Group 94, 370.6.

¹⁰⁹ Jaffe, *Crusade Against Radicalism*, p. 68.

meeting at the Ebling's Casino in the Bronx. Though they had scheduled the event more than a month in advance, the owner cancelled it at the last moment. He explained that he had "been warned that his license would be revoked if the meeting was held."¹¹⁰

New York City Radicals were understandably irked by the boycott imposed on them by hall owners at the behest of the city government. Socialist Party organizers found this to be egregious, as they were a legal political party in good standing and had members in the state legislature and on the city's Board of Alderman. Police Commissioner Richard Enright flat out stated that he had ordered the boycott, but he denied that the Socialist Party was included in the list of groups to be boycotted. Despite Enright's denial, the officers below him continued to pressure hall owners to ban all Radicals from using their facilities. The boycott began to expand and there was a case in which police attempted to prevent a meeting of the National Civil Liberties Bureau. In April 1919, things even went so far as to take the form of a citywide ban on all foreign language meetings.¹¹¹

However, this method of repressing the Radical Left did not work. One reason was that conservative labor leaders felt that the hall boycott would be used against them. In response, conservative unions sponsored strong resolutions condemning the boycott and brought it to local municipal governments. In New York City the mayor responded to the union opposition. Mayor Hylan, in a letter to the bakers' union, claimed the boycott was not being used against the Socialist Party, "or any other organization which desired to assemble lawfully." Hylan's statement was blatantly untrue as organizations that had gone through completely legitimate channels were being refused rental. The Socialist Party, in disbelief of Hylan's claim, published

¹¹⁰ Ibid., p. 40, 68; Quote from: *New York Call*, September 12, 1917, in the ACLU Archives, Vol. 54.

¹¹¹ *New York World*, March 13, 1919; Kate Claghorn, *The Immigrant's Day in Court* (New York, 1923), p. 416; *New York Times*, March 14, 1919, p. 12; Jaffe, *Crusade Against Radicalism*, p. 83, 86.

a list of thirteen halls that had barred their rental. In addition, Evans Clark, a Socialist Party official, offered to take the mayor on a walking tour to visit these very same halls. With conservative labor fearing they would be targeted after the Socialists, local politicians feared for their reelections and thus backed off.¹¹²

This technique was also handled completely locally. Though the BI had put together its impressive card catalog system that detailed thousands of Radical Leftists and Radical organizations, the efforts to ban Radicals from speaking was done entirely at the municipal level. While decreased Radical demonstrations and assemblies were considered a boon to local governments, federal institutions such as the BI, that sought to be involved in Radical suppression for their own purposes, were left out of the game. Groups such as the Bureau wanted to have a hand in what was going on, and a locally led effort to prevent Radicals from renting meeting halls simply did not work for them.

The state understood that while preventing, or at least reducing, Radical events in an area might alleviate some “labor unrest,” it could not serve as the performance that groups like the BI were looking for. The problem therein was the fact that preventing something from occurring all together is substantially less dramatic than dealing with it afterward, or better yet during the occurrence.

Medical dramas provide an excellent example for this type of logic. Preventative medicine would not provide the type of drama that was necessary to hold an audience. By preventing a patient from contracting a disease or condition, the character would completely cut off the dominant avenue for the tension to build. The same can be said for cop shows; and after all, the BI really wanted to put on a show to make them seem more necessary.

¹¹² Ibid., p. 83; See January and February, 1919, issues of *New Republic*, *New York Call*, and *The Radical Worker*.

The Bureau would need a Radical event or organization to which it could respond. The BI desired to come away from an action with the legislature applauding and signing off on increased funding and expanded powers. Although preventing Radical actions and minimizing the presence of Radical groups was an effective method of shrinking the Radical Left, the BI needed something much more dramatic.

More direct than disallowing the use of halls, or preventing Radicals from holding rallies, was the use of repressive physical force. This was achieved either through police action, or through the state's alliance with patriotic societies. These attacks not only struck a blow against the Radical organizations holding the rallies, injuring their members and causing a chilling effect on their comrades, but also providing a spectacle that could make the Radicals look as violent as the state claimed they were.

In New York City during the war, reactionary "patriots" raided a major office of the Socialist paper *The New York Call*. While a housewarming was in progress at the paper's new office, mobs of soldiers and sailors, whom had been roaming the streets, invaded the premises and drove the people out of the building. According to firsthand accounts, "The attackers formed [a] semicircle in front of the building and struck people with clubs as they passed between them. Seventeen persons had to be treated for injuries, and one girl went blind from shock. Inside there were fistfights and a man jumped from a window twenty-five feet above the ground to avoid being beaten." Later that same night, this crowd of violent reactionaries marched on the Union of Russian Workers, a Russian workers organization that was accused of holding Anarchist ideology (and the group that will become the star of the show later in this

work). Once at the Union, the soldiers forced the members to sing the national anthem under threat of violence.¹¹³

This series of attacks also provides evidence of the bias in the official response to this type of violence. The day after the May Day disturbances, the mayor of New York City ordered an investigation. “I knew nothing about it,” Mayor Hylan said, “until I read it in the papers.” Despite the extreme violence delivered unto the Leftists, Hylan seemed mostly worried that police had used any force against soldiers and sailors. He had nothing to say about what was done to the Radicals.¹¹⁴

When an extremely brutal case of anti-Radical violence occurred in Centralia, Washington on November 11th 1919, the response was similar. A large contingent of men from the American Legion marched to the local IWW headquarters. Once there, the men charged the building. The IWW, having just endured a similar attack that left their headquarters in shambles and several of their members badly beaten, were holed up inside, armed, and ready to defend themselves. After several legionnaires were shot while trying to break into the building, the patriotic society grabbed one man associated with the Wobblies and enacted vengeance upon him. The man was hanged, shot multiple times, and castrated.¹¹⁵

The response from DC was simple. The BI instructed its chief agent in the area: “Investigate [the] situation at Centralia completely...ascertain if any of the subjects are alien.” This response indicated the Bureau’s assumption that the IWW had instigated the violence, and that their attack on American Legionnaires could be used as a justification to deport their alien members. The Bureau knew, based on reliable information, that the Legionnaires had made the

¹¹³ First quote from: “Bombs,” *New Republic*, May 10, 1919, pp. 37-38; Second quote from: *The Rebel Worker*, May 15, 1919, p. 3; Jaffe, *Crusade Against Radicalism*, pp. 90, 91.

¹¹⁴ *Ibid.*, p. 91; *New York Tribune*, May 6, 1919.

¹¹⁵ Jaffe, *Crusade Against Radicalism*; Schmidt, *Red Scare*; Preston, *Aliens and Dissenters*.

first move and had tried to enter the IWW hall. They knew that the IWWs had not planned to ambush the former soldiers, but had acted in self-defense. The county prosecutor ignored these facts, and neither county officials nor the BI disclosed the information to the papers. Later that June, the Bureau reported to Congress that the incident proved the IWW was intent on “sabotage and lawlessness.” Their report asserted that: “The Centralia Wash., outrage was evidence of the IWW agitation.” The events in Centralia shed light upon how the BI exonerated the activities of the reactionary local business community and American legion, while the IWW was blamed. The Bureau portrayed the Legionnaires as the victims of the violent revolutionaries.¹¹⁶

While these displays of violence support the idea of a mass hysteria of anti-Radicalism, a specious claim considering how the rightwing connections of business and the state intersected in these patriotic organizations, the BI and DOJ were not fully satisfied with these attacks. First, the actions were being committed not by the state, but by private citizens. The state benefited from this violence in two ways. First and foremost, it struck very literal blows against the bodies, and more figurative blows against the morale, of Radicals. These were people for whom the state had crafted an image as violent, dangerous people that threatened their allies in the world of business; any assault against them was one that the state welcomed. Additionally, state institutions such as the BI could utilize this violence to persuade the legislature that their desired increase in power and funding would be popular. The initial problem with this method, however, was that it was too circuitous. The state still needed a direct show of their ability.

The second problem was that the violence had the potential to make martyrs of Radicals. Again, Centralia stands as a testament to this. After the lynching of their fellow Wobbler, the

¹¹⁶ Preston, *Aliens and Dissenters*, p. 106, 108, 109; Quotes from: Telegram, Frank Burke to Simmons, November 12, 1919, Old German files 376413, Record Group 65, National Archives; Report, F. W. McIntosh, November 20, 1919, Old German files 376413, Record Group 65, National Archives; Telegram, Frank Burke, June 29, 1920, Ibid., and Suter to Carbarino, February 27, 1920, Old German files 376413, Record Group 65, National Archives.

local IWW briefly swelled as brothers and sisters from the surrounding region came to Centralia to protest the reactionary attack on their organization and its members. No local government or business community desired additional IWWs showing up and causing any problems in response to violence delivered unto their Wobblie brothers and sisters. The BI needed to utilize a method that minimized this idea of martyrdom. Deportation stood as the most prominent option available to the state, and with the end of the war, the increased labor unrest, and the new laws governing deportation, the option became all the more golden.

Deportation was the most promising of all the state's methods of dealing with Radicals. This not only fit with the state's claims that the Radicals were deranged foreigners, it also circumvented a number of restrictions on the state's authority. In order for the state to utilize this method even more efficiently, however, it was necessary to craft the law in order to best highlight the performance they desired. Thus, in the same way that the state changed its classification of violent Radical rhetoric into actual acts of violence, the state changed the deportation laws to better emphasize the danger of Radicals, and more easily bring them into conflict with the law.

During the war the number of aliens deported never rose above about a hundred per year. With the end of the war, shipping became safer, allowing European aliens to be returned to their homelands at a far greater pace than prior to the conflict. With the labor unrest and bureaucratic expansion that caused the Red Scare, the numbers of those deported rose dramatically. As of 1892 the United States had deported 637 aliens. By 1914 that number had risen to 4,610, and was

at 6,409 by 1924. The waning year of the Red Scare, 1921, saw the high of 446 Radicals alone deported.¹¹⁷

Deportation became the favored tactic of the state when it came to dealing with Radicals. Part of this came from the perception, and purposeful misrepresentation, of Radicals as aliens. However, those that sought immediate action against labor turned to the Immigration Bureau for help. Many on the right held the belief that the country's labor relations would vastly improve with the deportation of alien "agitators." Capital could, as it often did, utilize threats of a consequence unique to aliens in order to scare organized aliens whether Radical or not. Additionally, this tactic was further used to divide native and alien workers, placing yet another obstacle in the way of organizers. Coupled with the nativist current in American society, this divide was substantial indeed.¹¹⁸

Furthermore, deportation was viewed as the most valuable tool in dealing with Radicals, because of its ease of use. Both prosecutors and capital viewed deportation as their most versatile weapon in their battle against Leftwing labor organizers. This aspect increased substantially in its importance with the secession of hostilities in Europe, which spelled the end of the Espionage and Sedition Acts' allowances for anti-Radical repression. As William Preston put it, "Deportation, always the first love of those who desired to rid the country of 'isms,' was not forgotten." It was deportation that provided the tools and methods that the BI would utilize in the Palmer Raids at the height of the Red Scare. And while the BI and the Department of Justice took advantage of this method for its immediately practical purposes, they could also utilize the

¹¹⁷ Preston, *Aliens and Dissenters*, p. 233; Preston provides the following deportation figures, *ibid*, 352; Schmidt, *Red Scare*, p. 56; *Historical Statistics of the United States*, Pt. 1, p. 114.

¹¹⁸ Sheriff J. J. Campbell to US Attorney J. H. McClear, June 29, 1917; McClear to the Attorney General, July 3, 1917, Department of Justice file 186701-13-2; Alfred H. Henry to Jones, July 24, 1917, General Records of the Immigration and Naturalization Service, Record Group 85, file 53531/192; Preston, *Aliens and Dissenters*, p. 99.

deportations as part of a show in order to get legislation that would further empower them with increased jurisdiction and enforcement powers. It was the absence of, and simultaneously the desire for, a Peacetime Sedition Law, which forced the Department of Justice, and BI specifically, to turn its anti-Radical campaign toward the deportation statutes and, thus, set their sites on Radical aliens.¹¹⁹

The Immigration Act of 1917 was the legal basis for the deportations of the Red Scare years. The law had been initially created in response to strikes organized by the Industrial Workers of the World and had been debated until its passing in 1917. Amended the following year, the Immigration Act of 1918, which governed why an immigrant could be deported, expanded the list of reasons for deportation to include: attempting to overthrow the US government by force or violence; espousing or promoting such an overthrow; being an adherent to an ideology that promoted overthrowing the government; disbelieving in government, though not necessarily believing in committing any criminal activity; or belonging to an organization that did any of the former. The law also eliminated all time constraints on the part of the government for determining when an immigrant had committed any of the above acts. This allowed the state to easily denaturalize foreign-born citizens and schedule them for deportation. Using this broad sweeping law, the DOJ and BI would be able to round up foreign-born Radicals, particularly anarchists, and schedule them for deportation merely for holding certain

¹¹⁹ Though the United States was still technically at war until 1921 – owing to the legislature’s unwillingness to ratify the terms of the Treaty of Versailles – state agencies such as the BI were cautious to use wartime legislation after the secession of hostilities for fear that their ability to do so would be taken away and with it the possibility of future peacetime Sedition Laws diminished; Quote from: Preston, *Aliens and Dissenters*, p. 100, 151; McConnell to the Commissioner General, August 10, 1917, General Records of the Immigration and Naturalization Service, Record Group 85, file 53531/192; McConnell to William B. Wilson, August 10, 1917, *ibid*; McConnell to the Commissioner of Immigration, Seattle, December 2, 1917, General Records of the Immigration and Naturalization Service, Record Group 85, file 54235/43.

views or belonging to certain organizations that discussed the illegitimacy of the current nation-state system or capitalist market economy.¹²⁰

Deportation was already part of the Radical Division's original purpose. Their mission statement asserted that they were to "direct the investigations connected with Radical activities in the United States and to collect and arrange evidence for submission to the Department of Labor in connection with the advisability of instituting deportation proceedings." Thus, the BI was always set up to make full use of deportation from its very beginning.¹²¹

This quest for deportation played on an element of American culture that had been present for quite some time. Though established as a "nation of immigrants," the distaste for foreigners in the United States quickly became exacerbated as the immigrants came from places increasingly less like those that had been the homelands of the people that had established themselves in positions of power. The racist nationalist current known as nativism conflated Radicals with aliens and vice-versa. It also supported the state's desire to keep a very heavy degree of control on both of these groups of people.

This connection between Radicalism and foreigners was partially manufactured. Though Leftwing ideologies did find popularity among many southern and eastern European immigrants, conservative elements within the United States exaggerated this relationship. Deportation, as a tool against Radicalism, was not only useful because it got rid of Radicals, but also because it further promoted the idea that Radicalism was something that was not home grown. This

¹²⁰ Schmidt, *Red Scare*, p. 55; Preston, *Aliens and Dissenters*, p. 83; Howard L. Bevis, "The Deportation of Aliens," *University of Pennsylvania Law Review*, Vol. 68, No. 2, Published by the University Pennsylvania Law, Jan., 1920, pp. 97-119; "The Deportation of Aliens," *Columbia Law Review*, Vol. 20, No. 6, Published by Columbia Law Review Association, Inc, Jun., 1920, pp. 680-684; "Deportation of Alien Communists," *The Yale Law Journal*, Vol. 30, No. 6, Published by the Yale Law Journal Company, Inc., Apr., 1921, pp. 625-626.

¹²¹ Charles McCormick, *Hopeless Cases: The Hunt for the Red Scare Terrorist Bombers*, University Press of America, (2005), p. 46.

miscorrelation strengthened the notion that Radical Leftism did not come from conditions here in the United States, but was born of some deficiency of character bred overseas.

On the surface deportation did not seem to offer all that many more advantages than the prospect of incarcerating Radicals. It could be said that deporting Leftists was actually a more risky move. Deported dissenters could have theoretically returned surreptitiously to the United States in order to continue their agitation. They could have been handed over to governments at odds with the United States and treated like heroes, or simply not punished at all and allowed to live a comfortable life abroad; giving credence to the adage “the best revenge is living well.” Despite these possible setbacks, the state still saw deportation as the most useful tool in its arsenal against the Radical Left.

While imprisoning Radicals would have removed them from active agitation for their causes, it did keep them within only a short journey from the populations they sought to mobilize. By deporting them to distant lands and barring their reentry to the United States, the state placed a hurdle of equal significance to incarceration in the Radical’s way. Furthermore, removing the Leftists rather than imprisoning them decreased the likelihood that they would be viewed as martyrs that those inside the United States could rally around in order to have them freed.

Deportation also dealt with the prospects of both parole and visitation. By removing the Radicals from US shores, the state put as much of an obstacle in the way of potential visitors as any amount of iron bars. Quite often, the distance was simply too great for many of the Radicals to negotiate. Even correspondence was extremely limited. The amount of time it took for messages to be sent often delayed any coordinated action to the point of hampering it significantly. Additionally, the state found it much easier to continue to deny a deported alien

reentry to the United States than to refuse their parole, let alone secure a life sentence. The example of Eugene Debs running a very prominent presidential campaign from inside the confines of a US prison spoke to the importance the state held in maintaining the inaccessibility of apprehended Radicals.

The monetary benefit of deportation is yet another important aspect that made deportation a preferred option to imprisonment. Shipping off undesirable aliens was simply more cost effective than keeping them locked up. In addition to not having to take care of their “room and board,” the prospect of removing them from US soil also meant that the state would not have to deal with any further trouble that they might create through their agitation.

All of those benefits aside, the chief aspect of deportation that made it the preferred method of dealing with Radicals was that deportation targeted non-citizens. By targeting non-citizens the state could side step many impediments to doing what they would like with apprehended Leftists. Dealing with aliens, the state no longer needed to follow the theoretically strict line of judicial procedure. While dealing with alien Radicals they could remove their gloves, and then remove those aliens whose ideologies they did not welcome.

The key to this notion of deportation being a much easier procedure than criminal prosecution stemmed from the idea that it was not a judicial process, but an administrative one. The Supreme Court had decided in 1893 that deportation was an administrative process and therefore, “the provisions of the Constitution, securing the right of trial by jury and prohibiting unreasonable searches and seizures and cruel and unusual punishments, have no application.” Each nation, the logic followed, was completely within its natural rights as a sovereign state to

remove any offending alien. Therefore, an alien could be ejected from the United States by mere “administrative process” and needed no conviction or trial.¹²²

The state asserted that deportation was not a form of cruel or unusual punishment because it was simply not punishment, but an administrative process. This semantic reclassification, though effective in providing groups like the BI with the broadened ability to carry out their desires, did not pull the wool over everyone’s eyes. A Supreme Court justice even went so far as to posit that “deportation is punishment. It involves first an arrest, a deprivation of liberty; and second, a removal from home, from family, from business, from property.” According to him, “everyone knows that to be forcibly taken away from home and family, and friends...and sent across the ocean to a distant land, is punishment; and that often times the most severe and cruel.” His statements, however, fell on deaf ears as the state sought out its most efficient and satisfying way to put on the anti-Radical performance it desired.¹²³

The Department of Justice and BI were not only aware of the court’s decision, but worked to broaden the scope of the precedent set in 1893. Regin Schmidt asserts that Attorney General Palmer was simply following the logical consequences of the Supreme Court’s position when he claimed that, “aliens had no right to constitutional protection against arrests without warrants, unreasonable searches and seizures, self-incrimination, high bail and long detention.”¹²⁴

¹²² Letter, Anthony Caminetti to Francis P. Garvan, June 27, 1919, Old German files 341761, Record Group 65, National Archives; Quotes from: Charges of Illegal Practices of the Department of Justice, 14, 26, box 107, Norris Papers, LC; Schmidt, *Red Scare*, p. 57; Post, *Deportations Delirium*, p. 34.

¹²³ Quotes from: *Fong Yue Ting v. US*, 149 US 698, 737, 740-741; Preston, *Aliens and Dissenters*, p. 12

¹²⁴ Quote from: US Congress, Senate, Subcommittee of the Committee on the Judiciary, *Charges of Illegal Practices of the Department of Justice. Hearings on “Report upon the Illegal Practices of the United States Department of Justice,” Made by a Committee of Lawyers on Behalf of the National Popular Government League, and a Memorandum Describing the Personnel of the Committee. Referred “for such action as the Committee on the Judiciary May Care to Take with Reference to the Same.”* January 19 to March 3, 1921, 66th. Cong. 3rd. Sess. (Washington, DC, 1921), 31, 640-641; Schmidt, *Red Scare*, p. 57

This focus on deportation also served as a weapon that could be wielded against labor. The need for some type of proof of individual guilt in criminal proceedings was a significant roadblock in the state's attempts to deal with labor disturbances. The discussions of the rules of evidence or immaterial technicalities that took place in the judicial process slowed down and weakened the prosecution's anti-Radical attacks. Furthermore, authorities perpetually faced the obstacle of surmounting the lack of legal evidence of guilt under local, state, or federal law. Many believed that deportation was best able to deal with the circumstances of a "wartime labor scarcity, seasonal shift in employment, a sudden influx of Radicals, or politically inspired hysteria."¹²⁵

Once apprehended, the aliens faced an uphill battle to prove their innocence. The onus of proof was placed upon them because it was an administrative procedure. The process involved conducting a "preliminary hearing" upon the arrest, and restricting access to counsel during the formal hearing in order to obtain a confession and "protect the government's interests." The Director of Immigration had instituted Rule 22, which afforded the immigrant legal aid, but police agencies, particularly the BI, ignored the order.¹²⁶

The BI and other police agencies' preference to utilize deportation could be seen in the difference between their treatment of citizens and aliens. Deputy Secretary of the Department of Labor Luis F. Post asserted "that the agents of the Department of Justice did not themselves believe that they were engaged in detecting Federal crimes when they made arrests in their raids is evident from their policy of releasing raid-caught citizens as soon as they discovered the fact of citizenship. If they were detecting crimes, it was as important to hold detected citizens as it

¹²⁵ Preston, *Aliens and Dissenters*, p. 100.

¹²⁶ Quotes from: *Charges of Illegal Practices of the Department of Justice*, 5, Box 107, Norris Papers, LC; Schmidt, *Red Scare*, p. 58; Preston, *Aliens and Dissenters*, p. 16; Anthony Caminetti to the Acting Secretary, July 24, 1919, General Records of the Immigration and Naturalization Service, Record Group 85, file 54645/378.

could have been to hold detected aliens.” This played into the state’s desire to put on a show of their actions against Radicals, specifically a show in which they could determine the outcome.¹²⁷

Aliens also lost the reasonable ability to appeal their cases, or even to post bail. Higher courts usually agreed with the arresting agency. The judges involved – when actual judges were involved and were not replaced with BI officials – took a very narrow view of individual rights, and upheld the state’s authority to act in the “public welfare” when it came to Radicals. Expulsion was a foregone conclusion if there was evidence, no matter how circumstantial, at all. Furthermore, the courts made no attempt to ensure fairness in the proceedings and required “only the loosest kind of procedural safeguards,” and merely that no gross abuses to due process take place. And although the Eighth Amendment guaranteed reasonably set bail, the Department of Justice was usually able to exert enough pressure to set bail at such a large amount that no accused Radical could ever post it. The BI feared that an attorney could help the alien post bond, leave state custody, and prepare for interrogation. Hoover stated that allowing aliens to post bail and speak with their attorneys “defeats the ends of justice.”¹²⁸

Furthermore, the BI utilized evidence that could not be challenged by anyone because of its confidential nature. In this, the Bureau hoped to utilize, but at no point give away, their informer-witnesses. If at any point the BI needed to, it could gain additional material regarding aliens from undercover DOJ informants. These informants’ testimony would not be placed on the record, and thus aliens would have no ability to respond to it. Through the use of undercover informants, the Bureau could make just about any deportation case strong. The reliability of

¹²⁷ Post, *Deportations Delirium*, p. 53.

¹²⁸ Caminetti to Garven, June 27th, 1919, General Records of the Immigration and Naturalization Service, Record Group 85; A. Mitchell Palmer to William B. Wilson, January 2, 1920, *ibid*, file 54809/General; Hoover to Caminetti, January 22, 1920, Department of Justice file 203557-74; Quotes from: Preston, *Aliens and Dissenters*, p. 18, 219.

these informants could not be questioned, and their statements could at no point be challenged by those against whom they testified. Officials referred to this as “the best kind of an arrangement which we can make.”¹²⁹

In the end, the state simply did not want trials, and deportation was their best option for creating the spectacle that trials could offer without the risk of having to provide Radicals with pesky things such as council, due process, or constitutional rights. Former head of the BI, Clarence L. Reames asserted that the state might eliminate the Radical threat through the “slow, tedious and almost impossible method of court procedure.” However, he realized that trying the entirety of the IWW, with more than five thousand alien members alone, was “a physical impossibility.” To Reames and the BI, “the thought of the choked and stifled court records, the indicted men waiting months to stand trial, and the endless defense harangues and rebuttals was too appalling.”¹³⁰

The Department of Justice further preferred deportation because of their ability to dominate the process while appearing to be working within the confines of their particular governmental role. DOJ officials, and the BI in particular, could walk all over their various allies in the process of deporting Radical aliens. This gave them not only a great degree of control, but also provided for the show that they desired, allowing the Bureau and the DOJ to take credit for the entirety of the Radical removal.

The deportation process was supposed to involve the BI only in so much as it would make recommendations to the Immigration Bureau as to the deportation of Radicals. This was not the case. Bureau officials ran roughshod over not only the aliens they sought to eject from

¹²⁹ Ibid, p. 214; Caminetti to the Acting Secretary, March 13, 1919, General Records of the Immigration and Naturalization Service, Record Group 85, file 54645/378.

¹³⁰ Quotes from: Reames to Gregory, March 16, 1918, Department of Justice file 190159-49; Reames to Attorney General, April 15, 1918, Department of Justice file 186701-49-83; Preston, *Aliens and Dissenters*, p. 170.

the United States, but the Labor and Immigration officials as well. “The examining inspector, often legally unqualified, was detective, prosecuting attorney, interpreter, stenographer, and judge.”¹³¹

These deportation hearings thus became at least as much show as trial. They took place in order to show that the Bureau was doing something. Given that deportation was not a criminal but administrative undertaking, the BI could simply have sped through this process for the sake of efficiency. Instead, they created the appearance of a trial in order to create the spectacle necessary to further prove their central role in the crusade against Radicalism. With a trial, there was simply more of a story. Evidence could be more proudly displayed, there would be more to report to local and national papers, and the case that would be made to the legislature for increased funding and authority would have one additional layer.

During these hearings, however, the BI did not conform to courtroom procedures. The files forwarded to Washington in order to secure deportation could contain a litany of procedural missteps. These missteps usually took the form of material that was damning to the alien, though supposedly inadmissible. “Unsworn statements, ex parte affidavits, inspectors’ reports, personal letters, statements of informers, hearsay or opinion evidence, and extraneous material not related to the charges,” were utilized in order to make sure that the Bureau got exactly the response that it needed. Furthermore, this information was not sent to Washington in order to obtain permission from the office of the attorney general, or from the Department of Labor, but to provide after-the-fact reasoning to later justify and lend credence to the centrality of the BI to the state’s anti-Radical efforts.¹³²

¹³¹ Quotes from: Preston, *Aliens and Dissenters*, p. 16; Williams to Commissioner General, May 21, 1910, General Records of the Immigration and Naturalization Service, Record Group 85, file 53244/1.

¹³² Preston, *Aliens and Dissenters*, p. 17.

All of this behavior occurred despite the fact that there was no legal basis for it. J. Edgar Hoover admitted that there was “no authority under the law permitting this Department to take any action in deportation proceedings relative to Radical activities.” The Department of Labor was simply not able to resist the pressure from the BI and the Department of Justice, which came to dominate the deportation process.¹³³

Bullied into submission as they were, the immigration authorities were reduced to rubberstamping the BI’s actions. The Bureau had completely taken over the process of deporting Radicals. Now running the show, the BI forced through a literal interpretation of the “guilt by membership” provision in the fall of 1919. That August, the New York Bureau office noted that, “it will be recalled that the understanding of the agents of this division is to the effect that mere membership in this organization is sufficient ground for deportation, provided the subject is an alien.” This interpretation would be particularly damning to the Union of Russian Workers, and by the time they were raided that November, Washington asserted that since the UORW had been found to be an anarchistic organization, “membership in the same is sufficient to warrant immediate deportation.”¹³⁴

The difference between the two agencies’ views of how to utilize the Immigration Act’s membership clause highlights exactly how determined the BI was to get what it wanted. Immigration officers were instructed that the act was not to be used to deport entire Radical organizations. In these instructions, they specifically cited that though their membership was mostly alien, the act shouldn’t be used against the Communist Party or the Union of Russian

¹³³ Ibid, p. 210; Quotes from: J. Edgar Hoover to Frank E. Burke, February 21, 1920, Department of Justice file 186701-14; John W. Abercrombie to Senator Francis E. Warren, June 24, 1919, General Records of the Immigration and Naturalization Service, Record Group 85, file 54568/General.

¹³⁴ First quote from: Memorandum for Chief of Bureau, July 16, 1919, Bureau Section files 202600-184, Record Group 65; Second quote from: Hoover Memorandum, July 17, 1919, *ibid.*; Letter, Wm. M. Offley, August 7, 1919, *ibid.*; Letter, Frank Burke to E. J. Brennan et al., November 10, 1919, *ibid.*; Schmidt, *Red Scare*, p. 267.

Workers. John W. Abercrombie, then Acting Secretary of Labor, issued an explanation of how the act should be practically implemented on March 1, 1919. “Formal deportation charges against an alien were not to state that he or she was a member of or affiliated with an organization that advocates or teaches unlawful destruction of property. Instead,” Abercrombie asserted, “the warrant must say, the alien ‘advocates the unlawful destruction of property’ or ‘teaches’ the unlawful destruction of property.” He went on to state that, in cases where aliens were members of an anarchist organization “the Department desires, as far as possible to avoid technicality or literalness in the enforcement of the law, and it will use the membership charge in warrants of deportation only where the evidence in the individual cases shows that the aliens themselves are undesirable.” According to the Department of Labor, officials were to focus on individual actions not membership in proscribed radical organizations. All of this desire to prove individual action fell away under the heavy hand the BI applied in order to usurp the Immigration Bureau’s role in the process. What was aimed at violent anarchists “opened the door to the mass round ups and deportations of the Red Scare.”¹³⁵

Thus the BI and Department of Justice had crossed the threshold. They needed to convince the legislature of the importance of their cause and impress upon them how indispensable they were to the effort to save the United States from a Radical menace. This task was something that they needed to undertake on their own and preferably on a national level. It was also something that would need to be in the public eye and not performed behind the scenes in offices or in meeting rooms. This action would have to be dramatic and show the Bureau’s ability not only to coordinate the round up of large numbers of Radicals, but also to prosecute

¹³⁵ McCormick, *Hopeless Cases*, p. 33.

them or at least provide the appearance of prosecution. Though a trial after a police raid would be the most thorough method, it would simply be too difficult.

The burden of proof that would be necessary to convict alleged Radicals in a criminal trial was simply too substantial for the state to meet. Radicals would find the courtroom to be a playing field with the odds very much stacked against them, but would still have access to enough resources to either slow the state's efforts or occasionally thwart them. Knowing this, the state looked to a process that it could masquerade as a trial, but in which it would not have to meet the burden of proof involved in criminal prosecutions.

The answer the BI and the Department of Justice decided upon was deportation. This method not only played on American prejudices against aliens, but also furthered the association of Radical Left ideologies as foreign to the United States. Deportation allowed the state to arrest Radical aliens, put on a trial of sorts that would provide enough pomp for the media, and ensure that the aliens chosen for deportation would indeed be put to such a fate. With the business community already behind the general idea of utilizing deportation against labor agitators, the BI merely had to not overstep the bounds of what would be acceptable losses of immigrant labor to capital.

Finally, in order for the BI and Department of Justice to be considered the heroes of the day that they sought to be, they would have to portray themselves as valiant defenders of the American way of life. Using Ole Hanson's behavior during the Seattle General Strike as a model, J. Edgar Hoover and A. Mitchell Palmer would attempt to portray themselves as synonymous with the anti-Radical struggle. This personal association would not only help their political careers, but also grant a greater degree of authority to the agencies with which they were associated.

The players were ready; they knew their roles and motivations having practiced them for years. The stage was set; the Great War was over and the United States turned inward to find enemies with conservative elements turning anti-German sentiments into anti-Radical sentiments. Furthermore, nativism was a social force pushing back at the significant number of southern and eastern European immigrants. The action had risen to a fevered pitch; the state tried many different ways to remove the Left but found that they would have to do it in a way that they could aggrandize themselves.

In the fall of 1919 the state's grand performance came to a climax. It would combine all the elements that were needed, and hopefully bring about the goal not only of the BI, but also of the Red Scare itself: a continuous state of anti-Radical action that saw an ever-increasing amount of resources and authority in the hands of the conservative elements that brought it about.

CHAPTER THREE
THE CLIMAX
THE GRAND SHOW OF THE SOVIET ARK DEPORTATIONS

To describe this moment in the history of the Red Scare as the point of no return is a bit of a misnomer. The BI and its conservative allies could have stopped themselves if they so desired. However, since there is no evidence of a desire to halt, or even slow, their race for increased power, the point of no return can be understood to be the point at which the BI and its cronies realized their most effective option. They had to make a show of overwhelming force against a small Radical-Left group that lacked the resources of the IWW and the Socialist Party, which was made up of mostly immigrants that would be subject not to trial but deportation, and which would be easily demonized by nativist prejudice. The Union of Russian Workers was such a group.

An examination of the third act of this performance must begin with the introduction of the targeted group that was to feature in the climax of the BI's show. The Federated Unions of Russian Workers or Union of Russian Workers (UORW) was a loosely connected group of Russian clubs. It was founded in 1907 and its headquarters was in New York City. The organization ostensibly operated under its "Fundamental Principles," which focused on Class struggle and revolution. The original purpose of the group was to "promote the overthrow of the government of the Russian Czar." And though it was organized years earlier, its first convention was held in Detroit in 1914.¹³⁶

¹³⁶ Quote from: Julian Jaffe, *Crusade Against Radicalism*, National University Publications, Kennikat Press (Port Washington, NY, 1972), p. 179; Louis F. Post, *Deportations Delirium of Nineteen-Twenty: A Personal Narrative of an Historic Official Experience*, Charles H. Kerr and Co. (Chicago, 1923), p. 22.

As with most of the other Radical groups that felt the repression of the state, the UORW posed no threat to either the United States or the capitalist system. By 1919, the membership in the organization was between 4,000 and 7,000 nationwide, and although it had started with revolutionary principles, those had long ago faded into obscurity. Neither pledge of obedience nor even agreement with the group's forgotten objectives was necessary for membership. Those seeking to join did not have to read the principles of the organization, and many of the poorly educated people that came to the UORW would not have been able to read them if they tried. In fact, from the group's onset, these principles were only begrudgingly accepted. When Peter Bianki, the secretary of the UORW, was interrogated, he admitted that the "Fundamental Principles" – the UORW's constitution – had only been accepted by the UORW branches with reservation, thereby implying that the locals were not bound by the constitution.¹³⁷

After the group's anarchist-minded founders returned to Russia following the revolution, the branches of the organization were more or less autonomous in action and ideology. According to a study of the group that was later conducted as part of a congressional hearing, "Most members were, in fact, newly arrived Russian immigrants who were ignorant of the UORW's original anarchistic doctrines and who had joined the organization for social reasons, either to meet other Russians or to take advantage of the educational courses in English and driving." There were some Russians that did indeed come to the Union for the Radical speeches, however, many others came for the classes that were offered, or to make use of the UORW library. With all of this in consideration, Secretary of Labor William Wilson never formally ruled

¹³⁷ Jaffe, *Crusade Against Radicalism*, p. 179; Louis F. Post, *Deportations Delirium of Nineteen-Twenty: A Personal Narrative of an Historic Official Experience*, Charles H. Kerr and Co. (Chicago, 1923), p. 22; Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States*, Museum of Tusculanum Press, University of Copenhagen (Copenhagen, 2000), p. 263; Report, Frank B. Faulhaber, August 31, 1919, Bureau Section Files 202600-184, Record Group 65, National Archives, Washington, DC.

the group to be anarchistic and thus subject to the membership clause of the Immigration Act of 1918.¹³⁸

The UORW made a good target for the BI's performance. They were small, they lacked the resources of groups like the Socialist Party, they were predominantly noncitizens, and a raid on the group's headquarters in different cities would be a very public display of the Bureau's ability to combat the "Radical threat." DOJ, BI, and local officials, had already tested the waters of assaulting the UORW and proved that they made fairly good targets for a variety of reasons.

The initial Palmer Raid was not the first time that the UORW was targeted. Conceived by Sergeant James F. Geegan of the police bomb squad, this first raid in early 1919 was confined to the New York City Headquarters and resulted in no deportations. After several weeks of planning, Geegan's strategy was brought up the chain of command to Police Commissioner Enright. The commissioner then discussed it with the district attorney who "was to help secure convictions after arrests were made." The local police also consulted with Immigration officials about the possibility of deporting any aliens caught in the raid.¹³⁹

Even the first raid against the UORW was viewed as unnecessary and brutal. *The World* called the raid an "intolerable abuse of police power." Violently apprehended, 158 people were released after being rounded up; only four were held in custody, though they were never deported. *The New York Times* expressed a lack of understanding regarding the need for such a raid that resulted in so few Radicals being held.¹⁴⁰

¹³⁸ Schmidt, *Red Scare*, p. 249, 250; Quote from: US Congress, Senate, Committee on the Judiciary, *Charges of Illegal Practices Against the Department of Justice*, 67th. Cong., 2nd. Sess. (committee print, n.d.), 21, box 106, Norris Papers, Library of Congress, Manuscript Division, Washington, DC, p. 325; Jaffe, *Crusade Against Radicalism*, p.179.

¹³⁹ Jaffe, *Crusade Against Radicalism*, p. 85.

¹⁴⁰ *Ibid.*, p. 86; Quote from: *New York World*, March 13, 1919; *New York Times*, March 14, 1919; Kate Claghorn, *The Immigrant's Day in Court*, Ayer Co. Publishing (New York 1923), p. 416.

What this first raid told the BI was that the UORW would make a good target. With their resources and ability to control the process of dealing with those detained, the Bureau would be able to produce more dramatic results than the local police force. The BI also learned through the efforts of the NY police, that the UORW would make a suitable target for their efforts because it was not only a Leftist organization, without the resources of a group like the Socialist Party, but it was also made up primarily of non-English-speaking immigrants. Furthermore, because of certain principles of the organization, the UORW stood out as a group against which the anti-anarchist provisions of the Immigration Act of 1918 could be used.¹⁴¹

The BI found the “anarchistic principles” of the UORW a useful tool in crafting their performance. Literature captured in the first raid undertaken by the NY police provided the BI with the reasoning they would need to act against this organization. Two specific clauses in the “organic laws” of the federation would allow the BI to subject UORW members to expulsion from US shores. One stated, “the struggle between the working and the propertied classes continues at the present time, and will be finished when the toiling masses organize as a class and, understanding their true interest, take possession by forcible social revolution of all the wealth of the world.” This linked the UORW to the type of ideology commonly expressed by the IWW. Given that it was a good bit smaller than the Wobblies and comprised mostly of immigrants, the BI would be able to move against it in a way that the IWW had previously eluded them.¹⁴²

The other offending statement of the UORW was the proclamation that members “organize themselves into unions of Russian workers” with “the work of organizing the great mass of Russian immigrants for the speedier liberation of Russia and all mankind.” Following

¹⁴¹ Jaffe, *Crusade Against Radicalism*, p. 101.

¹⁴² Post, *Deportations Delirium*, p. 23.

this was the statement that, “having destroyed at the same time all institutions of state and authority, the class of the disinherited will have to proclaim a society of free producers aiming to satisfy the needs of each individual person, who in turn will give to society his labor and his knowledge.” Though members of the UORW would later assert that these statements referred to revolution in Russia, their call for overthrow, and their attack on the ideas of property and government, connected the group to the ideologies outlined in the Immigration Act of 1918 as worthy of deportation.¹⁴³

However, these objectionable statements were not even well known by those in the group. The vast majority of UORW membership was totally ignorant of the objectionable clauses in the principles of their organization. When authorities asked Peter Bianki if the organization, “admitted members without their knowing the principles of the organization,” he answered: “Yes; we accept them upon the statement of two other members that the applicant is an honest worker and lives by his own labor.” The questioning officer further asked if new members had to sign the documents with the suspect clauses. Bianki replied, “No. We never swear them and they don’t sign. If he wishes, he can familiarize himself with the principles later on.”¹⁴⁴

The date on which the first Palmer Raid took place was also important. Because the UORW was almost entirely composed of Russian immigrants, the BI and its conservative allies advanced the notion that these Radicals were connected to Soviet Russia. The raid was even timed to coincide with the anniversary celebrations of the Russian Revolution. This, the BI planned, would further associate the UORW – and truthfully the whole of the Radical Left – with

¹⁴³ Ibid.

¹⁴⁴ Ibid., p. 24.

foreign elements, as well as label other elements that sympathized with the Russian Revolution anarchistic because of the connection with the UORW.¹⁴⁵

Finally, though the UORW fit the qualifications for the type of organization that the BI sought to use in its grand show, its timing served one additional purpose of the right. Based on the information from Special Agent Ernest W. Lambeth in his report to Washington, the attack on the UORW was utilized to provide an example for foreign workers who showed reluctance to return to work during the copious number of labor strikes in 1919. In particular the BI attacked the small UORW at this specific time in order to frighten laborers that were taking part in those coal strikes that dragged on toward the winter when the need for coal would rise dramatically.¹⁴⁶

The climax of this performance was the first round of the Palmer Raids, which caught the UORW in a nationwide anti-Radical dragnet. These raids, which took place in numerous major metropolitan areas of the United States, were the hopeful endeavors of the BI and DOJ. If all went according to plan, the Palmer Raids would have provided Congress with the incentive to fund the DOJ and BI to the degree that they thought necessary. More importantly, it would have given credence to the necessity of the Peacetime Sedition Law that these institutions sought in order to expand their jurisdiction and powers.

Successful execution of such a raid would have strengthened the DOJ's case for a Peacetime Sedition Law. It would have allowed the department to portray the Radicals as even more of a threat than they previously had done, as well as show how these Leftists could be punished. Furthermore, it would have displayed to the legislature that the BI and DOJ were *the* institutions that could handle the anti-Radical effort on a national level; they could muster up the

¹⁴⁵ Jaffe, *Crusade Against Radicalism*, p. 180.

¹⁴⁶ Schmidt, *Red Scare*, p. 272; Reports, Ernest W. Lambeth, December 23rd and 26th, 1919, Old German Files 303770, Record Group 65, National Archives, Washington, DC.

man power, they could surveil subjects, and they could make sure that such rebels were no longer a problem for the state or the business community which they previously threatened.

The BI staged a second raid on the Union of Russian Workers on November 7th. Simultaneously, BI agents and local police, with whom they coordinated their assaults, set upon UORW headquarters and the homes' of officers. Beginning at 9 pm, the Bureau led hundreds of men against this small Radical organization. What follows is a narrative of this work of plotting and perniciousness.¹⁴⁷

In twelve different geographic areas, BI agents waited for a signal to be given in a simulated military fashion. Once the signal was given, they closed in on the UORW establishments and residences, taking the occupants completely by surprise. In each location, several hundred men and women were roused from the buildings by riot squads. *The New York Times* reported, "victims had been badly beaten by the police ... heads wrapped in bandages. Doors were taken off, desks were ripped open and even a few rugs were torn up." There was no resistance to the raids, and yet the UORW buildings in the eleven other cities all bore a resemblance to the New York headquarters, which "looked as if a tornado had struck it ... blood was everywhere on the walls." There were 162 arrests in New York City alone, with a total of 650 arrests total. In most of the twelve cities, the number of arrests far exceeded the number of warrants, and even when warrants were attained, most were written after the aliens were already in custody. Many of those apprehended were thrown in jail without hearings, some aliens that were not deported, many of whom were completely ignorant of the Radical elements of the UORW, lingered in jail for months.¹⁴⁸

¹⁴⁷ Jaffe, *Crusade Against Radicalism*, p. 181; Post, *Deportations Delirium*, p. 30.

¹⁴⁸ Eliot Asinof, *1919: America's Loss of Innocence*, Donald I. Fine, inc. (New York, 1990), p. 208; Jaffe, *Crusade Against Radicalism*, p. 85, 181, 182; Quote from: *New York Call*, July 25, 1920; Post, *Deportations Delirium*, p. 28.

Everyone in the targeted locations was taken regardless of who or why. Their presence was guilt enough for the BI and the local police that worked with them. Officers and officials of the organization, the hired teachers that were leading night school classes on the premises, members and non-members, aliens and citizens, men and women, were all rounded up and, often brutally, taken into custody. In an obvious violation of the Fourth Amendment of the Constitution, homes were searched and entered without warrants, and a large number were arrested simply because they “roomed with suspects or lived in an apartment formerly occupied by a party member.”¹⁴⁹

BI agents and their local allies searched for documents, explosives, and other weapons. Once rounded up, people were questioned on site: “Are you a citizen?” “How long have you been in this country?” “What were you doing in this building tonight?” However, questions were not the only thing that the state officials treated roughly.¹⁵⁰

Numerous detained individuals suffered physical injury during their apprehension. Louis F. Post reported that by the time many of them were brought to the Immigrant Station at Ellis Island, they showed clear signs of “roughneck” discipline. One of the more disturbing accounts describes, “a mild-mannered school-teacher whose legitimate inquiry when ‘rounded up’ with his pupils, had been answered with blows that smashed the spectacles he wore and wounded his face severely.”¹⁵¹

Others who had at first submitted meekly spoke up, questioning the purpose of the raid. These individuals were told to “shut up” and were threatened with physical violence. On the top floor of the People’s House, the UORW headquarters in New York City, an algebra class took

¹⁴⁹ Ibid., 28; Quote from: Jaffe, *Crusade Against Radicalism*, p. 180; Claghorn, *Immigrant’s Day in Court*, p. 420.

¹⁵⁰ Jaffe, *Crusade Against Radicalism*, p. 180.

¹⁵¹ Post, *Deportations Delirium*, p. 31.

place. The students of this class were, “lined up against the wall and searched. They were then ordered downstairs and, on the way down, had to run between lines of policemen who beat them with improvised clubs torn from the banisters of the building.” From the same building came the report of a gravely mistreated fifty-year-old teacher who, “was not only beaten but thrown down the stairs, suffering injuries in the process.”¹⁵²

When accusation of this “roughneck” treatment was brought before the attorney general, he simply had no comment. The only explanation that he provided dealt with the damage done to the building, which he blamed on “boys who came into the building at a later time.” These categorical denials of any harm to their captives were made despite the numerous unaccounted for injuries of those in police custody. All this violence was committed despite the total lack of resistance from the UORW. Evidence suggests that the raid was conducted in such a manner as to maximize its terrorizing effect on those UORW members not apprehended and other Radicals, as well as show the tremendous force that could be brought to bear by the DOJ.¹⁵³

Those citizens that were swept up in the raids were almost all turned loose. Aliens however, the true targets of the raids, were marched off to prison and subjected to further abuses in detention. These prisoners were jailed in “quarters so close, and held [for] so long, that nature protested in sickening odors.” Prisoners were kept “incommunicado, old Spanish fashion, for days at a stretch.” Their letters were lawlessly intercepted, “depriving them of help of friends and the services of lawyers, placing them beyond the reach of writs of *habeas corpus*, and hiding them so that their families were in distress from ignorance and fear.”¹⁵⁴

¹⁵² Claghorn, *Immigrant's Day in Court*, p. 420; Quotes from: Jaffe, *Crusade Against Radicalism*, p. 180.

¹⁵³ Quote from: Jaffe, *Crusade Against Radicalism*, p. 180; Post, *Deportations Delirium*, p. 31, 32.

¹⁵⁴ *Ibid.*, p. 309.

Furthermore, Bureau officials placed intense pressure on agents to obtain confessions of membership in the UORW from the aliens. Their desire was to attain these confessions during the preliminary examinations, before any officials from other agencies even had the opportunity to get involved; their mode of thought being that it would streamline the process to have the confessions in hand to merely be approved by the Bureau of Immigration, rather than have to utilize any effort to persuade them. The official records are filled with assertions that the aliens were forced to acknowledge membership in the UORW to inquisitors who utilized violent interrogation methods. These records contain numerous affidavits of aliens telling how they were mistreated during the raids, the interrogation, and during their stay at Ellis Island.¹⁵⁵

The violations of rights continued at Ellis Island as the aliens awaited deportation. Reports abounded of the filthy conditions in which detainees were held. Eugene Lyons reported in the *New York Call* that the food was unbelievably bad and even had worms in it. Lyons asked one prisoner, "Is your linen changed often enough?" The alien replied "Linen? There is no linen! There is a heavy blanket which is changed at rare intervals...The beds are old and ugly and filled with horrible vermin." Additionally, Lyons reported that police restored order by use of clubs whenever they perceived even the slightest "unrest."¹⁵⁶

For all of these abuses there was little recourse. There was a report upon the *Illegal Practices of the United States Department of Justice* that did censure the department for several major infractions of the constitutional rights of both the aliens and the citizens apprehended during the Palmer Raids. It found "federal agents guilty of using third-degree tortures, making

¹⁵⁵ Schmidt, *Red Scare*, p. 269; US Congress, Senate, Committee on the Judiciary, *Charges of Illegal Practices Against the Department of Justice*, 67th. Cong., 2nd. Sess. (committee print, n.d.), 21, box 106, Norris Papers, Library of Congress, Manuscript Division, Washington, DC, p. 93-94, 315, 335-336; "Department of Justice Men Seize Radicals on Second Anniversary of Soviet Rule," *The New York Herald*, November 8, 1919; "Arrests are Made Here in Round-up for Red Plotting," *The Washington Star*, November 8, 1919.

¹⁵⁶ Jaffe, *Crusade Against Radicalism*, p.182; Quotes from: *New York Call*, July 25, 1920.

illegal searches, seizures, and arrests, using agents provocateurs, and forcing aliens to incriminate themselves.” And though the report even charged Palmer with the abuse of his authority, little came of it. No one was forced to resign, and no one was held criminally liable for the abuses.¹⁵⁷

Aside from rounding up hundreds of aliens, the raid found little further evidence that the UORW was any threat at all. In a report to congress, Assistant Secretary of Labor Post said, “With all these sweeping raids all over the country, there have been three pistols; I think it is, brought to our attention in the scores of cases that have come to us.” There was “nothing found,” he said, “to show they were criminals or undertaking the manufacture of anything dangerous.”¹⁵⁸

To this, Palmer was forced to admit, “that only a few weapons had been found by the Bureau.” He argued, however, that the number of guns found was immaterial and could not be used to determine the possible danger the aliens represented.¹⁵⁹

In another raid that followed the November 7th assault on the UORW, Palmer’s agents found what they asserted – and the media reported – was “a secret chamber in which was deposited material for one hundred bombs!” This announcement on November 25th was timed all too well. The discovery was announced shortly after a riot at Ellis Island and the sailing of the Buford. Such a revelation not only helped to alleviate all doubt about the necessity of the raid, but also kept the Soviet Ark story in the news beyond the updates on the ship’s progress. It was never discussed how this chamber had been overlooked in the previous raid on the People’s

¹⁵⁷ William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, University of Illinois Press (Urbana and Chicago, 1963), p. 222.

¹⁵⁸ Quotes from: US Congress, House, Committee on Rules, *Investigation of Administration of Luis F. Post, Assistant Secretary of Labor, in the Matter of Deportation of Aliens. Hearion on H. Res. 522, 66th. Cong., 2nd. Sess.* (Washington, DC, 1920), p. 71; Jaffe, *Crusade Against Radicalism*, p. 85; Schmidt, *Red Scare*, p. 155.

¹⁵⁹ *Ibid.*, p. 155; Quote from: Attorney General Palmer to US Congress, Senate, Committee on the Judiciary, *Charges of Illegal Practices Against the Department of Justice, 67th. Cong., 2nd. Sess.* (committee print, n.d.), 21, box 106, Norris Papers, Library of Congress, Manuscript Division, Washington, DC, p. 93-94, 315, 335-336.

House. The media had a field day publishing stories of the good work of the Bureau, and the evil that the UORW represented. Headlines such as “Red Bomb Laboratory Found” and “Feds Find Reds’ Bomb Shop,” ran on front pages coast to coast.¹⁶⁰

However, this fantastic – in more than one sense of the word – find was soon forgotten. After the discovery nothing was heard of it. It is reasonable to assume that the story was entirely invented. Equally reasonable is the notion that the BI discovered something they initially believed to be a bomb, but was actually something completely benign. After all, a raid on a Socialist club in New Brunswick had once uncovered plans to make a particularly sinister bomb that turned out to merely be designs for a phonograph.¹⁶¹

Ringingly true were the words of James Larkin, a Socialist, who said, “We don’t use such weapons. We use mental bombs to blow new ideas, a new ideal into life.” Though the BI and its allies cared little for the words of men like Larkin, the collection of those words – to use as evidence against the apprehended – was as big a part of this raid as it had been on the other groups raided in the past.¹⁶²

According to the November 8th edition of *The World*, “For nearly an hour after the raid men were carrying books, pamphlets, and other literature” out of The People’s House, “which was loaded upon wagons and taken to the offices on Park Row, the local headquarters of the detectives auxiliary to the Department of Justice.” *The New York Times* asserted that “Several

¹⁶⁰ Quotes from: Asinof, *1919*, p. 212; Robert K. Murray, *Red Scare. A Study of National Hysteria: Ten Perspectives*, University of Minnesota Press (New York, 1955), p. 206; Robert E. Anderson, November 26th 1919, Bureau Section Files 202600-184, Record Group 65, National Archives, Washington, DC; Richard Powers, *Secrecy and Power: The Life of J. Edgar Hoover*, (New York, 1987), p. 80; Schmidt, *Red Scare*, p. 274.

¹⁶¹ *Ibid.*, p. 274; Quote from: Asinof, *1919*, p. 218.

¹⁶² Jaffe, *Crusade Against Radicalism*, p.181.

tons of this literature, filling several huge trucks” was carried off. “All of it said to be anarchist literature.”¹⁶³

Even with truck loads of confiscated literature, however, there was nothing found that went beyond the usual Radical verbiage. Furthermore, all of this literature could easily be purchased at supremely meager cost – or could be received gratis at events – from the UORW.¹⁶⁴

After weeks of detention on Ellis Island, the Radicals were loaded onto the “Soviet Ark,” the quaint name the media gave to the US Army Transport Buford. The ship, built in the latter part of the 1800s, had a service record that began during the Spanish American War and ran through the Great War. The Buford also had a reputation among sailors as a “sea-roller,” – a ship that served as a sea taxi. She was on loan from the War Department to the State Department specifically for the purpose of deporting aliens to Russia.

The Buford set sail secretly, though the media was there to interview those officials in attendance. While the Radicals’ destination was Russia, the Ship was bound for Finland since the United States refused to recognize Soviet Russia and therefore could not deport people to their shores. So as not to have anyone martyred, the Fins were commissioned to transport the deportees over land to make sure that the alien Radicals arrived in the part of their homeland that would not see them immediately killed – as the non-Soviet areas of Russia might.¹⁶⁵

The families of the Soviet Ark deportees were given notice of their relations’ expulsion only after the ship had set sail. Indeed, the aliens at Ellis Island were only given notice of a few hours to ready themselves for the journey. Regarding this secret launch of the ship, Luis F. Post stated, “It is not strange, therefore, that the deportations seemed to bereaved families left behind,

¹⁶³ Post, *Deportations Delirium*, p. 33; First quote from: *The World*, November 8th, 1919; Second quote from: *The New York Times*, November 8th, 1919.

¹⁶⁴ Asinof, *1919*, p. 28.

¹⁶⁵ Post, *Deportations Delirium*, p. 3, 6.

and to their friends, to have been vicious kidnappings instead of regular, even if harsh, administrative proceedings according to law.¹⁶⁶

On the 16th of January 1920, the Soviet Ark landed in Finland. The deportees were escorted under a flag of peace to the Russian border and handed over to the Soviets. With the Radicals' landing, the BI had successfully pulled off what would be questionably its greatest anti-Radical effort even to this day. This performance seemed to go swimmingly for the Bureau from its ability to coordinate a mass raid, to its positive media coverage, to its capacity to take over the entire process and thus grab all the credit for the raid. Though this action was a triumph for the BI, for those that were swept up in the raid and deported there was no benefit; but *who* were these people?

Despite the BI and DOJ's portrayal of the UORW as a revolutionary anarchistic cabal with ties to Soviet Russia, the people that made up the Soviet Ark deportees were quite different. With the noted exceptions of Emma Goldman and Alexander Berkman, the majority of the passengers were neither criminals, nor anarchists. The stories of individual deportees that serve as examples of the type of people that were expelled on the Buford, as well as the breakdown of the reasons for deportation provided by the Vice Secretary of Labor Luis F. Post, illustrate exactly how little of a threat these supposed "violent anarchists" really were.

What the media coverage of the raid did not report was that nearly none of the 246 had ever participated in violence, terrorism, or any criminal activity. The only reason these people were deported was because of their beliefs. Eliot Asinof asserted:

Regardless of how peaceable and law-abiding an alien may have been, he could be summoned before an inquisitor of the Bureau... He might prove that he had never advocated and did not believe in violence or disobedience to the law, or active opposition to the government. He might believe in passive resistance as a philosophical anarchist such as Tolstoy; he might never have

¹⁶⁶ Ibid., p. 5.

taken a single active step toward bringing on the dissolution of the state. But if the Bureau so chose, he could be deported.¹⁶⁷

Of all those initially scheduled for deportation on the Soviet Ark, those associated with the UORW made up 184, individuals that were claimed to be anarchists on other grounds – among them Goldman and Berkman – made up 54, while the remaining 14 were aliens deported for having violated immigration regulations.¹⁶⁸

Luis F. Post provided a convenient breakdown of these numbers in his book *Deportations*

Delirium:

- Anarchists (persons who do not believe in any form of government) – 51
- Members of an organization which teaches the overthrow of government by force (Federation of Unions of Russian Workers) – 184
 - Total ‘radical’ deportees by ‘Buford.’ – 235
- Aliens convicted of crime involving moral turpitude – 3
- Aliens likely to become public charges at the time of arrival in this country – 9
- Alien procurer – 1
- Alien who had entered this country surreptitiously – 1
 - Total deportees by ‘Buford’ – 249¹⁶⁹

The BI and police were looking for aliens to deport. They did not care whether these people were anarchists through and through. The most important thing was that they could be deported. After they violently dragged all inhabitants out of the targeted structures, the BI and local police finished searching the buildings; citizens were released with no charges. Aliens, however, were marched off to prison. One story even featured these immigrants being led off in manacles and chains.¹⁷⁰

All this violence and twisting of the law was not committed in order to bring in dangerous criminals. In fact, there was nothing in the record that should have subjected them to deportation. According to Post, “If in all that wholesale seizure there was aught which could

¹⁶⁷ Asinof, *1919*, p. 213.

¹⁶⁸ Schmidt, *Red Scare*, p. 275.

¹⁶⁹ Post, *Deportations Delirium*, p. 27; Post’s numbers represent the breakdown prior to the removal of three of the deportees.

¹⁷⁰ Post, *Deportations Delirium*, p. 309.

lawfully have subjected any of the inmates to charges of conspiring against the government of the United States, or of any other kind of crime, it must have been lost in the confusion of the seizure or in transmission to the Department of Labor, for none got into the record.”¹⁷¹

Post asserted that the raiding officials did not regard those they detained as criminals. Apparently, even their superiors in the BI and DOJ did not expect to find any criminals in the houses they raided. Since it was reported that after the raid all those apprehended “who were able to prove their citizenship” were immediately released, it must, therefore, be inferred that, the officials never really intended to pick up true criminals. After all, as Post asked, “Is a dangerous criminal any less criminal, or any less dangerous, for being an American citizen? Is an alien any more so for being an alien?”¹⁷²

This fixation on aliens was because the BI lacked a law against citizens preaching anarchistic or Bolshevistic doctrines. Those citizen Radicals whom had the misfortune of running into the DOJ were not held but instead referred to local authorities upon their release. Thus, the BI was able to doubly bypass this legal obstacle, chiefly by focusing on aliens, but additionally by passing the buck to locals to make use of whatever laws they might be able to utilize against citizen Leftists.¹⁷³

Luis F. Post, Eliot Asinof, and Julian Jaffe, provide excellent examples of those deported on the Buford. All three paint a picture of a group that had no history of terror or violence (with the exception of Berkman), and who were deported not for any particular actions, but for beliefs, utterances, and of course membership, about and in things found objectionable by conservative elements of the United States. Most were outwardly sympathetic with the labor struggle, some

¹⁷¹ Ibid., p. 33.

¹⁷² First quote from: *New York Times*, November 9th, 1919; Second quote from: Post, *Deportations Delirium*, p. 34.

¹⁷³ Schmidt, *Red Scare*, p. 117; Earl J. Davis, Memorandum for Assistant Attorney General Holland, January 22nd, 1924, Department of Justice Files 20600-2734-4, Record Group 60, National Archives, Washington, DC.

did not believe in god, while others believed in, or were sympathetic to the goals of, anarchism.¹⁷⁴

What their stories reveal is that the majority of the deportees were “persons of little consequence, aliens without friends or influence, who possessed only a hazy knowledge of the doctrines of which they were accused.” Thus, the deportees, as a group, were not aware of the

¹⁷⁴ Some of the examples of the deportees follow. From Post: “Among the other deportees of the anarchist class who sailed on the so-called ‘Soviet Ark’ were two young women. They were characterized in one of the newspaper descriptions of the ‘Buford’ embarkation as ‘female terrorists who must leave America because of their plotting against the Government.’ But the records of their deportation-hearings do not show any ‘terroristic’ activities or purposes on the part of either. One of them, the younger, was Ethel Bernstein. The other was Dora Lipkin. As they asserted that they were anarchists, and admitted membership in an organization the organic law of which brought its alien members within proscription of Congress, they were mandatorily deportable on two grounds. But in neither case was there any proof of terroristic purposes, propensities or beliefs; Besides Dora Lipkin, Ethel Bernstein, Alexander Berkman, and Emma Goldman, there were 47 passengers by ‘the Soviet Ark’ whose deportation had been directed by the Department of Labor upon proof of their having made ‘no-government’ utterances or entertained ‘no-government’ beliefs. This proof alone made their deportation mandatory.” p. 21; From Asinof: “There was, for example, one David Horwath, a Wobbly who had never so much as violated a police ordinance. He admitted to believing in the organization of the working class to take over the industries of the country. He believed in the efficacy of the general strike, but never in the use of force or violence. ‘Don’t you think a strike is force?’ he was asked. He replied that he didn’t know. He did not believe in bombs or bomb plots. ‘Do you believe in God?’ He replied that he did not. For that he was on the Buford; Kalman Pantek, also a member of the IWW, had once studied to be a priest. ‘I learned from this priest [that] God made man free’ he said. He believed in the Bible. He also believed that ‘if you do not work you do not eat.’ He did not believe in anarchism, but the philosophy of anarchism ‘is good for a dream, maybe four thousand years from now.’ He did not approve of the Bolsheviks because they had established a dictatorship. Nonetheless, he too was deported; Louis Gyori believed that workers should control industries, either through the IWW or the AFL – there would be local national councils. ‘Who would belong?’ he was asked. ‘Workers.’ ‘What would become of other people?’ ‘There would be no other people; everyone would work.’ He did not know when the revolution would come but thought it would be only when the majority wanted it, he hoped without violence. He thought killing officials ‘would be madness,’ Gyori was also on the Buford.” p. 213; From Jaffe: “Take for example, the case of Ivan Duboff, arrested in the raid on the Union of Russian Workers while attending a class in automobile repair. Duboff admitted his belief in anarchism but he asserted that the coming revolution would be similar to the ‘American Revolution of 1776 when the American people liberated themselves from England.’ Beyond this, he expressed little interest in anything that might take place in the country. ‘How can I sympathize with America when they oppress me so much.’ He was found guilty and deported to Russia; In another case, Joseph Polulech, a twenty-seven-year-old native of Russia employed for seven years as a packer for the American Distributing Company, was arrested in a raid on the Russian People’s House. He was charged with membership in the Union of Russian Workers when his name was found in its membership book. Unable to raise bail, Polulech was held in jail from the time of his arrest until December 21, 1919, when he, too, was deported; The case of Tom Turka was similar. Turka was a Russian alien who joined the Newark branch of the Union of Russian Workers. He wanted to study auto mechanics and enrolled in a class in New York since it was not offered in Newark. It was apparent that Turka had no interest in violence. He believed that a change of government would come when a majority of the people supported the idea. His conception of ‘revolution’ was a radical transformation in the ‘minds of the people.’ He believed in the concept of class struggle but not in anarchism which, he maintained, his lack of education prevented him from understanding. When asked whether he was in sympathy with the principles of anarchism as far as he understood them, he said: ‘I sympathize with whatever is good for the working class,’ and ‘I believe that when the people will get more education, they may not need any government.’ In a final statement, Turka said that he would support a revolution based on a heightened public awareness but would never participate in one accompanied by force and violence.” p. 183.

reasoning for their deportations. The hearings seemed like a blur, and in what way the aliens were a threat to US security was even less clear.¹⁷⁵

The only notable case of an alien aboard the Soviet Ark with a violent history was Alexander Berkman. The self avowed anarchist and former lover of Emma Goldman, Berkman had attempted to assassinate industrialist Henry Clay Frick during the Homestead Strike of 1892. His purpose in this was not only to remove one of the heads of opposition to the rights of the worker, but also to inspire others to act and bring about a revolution. His attempt failed, something for which he spent fourteen years in prison. He and Goldman, questionably the most famous anarchists in American history, had organized strikes, spoken at rallies denouncing the capitalist system and the nature of the state, and opposed the Conscription Act; none of these things, however, factored into their deportation.

The sole reason that Goldman and Berkman were deported was based on their answer to whether or not they believed that *no* government would be better for human society than any kind of government. They answered yes, and therefore, their deportation was permissible under the Immigration Act. Neither their convictions nor sentences for their old, and in Berkman's case violent, offenses figured into their deportation. Not even their more recent violation of the Conscription Act factored into it. It was their belief in anarchism, in – as Berkman put it – “the philosophy of a new social order based on liberty unrestricted by man-made law, the theory that all forms of government rest on violence and are therefore wrong and harmful as well as mercenary,” that got them deported.¹⁷⁶

Two examples further illustrate the peacefulness and banality of the deportees. The first deals with how they handled their treatment while on board the Buford. While at sea, the

¹⁷⁵ Jaffe, *Crusade Against Radicalism*, p. 184; Quote from: Claghorn, *The Immigrant's Day in Court*, p. 429.

¹⁷⁶ Post, *Deportations Delirium*, p. 16, 19, 20.

deportees were served bread that was reported to be of incredibly poor quality. When the reason for the foulness of the bread on the Buford was explained – apparently because the actual ship’s baker was being detained for his conduct and his assistants were less than expert in filling the role – Berkman, as the spokesman of the deportees, offered “to supply two bakers from the body of the deportees to take the place without pay of the incompetent assistant bakers of the ship’s crew. His offer was accepted, and from that time until the ‘Buford’ entered the Kiel Canal there was no complaint nor any disorder.”¹⁷⁷

The second example undermines the idea that these deportees were Radicals bent on the destruction of state and capital. Though few of those deported were moneyed individuals, something the right would occasionally claim was the case with Radicals – that they benefited financially from the very system they sought to undo – a good number of them did leave behind some small fiscal sums. In total \$45,470.39, roughly less than \$185 each, was left behind in “postal-savings credits, credits on checking accounts at commercial banks, uncollected wages, personal debts, and Liberty Bond holdings.” These were not the investments of Radicals that abhorred the state. These were the small sums socked away by people that simply sought to improve their lot in life. After all, how would buying Liberty Bonds smash the state?¹⁷⁸

All this violence, the dramatic seizures of persons and property, the much ballyhooed discovery of a bomb chamber and weapons, didn’t serve the interest of actually protecting the state, let alone the “American way of life;” all of this against a group of people most of whom had broken no laws at all. All of these actions were merely theater, a type of avant-garde political performance that spelled serious consequences for those the state roped into the roles of

¹⁷⁷ Ibid., p. 8.

¹⁷⁸ Ibid., p. 6.

Radicals. Throughout the raids and the deportations, the BI and its allies operated in such a way as to maximize the dramatic affect of their show.

A large part of this performance consisted of convincing congress and the public that the Soviet Ark deportees were Radical criminals. Convictions were necessary to cement this idea in the minds of those the BI sought to sway. Here the lack of any criminal wrongdoing was not a hindrance to this performance. If there was nothing for which a court could convict those apprehended in the first round of the Palmer Raids of, the deportation proceedings – which after all were not judicial, but administrative proceedings – could be substituted and made to appear as actual criminal trials.

This re-branding of deportation hearings as trials also involved the BI taking on a greater role in what had traditionally been the territory of the Department of Labor. In order to execute its plan, the BI would have to undermine the authority and policies of the Department of Labor. After all, the Bureau sought their own aggrandizement through a show of force against a “Radical threat,” and in such, their desire to avoid sharing the spotlight can be understood.

On March 14th 1919, the Department of Labor set out the official guideline to “avoid technicality or literalness in the enforcement of the law.” This directive said that no radical should be, “arrested or deported merely on the basis of his membership in an anarchistic organization but that additional evidence of individual activities was required.” Both Secretary of Labor Wilson and Palmer’s predecessor, Attorney General Thomas Gregory, felt that membership in a supposedly anarchistic organization was not a deportable offense. How was it

then that so many of the UORW members were deported for merely being associated with that organization?¹⁷⁹

It was the BI's strong connections with capital that changed all of that. Capital was the dominant force pushing for membership in Radical Left organizations to be a deportable offense in order to get rid of the IWW in 1917. Much of the Immigration Acts of 1917 and 1918 came from the pressure exerted by the business community on state agencies like the BI and on the legislature. Without this clause, of all the thousands of aliens rounded up during the first Palmer Raid, no more than a handful of immigrants could actually have been deported.¹⁸⁰

Guilt by membership – which was eventually pushed through by the Bureau – is a clear display of how they co-opted the duties and jurisdiction of the Department of Labor when it came to Radicals. Prior to the first round of raids in November, the New York office of the BI informed its members that, “it will be recalled that the understanding of the agents of this division is to the effect that mere membership in this organization is sufficient ground for deportation, provided the subject is an alien.” This assertion was not merely a local interpretation, but was backed up by the Washington office completely.¹⁸¹

Reinterpretations by the BI were only part of the co-opting of the Department of Labor and its Bureau of Immigration. During the assault on the UORW, the Bureau of immigration found itself in a subservient role to the DOJ, which ignored all safeguards to alien rights. The Palmer raids took place on such a large, confusing scale, that the Department of Labor – which

¹⁷⁹ Quotes from: John W. Abercrombie, Confidential letter to all Commissioners of Immigration and Inspectors in Charge, March 14, 1919, Old German Files 341761, Record Group 65, National Archives, Washington, DC; Schmidt, *Red Scare*, p. 266; Post, *Deportations Delirium*, p. 66.

¹⁸⁰ *Ibid.*, p. 63, 311.

¹⁸¹ Schmidt, *Red Scare*, p. 267; Quote from: Memorandum for Chief of Bureau, July 16th, 1919, Bureau Section Files 202600-184, Old German Files 341761, Record Group 65, National Archives, Washington, DC; Hoover, memorandum, July 17th, 1919, *ibid*; Letter, William M. Offley, August 7th, 1919, Bureau Section Files 202600-184, Old German Files 341761, Record Group 65, National Archives, Washington, DC.

mostly relied on its Bureau of Immigration – became hardly more than a pawn of the DOJ. Post summed up their behavior saying: “[the BI] directed their machinery of intimidation at every official who in the performance of his duty was trying to administer justly the law of the land in the ‘red’ deportations.” The arrogance and aggressiveness of the detectives was so strong, that when the DOJ proceeded to ignore all the lawful procedural safeguards to constitutional rights, the Bureau of Immigration had little choice but to acquiesce or be caught in a power struggle they felt sure they could not win.¹⁸²

With the Department of Labor and Bureau of Immigration sufficiently co-opted, the DOJ could utilize form letter affidavits containing hearsay to deport Radical aliens. They could insist upon harsh and unreasonably high bail so that those aliens not scheduled for deportation could not return to their lives or their organizing. They could get away with their third degree treatment and outright abuse of those they apprehended, and most importantly they could maximize the role that they played in the process through a systematic minimization of the role of others.¹⁸³

The presentation of administrative procedures as actual judicial proceedings would not be easy with the Department of Labor stepping in. Even with the DOL bullied into rubber-stamping the proceedings, the BI wanted a greater degree of control. To achieve this level of control, the BI had its people play the majority of the necessary parts in the hearings. Stacking the deck in this way further ensured their desired outcome. The Bureau had its personnel fill nearly every role in the hearing. Guards, prosecutors, interpreters, and stenographers, were all BI staff. They assumed so much control of the process that the much less aggressive Department of Labor

¹⁸² Post, *Deportations Delirium*, p. 67, 311.

¹⁸³ *Ibid.*, p. 68, 71.

became a redundancy. In this case, the DOL was relegated to making records of cases and filing paperwork for DOJ officials.¹⁸⁴

While the BI could recount tales of the raid on the UORW to the congress in their bid for expanded powers and resources, this could easily seem like mere boasting. Better to bring the media into the picture as well, allowing them to act as a neutral narrator describing the heroic deeds of the Bureau and the dastardly villains from whom they saved the American populace. The close relationship between the BI and the press provided the Bureau with easy access to a megaphone with which they could not only advertise their skill for nabbing Radicals, but also present it from a perspective independent and outside their own agency.

In editorials, news reports, and particularly in the bombastic headlines, the daily papers made those aboard the Buford appear to be “a collection of convicted anarchists of the bomb-throwing variety, caught in the destructive plotting against the Government of the United States.” These claims made by the daily press were taken up by the weekly papers and passed on to an even larger audience.¹⁸⁵

According to the *New York Times*, the sailing of the Soviet Ark struck the “most serious blow yet aimed at criminal anarchists.” *The Boston Transcript* touted it, “As epoch-making as the immortal voyage of Columbus.” Touching on another historical allusion, the *Saturday Evening Post* asserted that, “The Mayflower brought the first of the builders to this country; the Buford has taken away the first destroyers.” Perhaps the most hyperbolic was the *New York Evening Journal’s* biblical analogy that, “Just as the sailing of the Ark that Noah built was a

¹⁸⁴ Schmidt, *Red Scare*, p. 292; US Congress, Senate, Committee on the Judiciary, Charges of Illegal Practices Against the Department of Justice, 67th. Cong., 2nd. Sess. (committee print, n.d.), 21, box 106, Norris Papers, Library of Congress, Manuscript Division, Washington, DC.

¹⁸⁵ Post, *Deportations Delirium*, p. 3.

pledge for the preservation of the human race, so the sailing of the Soviet Ark is a pledge for the preservation of America.”¹⁸⁶

Given the biases that most mainstream newspapers would have against Leftists, it is not a surprise that they jumped at the opportunity to portray them negatively. Furthermore, the chance for sensational headlines that the deportation presented only further sweetened the deal to publishers who were more than willing to exaggerate the event in order to boost circulation.

Presenting the deportees as villains was a key to the entire performance. In this, the sympathy of the media was incredibly useful to the BI. Though a few papers ran stories that included segments about the third degree treatment of those apprehended, for the most part the passengers of the Soviet Ark were not presented as victims – even of merely overzealous lawmen. Instead, the deportees were presented in such a way as to make them fit the description with which conservatives had branded them.

In Boston, the detained aliens were “handcuffed, chained together, and marched through the streets while exposed to the press.” In Detroit, those held were subjected to “six days imprisonment without opportunity to shave, six nights of sleeping in their clothing on a stone floor,” so that they might be used as examples of the unclean Bolshevik terrorists that patriotic men like Palmer and Hoover had at last caught. Under their images ran the caption, “Men like these would rule you.” All this, a journalist would later admit, “had prepared them well for the enforced role of Bolshevik terrorists with which the public regaled.” Along with these created images of villains, the DOJ also provided anti-Radical cartoons to papers free of charge. These

¹⁸⁶Jaffe, *Crusade Against Radicalism*, p. 187; First quote from: *New York Times*; Second quote from: *Boston Evening Transcript*; Third quote from: *New York Evening Journal*; Asinof, 1919, p. 214.

fabricated scenes found themselves in not only newspapers, but also in newsreels that were distributed throughout the United States.¹⁸⁷

The entire event was a case of overkill. From the amount of violence delivered unto the deportees, the administrative freight train that pushed through almost all of the deportations, and even the dramatic presentation of the Radicals as filthy, crazed looking criminals, it was over the top in its drama. This makes sense given that the BI wanted to put on a show of how dangerous the Radicals were and how indispensable the Bureau was to safeguarding the populace from them. However, the idea of overkill becomes far more salient in relation to this whole endeavor with the discussion of the forces used to safeguard the actual deportation and voyage.

Even with the initial 249 deportees – that is before three were let off the ship – how many guards would be needed? In 2008 the average guard-to-prisoner ratio in state prisons was 1:6.7. In some of the Super Max prisons the ratio was as low as 1:3, while in other states the average was as high as 1:100. Keeping in mind that with the exception of Berkman, none of the deportees on board the Buford had any kind of violent criminal record, how many guards would be necessary?¹⁸⁸

Of course necessity wasn't the issue. The impression that the deportees were truly dangerous and that the BI was the institution that could muster the resources to keep them safely under lock and key was far more important. Though there are differing accounts of the number of troops that were utilized to guard the deportees, it can be safely said that the number is somewhere between 200 and 250. This provided a guard-to-prisoner ratio between a 1:1 and

¹⁸⁷ Schmidt, *Red Scare*, p. 294, 295; Quotes from: Fredrick R. Barkley, "Jailing Radicals in Detroit," *The Nation*, January 31, 1920, reprinted in *Charges of Illegal Practices*, p. 722, 59; Asinof, *1919*, p. 218.

¹⁸⁸ For the article on the various ratios of guards to prisoners and American state penitentiaries see <http://www.washingtontimes.com/news/2008/mar/7/more-prisoners-more-guards/>.

1:1.5, something which significantly contributed to the desired image of the aliens as dangerous radicals.¹⁸⁹

Though over 200-armed guards may seem like overkill, they shared the stage with a US Navy destroyer. This escort served the same purpose as the superfluous number of guards. It was a show of the might that the state could muster against its enemies.

After the fact, Luis F. Post would claim that the destroyer's presence served to help in case the Buford hit a mine. In no other record is there a similar assertion, but even if it were true, why did the BI or DOJ not correct the media that claimed it was there to protect the Soviet Ark against Radical takeover? The actual purpose of the destroyer was thus far less important than what the state agencies wanted the public to believe: that these radicals were so dangerous that only the ability of the BI and DOJ, along with some pretty impressive hardware and significant manpower, could overcome the Radical threat.

Even when "dangerous" individuals were involved, rarely did high-ranking government officials attend deportations. If the BI's narrative was to be believed, these powerful individuals were present in order to make sure that this matter of grave import – the removal of a "malignant force" from the shores of the United States – went off without a hitch. While there is an element of truth to their being present to handle a matter of significant importance, the matter was not actually the deportation. It was the presentation of the deportation that more concerned them.

Watching from the dock as the Soviet Ark set sail were several congressmen, government officials, and plenty of reporters. Among the government officials were both J. Edgar Hoover

¹⁸⁹ Schmidt, *Red Scare*, p. 275; "249 Reds Sail, Exiled to Soviet Russia; Berkman Threatens to Come Back; Second Shipload May Leave This Week," *The New York Herald*, December 22nd, 1919; "Anarchist Leaders Fought to Last Legal Ditch to Escape Deportation," *The New York Tribune*, December 22nd, 1919; Congressional Record, January 5th, 1920 from J. Edgar Hoover Memorabilia Collection; Asinof, *1919*, p. 213; The discrepancy seems to come from exactly who was considered a guard. In the larger number, support staffs, and those necessary to man the actual workings of the ship, were included. In those smaller numbers of troops presented, only the marines that were solely there as guards were counted.

and Attorney General Palmer. The two of them made themselves available to be photographed and interviewed. This personal appearance served these men well.

The media, referring to Palmer's hand in the raids and deportation, claimed him to be "a tower of strength" and a "lion-hearted man who had brought order out of chaos." From this he even earned the nickname "The Fighting Quaker." Like Ole Hanson had done during the Seattle General Strike, Palmer and Hoover made themselves the heroes of the anti-Radical movement. Their efforts in this first raid were praised by conservative elements in the business community, in the media, and among patriotic societies. They were the men of the hour.¹⁹⁰

While media coverage of the journey was scant, newspapers continued to support the basic claims that had already been made. Periodic stories updating readers on the progress of the ship reaffirmed the necessity for the heavy guard and the destroyer escort. What was more duplicitous was that no papers provided further information on, or corrections of, the misinformation that they previously published.

The most dramatic example of this was the story of the riot at Ellis Island. Right before the Buford set sail there was a significant incident that provided local New York and national papers with sensational headlines. As usual, the reporting did not serve to educate the public about how the actual event transpired or what the motivations causing it were, but instead maintained the narrative upon which the entire performance was based.

Once the apprehended Radicals were brought to Ellis Island, the families of numerous deportees assembled at the port from which the deportees had been brought to the Island. Some of the families – mostly wives, some with children – of those being held actually sought to join their relations. When the families of around a dozen of the detainees attempted to join their loved

¹⁹⁰ Jaffe, *Crusade Against Radicalism*, p. 186; Quotes from: Asinof, *1919*, p. 213, 209.

ones, it brought about the type of skewed reporting that was typical of how the press treated Radicals. The morning papers read: “REDS STORM FERRY GATES TO FREE PALS.” The true reasoning behind this incident was not revealed in any mainstream newspapers except the *New York Times*, which described how the families attempted to get past a guard in a booth – something which was described in other papers as the Radicals’ relations pulling the guard out of the booth in a fury. Even this one account of more truthful journalism was tucked away in the innards of the daily while those papers that ran more sensational headlines emblazoned their front pages with the tail. Readers were left with the impression that violent Radicals had attempted to break their comrades out of custody.¹⁹¹

Taken away from their homes and families, the deportees were disallowed any contact with those they were leaving behind. Not relatives, their organizations, or their attorneys – for those that even had them – received any communication about their relation’s departure. The ship slipped off in secrecy, and those left behind could only read the story days later of their crossing through far off seas and landing in foreign ports.

The BI and DOJ viewed the Soviet Ark deportations as a tremendous success. The papers had a ball with the whole event and covered the efforts of the state agencies involved in a glowing light. Through this event, the BI showed that it could effectively eliminate a nation-wide (small as the UORW was) Radical Left organization. It not only built momentum for a second round of raids that would take on the far more frightening Communist Party and Communist Labor Party, but also provided the BI and DOJ with the boost in image that they could use to persuade a reluctant Congress to grant them the greater degree of authority they so desired.

¹⁹¹ Quote from: Asinof, *1919*, p. 213; Post, *Deportations Delirium*, p. 5; *New York Times*, December 23rd, 1919.

The BI proved that it could scare Radical groups into a form of submission through these types of raids. A Bureau informer within the remains of the UORW reported on the mood among those members left in the United States: “these people appear to be afraid of everything now. Their general view is that they must be prepared for unexpected raids and assaults because the Government has decided to persecute without rest, all Radicals in general.” After this raid the UORW essentially disappeared. The BI saw this as a major bargaining chip that they could present to both the legislature and their business allies in order to gain more funding, power, and support.¹⁹²

Having proved that they could successfully execute a nationwide raid against a Radical organization and then deport those apprehended, the BI and DOJ looked to their next target. The existence of the second round of the Palmer Raids was hinged on the success of the first. Though Left and progressive newspapers criticized the raids and the deportations, the larger dailies and weeklies covered the process with the expected type of delight that their hidden biases were likely to produce. Deportation seemed to be the answer to the “Radical problem” in the United States and the BI now knew it was capable of pulling it off.

Triumphantly, the climax brought about two very important things for the BI and DOJ. It provided Attorney General Palmer with the opportunity to once again push for a Peacetime Sedition Law – something that he wasted little time in doing. The Soviet Ark deportations also signaled the go ahead for the DOJ to take on a larger target that fit their parameters. This next target would be the Communist and Communist Labor Parties, which Palmer and Hoover would attempt to bring down in exactly the same way they assaulted the UORW.

¹⁹² Schmidt, *Red Scare*, p. 271; Quote from: Reports, G.G., November 20th, 1919, D.D. January 5th, 1920 and December 1st, 1919, Bureau Section Files 202600-184, Record Group 65, National Archives, Washington, DC.

Though plans were made, dates were set, and locations marked for raids, there is a reason that this far larger dragnet operation was not the climax. The highest point the BI reached during the Red Scare of 1919 and 1920 was the Soviet Ark deportations. The second Palmer Raid, the attack on the communist parties, was actually the dénouement.

THE DÉNOUEMENT THE CLOSE OF THE 1919-1920 RED SCARE

The climax of a performance is the point at which the action reached its peak. For the BI's performance of the Red Scare, the climax was the Soviet Ark deportations. With the sailing of that old army transport, they were able to say to the American public and more importantly American lawmakers, that the Bureau was *the* institution capable of rounding up and getting rid of the "Radical threat." While the story the BI was crafting had reached its peak, with terrible consequences for those deported on the UST *Buford*, it was not over. Past the climax, however, the story would not go well for the DOJ or the BI. In the end, the grand performance they put on would not lead to their desired result of a Bureau with significantly expanded funding and power, but actually lead to the end of the first Red Scare, and of course negatively impact the hundreds that were arrested, beaten, and deported in the first of the Palmer Raids.

As the raids on the UORW were being executed, and as the soon to be deported detainees awaited their expulsion from US shores, the DOJ once again began pushing the congress for a Peacetime Sedition Law. Palmer made his pleas to the legislature to broaden the Sedition Act and extend its wartime mandate. To further his efforts in this theater he conducted another performance.

With the success of the raid on the UORW, the BI planned to up the ante. The targets for the second raid were the larger and seemingly more sinister Communist Party and Communist Labor Party. Both of these organizations fit the general parameters of the Bureau's ideal target; they were smaller than the Socialist Party and lacked its resources, they had offices that could be

publicly raided to provide a spectacle, they had ties to foreign powers that could be trumped up and exploited, and their membership was predominantly comprised of immigrants that were not protected by the right to a trial.

The raids on the Communist Party and Communist Labor Party proceeded in much the same way as the raids against the UORW. Homes, headquarters, and offices, were entered, sweeping arrests of those on the premises were made, and hundreds were taken into custody to await deportation. Again, most citizens were let go, while apprehended aliens were fast tracked through the deportation process. Much like the first round of the Palmer Raids, the BI used the membership clause of the 1918 Immigration Act to justify their actions.

A major difference here was that though the Department of Labor had previously stated that the membership clause should not be interpreted literally, this time the BI was a bit more brazen in its bucking the DOL's authority. The DOL had specifically stated that the Communist Labor Party was an organization which did not fall under the auspices of the offenses outlined in the Immigration Act of 1918. Once again, the BI and DOJ bullied the DOL into going along with them; once again, the media followed the lead of the BI and released images of the detainees after they had been held in custody for quite some time, thus playing up their bedraggled appearance as the look of insane criminals; and once again, the BI played most of the parts when the detainees were subjected to their administrative hearings. The major difference here was that the second round of the Palmer Raids, which rounded up hundreds more Radicals than the first, led to no deportations at all.

These raids on the Communist and Communist Labor Parties were not only fruitless, but they caused a backlash against the BI and DOJ's anti-Radical efforts. After rounding up

hundreds of alleged Radical aliens in the second Palmer Raid, support for the Red Scare of 1919-1920 seemed to dry up. Additional fears about how far the state agencies were willing to take their crusade, as well as a changing business climate, pulled the rug out from under the anti-Radicals' efforts. Though many of those rounded up in the raids would languish in custody for years, they completely lost their usefulness as players in the BI and DOJ's performance as the audience turned away.

There was a fear that the Palmer Raids were a sign of the Red Scare going too far. Conservative organized labor unions like the AFL were concerned that they would be next and toned down their usual show of anti-Radicalism. Even mainstream politicians had significant worries about how far the Red Scare could extend if kept unchecked. These politicians feared the loss of support from a public that was becoming turned off by the anti-Radicalism that it witnessed. Some even feared a reactionary overthrow of the United States. Louis F. Post stated that, "At Present...there are signs of an overthrow of our Government as a free government. It is going on under cover of a vigorous 'drive' against 'anarchists,' an 'anarchist' being almost anybody who objects to government of the people by Tories and for financial interests."¹⁹³

The consequences of these fears were minute. Politicians quietly withdrew their support for those that perpetuated the Red Scare. These same politicians continued their anti-Radical sentiments, but did not bring their attacks on the Left to the level of the Red Scare until the McCarthy era.

While the desire to safeguard liberties is what many would prefer to think ended the first Red Scare, the assault on Radicals suffered perhaps its greatest blow for less than altruistic

¹⁹³ Post, *Deportations Delirium*, p. 90.

reasons. The DOJ's consistent ally, the business community, once again stepped in and urged an end to the deportations. As had happened before during raids against the IWW and actions against striking miners, the business community withdrew its support of the Red Scare when its bottom line was threatened. No matter how much it railed against them, capital needed labor.¹⁹⁴

The availability of cheap immigrant labor was once again called into question after the second Palmer Raid. Capital feared that the BI's desire to oust Radical immigrants from US shores might have an effect on the whole of the immigrant labor pool and decrease the labor supply. Cheap, plentiful, unskilled or low skilled immigrant labor was one of the major factors that allowed the business community to keep its costs down and subsequently its profits high. When the BI and DOJ's actions made it clear that what they were urging the legislature to do could lead to even more frequent arrests and deportations, not just of vociferous agitators but of rank and files, capital withdrew its support of the BI's efforts.

Furthermore, with the end of the "industrial unrest" of the immediate post war period, management settled into a comfortable dominance of the economic situation in the United States. The open shop had won and the business community felt little need for the dramatic arrests of their potential workers. As capital was known to do, they cut ties with an unproductive partner and withdrew their support from the Red Scare.¹⁹⁵

Though the Red Scare of 1919-1920 was ultimately not successful for the BI, it would eventually achieve its goal of receiving increased powers and a significantly increased budget. The major difference was that unlike the Soviet Ark deportations, which was a performance crafted by the Bureau and its allies, this would be a dramatic national tragedy upon which the BI

¹⁹⁴ Schmidt, *Red Scare*, p. 39.

¹⁹⁵ Preston, *Aliens and Dissenters*, p. 230.

would capitalize. Similarly to the Buford deportations, this involved tearing a person from their home, however in this case it was the kidnapping and eventual death of a child.

The media covered the abduction of Charles Lindberg's son so extensively that it provided the BI with the opportunity to put itself and its skills in the public eye. The Bureau utilized this tragedy to present itself as *the* national police agency of the United States. Bringing in experts and making numerous public appearances, and even newsreel announcements, Jay Edgar Hoover was able to parley this ordeal into increased police powers and budget for the BI. Though the Lindberg case was not connected directly to any form of Radicalism, the resources and expanded powers Hoover was able to get in order to carryout the investigation would help him and his organization to strike at the Radical Left throughout the rest of his tenure in the Bureau.

The BI and its later incarnation as the FBI were the dominant force in the suppression of people of color's movements and of Leftist movements in particular. With its expanded police powers, the FBI was able to round up Japanese nationals during WWII. The Bureau committed itself to an entire campaign to harass, frame, arrest, and slander those involved in the Anti War Movement and the New Left throughout the 1960s and 1970s. The Civil Rights Movement was hit with equal fervor by the FBI, which claimed it was funded by the Soviet Union, monitored its leaders, and went so far as trying to get Martin Luther King, Jr. to kill himself. Their assaults against movements toward liberation, particularly people of color's movements, came to a head in their effective destruction of the Black Panther Party, which they provoked to kill one another on numerous occasions.¹⁹⁶

¹⁹⁶ Feldman, *Manufacturing Hysteria*.

The FBI's role as the United States' most fierce anti-Radical operator has not diminished since the death of J. Edgar Hoover. Though its more blatantly illegal assaults on Leftists and dissenters have cooled, the group's essential methods have remained remarkably similar. Agents' provocateurs are regularly utilized by the FBI in conjunction with other police agencies and sometimes military organizations against antiwar activists and environmentalists. We need look no further than the numerous cases of entrapment that the FBI and its law enforcement allies have recently encountered.

The legacy of the Red Scare of 1919-1920 and its culmination in the Soviet Ark deportations is the BI and DOJ's manipulation of narratives in order to apply public and legislative pressure against those they are targeting. Bureau efforts were successful in painting the UORW as such a threat that their actions against the organization remained almost unchallenged. Even the hearings of A. Mitchell Palmer and some of his staff resulted in essentially no action against any DOJ officials. Though their actions against the Communist Party and Communist Labor Party brought the first Red Scare to a close, the BI was merely slowed down on their road to becoming the most prominent of national police agencies and the chief anti-Radical government agency in the United States.

REFERENCES

Books

- Asinof, Elliot. *1919: America's Loss of Innocence*. New York: Donald I. Fine, inc., 1990.
- Berkman, Alexander. *The Bolshevik Myth: Diary 1920-1922*. New York: Boni and Liveright, 1925.
- Bernstein, Irving. *The Lean Years: A History of the American Worker 1920-1933*. Boston: Houghton Mifflin, 1960.
- Brissenden, Paul F. *The I.W.W.: A Study of American Syndicalism*. New York: Russell and Russell, 1920.
- Brody, David. *Workers in Industrial America: Essays on the 20th Century Struggle*. New York: Oxford University Press, 1980.
- Claghorn, Kate. *The Immigrant's Day in Court*. New York: Ayer Co. Publishing, 1923.
- Coben, Stanley. A. *Mitchell Palmer: Politician*. New York: Columbia University Press, 1963.
- De Toledano, Ralph. *J. Edgar Hoover: The Man in His Time*. New Rochelle, N.Y.: Arlington House, 1973.
- Etzioni-Halevy, Eva. *Bureaucracy and Democracy: A Political Dilemma*. London: Rutledge and K. Paul, 1983.
- Feldman, Jay. *Manufacturing Hysteria: A History of Scapegoating, Surveillance, and Secrecy in Modern America*. New York: Pantheon Books, 2011.
- Gentry, Curt. *J. Edgar Hoover: The Man and the Secrets*. New York: Norton, 1991.
- Ginger, Ray. *The Bending Cross: A Biography of Eugene Victor Debs*. New Brunswick: Rutgers, 1949.
- Gitlow, Benjamin. *I Confess: The Truth About American Communism*. New York: E. P. Dutton, 1940.
- Goldman, Emma. *Living My Life*. New York: Dover Publications, 1970.
- Hapgood, Norman (ed.). *Professional Patriots: An Exposure of the Personalities, Methods and Objectives Involved in the Organized Effort to Exploit Patriotic Impulses in these United States During and After the Late War*. New York: Boni, 1927.
- Haywood, William. *Bill Haywood's Book: The Auto Biography of William Haywood*. New York: International Publishers 1929.
- Hofstadter, Richard. *The Paranoid Style in American Politics and Other Essays*. Chicago: Knopf, 1965.
- Howe, Fredric C. *The Confessions of a Reformer*. New York: Charles Scribner's Sons, 1925.
- Jaffe, Julian F. *Crusade Against Radicalism, New York During the Red Scare, 1914-1924*. Port Washington, NY and London: National University Publications Kennikat Press, 1972.

- Levin, Murray B.: *Political Hysteria in America The Democratic Capacity for Repression*. New York: Basic Books, 1971.
- Lewis, Eugene. *Public Entrepreneurship: Toward a Theory of Bureaucratic Political Power, The Organization of Lives of Hyman Rickover, J. Edgar Hoover, and Robert Moses*. Bloomington: Indiana University Press, June 1980.
- Libset, Seymour M. and Earl Raab *The Politics of Unreason: Right-wing Extremism in America 1790-1970*. London: Harper and Row, 1970.
- McCormick, Charles H. *Hopeless Cases: The Hunt for the Red Scare Terrorist Bomber*. Lanham, Md: University Press of America, 2005.
- _____. *Seeing Reds: Federal Surveillance of Radicals in the Pittsburgh Mill District, 1917-1921*. Pittsburgh: University of Pittsburgh Press, 1997.
- McKay, Iain. *An Anarchist FAQ*. Oakland: AK Press, 2008.
- Metz, Harold W. *Labor Policy of the Federal Government*. Washington, DC: Brookings Institution, 1945.
- Murphy, Paul L. *The Constitution in crisis times, 1918-1969*. New York: Harper & Row, 1971.
- _____. *World War I and the Origin of Civil Liberties in the United States*. New York: Norton, 1979.
- Murray, Robert K. *Red Scare. A Study of National Hysteria: Ten Perspectives*. New York: University of Minnesota Press, 1955.
- National Civil Liberties Bureau, *The Truth About the IWW Facts in Relation to the Trial at Chicago by Competent Industrial Investigators and Noted Economists*. New York, April 1918.
- Pencak, William. *For God and Country: The American Legion 1919-1941*. Boston: North Eastern University Press, 1989.
- Post, Luis F. *Deportations Delirium of Nineteen-Twenty: A Personal Narrative of an Historic Official Experience*. Chicago: Charles H. Kerr and Co., 1923.
- Preston, William Jr. *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*. Second Edition. Urbana and Chicago: University of Illinois Press, 1994.
- Russell, Charles Edward. *Bare Hands and Stone Walls: Some Reflections of A Side Line Reformer*. New York: Scribners, 1933.
- Schmidt, Regan. *Red Scare: FBI and the Origins of Anticommunism in the United States*. Copenhagen: Museum of Tusculanum Press, University of Copenhagen, 2000.
- Tomlins, Christopher. *The State and the Unions: Labor Relations, the Law, and the Organized Labor Movement in America, 1880-1960*. Cambridge, NY: Cambridge University Press, 1985.
- Waldman, Luis. *Labor Lawyer*. E. P. New York: Dutton & Company, 1945.
- Wexler, Alice. *Emma Goldman in America*. Boston: Beacon Press, 1984.

Zinn, Howard. *A People's History of the United States: 1492 – Present*. New York: Harper Perennial, 2003.

Articles

“249 Reds Sail, Exiled to Soviet Russia; Berkman Threatens to Come Back; Second Shipload May Leave This Week.” *The New York Herald*, December 22nd, 1919.

“Anarchist Leaders Fought to Last Legal Ditch to Escape Deportation.” *The New York Tribune*, December 22nd, 1919.

“Arrests are Made Here in Round-up for Red Plotting.” *The Washington Star*, November 8, 1919.

“Bolshevism in New York and Russian Schools.” *Literary Digest*, July 5, 1919, p. 40.

“Bombs.” *New Republic*, May 10, 1919.

“By Stevenson Out of Lusk.” *The New Republic* June 15, 1962.

“Department of Justice Men Seize Radicals on Second Anniversary of Soviet Rule.” *The New York Herald*, November 8, 1919.

“Deportation of Alien Communists.” *The Yale Law Journal*, Vol. 30, No. 6, Published by the Yale Law Journal Company, Inc., Apr., 1921, pp. 625-626.

“Extremists Here Plan a Revolt to Seize Power.” *New York Times*, March 11th, 1919.

“Freedom of Speech in the New York City Schools.” *School and Society*, February 8th, 1919, p. 178.

“I.W.W., Anarchists, Socialists, in Conspiracy to Overthrow Government.” *Las Angeles Times*. March 11th, 1919.

“Jailing Radicals in Detroit.” *The Nation*, January 31, 1920.

“New York’s Disloyal Teachers.” *Literary Digest*, December 8th, 1917, p. 32.

“The Deportation of Aliens.” *Columbia Law Review*, Vol. 20, No. 6, Published by Columbia Law Review Association, Inc., June, 1920, pp. 680-684.

Barkley, Fredrick R. “Jailing Radicals in Detroit,” *The Nation*, January 31st, 1920, reprinted in *Charges of Illegal Practices*, p. 722.

Bell, Daniel. “Marxian Socialism in the United States,” in Donald Drew Egbert and Stow Persons, eds., *Socialism and American Life*. Princeton, 1952, I, p. 311-314.

Bevis, Howard L. “The Deportation of Aliens,” *University of Pennsylvania Law Review*, Vol. 68, No. 2, Published by the University Pennsylvania Law, Jan., 1920, pp. 97-119.

Blum, John M. "Nativism, Anti-Communism, and the Foreign Scare, 1917-1929," *The Midwest Journal*, Vol. III, No. 1, Winter 1950-51, p. 46-53.

Boston Evening Transcript

Brewing and Liquor Interests and German and Bolshevik Propaganda, Vol. III.

Foner, Philip S. "United States of America Vs. Wm. Haywood, et al.: The IWW Indictment," *Labor History*, Vol. 11, No. 4, Fall 1970, pp. 500-530.

Forbath, William E. "The Shaping of the American Labor Movement," *Harvard Law Review*, Vol. 102, No. 6, April 1989, pp. 1111-1256.

Kennan, George F. "The Sissons Documents," *The Journal of Modern History*, Vol. XXVIII, No. 2 June 1956.

New York Call, July 25, 1920.

New York Call, March 23, 1919.

New York Evening Journal

New York Times, December 23rd, 1919.

New York Times, March 14, 1919, p. 12.

New York Times, November 9th, 1919.

New York Tribune, May 6, 1919.

New York World, June 13th, 1919, p. 14.

New York World, March 13, 1919.

Palmer, A. Mitchell. "The Case Against the Reds," *Forum*, February, 1920, p. 173-176.

The New York Times, November 8th, 1919.

The World, November 8th, 1919.

Government Memorandums

Earl J. Davis for Assistant Attorney General Holland, January 22nd, 1924, Department of Justice Files 20600-2734-4, Record Group 60, National Archives, Washington, DC.

For Chief of Bureau, July 16, 1919, Bureau Section files 202600-184, Record Group 65.

_____, July 16th, 1919, Bureau Section Files 202600-184, Old German Files 341761, Record Group 65, National Archives, Washington, DC.

_____, July 16th, 1919, Bureau Section Files 202600-184, Old German Files 341761, Record Group 65, National Archives, Washington, DC.

From Hoover, July 17th, 1919, Bureau Section Files 202600-184, Old German Files 341761, Record Group 65, National Archives, Washington, DC.

_____, July 17th, 1919, Bureau Section Files 202600-184, Old German Files 341761, Record Group 65, National Archives, Washington, DC.

_____, Memorandum for Assistant Attorney General Dodds, April 4, 1932, Justice Department 202600-16, Record Group 60, National Archives (microfilm).

_____, Upon Work of Radical Division, August 1, 1919, to October 15, 1919, October 18, 1919, OG 374217, RG65, National Archives, Washington DC.

Upon the Activities of the Radical Division, Department of Justice, May 1, 1920, OG 374217, RG65, National Archives, Washington DC.

Government Reports

AG Reports 1919, 15-16; 1920, 178; 1921, 129, 131.

Attorney General Palmer to US Congress, Senate, Committee on the Judiciary, *Charges of Illegal Practices Against the Department of Justice*, 67th. Cong., 2nd. Sess. (committee print, n.d.), 21, box 106, Norris Papers, Library of Congress, Manuscript Division, Washington, DC, p. 93-94, 315, 335-336.

Deleted report, June 22, 1922, 61-126-619, FBI/FOIA.

McIntosh, F. W., November 20, 1919, Old German files 376413, Record Group 65, National Archives, Washington, DC.

Faulhaber, Frank B., August 31, 1919, Bureau Section Files 202600-184, Record Group 65, National Archives, Washington, DC.

Connell, S. A., November 22, 1919, Old German files 376413, Record Group 65, National Archives, Washington, DC.

836, March 30, 1920, Bureau Section files 202600, National Archives, Washington DC and March 24, 1920, Old German files 136944, National Archives, Washington DC.

Lambeth, Ernest W., December 23rd and 26th, 1919, Old German Files 303770, Record Group 65, National Archives, Washington, DC.

G.G., November 20th, 1919, D.D. January 5th, 1920 and December 1st, 1919, Bureau Section Files 202600-184, Record Group 65, National Archives, Washington, DC.

Other Government Documents

#836, February 18, 25, March 4, 17, 23, May 26, September 10, 18, 25, October 13, 1919, Old German files 352037, National Archives, Washington DC.

A Mitchell Palmer, July 16, 1919, DJ 202600-39-2, Record Group 60, National Archives (microfilm).

Charges of Illegal Practices of the Department of Justice, 14, 26, box 107, Norris Papers, LC.

Congressional Record, 63rd Congress, 2nd Session (1914), 2892; *ibid*, 64th Congress 1st Session (1916), 5166.

_____, January 5th, 1920 from J. Edgar Hoover Memorabilia Collection.

F. D. Simmons, Radical Activities in the Seattle District, November 2, 1919, Old German files 91928, Record Group 65, National Archives, Washington, DC.

Fong Yue Ting v. US, 149 US 698, 737, 740-741.

Indictments in *US v. W. D. Haywood, et al.*, *US v. C. W. Anderson, et al.*, and *US v. Edw. Anderson, et. Al.*, Department of Justice files 188032, 189152, 186701-57, and 188561, Enclosures.

Investigation Activities of the Department of Justice, 11, 12, National Archives, Washington, DC.

John W. Abercrombie, Confidential letter to all Commissioners of Immigration and Inspectors in Charge, March 14, 1919, Old German Files 341761, Record Group 65, National Archives, Washington, DC.

Robert E. Anderson, November 26th 1919, Bureau Section Files 202600-184, Record Group 65, National Archives, Washington, DC.

US Committee on Public Information, The German Bolshevik Conspiracy (Washington, DC, October 1918), 3, copy in Bureau Section files 202600-1998-2, Record Group 65, National Archives.

US Congress, House, Subcommittee of Co Committee on Appropriations, Sundry Civil Bill 1920. *Second Hearing*, 66th Cong., 1st Sess., (Washington, DC, 1919), 304.

US Congress, Senate, Committee on the Judiciary, *Charges of Illegal Practices Against the Department of Justice*, 67th. Cong., 2nd. Sess. (committee print, n.d.), 21, box 106, Norris Papers, Library of Congress, Manuscript Division, Washington, DC.

_____, Subcommittee of the Committee on the Judiciary, *Charges of Illegal Practices of the Department of Justice. Hearings on "Report upon the Illegal Practices of the United States Department of Justice," Made by a Committee of Lawyers on Behalf of the National Popular Government League, and a Memorandum Describing the Personnel of the Committee. Referred "for such action as the Committee on the Judiciary May Care to Take with Reference to the Same."* January 19 to March 3, 1921, 66th. Cong. 3rd. Sess. (Washington, DC, 1921), 31, 640-641.

US v. Binder, 1918.

Correspondence

Abercrombie, John W. to Senator Francis E. Warren, June 24, 1919, General Records of the Immigration and Naturalization Service, Record Group 85, file 54568/General.

Acting Chief to Frank R. Stone et al, February 11, 1920, Old German files, Record Group 65, National Archives, Washington, DC.

Bielaski, A. Bruce to F. D. Simmons, November 30, and December 18, 1918, Old German files 91928, Record Group 65, National Archives.

Boren, Robert to J. E. Hoover, October 11, 1920.

Bradley, Captain Omar N. to Commanding General, Western Department, March 19, 1918, General Records of the Adjutant General's Office, Record Group 94, 370.6.

Brennan to Burns February 17, 1922, 61-1092-1, National Archives, Washington, DC.

Bryce, W. R. to William J. Flynn, May 24, 1921, Bureau Section files 202600-2126-x, Record Group 65, National Archives.

Burke, Frank to E. J. Brennan et al., November 10, 1919, Bureau Section files 202600-184, Record Group 65.

_____ to Simmons, November 12, 1919, Old German files 376413, Record Group 65, National Archives.

Butterworth, R. N. to Lewis J. Baley, October 13, 1920.

Caminetti, Anthony to Francis P. Garvan, June 27, 1919, Old German files 341761, Record Group 65, National Archives.

_____ to Garven, June 27th, 1919, General Records of the Immigration and Naturalization Service, Record Group 85.

_____ to the Acting Secretary, July 24, 1919, General Records of the Immigration and Naturalization Service, Record Group 85, file 54645/378.

_____ to the Acting Secretary, March 13, 1919, General Records of the Immigration and Naturalization Service, Record Group 85, file 54645/378.

Campbell, Sheriff J. J. to US Attorney J. H. McClear, June 29, 1917.

Frank Burke, June 29, 1920, Ibid., and Suter to Carbarino, February 27, 1920, Old German files 376413, Record Group 65, National Archives.

Gregory, Thomas W. to Woodrow Wilson, May 14, 1918, Wilson MSS.

Henry, Alfred H. to Jones, July 24, 1917, General Records of the Immigration and Naturalization Service, Record Group 85, file 53531/192.

Henshaw, Fredrick W. to US Attorney John W. Preston, August 23, 1917, Preston to the Attorney General, August 29, 1917, Department of Justice file 188044-1, 186701-5,-57, 1888032,188044.

Hoover, J. Edgar to Caminetti, January 22, 1920, Department of Justice file 203557-74.

_____, J. Edgar to Frank E. Burke, February 21, 1920, Department of Justice file 186701-14.

_____, J. Edgar to Herbert Putnam, Librarian of Congress, September 15, 1920, Bureau Section files 202600-282, Record Group 65, National Archives.

Lamar, W. M. to Hoover, September 1920, Bureau Section files 202600-282, National Archives.

Lombard, S. J. to Hon. Miles Poindexter, February 17, 1919, box 385, Miles Poindexter Papers, University of Washington Libraries.

McClellan to the Attorney General, July 3, 1917, Department of Justice file 186701-13-2.

McConnell to the Commissioner General, August 10, 1917, General Records of the Immigration and Naturalization Service, Record Group 85, file 53531/192.

_____ to the Commissioner of Immigration, Seattle, December 2, 1917, General Records of the Immigration and Naturalization Service, Record Group 85, file 54235/43.

_____ to William B. Wilson, August 10, 1917, General Records of the Immigration and Naturalization Service, Record Group 85, file 53531/192.

Morton, Biss to Lewis J. Baley, October 13, 1920.

Offley, William M., August 7th, 1919, Bureau Section Files 202600-184, Old German Files 341761, Record Group 65, National Archives, Washington, DC.

Open letter from Hughes, Evan to Speaker Thaddeus Sweet, see *Brooklyn Daily Eagle*, January 8, 1920.

Palmer, A. Mitchell to William B. Wilson, January 2, 1920, *ibid*, file 54809/General.

_____ to Wilson, January 2, 1920, Immigration and Naturalization Service files, Record Group 85, 54809/General.

Post, Louis F. to the Commissioner General, March 17, 1920, Immigration and Naturalization Service files, Record Group 85, 54809/General, sec. 2.

Reames to Attorney General, April 15, 1918, Department of Justice file 186701-49-83.

_____ to Gregory, March 16, 1918, Department of Justice file 190159-49.

SAC Pittsburgh to Frank Burke, October 8, 1919, Bureau Section files 202600-184, Record Group 65, National Archives, Washington, DC; J. E. Hoover, Memorandum upon the Work of the Radical Division, August 1, 1919 to March 15, 1920, Old German files 374217, National Archives, Washington, DC.

Simmons to Allen, February 9, 1919, Old German files 91928, Record Group 65, National Archives.

Taylor, Charles W. to Hon. Robert G. Simmons, March 24, 1932, att. To J. E. Old German files 371688, National Archives, Washington, DC.

Williams to Commissioner General, May 21, 1910, General Records of the Immigration and Naturalization Service, Record Group 85, file 53244/1.

Wood, Arthur to J. E. Hoover, February 4, 1920, Old German files 371688, National Archives, Washington, DC.

Other Sources

Link (ed.), *The Papers of Woodrow Wilson*, Vol. 60, 153, and Vol. 47, 604.

<http://www.washingtontimes.com/news/2008/mar/7/more-prisoners-more-guards/>.

Williams, David J. "*Without Understanding*": *The FBI and Political Surveillance, 1908-1941*. Ph.D. Dissertation, Durham, NH: University of New Hampshire, 1981.