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### Deporting "Red Emma" : the political and legal battles for citizenship, 1917-1921

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*Deporting "Red Emma":  
The Political and Legal Battles for Citizenship, 1917-1921*

*by*

*Kara D. Schultz*

*Honors Thesis*

*In*

*Department of History  
University of Richmond  
Richmond, VA*

*May 1, 2008*

*Advisor: Dr. Nicole Sackley*

*To Emily, Caroline, and Harlan—may “FunHundred” live on in spirit*

*To Caitlin, Snell, Burwell, Alison, L.Vic, and the rest of the F.C. for their support—and the occasional diversion*

*To Laurie, Ella, and Alexa, my “Honors Support Group”*

*To Dr. Holton for his attention to detail*

*To Dr. Yellin, for his Progressive Era expertise and gracious second edits*

*To Dr. Sackley, for her patience, encouragement, and creativity*

*and*

*To my parents, without whom none of this would be possible*

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## Introduction

Early in the morning of December 21, 1919, the *U.S.S. Buford* left New York harbor for Soviet Russia, carrying with it 249 alleged political subversives. The deportees had been given little advance warning of their deportation. Awakened in the middle of the night, they were herded onto barges for transfer to a former warship the sensationalistic press had re-christened the “Soviet Ark.” Looking at the worried, half-asleep faces of “America’s undesirables,” the *New York Times* likened the deportees to “a party of immigrants waiting in Grand Central Station for a train to take them somewhere in the new land of opportunity.”<sup>1</sup> Unlike the nearly 800,000 immigrants who arrived in the United States that year, however, the deportees had demonstrated no potential for assimilation during their time in America. Their “sullen faces” and conversations revealed “none of the materials from which Americanism is made.”<sup>2</sup>

The largest deportation in America’s history was self-consciously historic: the press, government officials, and even the deportees themselves recognized that such a large-scale deportation on purely “political” grounds—and, furthermore, in peacetime—lacked precedent. For many, the deportation signaled that America would no longer serve as an asylum for political refugees and was anathema to cherished principles of opportunity, equality, and freedom that had seemingly been in place since the country’s founding. But to others, the deportation signaled the return of law and order to combat radicalism, unrest, and crime. Newspaper reports of the deportation attempted to cultivate feelings of betrayal within readers, painting an America that had welcomed its newcomers with open arms and provided them with nothing but opportunity for advancement, only to be betrayed by these ungrateful criminals. Though, “Americans were slow to believe that in this asylum of the opprest [sic] of all the world, the formerly opprest would be quick

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<sup>1</sup> “249 Reds Sail, Exiled to Soviet Russia,” *New York Times*, December 22, 1919.

<sup>2</sup> *Ibid.*

to become oppressors,” wrote the *New York Times*. “Americans know the revolutionary aliens now. They are determined that these soldiers of disorder shall be driven out.”<sup>3</sup> If radical political ideologies and anti-American sentiments were the disease, then deportation was the cure.

While deportation had been used since the seventeenth century to control populations deemed undesirable, it was not until the early twentieth century that deportation became a consistent regulatory mechanism of the national state. Mexicans, Chinese, Roma, and the impoverished were all deemed utterly unassimilable and deported or excluded under early immigration laws. But the most celebrated and contested deportees were accused radicals. As fears of radicalism blossomed, so too did the number of deportees. Between 1907 and 1908, deportations doubled from 995 to 2,069 and remained in the thousands each year afterwards.<sup>4</sup> The sailing of the *Buford* in 1919 served as the harbinger of a new era of political deportations.

The emergence of deportation as the solution to America’s “radical problem” was built upon representations of the political subversive that had little grounding in reality.<sup>5</sup> The differing ideologies and organizations of the anarchist and communist movements in America were constantly being reshaped, yet the images of the two philosophies that predominated in the press and political rhetoric blurred distinctions between parties, assuming that both philosophies were elements of the same menace that sought violent overthrow of the government. Reducing radical ideology to a single strain, opponents of dissent built a constricted and sometimes contradictory

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<sup>3</sup> “Evicted Reds,” *New York Times*, December 23, 1919.

<sup>4</sup> Jane Perry Clark, *Deportations of Aliens from the United States to Europe* (New York: AMS Press, [1931] 1961), 29.

<sup>5</sup> This thesis considers the post-entry deportations of alleged political radicals in 1919. The individuals deported during this time period were almost all white and overwhelmingly from Eastern Europe. Though the deportation of Asian and Mexican immigrants was also taking place during this time, their exclusion was justified on racial and not political grounds.

portrait of the causes of radicalism. While some argued that radicalism resulted from the failure of American institutions to “Americanize” its immigrants, others argued that it was a social movement transplanted from Europe. Radicalism was portrayed as a biological and physical trait that was not only outside the boundaries of what it meant to be American, but an imminent threat to American values and beliefs. In order to preserve both the American state and the American way of life, it became clear that the racial, sexual, and political contagion of radicalism had to be excised from the body politic. A strategy of deportation arose once radicalism was connected to allegedly inherent racial characteristics that could never be “Americanized.”

Emma Goldman, the leading lady of the American anarchist movement and largely viewed as the movement’s most dangerous partisan, was among the *Buford* deportees. Though Goldman never personally advocated violence as a means to realize her anarchist vision, her association with individuals who committed violent acts against elites and governmental figures under the banner of anarchism rendered her culpable of sowing the seeds of violence in the eyes of many. Government officials hoped that her deportation, in its dramatic fashion, would strike a blow against dissenting political ideologies, sending a message that American citizenship was dependent not only on residence or marriage, but also upon adherence to a specific set of “American” values and political ideologies. Defining Goldman as politically corrupt, sexually immoral, and above all, unpatriotic served to reassert a conception of American identity as politically and sexually moral, linking patriotism with the unconditional support of governmental policy.

As Americans worked to construct a national creed in the nineteenth century, xenophobia and cultural exceptionalism were in constant tension with conceptions of free speech and personal liberty. From Frederick Douglass to William Jennings Bryan, Americans had consistently drawn upon bedrock national principles to make arguments for inclusiveness and political independence,

even as racism and nativism raged in the hallways of American political power. Indeed, opponents of deportation—from Goldman herself to civil liberties advocates like Zechariah Chafee and Louis Post—opposed the practice as antithetical to American beliefs and institutions. The debates over deportation ultimately exposed two competing visions of Americanism: one maintaining that Americanism was defined by the freedom to dissent, and another equating Americanism with unconditional support of governmental policy and adherence to a certain moral code.

This thesis offers a history of deportation and of the cultural and political limitations placed on those welcomed under the American banner that has characterized the nation from the beginning. Historians such as Daniel Kanstroom and Mae Ngai have examined the changing legal framework surrounding U.S. immigration and deportation law.<sup>6</sup> Kanstroom places the deportation of Emma Goldman and the hysteria surrounding the Red Scare within a larger history of exclusion that he argues is both a prerequisite and a contradiction to the conception of America as a “nation of immigrants.”<sup>7</sup> Though Kanstroom’s analysis provides a useful framework for navigating the complex legal status surrounding the deportee, it does not examine how images or representations informed the law. As the popular depiction of the radical shifted from an individual with relatively little political influence to a powerful, albeit secretive group, it was up to the Department of Justice not only to locate the menace, but to excise it from American society. Images empowered the Department of Justice. The images that were mobilized—in photographs as well as texts—suggested that the radical could not be assimilated. Blurring individual distinctions, representations of radical organizations made membership sufficient proof of the advocacy of violence, even if the reality of the group suggested something more complex. Mai Ngai has illustrated how deportation

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<sup>6</sup> Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, Massachusetts: Harvard University Press, 2007); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004).

<sup>7</sup>Kanstroom, *Deportation Nation*, 21.



policy constructed the illegal alien as someone whose assimilation was both socially and legally impossible, but her work focuses on how the exclusion of Asian and Mexican immigrants specifically built upon a hierarchical understanding of race. My work examines the ways in which changing depictions of the political radical went hand in hand with increasingly stringent legal measures.

This thesis is also, in part, an analysis of the Red Scare of 1919-1920. Previous histories of the Red Scare document the atmosphere of panic and irrationality that characterized the Palmer Raids, but they fail to explore why such drastic measures emerged in 1919 only to subside one year later. The Red Scare, then, becomes one of a series of isolated and aberrant incidents that periodically punctuates the history of the United States.<sup>8</sup> I argue that the events of 1919 and 1920 can only be understood within a wider context of American experiences with, and perceptions of, radicals. This project grounds the beginnings of the “Red Scare” in the Haymarket Riot of 1886 and views anti-radicalism as a continually developing sentiment that was mobilized in 1919 under the force of new international, domestic, and legal pressures. Though these pressures did not create the Red Scare, they fostered an environment that allowed long-standing American political repression to range freely. Just as the origins of 1919 had deep roots into the American past, so too did its effects branch out well beyond the events of 1919 and 1920. The specific tactics used in the Palmer Raids as a means to exert control and expose radicals subsided by 1921, but anti-radicalism and deportation endured as motives for, and methods of, controlling the boundaries of American life. Americans were not, as some have suggested, distracted from the threat of communism by the rise

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<sup>8</sup> Kenneth D. Ackerman, *Young J. Edgar: Hoover, the Red Scare, and the Assault on Civil Liberties* (New York: Carroll & Graf, 2007); Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (New York: McGraw-Hill, 1954).

of a consumer culture in the 1920s.<sup>9</sup> Instead of being distracted, Americans were told that they were not equipped to deal with the threat of radicalism. Deportation as well as Americanization were regularized and bureaucratized, placed in the hands of government officials instead of vigilantes.<sup>10</sup>

Images and arguments surrounding the deportation of enemy radicals in 1919 are an essential piece of this story and form the basis of this thesis. Chapter One opens with the 1886 Haymarket Affair, an event which served as both Goldman's and the nation's introduction to the presence of radical dissent in America. It continues by examining Goldman's growing notoriety and the ways in which her image was fitted more closely within that of the violent, bomb-throwing radical, despite her efforts to distance herself from that depiction. Chapter Two studies the 1917 trial of Goldman and Alexander Berkman for violation of the Selective Service Act not as an inquiry into her violation of the wartime law, but as a confrontation between differing conceptions of patriotism and, ultimately, Americanism. It also examines the growing anti-radical fervor that was mounting while Goldman was in prison, culminating in the Palmer Raids and in Goldman's deportation to Soviet Russia on the *U.S.S. Buford* in December 1919. Chapter Three turns to the arguments against deportation, showing how these arguments differed before and after the Palmer Raids. Whereas deportation was once disputed on moral grounds (that it split up families, etc.), after the Palmer Raids its opponents stressed that it violated civil liberties. The turn away from the drastic measures of A. Mitchell Palmer and his Department of Justice cohorts illustrated the political efficacy of such an argument against deportation and furthermore help to explain why, by 1924, deportation became a systematic process that was largely unquestioned.

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<sup>9</sup> Murray, *Red Scare*, 240-241.

<sup>10</sup> Mae Ngai has written extensively on the changing structure of immigration (and deportation) law in the twentieth century. See Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004). For more on the role of vigilantism in the period surrounding World War I, see Christopher Capozzola, "The Only Badge Needed is Your Patriotic Fervor: Vigilance, Coercion, and the Law in World War I," *Journal of American History* 88, No. 4 (March, 2002), 1354-1382.

Above all, this thesis is about what happens when images and representations inform policy. Simplistic images create simplistic policy; by constructing one group as the “other,” images help make it easier to deprive them of rights. In the late nineteenth and early twentieth centuries, no other political radical captured as much press attention as Emma Goldman. For many Americans, an understanding of radicals and radicalism in America was filtered through press about Goldman and her companions as well as accounts of anarchist gatherings that created a portrait of a seedy, primarily immigrant, underworld found in major American cities. By studying journalistic accounts of Emma Goldman’s rise from humble political origins to national fame and deportation, it is possible to track not only changes within immigration and deportation law, but evolving conceptions about radicals and the source of radicalism as well.

## CHAPTER 1:

### Constructing the Deportee, 1886-1917

Speaking before the House Rules Committee in 1920, Attorney General A. Mitchell Palmer implored congressmen to examine photographs of the radicals he had rounded up in his infamous Red Raids of the past year. “Out of the sly and crafty eyes of many of them leap cupidity, cruelty, insanity, and crime,” he proclaimed. “From their lopsided faces, sloping brows, and misshapen features may be recognized the unmistakable criminal type.”<sup>1</sup> Yet the “criminal type”—particularly, the anarchistic criminal—had proved difficult to discern in the early twentieth century. The efforts to link anarchism with a particular race or ethnicity, backed by the new science of criminal anthropology, were in part an attempt to make exclusion from—and entry into—the United States easier by eliminating the ambiguity that surrounded the immigrant’s potential for assimilation. When the image did not fit the reality of the anarchist, a disconnect between assumption and reality arose that lent further credibility to theories that radicalism operated in secret and that initial impressions were insufficient grounds upon which to discern something of an individual’s character.

Emma Goldman confounded stereotypes about the anarchist: as a well-educated, articulate, “clean” woman, she defied conceptions of the anarchist generated by the press after the Haymarket riot of 1886 as bearded, male, and bomb-throwing. Furthermore, her political philosophy, though radical, did not sit well with the perception that all strands of anarchism advocated violent overthrow of the government. Rather than modifying their beliefs about who the anarchist was and what he (or she) stood for, however, the press endeavored to fit Goldman more closely within existing images of the radical.

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<sup>1</sup> *United States Attorney General A. Mitchell Palmer on Charges Made against Department of Justice by Louis F. Post and Others: Hearings before the Committee on Rules, House of Representatives, Sixty-sixth Congress, Second Session* (Washington, D.C.: Government Printing Office, 1920), 27.

Though Goldman's political philosophy became less "radical" as she spent more time in America and interacted with new groups, she was consistently depicted as the most threatening anarchist. In the face of evidence to the contrary, the press insisted that the prototypical political radical was foreign-born, particularly from Eastern and Southern Europe; a city-dweller; an advocate of violence; and, above all, a rigid adherent to anarchist doctrine. In the wake of World War I, a highly divisive conflict that pitted citizens against noncitizens who were ineligible for the draft, the political radical was defined as a threat to national security. This new climate combined with existing prejudices against radicals to push towards the legal strategy of deportation.

### **Anarchist Beginnings**

Born in Kovno, Lithuania in 1869, Emma Goldman immigrated to the United States in 1885 and settled in Rochester, New York, assuming the drudgery of factory work. In an effort to escape the narrow confines of her orthodox Jewish family, Goldman married a young immigrant textile worker, Jacob Kersner, at the age of seventeen. The marriage did little to alleviate her feelings of restlessness and loneliness. Kersner was hardly the intellectual he had initially appeared to be and held conventional views about the proper role of a married woman. Goldman would later write that she was "saved from utter despair" during this time by a consuming interest in the Haymarket events unfolding in Chicago.<sup>2</sup>

The Haymarket riot was both Goldman's and the ordinary American's initiation into the presence of anarchist dissent inside the United States. The riot began on May 3, 1886, when Chicago police fired at a crowd of protesting workers at the McCormick Reaper Works, killing and wounding several men. The following evening, May 4, a protest meeting was slated for Haymarket

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<sup>2</sup> Emma Goldman, quoted in Alice Wexler, *Emma Goldman: An Intimate Life* (New York: Pantheon Books, 1984), 31.

Square, featuring speeches by noted anarchists Samuel Fielden, Albert Parsons, and August Spies. Though the tone of the speeches was rather subdued, as Fielden, the final speaker, was addressing the crowd, two undercover detectives went to the police station to alert them of the incendiary language being used. Moments later, no less than 180 policemen arrived on the scene, ordering that the meeting be closed. Fielden acquiesced (the meeting was breaking up anyway), but as the crowd was dispersing an unknown assailant threw a bomb, initiating a panic. Within five minutes the riot was over, counting some 67 fatalities and many more injuries, most the result of the bullets policemen and armed civilians had indiscriminately fired in the wake of the panic.<sup>3</sup>

Although the identity of the bomb thrower remains a mystery, blame was immediately placed on foreign-born anarchists as the act was framed as part of a larger anarchist conspiracy to dismantle the U.S. government.<sup>4</sup> Even citizens who considered themselves sympathetic to social reform spoke out in demand of revenge and justice. To the liberal pastor of Chicago's Central Church, David Swing, the Haymarket events urged a re-examination of American ideals:

We need a careful definition of what freedom is. If it means the license to proclaim the gospel of disorder, to preach destruction, and scatter the seeds of anarchy and death, the sooner we exchange the Republic for an iron-handed monarchy the better it will be for all of us.<sup>5</sup>

Swing's pronouncement—that it was better to end democracy than to allow anarchism to rule—suggested a definition of Americanism that was not rooted in the equality under the banner of democracy but rather in obedience to the law.

In a quest to stifle radicalism, Chicago police intercepted mail, prohibited trade-union meetings, and even banned use of the color red in public advertising. Some 300 Chicagoans,

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<sup>3</sup> Paul Avrich, *The Haymarket Tragedy* (Princeton, New Jersey: Princeton University Press, 1984), 208.

<sup>4</sup> Blame was placed on the foreign-born despite the fact that several of the leaders were native-born Americans.

<sup>5</sup> David Swing, quoted in Avrich, *Haymarket Tragedy*, 216.

including prominent businessmen Marshall Field, Philip D. Armour, and George M. Pullman, met in secret to subscribe over \$100,000 to stamp out anarchy and sedition in the city. This was “no time for parleying,” insisted the *Chicago Daily News*, as “the anarchists are amenable to no reason except that taught by the club and rifle.”<sup>6</sup> Those who assembled to push back the anarchist threat assumed that the offenders were foreigners flourishing under a lenient government. The “offscourings of Europe,” the *Chicago Times* claimed, had come to America “to indulge in that license which, in places of their breeding, is forbidden them, or if indulged in is swiftly punished with rope, bullet, or axe.”<sup>7</sup>

The public outcry over the Haymarket riot initiated the first major “Red Scare” in American history.<sup>8</sup> The riots and subsequent trials generated anti-radical and xenophobic sentiments that would ultimately buttress the deportations of 1919, yet in 1886, deportation was not one of the suggested remedies for the radical problem. Rather, it was hoped that the dramatic public hanging of those implicated in the riots would both dissuade future violent political radicals and preserve American institutions. Julius S. Grinnell, the state attorney for Cook County and prosecutor of the case, assured the jury at the capital trial that a conviction of the Haymarket defendants would quell future dissent. “Gentlemen,” he proclaimed, “Law is on trial. Anarchy is on trial...convict these men, make examples of them, hang them and you save our institutions, our society.”<sup>9</sup> Vengeful execution, not legalistic deportation, was the solution to the radical problem.

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<sup>6</sup> *Chicago Daily News*, quoted in Avrich, *Haymarket Tragedy*, 217.

<sup>7</sup> *Chicago Times*, quoted in *Ibid.*, 219.

<sup>8</sup> *Ibid.*, 215.

<sup>9</sup> Grinnell, quoted in A.R. Parsons, “An Appeal to the People of America” (1887); available from <http://sunsite.berkeley.edu/Goldman/Exhibition/parsons.html>.

Despite the best efforts of the government to “make an example” of the anarchists hanged, the Haymarket prosecution had quite the opposite effect. The execution of the seven Haymarket offenders elevated them to martyrdom, uniting labor leaders with anarchists. As *Jewish Daily Forward* editor Abraham Cahan later observed, Haymarket produced a “militant spirit” among radicals and labor champions.<sup>10</sup> Emma Goldman, at this point attending socialist meetings in Rochester, noted the life the Haymarket drama infused into an otherwise dull radical scene—the executions, she would later write, “crystallized my views...and made me an active anarchist.”<sup>11</sup>

Inspired by the Haymarket martyrs, Goldman left her husband and moved to New York City to join the anarchist scene of the Lower East Side at a moment when the movement was redefining itself. Anarchism as a coherent movement in the United States was a relatively new phenomenon. Though the individualism associated with the philosophy had long had noteworthy American adherents, including Henry David Thoreau and Ralph Waldo Emerson, it was not until the 1870s that the collectivist strand of anarchism gained a strong following. Collectivists shared a disdain for capitalism but differed in opinions on how to realize their political goals: followers of the revolutionist Michael Bakunin supported violent overthrow of the government, while followers of intellectual Peter Kropotkin stressed individual creativity, envisioning a society of organically grown residential communes in which people would be compensated according to need, and in which social control would be maintained via public opinion and informal group pressure.<sup>12</sup>

Goldman was attracted to the creative possibilities and emphasis on individual development that Kropotkin’s theories held forth. Other early influences on her political development included

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<sup>10</sup> Abraham Cahan, quoted in Avrich, *Haymarket Tragedy*, 306.

<sup>11</sup> Goldman, quoted in Wexler, *Emma Goldman*, 36.

<sup>12</sup> Wexler, *Emma Goldman*, 47.



the critics of Victorian sexual repression as well as Sigmund Freud, Friedrich Nietzsche, and Max Stirner. Goldman became a protégée of Johann Most, a Bavarian anarchist communist who immigrated to America in 1882 after being imprisoned in England for celebrating the assassination of Czar Alexander II. Though she disagreed with Most's advocacy of violence as a means to realize the anarchist vision, he nonetheless gave her a solid grounding in the European heritage of anarchism as well as in public speaking. For her, anarchism boiled down to "freedom, expansion, opportunity," for a social order "based on the free grouping of individuals for the purpose of producing real social wealth; an order that will guarantee to every human being free access to the earth and full enjoyment of the necessities of life, according to individual desires, tastes, and inclinations."<sup>13</sup> Far from advocating violence, her anarchism sought to counter what she viewed as a violent society in which ignorance was the greatest threat to individualism. Goldman's version of anarchy thus differed from the popular characterizations of the violent radical, instead placing an emphasis on individual pleasure and, above all, freedom.

### **Growing Notoriety**

Throughout the 1890s, Goldman moved among the Lower East Side enclave of mostly immigrant, working-class political radicals, addressing small crowds and leading hunger demonstrations. This neighborhood was also emerging in the 1890s as the center of political, cultural, and social interactions between seemingly dissimilar groups. The interactions between Ivy League elites and immigrant Jews formed a part of a bohemia of individuals disdainful of bourgeois convention and welcoming of modernity. Within the Lower East Side, a new sort of woman was able to develop: critical of the strict gender roles delineated by tradition and influenced by

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<sup>13</sup> Emma Goldman, "Anarchism: What It Really Stands For" (1911), in *Red Emma Speaks: An Emma Goldman Reader*, ed. Alix Kates Shulman (New York: Shocken Books, 1983), 73.

socialism, anarchism, and feminist thought. It was within this climate that Goldman flourished, finally escaping the patriarchy and orthodoxy of her immigrant Jewish past.<sup>14</sup>

In 1892, Goldman was elevated to national fame when her companion, Alexander Berkman, attempted to assassinate Henry Clay Frick, ruthless industrialist and manager of the Carnegie steel plant in Homestead, Pennsylvania. Berkman had hoped that Frick's assassination, followed by his intended suicide, would break the Homestead steel strike and renew the Haymarket spirit among anarchists and political radicals everywhere. Instead, it earned him the opprobrium of much of the anarchist community, including Johann Most, who resented "that arrogant Russian Jew" and questioned the true motives behind the attempted assassination.<sup>15</sup> Berkman was captured and convicted. Throughout the ordeal, Goldman emerged as one of Berkman's staunchest defenders, standing by him throughout his fourteen-year prison sentence. Though for her own sake she attempted to publicly minimize her role in the affair, Goldman's relationship with Berkman and own feelings on violence as a means to realize her anarchist were questioned.

The press was attuned to the growing American fears of political radicalism—embodied by Emma Goldman—and capitalized on those fears by publishing reports about anarchist gatherings. In 1893, a *New York Times* reporter made his way to one of Emma Goldman's early speaking engagements on the Lower East Side. In his piece, "Anarchy's Dingy Stronghold," he advanced the belief that that immigrants—specifically, Jewish immigrants—were particularly susceptible to radicalism. The reporter observed that the anarchists in attendance were primarily Jewish and that all "hung in drowsy ecstasy on the words of the bellicose Joan of Arc of social revolution." Although he did not hear any calls to violence and thought Goldman looked harmless enough, the

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<sup>14</sup> Christine Stansell, *American Moderns: Bohemian New York and the Creation of a New Century* (New York: Metropolitan Books, 2000), 37-38.

<sup>15</sup> Most quoted in Wexler, *Emma Goldman*, 66.

reporter borrowed upon stereotypes of Jews as conspiratorial. “No description can do justice to the inoffensive, tame, ratlike demeanor of these people,” he wrote, conveying to his readers that appearances were not sufficient grounds upon which to make character judgments, for radicalism operated in secret.<sup>16</sup> Not long after the *New York Times* piece appeared, Goldman was arrested for “inciting to riot” after she allegedly encouraged a working-class crowd in New York’s Union Square to demonstrate their dissatisfaction with economic inequality by taking what they wanted from the wealthy by force.<sup>17</sup>

Goldman’s femininity and groomed appearance were painted in stark contrast to the “filth” of the Haymarket agitators. Newspaper accounts fixated on her physical appearance. Observed the *Washington Post*, “her dress was neat and most un-Anarchistic in its neatness.” When she stood before her audience delivering speeches, “there is almost a semblance of beauty about her face,” the report continued, but, careful not to be too generous, the paper quickly noted that at her trial, “she looked the plain woman that she is. The upper part of her countenance was by no means bad looking, but her mouth and chin are ill-shapen, and give to her face a peculiar drawn expression that came out at its worst.”<sup>18</sup> Emphasizing that the threat of anarchism was no less menacing in a woman than it had been in the Haymarket agitators, the reporters added that as her one-year prison sentence was being delivered, the “little agitator” smiled, an action that clearly demonstrated her contempt for law and order. Concluded the press, the “air of martyrdom” she exhibited at her sentencing was “ridiculous to all except the army of the unwashed, in which she shines.”<sup>19</sup> Goldman’s appeal, they

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<sup>16</sup> “Anarchy’s Dingy Stronghold,” *New York Times*, August 22, 1893.

<sup>17</sup> Wexler, *Emma Goldman*, 75. Goldman’s exact words are uncertain; she defended herself in her trial by stating that she meant to urge the crowd to demand food from the wealthy directly rather than seeking redress from the state.

<sup>18</sup> “Emma Goldman an Anarchist,” *Washington Post*, October 10, 1893.

made clear, was limited to an unsavory segment of the poor, immigrant population—despite the fact that her supporters included native-born Americans from the upper echelons of society. Indeed, as her fame increased, the basis of her appeal widened.

Goldman's national fame only increased after she was released from prison in 1894. In 1897, she embarked on a cross-country lecture tour, the first such journey by an avowed anarchist, then sailed to Europe, where she became interested in the idea of anarchy as a flexible, cross-class idiom; as more than a social movement confined to lower-class immigrants, but as one which enveloped blue-blooded Americans as well.<sup>20</sup> But in September 1901, Goldman's reputation was again marred, this time by her connection to the assassination of President McKinley by anarchist Leon Czogolz. Though Czogolz was a lone-wolf assassin and the anarchist community by no means condoned his act, he credited Emma Goldman as his source of inspiration for the attack, facilitating her connection to violent radicalism and exposing the danger of the anarchistic ideas she expounded.

### **The Promise of Race Science**

In the tense climate that followed the McKinley assassination, those seeking to understand anarchism focused on questions of its origins. Was anarchism the domestic product of a society that was too accepting of personal liberty, individualism and freedom of speech? A social movement transplanted from Europe? Or was anarchism an innate, "racial" characteristic? Many concluded that the spread of anarchism in America could be explained by all three: the United States had a reputation as a haven for political refugees; anarchists like Michael Kropotkin and Johann Most had transplanted the movement from Europe; and the movement appeared to have a particularly strong

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<sup>19</sup> "Emma Goldman on Trial," *New York Times*, October 5, 1893.

<sup>20</sup> Stansell, *American Moderns*, 122.

following among Eastern and Southern European immigrants who were racially othered.<sup>21</sup> As early as 1901, Chicago had a reputation as a “breeder” of anarchists because it was the destination of the “mass exodus” of European radicals suppressed by more authoritarian laws in their home countries. Concluded the *New York Tribune*, “Anarchy in [Chicago] is the direct result of social revolt in Europe, which, under more lax laws and a greater freedom of press and speech, has been able to develop to a degree impossible in the Old World.”<sup>22</sup> President Roosevelt, however, did not view anarchism as a political philosophy resulting from social oppression, but rather as a form of “degenerate lunacy, a vicious pest,” that threatened all of American society if not crushed by death, imprisonment, or deportation.<sup>23</sup> By these definitions, anarchism was not an individual’s rational choice, much like joining an established political party, but an indication of character deficiencies.

The belief that anarchism could be explained by a particular racial disposition impelled a characterization that privileged Goldman’s physical features over her political philosophy. Efforts to racially type anarchists were backed by the new science of criminal anthropology. Since the 1880s, European ideas about the hereditary origins of crimes had become increasingly influential in American thought. Beginning with the publication of Italian criminologist Cesare Lombroso’s *Criminal Man* in 1887, anthropologists sought to link criminal behavior with physical and national characteristics via scientific deduction. According to the English pioneer of criminal anthropology, Havelock Ellis, the “born criminal” was sexually ambiguous and could often be distinguished by

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<sup>21</sup> Southern and Eastern European immigrants, though allowed the legal benefits of whiteness (potential for naturalization and voting rights), lacked the social benefits of whiteness. Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Massachusetts: Harvard University Press, 1999), 57.

<sup>22</sup> “Anarchy in Chicago: How the Western City Has Come to Unenviable Distinction as the Breeder of Anarchists,” *New York Tribune*, September 16, 1901.

<sup>23</sup> Roosevelt quoted in Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton University Press, 2001), 70.

exaggerated physical features. Sociologist William Z. Ripley went even further, proclaiming that the shape of the human head was one of the “best available” tests of race.<sup>24</sup> In an effort to link Goldman’s unorthodox political beliefs with her national origins, the *Washington Post* observed in 1909 that her eyes were “a deep turquoise tint, like those of many of the Russian intellectuals” and that her lower face “suggest[ed] the Teutonic rather than the Russian type,” concluding finally that “There is scarcely any trace of Semitic origin in her face.”<sup>25</sup> The reporter was baffled by his inability to type Goldman because her appearance did not fit with any of the types her national origin and ethnicity might suggest. Emphasizing the widespread dissemination of race science from the anthropological community to the general public during this period, the reporter assumed a familiarity with racial types among his readers, failing to describe any of the types to which he referred in his article.

Many believed that photographs held some promise in the “typing” of the anarchistic criminal. Endowed with a visual accuracy, the photograph could catalogue the criminal and define him or her in relation to the “normal” type.<sup>26</sup> Photographs or crude drawings often accompanied newspaper articles detailing the latest Goldman arrest. *Image 1.1* appeared alongside an article that recommended deportation for the “pest of the cities.” The inclusion of a caption instructing the reader to observe the “coarse, criminal” features of the woman anarchist would suggest that Goldman’s innate criminal tendencies would never be tempered or “Americanized.”<sup>27</sup> Rather, the only solution could be to expel her and others like her from the country.

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<sup>24</sup> Ronald R. Thomas, “The Fingerprint of the Foreigner: Colonizing the Criminal Body in 1890s Detective Fiction and Criminal Anthropology,” *ELH* 61, No. 3 (Autumn, 1994), 663; William Z. Ripley, *The Races of Europe: A Sociological Study* (New York: D. Appellton and Company, 1899), 37.

<sup>25</sup> “Emma Goldman’s Panacea Not Votes But Individuality,” *Washington Post*, May 16, 1909.

<sup>26</sup> Alan Sekula, “The Body and the Archive,” *October* 39 (Winter 1986), 7.

NOTORIOUS WOMAN ANARCHIST, PEST OF THE CITIES.



Emma Goldman

from a rogue's gallery photograph recently made in Chicago. The coarse, criminal features of the woman who has incited many anarchistic demonstrations and crimes in this country are shown.

*Image 1.1* “Emma Goldman: from a rogue’s gallery photograph recently made in Chicago. The coarse, criminal features of the woman who has incited many anarchistic demonstrations and crimes in this country are shown.”

Source: “May Deport Woman ‘Red,’” *Los Angeles Times*, March 5, 1908.

As the number of annual deportations blossomed in 1908, the practice was increasingly framed as a form of social purification to purge the country of criminals and other immoral characters. Fears of anarchism that had been incited by the Haymarket Riot were again brought to the surface by the widely publicized cases of anarchists Harry Orchard and Lazarus Averbuch. Averbuch, a Russian Jewish immigrant, was shot and killed by Chicago Chief of Police George Shippy, who claimed that Averbuch had come to his home to assassinate him because he was angry

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<sup>27</sup> “May Deport Woman ‘Red,’” *Los Angeles Times*, March 5, 1908.

that Shippy had prevented Emma Goldman from speaking in Chicago. Averbuch's death provoked anger within the anarchist community, who believed that Averbuch had been framed as part of a wider anarchist conspiracy without investigating the facts of the case.<sup>28</sup> Despite the efforts of anarchists and progressive social reformers such as Jane Addams to re-open the investigation, the case was dropped. Unlike Averbuch, Orchard was a career union terrorist working for the Western Federation of Miners and responsible for at least fifteen deaths, among them that of Idaho governor Frank Stuenenberg. The two cases further reinforced the belief that all anarchists were violent, though Orchard's profession of Christian faith may have suggested that such individuals could be "saved."<sup>29</sup>

In 1909, the Commissioner-General of Immigration asserted that, "[n]othing can be more important than to keep out of the country the anarchistically and criminally inclined and the degenerate in sexual morality."<sup>30</sup> Sexual immorality was linked with criminal behavior and was sufficient grounds for deportation, though deportation orders generally did not use that language. Nicholas P., a sixteen-year-old Greek immigrant arrested for breaking and entering, was deported to Argentina in 1912 after it was revealed that he had "engaged in unnatural intercourse with men" in Greece and St. Louis. Nicholas P. was deported as "liable to become a public charge," a charge that

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<sup>28</sup> Anarchist Federation, "A Letter to the Public of Chicago," in *The Emma Goldman Papers: A Documentary History of the American Years*, ed. Candace Falk, Vol. II (Berkeley: University of California Press, 2005), 281-283.

<sup>29</sup> Orchard's autobiography told the story of ruthless union leaders who had taken over western mining towns, impelling individuals to commit acts of violence. The leaders were allowed to propagate violence untouched by the law, because according to Orchard, even the police officers had been hired by them. In jail, Orchard found a Bible, writing in his autobiography that he had written his life's story, "to put these facts before the public, that it may enlighten the great masses of the laboring class, and especially the members of the Western Federation of Miners, so that the rank and file of this organization may know just what sort of leaders they have been following all these years." The pastor who wrote the preface to his autobiography, Edwin S. Hines, believed that "peace between labor and capital" would never be realized until "Christianity enters into the souls of those who pay out money, as well as into the souls of those who receive it." Harry Orchard [Albert E. Horsley], *The Confessions and Autobiography of Harry Orchard* (New York: The McClure Company, 1907), 251-252, xiii-xix.

<sup>30</sup> 1909 Immigration Service Annual Report quoted in William N. Eskridge, Jr., "Law and the Construction of the Closet: American Regulation of Same-Sex Intimacy, 1880-1946," *Iowa Law Review* 82, No. 4 (May 1997), 1046.



was popular in the early twentieth-century to exclude sexual nonconformists because their sexual immorality was evidence of degeneration that would ultimately place them in the hands of the public welfare system.<sup>31</sup>

Emma Goldman was a known sexual radical and atheist. Though some of her more sexually libertine attitudes were not publicized, the press reported on the ways in which she flouted gender conventions, labeling her a “moral degenerate more dangerous to the spirituality of the people of the United States than an epidemic of smallpox or any other physical plague.”<sup>32</sup> Because she was a woman, the gender believed to uphold moral standards, Goldman’s potential for destruction and capacity to lead others to moral degeneracy were viewed as much greater. Wrote the *Washington Post*, “men of the emotional looseness of temperament which characterizes anarchists are more freely excited by the words of a woman preacher than by a man.” Any country would be better off granting a male criminal with citizenship than Emma Goldman, “because his capacity for mischief would be much less.”<sup>33</sup>

### **From Immigrant Radical to American Anarchist**

As Goldman’s detractors branded her as unredeemably foreign and criminal, Goldman was remaking herself into a consciously American figure. Free speech was becoming the *cause célèbre* of political liberals who viewed American imperialist efforts in Cuba and the Philippines and the repression of anarchism stemming from the McKinley assassination as threats to individual

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<sup>31</sup> Eskridge, “Law and the Construction of the Closet,” 1047.

<sup>32</sup> “Let the Conflict Come,” *Los Angeles Times*, April 11, 1909; “New York Anarchists,” *Boston Daily Globe*, July 29, 1892.

<sup>33</sup> “Put Emma Goldman Out,” *Washington Post*, April 10, 1909.

autonomy.<sup>34</sup> In her writings as well as in her activities, Goldman was turning away from merely expounding her vision of anarchism to a new advocacy of free speech and other liberal causes. She joined the Free Speech League, a group of decidedly middle-class liberals, and in March 1906 unveiled her magazine *Mother Earth*, largely viewed as one of her most self-conscious attempts to demonstrate her new, American perspective on anarchism. With the magazine, Goldman sought to break out of the Lower East Side immigrant crowd to “combine my social ideas with the young strivings in the various art forms in America.”<sup>35</sup> In addition to essays and artwork from a variety of foreign and domestic correspondents, the magazine featured articles about freedom of speech, labor causes, and birth control. Though the magazine’s proclivity for the arts was minor compared to its political commentary, its efforts to reach a wider audience through the inclusion of diverse media set it apart from other radical publications of the time.<sup>36</sup>

Despite Goldman’s efforts to prove the ways in which she differed from images of the bomb-throwing, violent anarchist that predominated both popular and political rhetoric, she was only drawn closer to those visions as fear of an anarchist takeover continued to grip the nation. The formation of the Industrial Workers of the World (IWW) in 1905 appeared to indicate a unified militancy among anarchistic elements. The IWW, or “Wobblies” as they were colloquially known, kept dues low in order to include as many workers as possible, recruiting members from the ranks of those who were shunned by other unions, such as unskilled immigrants, nonwhites, women, and migrant workers. The union refused to sign contracts, contending that workers and employers were fundamentally at odds and that workers could gain rights only when they organized as a class and

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<sup>34</sup> David M. Rabban, *Free Speech in Its Forgotten Years* (Cambridge: Cambridge University Press, 1927), 25.

<sup>35</sup> Goldman quoted in Stansell, *American Moderns*, 124.

<sup>36</sup> Wexler, *Emma Goldman*, 124.

controlled the means of production.<sup>37</sup> Though the IWW was nominally apolitical, many anarchists joined the organization, and, indeed, Goldman emerged as one of its most prominent outside supporters, involving herself in many of the thirty free speech cases the organization faced between 1907 and 1917. That the government viewed the IWW as a threat is evidenced by court precedents in the Pacific Northwest that prevented all IWW members from obtaining citizenship under the Naturalization Act of 1906.<sup>38</sup> Goldman's defense of the union not for its political leanings, but for its right to free speech, suggested that she was breaking away from her immigrant anarchist roots and becoming more of a civil libertarian.

### **World War I, Vigilantism, and Communal Responsibility**

The government crackdown on radicalism began to increase around 1909. In June alone, the police suppressed eleven of Goldman's meetings. Citizens dissatisfied with the government's handling of antiradical cases, felt that the government was too liberal in its treatment of radicals, turning to vigilantism to secure order in their cities. In 1912, a city ordinance was passed that prevented the use of a downtown San Diego district, a measure that directly affected the recruitment practices of the IWW. The IWW, in cooperation with the Free Speech League, protested the ordinance, continuing to hold meetings in the barred zone. The police cooperated with vigilantes to remove the offenders—and, when Emma Goldman and her companion Ben Reitman arrived to demonstrate solidarity with the protestors, Reitman was kidnapped from his hotel by a group of

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<sup>37</sup> *Preamble to the Constitution of the Industrial Workers of the World* (November 7, 1908) in *Rebel Voices: An IWW Anthology*, ed. Joyce L. Kornbluh (Chicago: Charles H. Kerr Publishing Company, 1988), 13.

<sup>38</sup> The Naturalization Act of 1906 required potential citizens to certify that they were neither a disbeliever in organized government nor a member of any organization that entertained such beliefs. Federal courts in the Pacific Northwest, the region where the IWW was most active, defined the organization as one that was opposed to organized government, thereby setting a precedent for courts nationwide. William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Urbana: University of Illinois Press, 1994), 67-68.

vigilantes, undressed, and beaten, forced to kiss the American flag and sing “The Star-Spangled Banner.”<sup>39</sup>

The impulse towards vigilantism accelerated with American entrance into World War I.<sup>40</sup> The government attempted to cultivate unity of opinion in support of the controversial war through education, propaganda campaigns, and, eventually, repression of dissent. Progressives, many of whom were initially hesitant to support the war effort, eventually backed World War I because it constituted, in the words of John Dewey, a “plastic juncture” in American history: a time when the “individualistic impulse” of Americans could be diverted into a larger good, if only momentarily.<sup>41</sup> The war was portrayed not only as a clash between two fundamentally opposed governmental systems, democracy and autocracy, but between good and evil. The same dualistic thinking persisted at home; propaganda campaigns suggested that anyone who opposed the war was “wrong.” And although war was traditionally viewed as a means for American men to assert masculinity and rally behind a common cause, in 1917, it only exacerbated the differences between the ethnic groups that participated in the conflict.<sup>42</sup> Beyond highlighting the differences between American ethnic groups, World War I generated negative sentiments against non-citizens, particularly men, who were exempted from service. Newspapers and congressional reports wrote of “alien slackers in vast numbers” who were “enjoying the peaceful privileges of our country.”<sup>43</sup> The war expanded the government’s power to suppress dissent with the passage of the Espionage

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<sup>39</sup>Wexler, *Emma Goldman*, 180.

<sup>40</sup> Christopher Capozzola, “The Only Badge Needed Is Your Patriotic Fervor: Vigilance, Coercion, and the Law in World War I,” *Journal of American History* 88, No. 4 (March, 2002), 1355.

<sup>41</sup> John Dewey, “The Social Possibilities of War” and “The Future of Pacifism” in *Characters and Events: Popular Essays in Social and Political Philosophy* (New York: Henry Holt and Company, 1929), 556, 584.

<sup>42</sup> Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton, New Jersey: Princeton University Press, 2001), 87.

<sup>43</sup> House Report 127, Aug 4 1917, quoted in Kanstroom, *Deportation Nation*, 139.

Act in 1917 and the Sedition Act in 1918. Although both laws were framed as measures to suppress dissent that might hamper the war effort, Espionage Act charges were concentrated in regions where the IWW was most active, particularly in the Western United States.<sup>44</sup>

One of the war's most pronounced efforts to cultivate unity of opinion was the Committee on Public Information (CPI), headed by Wilson-appointed muckraker George Creel. The mission of the CPI was, ostensibly, to spread information, but the organization evolved into a crude propaganda mill. Building off of President Wilson's 1915 diatribe against "hyphenated Americans" who had "poured the poison of disloyalty into the very arteries of our national life," the CPI focused special attention on "unassimilated" immigrants. With the support of Creel, the newly formed Division of Work with the Foreign-Born helped organize "Loyalty Leagues" in ethnic communities to disseminate pro-war agitprop and sponsored patriotic rallies and parades. The CPI also assigned watchdogs to monitor foreign-language and radical publications, including Goldman's own *Mother Earth*, for possible violations of the Espionage Act and mobilized individuals to spread propaganda within their home countries, particularly in Austria-Hungary.<sup>45</sup>

Beyond propaganda campaigns, the government relied on new powers to actively censor dissent. Under the Espionage Act, Postmaster General Albert Sidney Burleson had the authorization to ban any material sent through the mail deemed to encourage resistance. Burleson used his power to quash left-leaning publications, pledging to give the axe to any publications that "[claimed] that the government is controlled by Wall Street or munition manufacturers, or any special interests." Foreign-language papers were required to submit to the Post Office Department

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<sup>44</sup> James W. Byrkit, *Forging the Copper Collar: Arizona's Labor Management War of 1901-1921* (Tucson: University of Arizona Press, 1981), 137.

<sup>45</sup> David M. Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, [1980] 2004), 61-66.

English translations of articles or editorials that referred to the government, war enemies, or war conduct prior to publication—a move that delayed publication and forced the foreign press to either alter its content or cease publication.<sup>46</sup>

Under the new regulations, Goldman's journal *Mother Earth* was deemed unfit to mail in August 1917. Goldman attempted to revive the magazine under cover of the *Mother Earth Bulletin*, but it, too, was suppressed. In a November 1919 report prepared for the Senate, Attorney General A. Mitchell Palmer asserted that one of the most powerful tools in the dissemination of radical thought was the publication of radical newspapers. Palmer included a table of the languages in which the radical papers were printed that clearly indicated the radical tendencies of Southern and Eastern European immigrant groups. Of the 220 radical publications of which Palmer was aware, 35 were in "Jewish" and Yiddish, 27 in Italian, 23 in Hungarian, and 21 in German. Palmer could count only 6 Swedish radical publications, evidence which suggested that "old stock" immigrant groups were far less likely to subscribe to radical doctrines—and that immigration from Southern and Eastern European countries should be restricted.<sup>47</sup>

The war conferred community responsibility on the average citizen, who was called to spy on neighbors in order to prevent the seeds of radicalism from spreading even further. One concerned citizen, Joseph A. Martin, testified to J. Edgar Hoover about an organization meeting in his neighborhood that Emma Goldman was rumored to attend. This organization was corrupting the youth and specifically recruited youngsters: "These people are trying to get the young people in that vicinity to join—they will not accept anyone over 20." To make matters worse, the wife of the

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<sup>46</sup> Kennedy, *Over Here*, 75-76.

<sup>47</sup> A. Mitchell Palmer, "Investigation Activities of the Department of Justice," in Senate Documents, 66<sup>th</sup> Congress, 1<sup>st</sup> Session, Vol. 12, no 153 (Nov. 17, 1919) in *The Emma Goldman Papers: A Microfilm Edition* [hereinafter, "EGP"], ed. Candace Falk, Ronald J. Zboray, and Daniel A. Cornford (Alexandria, Virginia: Chadwyck-Healey, 1990), reel 64.

owner of the printing press on which they printed their dubious literature was rumored “to go thru her flat wearing nothing but a smile.” Martin could offer no concrete proof of the organization’s illegitimate activity, for “They take the stuff [literature] out thru the alley and away in a car.” “All of these occurrences have so incensed the people living in the immediate vicinity that it is said that if some action is not taken by someone in authority,” Martin asserted, the community would take matters into their own hands, a move “which will undoubtedly result in blood shed.”<sup>48</sup>

Goldman soon became a victim of the wartime anti-dissent legislation. In May 1917, shortly before the passage of the Selective Service Act, Goldman, Berkman, Leonard Abbott, and Eleanor Fitzgerald organized the No-Conscription League, an organization which maintained that conscription was anti-American because it “violated the patriotic boast” of the country and left no space for dissenters. During its brief tenure, the League was able to organize three mass meetings in New York and distribute thousands of anti-war pamphlets. Affirmed Federal Marshal Thomas McCarthy, “I will arrest this Goldman woman if she organizes more meetings.”<sup>49</sup> McCarthy’s chance came on June 15, when he was given orders to arrest Goldman and Berkman on charges of conspiring to prevent draft registration, misusing funds donated to the No-Conscription League, and accepting German money. Bail for Goldman and Berkman was set at \$25,000 apiece.

### **Bolshevik Revolution**

The Bolshevik Revolution further soured feelings towards Emma Goldman and other immigrant radicals. When Czar Nicholas II abdicated the throne in March 1917, many Americans identified with the strivings of the Russian people toward what they presumed would be a

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<sup>48</sup> Statement, Joseph A. Martin to J. Edgar Hoover. (1919), EGP, reel 64.

<sup>49</sup> McCarthy quoted in Richard Drinnon, *Rebel in Paradise: A Biography of Emma Goldman* (Chicago: University of Chicago Press, 1961), 186.

democratic form of government. Proclaimed President Wilson, the advent of democracy in Russia indicated that the nation was now “a fit partner for a league of honour [*sic*]” to join the Allies in fighting autocratic regimes in Europe.<sup>50</sup> But with the Bolshevik seizure of power in November 1917, amicable feelings towards Russia soon soured. Many Americans found it difficult to understand how the Russian people could prefer communism over democracy and felt betrayed in the war effort by the antimilitaristic Bolsheviks. Anti-Bolshevik attitudes were fostered through the spread of misinformation about the Bolshevik regime. Sensational reports of sexual abuse—for example, that the Soviets forced Russian women to be “nationalized” and that every eighteen-year-old girl was required to register at a government “bureau of free love”—inspired disgust within progressive anti-vice crusaders. Newspapers across the country ran cartoons depicting the “Slavic type.” Little different from the “anarchist type” of earlier cartoons, these representations solidified an image of the Bolshevik as a dark, bearded foreigner.<sup>51</sup> Anti-Bolshevism was linked closely with anti-Semitism: according to University of Chicago scholar of Russia Samuel N. Harper, it was the “Jewish gang in Washington” that was pushing for a more tolerant policy towards Soviet Russia—a claim that pushed the president of the American Jewish Committee, Louis Marshall, to clarify that “Everything that real Bolshevism stands for is to the Jew detestable.”<sup>52</sup> As atheists, Goldman and other Jewish radicals could be blamed for pro-Bolshevik feelings at home.

## Conclusion

Though Emma Goldman differed from the average political radical in her celebrity and beliefs, she was nonetheless held up as a model of everything anarchism and communism

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<sup>50</sup> Peter G. Filene, *Americans and the Soviet Experiment, 1917-1933* (Cambridge, Massachusetts: Harvard University Press, 1967), 12.

<sup>51</sup> Michael H. Hunt, *Ideology and U.S. Foreign Policy* (New Haven, Connecticut: Yale University Press, 1987), 115.

<sup>52</sup> Filene, *Americans and the Soviet Experiment*, 46-47.



threatened: violence, corruption, and disorder. As the anti-radical climate intensified with American entry into World War I, the government asserted a new definition of patriotism predicated upon unconditional support of government action. Goldman and other radicals defended their patriotism and claims to Americanism by fitting themselves within traditions of dissent and freedom of speech they asserted as uniquely American. Yet Goldman was working against a firmly cemented image of radicalism that viewed all radicals, from anarchists to communists, as elements of the same unassimilable menace. This attitude, combined with increasingly stringent laws enacted during wartime, pushed towards the expulsion of political dissenters.

## **Chapter 2: The Deportation of Red Emma, 1917-1919**

Reflecting on the largest and most widely publicized trial she had ever faced, Emma Goldman wrote with pride that her 1917 trial for violation of the Selective Service Act represented, “the first time since 1887 that anarchism had raised its voice in an American court.”<sup>1</sup> Clearly proud of the parallels between her trial and that of the Haymarket anarchists some thirty years before, Goldman hoped her trial would gain the same iconic status among the American left. In order to further the symbolic significance of her trial, she insisted upon defending herself, assuring her attorney, noted civil liberties defender Harry Weinberger, that the trial would only have meaning “if we could turn the court-room into a forum for the presentation of the ideas we had been fighting for throughout all our conscious years.”<sup>2</sup> Goldman viewed her trial as an opportunity to redefine the public image of anarchism away from that of the bomb-throwing misanthrope and to recast it as the highest form of patriotism. It was, she said, a pragmatic solution to realizing social progress. Yet the proceedings and rhetoric of the trial precluded any broader definition of patriotism, defining the term narrowly as the unconditional support of governmental policy. Despite Goldman’s efforts to demonstrate that she did not preach violence, she could not escape the image of the violent anarchist that had been under construction for years. Like the thousands rounded up in the Palmer Raids of 1919, Goldman became the victim of legal action against a social construction of the radical that held little semblance to the reality of her radicalism.

The decision to deport Emma Goldman in 1919 was the result of a convergence of nativism and anti-radicalism that combined with the Immigration Act of 1918 and an empowered Department of Justice to push towards expulsion. Since America’s introduction to the “radical

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<sup>1</sup> Emma Goldman, *Living My Life* (New York: Dover Publications, [1931] 1970), Vol. II, 615.

<sup>2</sup> *Ibid.*, 614.

problem” in 1886, increasingly stringent immigration laws had been adopted by the government. The most sweeping change to immigration policy came in 1903, two years after the assassination of President McKinley, when Congress introduced a law intended to bar anarchists and other political radicals from entry into the United States.<sup>3</sup> With each passing year, the practice of deportation became increasingly popular not only as a means to exclude radicals, but as a tool of progressive anti-vice crusaders to purge the country of sexual deviants and other undesirables.

The 1917 Bolshevik Revolution added a new element to American fears: the anarchist was no longer to be feared as a domestic pest but as part of a larger international conspiracy to overthrow democratic regimes everywhere.<sup>4</sup> The increased militancy of the IWW and other signs of labor unrest, the May and June bombings, as well as the bloody race riots that occurred in many American cities in the summer of 1919 seemed to signal an impending revolution. Acting upon rumors and other misinformation, government agents, led by A. Mitchell Palmer, employed vigilante-style measures to crush the Bolshevik threat in the United States, ultimately lending support to the idea that vigilantism was one of the ultimate expressions of patriotism.

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<sup>3</sup> *An Act to Regulate the Immigration of Aliens into the United States* (Washington: Government Printing Office, 1907), 2.

<sup>4</sup> The government and the press made little distinction between Bolsheviks and anarchists, treating both as elements of the same menace that sought to overthrow the American government. Anarchists and Marxists shared a belief in “free communism,” defined as “voluntary economic co-operation of all towards the needs of each. A social arrangement based on the principle: To each according to his needs; from each according to his ability.” [“Some Definitions,” *Mother Earth* 7, No. 10 (December, 1912) in *Anarchy! An Anthology of Emma Goldman's Mother Earth*, ed. Peter Glassgold (Washington, D.C.: Counterpoint, 2001), 6. Anarchists, of course, disavowed government, while the Bolshevik Revolution installed a new government, but many anarchists nonetheless rallied behind the Bolshevik cause. Alexander Berkman believed that the Bolsheviks represented a veritable coalition of interests, including syndicalists, socialists, and anarchists, and that under Bolshevik governance, anarchists would enjoy unprecedented freedoms of speech and the press in the new Russia. Anarchists believed, furthermore, that the Bolshevik government was temporary: as Berkman asserted, “we, the Anarchists, would be the first to oppose the Socialist Bolsheviks should they attempt to establish themselves as a PERMANENT government with the power to impose its authority upon the people.” Alexander Berkman, “The Surgeon’s Duty,” *Mother Earth Bulletin* 1, No. 4 (January, 1918) in *Anarchy!*, ed. Peter Glassgold, 411.

Amid the wave of anti-radical sentiment, the deportation of Emma Goldman and Alexander Berkman, the two most famous anarchists, took on a symbolic significance in the fight against dissent. According to internal government memoranda, the Department of Justice hoped that the inability of Goldman and Berkman to prevent their own deportation despite employing nearly every legal recourse possible would dissuade other potential deportees from contesting their deportations.<sup>5</sup> This view—that their deportation would dissuade radicalism—marked a shift from earlier concerns that deportation would only make them martyrs among their fellow anarchists.

### **The Trial**

As her trial for violation of the Selective Service Act began in June 1917, Goldman recognized that any effort to cull an impartial jury from the men with which she was presented was futile. Nonetheless, she and Berkman subjected each potential juror to a barrage of questions, ranging from their opinions on marriage and divorce to their beliefs about the “sex enlightenment of the young” and birth control. After the judge selected twelve men to sit on the jury, none of whom Goldman believed could render an unbiased verdict, she later wrote that her questioning was a deliberate measure undertaken to expose the farce of the trial.<sup>6</sup>

One of the central allegations was that, at the first meeting of the No-Conscription League, held on May 18, 1917 at the Harlem River Casino, Goldman had stated, “we believe in violence and we will use violence.” Whether or not Goldman ever uttered the words is uncertain. Government agents were sent to her speeches, but the transcripts they provided were unreliable or conflicted with

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<sup>5</sup> Wrisley Brown, Chief of Military Intelligence, “Weekly Situation Survey for week ending January 7, 1920,” in *The Emma Goldman Papers: A Microfilm Edition* [hereinafter, “EGP”], ed. Candace Falk, Ronald J. Zboray, and Daniel A. Cornford (Alexandria, Virginia: Chadwyck-Healey, 1990), reel 65.

<sup>6</sup> Goldman, *Living My Life*, 617.

the versions maintained by the No-Conscription League.<sup>7</sup> Removing the speech from its larger context, furthermore, stripped it of its patriotic appeals. The rest of the speech was very much a paean to values of freedom of speech, press, and assembly embedded in the Constitution: qualities which Goldman affirmed were uniquely American.<sup>8</sup> Goldman provided witnesses in her defense—many of whom, as she proudly noted in her autobiography, were “old stock” Americans like Helen Boardman, whose ancestors had come over on the Mayflower.<sup>9</sup> By inviting American anarchists to the witness stand, Goldman attempted to prove that anarchism’s influence was not limited to immigrants or the lower classes—that even established Americans could find it a useful political philosophy.

The trial exposed a struggle between the defense and the prosecution over the definition of true patriotism. Goldman asserted that her vision of patriotism was one that “love[d] America with open eyes,” that was not “blind to the social faults of America.” Speaking on behalf of “hundreds of thousands whom you decry and state to be antipatriotic,” Goldman claimed that “we love America, we love her riches, we love her mountains and her forests and above all we love the people who have produced her wealth and riches.”<sup>10</sup> Goldman’s insistence that she harbored no ill feelings towards capitalism signaled her efforts to save herself from accusations of Bolshevik sympathy—though

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<sup>7</sup> In another No-Conscription League speech at Forward Hall in New York on June 14<sup>th</sup>, one of her later No-Conscription League speeches, the government transcript of the speech stated that she had said of the draft, “You say that it is a Law. I defy your Law!” while the No-Conscription League version read, “You say that it is a law. I deny your law. I don’t believe in it.” The differences in text as well as in punctuation suggest two very different visions of resistance. Government transcript, Emma Goldman, “Speech Against Conscription: Forward Hall, New York: June 14, 1917” and No-Conscription League transcript of Emma Goldman, “Speech Against Conscription, June 14, 1917,” EGP, reel 57.

<sup>8</sup> Government transcript of Emma Goldman, “Speech at Harlem River Casino, New York: May 18, 1917,” EGP, reel 57.

<sup>9</sup> Goldman, *Living My Life*, 618.

<sup>10</sup> Emma Goldman, “Address to the Jury” (July 9, 1917); available at <http://sunsite.berkeley.edu/Goldman/Writings/Speeches/170709.html> (accessed March 3, 2008).

Goldman certainly did resent exploitative capitalists, the fact that she avowed the opposite represented the growing power of Bolshevik accusations.

In her address to the jury, Goldman argued that the methods employed by Marshal McCarthy and his cohorts, the federal agents who invaded the *Mother Earth* offices to arrest her and Berkman, were sensational enough to entertain even circus impresarios Barnum & Bailey. Yet as her defense continued, Goldman's tone became more somber as she brought charges against the government. The arresting officers had no search warrant when they arrived at the *Mother Earth* offices to arrest her and Berkman; the \$50,000 bail was an exorbitant fee; and, furthermore, she and Berkman were only being arrested now for something that they had been doing for the better part of their lives. Goldman had been accused of advocating violence at the May 18 meeting—but she affirmed that “it is organized violence on top which creates individual violence at the bottom.” Her defense of political offenders and violent radicals was to be compared to Jesus, who had defended Mary Magdalene, the prostitute.<sup>11</sup>

Goldman admitted that she and Berkman had “gladly and proudly claimed responsibility” for things that both they and others had said or written, but she “refuse[d] to be tried on a trumped-up charge, or to be convicted by perjured testimony, merely because we are Anarchists and hated by the class whom we have openly fought for many years.” Goldman then entered into a pragmatic explanation of law breakers, mentioning a barrage of historical examples of individuals, ranging from Jesus to Robespierre, who had been rebels against the law at one time but who were responsible for realizing progress. “The law is stationary, fixed, mechanical, ‘a chariot wheel’

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<sup>11</sup> Goldman, “Address to the Jury.”

which grinds all alike without regard to time, place and condition” explained Goldman, while “progress is ever renewing, ever becoming, ever changing—*never is it within the law.*”<sup>12</sup>

While Goldman tried to make her trial about larger questions of free speech and patriotism, the prosecution meanwhile insisted that the question at hand was her culpability for violation of the Selective Service Act, declaring Goldman and Berkman to be guilty of promoting disloyalty and anti-patriotic sentiments from the beginning.<sup>13</sup> As Goldman and the prosecution vied over the meaning of the case (free speech or a narrow violation of law), the press trumpeted it as a trial of Goldman’s Americanism. The *New York Times* published an account of dubious authenticity that nonetheless exposed the depiction of the anarchists as un-American. The *Times* reported that the proceedings had been temporarily delayed by the arrival of John Allen, a Kentucky mountaineer whose eldest son was arraigned for refusing to register for the draft. Allen had traveled to New York City to meet with Judge Julius Mayer in person and apologize for his son’s behavior, assuring the judge that if he released his son, he would make sure that he would “come to time when the country calls.” Judge Mayer lauded Allen’s patriotism, proclaiming that “that old fellow is the kind that makes this country great. He is a real American.” Perhaps the most dubious claim of the report was that Allen had glimpsed Goldman and Berkman in the Federal Building and had asked the Federal Marshal who they were and why they were there. When the Marshal explained that they were anarchists awaiting trial for urging men not to register for the draft, Allen had allegedly quipped, “Those are the kind’er [*sic*] folks who are responsible for boys like mine getting in trouble,” adding

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<sup>12</sup> Ibid.

<sup>13</sup> Alexander Berkman and Emma Goldman, *Trial and Speeches of Alexander Berkman and Emma Goldman: Anarchism on Trial* (New York: Mother Earth Publishing Company, 1917). Available at: <http://sunsite.berkeley.edu/Goldman/Writings/Essays/TrialSpeeches/> (accessed March 15, 2008).

that, “We don’t have folks like that out my way.”<sup>14</sup> Not only was Goldman a troublemaker, she was only possible in a polyglot city like New York.

Despite Goldman’s efforts to expose legal loopholes that might exculpate her and to affirm her right to free speech, the prosecution was insistent that her case was not a question of free speech. Judge Mayer upheld the wartime limits to freedom of speech laws, defining free speech as “not license, not counseling disobedience of the law...[but] frank, free, full, and orderly expression which every man or woman in the land, citizen or alien, may engage in, in lawful and orderly fashion.”<sup>15</sup> Mayer imposed the maximum sentence of two years in prison as well as a \$10,000 fine on Goldman and Berkman, recommending that the two be deported at the end of their prison sentence. Mayer wryly suggested that perhaps the “magnetic power” that she and Berkman demonstrated in their bold self-defense would have been put to better use in “legitimately advocated” reforms.<sup>16</sup>

Goldman left for Jefferson City, Missouri, to begin her sentence at the Missouri State Penitentiary, while Berkman headed to Atlanta. The two were only gone for two weeks before they learned that their lawyer, Harry Weinberger, had secured a writ of error from Supreme Court Justice Louis Brandeis that allowed him to appeal their case to the Supreme Court. As Goldman was finishing up her latest pamphlet, “The Truth About the Boylsheviki [*sic*],” she learned that the Court had upheld the Selective Service Act and that she would have to return to Jefferson City. Her prison sentence, she believed, had made her a martyr for anarchism and her “Ideal.” “Never did I have

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<sup>14</sup> “Kentuckian Comes to Get Slacker Son,” *New York Times*, July 3, 1917.

<sup>15</sup> Berkman and Goldman, *Trial and Speeches of Alexander Berkman and Emma Goldman: Anarchism on Trial*.

<sup>16</sup> Berkman and Goldman, *Trial and Speeches of Alexander Berkman and Emma Goldman: Anarchism on Trial*.



such an exalted sense of having remained absolutely true to my Ideal and I can say the same for Berkman,” she wrote to her friend Agnes Inglis en route to prison. “All else is immaterial.”<sup>17</sup>

Throughout her two-year prison stay, Goldman’s Ideal would sustain her. “In moments of depression I look to Russia. She acts like a ray of sunshine working its way through the black clouds,” she wrote to her niece, Stella Ballantine.<sup>18</sup> By contrast, Goldman, like many American anarchists, watched with alarm the growing anti-radicalism within the United States. Vigilante groups were targeting the I.W.W., anarchists, and pacifists; the Postmaster was suppressing radical publications—as Goldman would later write, “through the length and breadth of the country stalked the madness of jingoism.”<sup>19</sup> For American radicals disillusioned with the prospects of freedom in the United States, Russia became the paragon of personal liberty and freedom of expression.

#### **“The Bombs That Begot Delirium”: A. Mitchell Palmer and the Red Raids of 1919-1920**

The last American troops, sent to fortify Allied forces already in Russia, withdrew from Northern Russia between June 1919 and April 1920. Utterly disillusioned with the prospect of securing democracy in Russia, the American anti-Bolsheviks turned inward in pursuit of domestic radicals.<sup>20</sup> As Goldman sat in prison, American fears of Bolshevism grew in the wake of strikes and an increasingly militant labor movement that was believed to have been instigated by foreign radicals. The combination of labor militancy with a faltering economy and widespread unemployment created a climate of hysteria.

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<sup>17</sup> Goldman quoted in Alice Wexler, *Emma Goldman: An Intimate Life* (New York: Pantheon Books, 1984), 244.

<sup>18</sup> Goldman quoted in *Ibid.*, 247.

<sup>19</sup> Goldman, *Living My Life*, 640.

<sup>20</sup> *Ibid.*, 61.

Shortly after 11:00 p.m. on June 2, 1919, bombs exploded outside of the homes of eight government officials connected with anti-radicalism, including Attorney General Palmer. Though no one had been injured in the blast, save the assailant, Palmer resolved to take action. “These attacks by bomb throwers will only increase and extend the activities of our crime detecting force,” he told newspaper reporters that night.<sup>21</sup> Surveying the evidence at the crime scene—an English-Italian dictionary, remains of a suitcase, two guns, and a pamphlet entitled “Plain Words” and signed “The Anarchist Fighters”—Palmer concluded that foreign-born anarchists had been the masterminds behind the terrorist act. Palmer resolved that the Justice Department would take action against the anarchistic elements of the population who were trying to overthrow the government.

Though the June 2 bombs were not the first to explode—just one month earlier, bombs had been sent out to commemorate the labor holiday May Day—the bombs that were detonated on what had been a quiet summer evening were the impetus for drastic governmental measures in the suppression of radicalism. Within days of the bombings, the Justice Department launched a plan to round up and detain all non-citizens who belonged to violent organizations and deport them. Popularly known as the “Palmer Raids,” the plan was financed by a \$500,000 appropriation from Congress and carried out by the newly-created Radical Division within the Department of Justice’s Bureau of Investigation. Agents across the country, led by the renowned “anarchist expert” and former chief of the Secret Service William “Big Bill” Flynn and Attorney General Palmer, sought to uncover the radical world lurking beneath the surface of many American cities. Palmer took the May and June bombings as evidence of an imminent radical plot to overthrow the government,

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<sup>21</sup>“Attorney General Palmer Warns the Anarchists that Bomb Attacks Only Increase His Activities,” *New York Times*, June 4, 1919.

recommending that “the deportation statute ought to be used liberally against these alien anarchists, these alien trouble makers, and that is one thing we propose to do.”<sup>22</sup>

The Justice Department’s increased militancy against radicalism stemmed not only from anger over the most recent bombings, but from building pressure from other members of the government to do something about the radical problem. Though Palmer himself did not have a favorable view of immigrants, early in his term as attorney general he made an effort to remove some of the repressive World War I linkages between the government and vigilantism.<sup>23</sup> In February 1919, Seattle mayor and ardent exclusionist Ole Hanson had complained that the Federal Government was “pandering to and conciliating the men who talk against it.”<sup>24</sup> Meanwhile, extralegal attempts to suppress radicalism continued in the aftermath of the war. On May 1, 1919, veterans stormed the Russian People’s House in New York City and forced a socialist group meeting inside to sing the Star-Spangled Banner at gunpoint, while in Cleveland, veterans carrying loaded rifles attacked a socialist Red Flag parade, killing one and injuring forty. The police arrested 126 of the socialists but none of the attackers.<sup>25</sup> The Palmer Raids, in effect, brought the anti-radical vigilantism that had been occurring since the pre-war era under the control of the state.

During the war, the Federal Espionage Act provided that advocacy of violent speech against the government was punishable by imprisonment or a fine, but these laws had been repealed in

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<sup>22</sup> Palmer quoted in Kenneth D. Ackerman, *Young J. Edgar: Hoover, the Red Scare, and the Assault on Civil Liberties* (New York: Carroll and Graf, 2007), 35.

<sup>23</sup> Palmer grew up in the homogeneous Monroe County, Pennsylvania, an area that saw little of the immigration boom to Pennsylvania in the late nineteenth century. Most of the families in Monroe County were of German, English, Scotch-Irish, or Dutch ancestry. At his Swarthmore College commencement address, Palmer had defended the actions of vigilantes in New Orleans against Italians, and remained convinced that all Eastern and Southern European immigrants were criminally inclined. Stanley Coben, *A. Mitchell Palmer: Politician* (New York: Columbia University Press, 1963), 197.

<sup>24</sup> Ole Hanson, “Anarchists Tried Revolution in Seattle, But Never Got to First Base, Says Hanson,” *New York Times*, February 9, 1919.

<sup>25</sup> Ackerman, *Young J. Edgar*, 21-22.

peacetime. No such limit applied to immigration laws: under the Immigration Act of 1918, all that was necessary to rid the country of the purported radical was proof that the individual was a member of a group that preached violence against the government.<sup>26</sup> The Act became the justification behind Palmer's raids.

Palmer's men chose to conduct the first raids in fifteen American cities on the evening of November 7, 1919, the second anniversary of the Bolshevik Revolution. As its first target, the Justice Department chose the Union of Russian Workers (UORW), a relatively unknown immigrant labor union of an anarchistic political persuasion that had opened "People's Houses" in major cities across the country. Despite its anarchism, the UORW supported the Bolsheviks and allied itself with their opposition to capitalism and the American government, calling upon members to "support revolutionary elements of workers in America."<sup>27</sup> Because of its support of the Bolshevik forces, the investigators viewed the UORW as a threat and a potential aide in a Bolshevik takeover in the United States. Yet more than a political or labor organization, the UORW was a social club for Russian émigrés that offered English-language classes and other programs to ease the immigrant's transition into American life. As was the case with many of the organizations and "meetings" federal agents chose to break up, many of the immigrants were merely receiving social services from the organization and had no political affiliation whatsoever.<sup>28</sup>

In New York City, the raid on the Russian People's House, a community center near Union Square, yielded the most "radicals." As if to add to the symbolism of the raid, "Big Bill" Flynn had

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<sup>26</sup> "Immigration Act of 1918" in Constantine M. Panunzio, *The Deportation Cases of 1919-20* (New York: Commission on the Church and Social Service, Federal Council of the Churches of Christ in America, 1921), 99.

<sup>27</sup> UORW Red Book quoted in Charles H. McCormick, *Seeing Reds: Federal Surveillance of Radicals in the Pittsburgh Mill District, 1917-1921* (Pittsburgh: University of Pittsburgh Press, 1997), 145.

<sup>28</sup> Louis F. Post, *The Deportations Delirium of 1919-20: A Personal Narrative of an Historic Official Experience* (Chicago: C.H. Kerr, 1923), 25.

come to New York from Washington to watch the raids. Led by agent Frank Francisco, a coalition of federal agents and local detectives descended upon the building, detaining every person they found inside and herding them into the convoy of cars parked outside to be driven to police headquarters downtown. In conjunction with the raid, any and all materials found inside were confiscated –desks were broken into, doors smashed, books and literature scattered. Two hundred and eleven suspects were ultimately rounded up that night and taken downtown to be questioned, fingerprinted, and photographed.<sup>29</sup>

The Department of Justice defended the raids as “the first big step to rid the country of these foreign trouble makers.”<sup>30</sup> The *New York Times* reported that many in the building were “badly beaten by the police during the raid, their heads wrapped in bandages testifying to the rough manner in which they had been handled.” Yet the article reveals a tension between exposing the brutality of the raids and defending the actions of the federal agents: after reporting on the rough handling of the suspects, the paper covered a Communist Labor Party meeting that had also occurred that night during which leader, Ben Gitlow, reassured the audience that, “No matter what the police or courts may think, we will work until we abolish this government.”<sup>31</sup> Many were afraid of the governmental excesses but equally terrified of the prospect of a communist takeover.

### **The Solution of Deportation**

Though some system of deportation had existed in the earliest New England towns, the practice came of age in the early twentieth century, culminating in the passage of the 1917

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<sup>29</sup> Ackerman, *Young J. Edgar*, 217.

<sup>30</sup> “Will Deport Reds as Alien Plotters: Palmer’s Blow Hit Leaders of Russian Society, Worse Than Bolsheviks” *New York Times*, November 9, 1919.

<sup>31</sup> “200 Caught in New York,” *New York Times*, November 8, 1919.

Immigration Act. In the eighteenth century, exclusion and deportation were deemed necessary by colonists in order to preserve America as an asylum from Europe and to bar those whom colonists feared might introduce European characteristics of decadence and corruption.<sup>32</sup> Catholic priests as well as German and Moravian immigrants were among those barred or subject to deportation under the laws of some colonies. Local deportations or “warning-out orders,” long a custom in England, also became a way to control the poor populations of colonial towns: as communities created “almshouses” and “poorhouses” to dispense aid to the less fortunate, the fiscal burdens such programs necessitated differentiation between those entitled to local aid and those who could be sent elsewhere.

During this time, questionable social behavior was also sufficient grounds for “warning-out” orders. In Roxbury, Massachusetts in 1672, a pregnant woman named Mercy was warned out because she was living with her father and not being provided for by her husband.<sup>33</sup> Samuel Eldred, his wife, and four children were warned out, deemed “unwholesome” and “people of bad morals” who “make a great disturbance in the neighborhood where they live.”<sup>34</sup> Foreigners were of particular concern to the colonists: the *Virginia Gazette* reported in 1751 that, “When we see our Papers fill’d continually with accounts of the most audacious Robberies, the most Cruel Murders, and infinite other Villanies perpetrated by Convicts transported from Europe, what melancholy, what terrible Reflections must it occasion!”<sup>35</sup> The shipment of convicts to the New World dropped off significantly in the late eighteenth century, but it was not until a century later that criminals were officially barred from immigration to the United States. The Act of March 3, 1875 excluded

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<sup>32</sup> Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge: Harvard University Press, 2007), 30.

<sup>33</sup> Kanstroom, *Deportation Nation*, 36.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Virginia Gazette* quoted in Kanstroom, *Deportation Nation*, 41.

convicts and prostitutes as well as those convicted of “crimes involving moral turpitude” and those “liable to become a public charge.”<sup>36</sup>

The assassination of President McKinley in 1901 initiated the call for deportation of alien anarchists—particularly, Emma Goldman. There was an admission that something had to be done about the problem of radicalism in America, but no consensus about the proper solution. When asked whether he thought Congress should enact laws to bar or deport anarchists from the country, Assistant Secretary of the Treasury Milton E. Ailes admitted in 1901 that something had changed: that America should no longer provide an “asylum [to] the oppressed of all nations.” “That did very well years ago,” he continued, “but that was before the immigration began to flow so rapidly to our shores. The need of an asylum is not so great now as it once was, and the danger of making this country a prison and an asylum for vagabonds is increasing every year.” Speaking to congressional objections that the category of “anarchist” was too vague to prosecute or punish an individual because it was based on belief and not action, Ailes called for a new law constructed in such a way that it would “place a strong hand of justice upon every anarchist who breeds such sentiments as Emma Goldman gave expression to, and deport them at once.”<sup>37</sup> Congressman John S. Rhea of Kentucky agreed with Ailes at a citizens meeting in Bristol, Tennessee, suggesting that “the anarchists now living in this country should be deported [and] hereafter no person tainted with such ideas should be permitted to land on American soil.”<sup>38</sup> In the wake of the McKinley assassination, the remedy for radicalism had changed: where many had called for retribution for the Haymarket bombings by hanging the offenders in 1886, in 1901 new punishments were suggested. Perhaps the

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<sup>36</sup> Law quoted in Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004), 59.

<sup>37</sup> “Congress Should Act: Time Has Come to Bar Anarchists From America,” *Washington Post*, September 8, 1901.

<sup>38</sup> “Says Deport Anarchists,” *Atlanta Constitution*, September 11, 1901.

new suggestions sprung from an awareness that hanging the Haymarket offenders had only exacerbated the radical problem by elevating the offenders to martyrdom within the leftist community—and forging an alliance between labor and anarchists.

The proposed solutions in 1901 suggested a form of deportation from the United States, but not to the home country. Rather, several proposed the establishment of a penal colony for anarchists in Alaska or the South Pacific, locations “where they are powerless for harm.” Connecting anarchism with violence, one newspaper forecasted that, with time, the anarchists would self-destruct, while another newspaper reasoned that segregation by sex would be necessary to prevent the propagation of the “anarchist species.” The reference to anarchists as members of a separate species—and not just adherents of an un-American political philosophy—expressed a conviction that anarchists could not be assimilated into the American fold.<sup>39</sup>

Other proposed solutions assumed some degree of insanity among adherents to anarchism. In a letter to the editor, one New Yorker proposed defining adherence to anarchism as evidence of insanity, predicting that the passage of such a measure would serve as a sufficient deterrent to would-be anarchists.<sup>40</sup> Yet another proposed solution to the anarchist problem was to restrict “socialistic propaganda” to the “intelligent classes”: Emma Goldman may have been harmless as an individual, but the interpretation of her ideas by “illiterate foreigners” was a menace to the community. Thus, it was suggested that freedom of speech could coexist with the repression of anarchism as long as freedom of speech was restricted to the upper classes.<sup>41</sup>

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<sup>39</sup> “A Penal Colony,” *Washington Post*, September 20, 1901; “What the Tragedy Teaches,” *Los Angeles Times*, September 8, 1901.

<sup>40</sup> “Prevention Better than Cure” [Letter to the Editor from C.J.N., Mt. Vernon, NY, September 10, 1901], *New York Tribune*, September 18, 1901.

<sup>41</sup> Ethel McClintock May, “Some Side Lights on the Anarchist’s Deed,” *Atlanta Constitution*, September 10, 1901.



The official governmental response to the McKinley assassination was the Immigration Act of 1903, a law which barred anyone from entering the United States who was, “opposed to all organized governments, or who is a member of or affiliated with any organization entertaining or teaching such disbelief in or opposition to all governments.”<sup>42</sup> But merely preventing anarchists from entering was not enough in the eyes of many: although McKinley’s assassin was an American citizen by birth, he was, by all accounts, “a foreigner—a Pole, with an unpronounceable name.”<sup>43</sup> That Czogolz’s crime removed him from identity as an American indicated that such a label could only be applied to those who obeyed the law.

Czogolz’s crime placed the “melting pot ideal” under increased scrutiny. Israel Zangwill’s 1908 play, from which the term derived its name, identified the United States as a land in which all racial and ethnic distinctions fused to “build the Republic of Man and the Kingdom of God.”<sup>44</sup> The melting pot ideal reinforced the belief that the United States had a divine destiny that could only be fulfilled through an admixture of old stock Americans and new immigrants that represented the best of Europe, assuming assimilation to be a natural process that occurred within a few years of the foreign-born stepping on American shores. But crimes perpetrated by immigrants suggested, perhaps, something indissoluble in the pot. Americanization must be viewed as a process largely dependent upon the constitution of the immigrant himself. President Theodore Roosevelt was one particularly vocal advocate of even tighter immigration restrictions, imploring Congress in his 1905 State of the Union address for more strict laws to prevent, “Not merely the anarchist, but every man of anarchistic tendencies, all violent and disorderly people, all people of bad character, the

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<sup>42</sup> Immigration Act of 1903, quoted in Kanstroom, *Deportation Nation*, 136.

<sup>43</sup> “What the Tragedy Teaches,” *Los Angeles Times*, September 8, 1901.

<sup>44</sup> Zangwill quoted in Matthew Frye Jacobson, *Barbarian Virtues: The United States Encounters Foreign Peoples at Home and Abroad, 1876-1917* (New York: Hill and Wang, 2000), 204.

incompetent, the lazy, the vicious, and physically unfit, defective, or degenerate should be kept out.”<sup>45</sup> To Roosevelt, all of the preceding categories were linked as behaviors and tendencies that were both un-American and immoral. Under Roosevelt, the United States Immigration Commission (commonly known as the “Dillingham Commission”) was established in response to nativist concerns in order to study immigration to the United States. The 1911 Dillingham Commission report ultimately recommended, “a five-year period of deportability of aliens convicted of serious crimes after entry” and suggested the threat of unchecked immigration from Southern and Eastern Europe.<sup>46</sup>

Under the increased racial tension of 1919 as African-American soldiers returned from war service to a violently policed color line, the deportation of radicals was construed as a means to preserve domestic tranquility and quell race riots because it was believed that African Americans were being conscripted by radical groups to incite disorder. Speaking before the American Missionary Association in 1907 on the uplift of the “colored race,” Justice David J. Brewer had warned that many of the immigrants entering America were, “racially coldblooded and selfish... tainted with the spirit of anarchy and willing to destroy all social order in the hopes of personal gain out of the wreck.” Among the “negro race,” however, one would be hard-pressed to find a “Johann Most, Emma Goldman, Czogolz or Guiteau” for “they are firm believers in social order.” Brewer warned the crowd, however, that African Americans could be susceptible to the influences of demagogues appealing to their passions, a threat which would imperil the life of the entire nation.<sup>47</sup>

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<sup>45</sup> Theodore Roosevelt, “State of the Union Address,” (December 5, 1905). Available at: <http://www.presidency.ucsb.edu/ws/?pid=29546> (accessed March 15, 2008).

<sup>46</sup> Dillingham Commission report quoted in Kanstroom, *Deportation Nation*, 133.

<sup>47</sup> “Uplift of Negro Race: Justice Brewer Says It May Add to Future Security of Country,” *New York Tribune*, October 15, 1907.

As more African Americans fled the South for northern cities, racial prejudices were exposed as working-class whites resented the move of African Americans into their neighborhoods and workplaces, resorting to extralegal means and the threat of violence to keep blacks out. Though racial violence was nothing new, in 1919 African Americans fought back, leading newspapers to conclude that the newfound resistance was the result of the spread of Bolshevik propaganda.<sup>48</sup> “Practically all of the radical organizations in this country have looked upon the Negroes as particularly fertile ground for the spreading of their doctrines,” Palmer wrote in a 1919 report to the Senate. Radical newspapers, he claimed, were the “most potent and far-reaching influences” in initiating, among other things, “race prejudice.”<sup>49</sup>

World War I had also reiterated the dangers of radicals to the “ordinary American.” Army intelligence tests revealed that between a quarter and a third of all enlisted men were illiterate, suggesting that these simple-minded, uneducated men were easy prey for radical doctrines.<sup>50</sup> Building upon the suggestions of the 1911 Dillingham Commission report, the 1917 Immigration Act extended the scope of deportation to include otherwise legal resident aliens who could now be deported after entry for new reasons (not just vice) and broadened the definition of an “anarchist.” It also barred illiterate adults, in part, to exclude would-be radicals under the presumption that radicalism drew its strength from the ignorant [immigrant] masses.<sup>51</sup>

The Immigration Act of 1918 removed all time limits in the deportation of alien anarchists as it labored to more precisely define anarchism and the people who could be considered anarchists.

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<sup>48</sup> Richard Slotkin, *Lost Battalions: The Great War and the Crisis of American Nationality* (New York: Henry Holt and Company, 2005), 436.

<sup>49</sup> A. Mitchell Palmer, *Investigation Activities of the Department of Justice* [excerpt], 6-161, in Senate Documents, 66<sup>th</sup> Congress, 1<sup>st</sup> Session—Vol. 12, no 153 (Nov. 17, 1919), EGP, reel 64.

<sup>50</sup> Slotkin, *Lost Battalions*, 431.

<sup>51</sup> Quoted in *Ibid.*, 133.

Any alien who “disbelieved in” organized government, who advocated violence against the government and any of its agents, who advocated the destruction of property, or who was the member of any organization that advocated such behavior, was now liable for deportation.<sup>52</sup> Mere belief in anarchistic doctrine, rather than action upon those beliefs, was now reasonable grounds for deportation. This new law provided the necessary rationale to deport Goldman.<sup>53</sup>

As Goldman was finishing her prison sentence, immigration officials debated the solution of deportation, fearful of making her a martyr among radicals. The Law Examiner for the Bureau of Immigration, H. McClelland, reminded the Commissioner of Immigration, Anthony Caminetti, that the issue was not one of legality—the 1918 Act made it clear that Goldman was deportable—but rather one of policy.<sup>54</sup> Caminetti’s message to the Secretary of Labor reflected McClelland’s concerns, observing that her case, “is of such a world wide notoriety” that it necessitated an ongoing dialogue among bureau members.<sup>55</sup>

Despite the bureaucrats’ hesitancy to deport Goldman, they looked with alarm at the efforts of her lawyer Harry Weinberger and other Goldman defenders to prove her claims to citizenship, thereby precluding any possibility of deportation. “This man Weinberger is not to be trusted,” affirmed John Lord O’Brian, Special Assistant to the Attorney General. O’Brian claimed that beyond defending anarchists and other unpopular dissenters, Weinberger was also attempting to secure the deportation of select anarchists who were needed in Russia to aid the Bolshevik cause. In light of these claims, O’Brian recommended that “unusual caution” be exercised in privileging any

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<sup>52</sup> “Disbelieved in” suggests the connection between insanity and anarchism that was often made: that failure to acknowledge the validity of organized government was ludicrous.

<sup>53</sup> “Act of October 16, 1918,” in Constantine Panunzio, *The Deportation Cases of 1919-20* (New York: Commission on the Church and Social Service, Federal Council of the Churches of Christ in America, 1921), 99-100.

<sup>54</sup> Memorandum, H. McClelland to Anthony Caminetti, April 25, 1919, EGP, reel 62.

<sup>55</sup> Memorandum, Anthony Caminetti to William B. Wilson, April 26, 1919, EGP, reel 62.

statements made by Weinberger.<sup>56</sup> It also appeared that Goldman's resolve to avoid deportation was strengthening: beyond providing financial and legal support, one of her American-born defenders even offered to adopt her. Goldman seriously considered these offers.<sup>57</sup>

### **Deporting Red Emma**

On September 27, 1919 Emma Goldman was released from the Missouri State Penitentiary. Almost immediately, she returned to the lecture circuit in Greenwich Village, organizing aid for the deportees of the Palmer Raids under federal surveillance. She soon learned that she was required to appear at Ellis Island for a hearing on October 27 in order to determine her status under the October 1918 law. Berkman's deportation was inevitable, as he had no claims to citizenship, but Goldman hoped to claim citizenship through her father and Jacob Kersner, her first husband, both of whom had been naturalized. As Goldman later explained in her autobiography, it was not that she did not want to return to Russia under its new leadership, but that she wanted to go "of my own free will, at my own expense, and I denied the right of the government to force me."<sup>58</sup>

Goldman remained silent throughout her hearing at Ellis Island, during which she was presented with a dossier of anarchist publications and copies of speeches she had made in the past. As at her trial, Goldman was angered by the question of contingency: if the documents were so inflammatory, she wondered, why were they being brought forth now? "The object of deportations and of the Anti-Anarchist Law," she presented in a written statement to the inquisitors, was, "to

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<sup>56</sup> Memorandum, John Lord O'Brien to Alfred Bettman and Francis H. Duehay, April 23, 1919, EGP, reel 62.

<sup>57</sup> Letter, Louis H. Commins to Harry Weinberger, July 6, 1919, EGP, reel 62.

<sup>58</sup> Statement quoted in Goldman, *Living My Life*, 703.

stifle the voice of the people, to muzzle every aspiration of labour [sic].” Goldman contended that the freedom of speech was integral to progress and provided the only refuge in a sane society.<sup>59</sup>

Goldman was released on bail while Weinberger attempted to secure proof of her claims to citizenship. Meanwhile, members of the public and the government demanded to know why her deportation was delayed. One J.C. Pinckney wrote to government officials demanding “Why are Jew anarchist lawyers (Harry Weinberger) who only studied our laws to defeat the ends of justice, allowed to prevent the deportation of Emma Goldman (who murdered McKinley through Colzgoz [sic] and Bergman [sic] who tried to murder Frick.”<sup>60</sup> The United States government did not rally in support of Goldman’s deportation without first assuring that her claims to citizenship were invalid. Responsibility for deportation was under the provenance of the Department of Labor, a cabinet agency dating to 1913 that subsumed the Bureau of Immigration to handle America’s undesirables. This task was so great that by 1919, the Immigration division of the Department constituted 70 percent of the Department budget and 80 percent of its staff.<sup>61</sup> Louis F. Post, an appointee of President Woodrow Wilson and Assistant Secretary of Labor under William B. Wilson, refused to sign Goldman’s deportation warrant until all of her claims to citizenship had been investigated.<sup>62</sup> Once her claims did not hold two years later, Post concluded that she was legally deportable in 1919 because his only decision lay within determining whether she was an anarchist or not—regardless

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<sup>59</sup> Goldman, *Living My Life*, 704.

<sup>60</sup> Letter, J.C. Pinckney to Chief of Department of Justice, December 6, 1919, EGP, reel 64.

<sup>61</sup> Ackerman, *Young J. Edgar*, 53.

<sup>62</sup> Memorandum, Louis F. Post to Anthony Caminetti, July 17, 1917, EGP, reel 57. Post’s socialist sympathies were known; he regretted having had to deport Goldman because the two associated with similar crowds. Though some within the radical community viewed Post as a traitor, anarchist Daniel Kiefer averred that Post was “on record as having declared that the raw head and bloody bones Anarchist is but a figment of the imagination of frightened plutocrats and corrupt officials.” He urged Goldman and other anarchists against animosity towards Post, to “let him have our sympathy and sorrow.” Letter, Daniel Kiefer to Emma Goldman, December 16, 1919, EGP, reel 64; Ackerman, *Young J. Edgar*, 53.

of her pacifistic beliefs. The controversy over Goldman's deportation alarmed others: the Philadelphia *Jewish Criterion* was worried about a resurgence of anti-Semitism after the controversy surrounding Goldman's deportation, lamenting that "we hear a lot too much of the Goldmans and the Berkmans, [while] we hear entirely too little of the Julius Mayers."<sup>63</sup> Judge Mayer, also Jewish, had asserted Goldman's culpability and removed her attacks on the American government from any question of free speech.

That anyone would *not* support the deportation of Alexander Berkman and Emma Goldman was inconceivable to many Americans. "Can you believe this editor? How does he get away with it?" wrote one concerned citizen to the Department of Justice, enclosing an article from his local newspaper that suggested deportation was "the unworthy way, weak and cowardly" to deal with the radical problem—and that, furthermore, it was ironic given government support of equally "offensive propaganda" to enforce Prohibition.<sup>64</sup> The Department of Justice received many similar letters urging the deportation of Goldman, all stressing her repeated offenses and the degree of shame to which her actions brought the government.<sup>65</sup> The *New York Times* claimed to speak for public opinion: though, "Americans were slow to believe that in this asylum of the opprest [*sic*] of all the world, the formerly opprest would be quick to become oppressors," one article wrote, "Americans know the revolutionary aliens now. They are determined that these soldiers of disorder shall be driven out."<sup>66</sup>

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<sup>63</sup> Charles H. Joseph, "Speaking of Jews," *The Jewish Criterion* (Pittsburgh) 53, No. 16 (December 12, 1919).

<sup>64</sup> Letter, Anonymous to Frank K. Nebeker, December 13, 1919, EGP, reel 64.

<sup>65</sup> Letter, William D. Nelson to Newton D. Baker, November 2, 1919; Letter, H.S.J. Sickel to A. Mitchell Palmer, November 12, 1919; Letter, Johnson to Department of Justice, November 18, 1919, EGP, reel 64.

<sup>66</sup> "Evicted Reds," *New York Times*, December 23, 1919.

Ironically, Goldman's deportation also came at a moment when her once-radical political philosophy was being tempered by her desire to transform anarchism and her revolutionary ideals into a more inclusive, cross-class American idiom.<sup>67</sup> In the pamphlet she co-authored with Alexander Berkman during her detention on Ellis Island, *Deportation: Its Meaning and Menace*, Goldman tapped into the iconography of American heroes, fashioning herself as an anarchist in the tradition of William Lloyd Garrison, Thomas Jefferson, and Abraham Lincoln. "These authors, distinguished thinkers, philosophers and humanitarians...if still alive and of foreign birth [would] not be permitted on American shores," Goldman predicted, "or, if born Americans, they would be threatened by deportation to the island of Guam."<sup>68</sup> Much of her defense was reliant on her connection of anarchism to American values of individualism and patriotism. Goldman believed that her anarchistic political philosophy was, to some degree, an expression of her love for her adopted country.<sup>69</sup>

Goldman understood the extent to which the decision to deport her and the 248 others aboard the *Buford* hinged on changes within American society as well as the legal framework surrounding deportation law. Only one year removed from World War I, Goldman believed that the anti-German propaganda of the war was now being channeled towards different groups—with a special focus on any person of Russian birth or nationality. Like czarist Russia, America was now using its own sort of pogrom in the form of mass deportation "against Russians, Bolsheviki, communists, radicals, and progressives in general." American pogroms were worse than Russian

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<sup>67</sup> Christine Stansell, *American Moderns: Bohemian New York and the Creation of a New Century* (New York: Metropolitan Books, 2000), 139.

<sup>68</sup> Emma Goldman and Alexander Berkman, *Deportation: Its Meaning and Menace: Last Message to the People of America* (New York: Ellis Island, December 1919); available at: [http://dwardmac.pitzer.edu/anarchist\\_archives/goldman/deportation.html](http://dwardmac.pitzer.edu/anarchist_archives/goldman/deportation.html) (accessed March 1, 2008), 21.

<sup>69</sup> That Goldman defended her unconventional patriotism long before her trial suggests that it was not a strategy adopted at the last moment to avoid deportation.



pogroms against Jews because “Russians of character and intelligence never lent themselves to the practice of Jew-baiting and persecution”—Americans did.<sup>70</sup>

### **The Sailing of the Buford**

From her arrival on Ellis Island and up to the moment of her deportation, the press sought to undermine Goldman and her commitment to working-class principles, portraying her as a false, self-aggrandizing leader for American common people. Goldman corrupted others, but she was corrupt herself. Well aware of her iconic status and many “disciples,” the press depicted her as a narcissistic, self-important individual. The *New York Times* reported that en route to the detention center at Ellis Island, Goldman shielded her face with a newspaper to prevent unwanted photographs, but that after arriving at the Immigration Building, “she was persuaded to go out and pose for a time exposure” until someone informed her that the overcast sky would ruin the photographs.<sup>71</sup> Newspapers printed photographs of Goldman and Berkman arriving at Ellis Island with captions discussing the “expensive elegance” of their attire. Noted one newspaper, the finery in which they arrived in Ellis Island suggested that “They are profiteers in anarchism as well as in other lines.”<sup>72</sup>

Newspaper reports emphasized the wealth of the deportees in part to argue that deportation was not a severe enough penalty. Though they were being “banished” to Russia, the deportees, “assumed a jovial demeanor when they left the trains” as they sang the “Internationale.” Reported the *Los Angeles Times*, the “cash resources of the party from Pittsburg [*sic*] alone were estimated at

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<sup>70</sup> Goldman and Berkman, *Deportation: Its Meaning and Menace*, 10-11.

<sup>71</sup> “Habeas Corpus Writ Halts Deportation,” *New York Times*, December 6, 1919

<sup>72</sup> Unidentified newspaper from FBI, J. Edgar Hoover Memorabilia Collection, EGP, reel 64.

\$100,000...many [of the deportees] had acted like real capitalists in saving high wages in steel mills and mines.”<sup>73</sup> By portraying the deportees as the capitalists they claimed to despise, the press intimated that the political radicals were deceiving their followers. But the reports also assumed an opportunistic American model, suggesting that despite their moral depravity and utter disregard for the Constitution, even the anarchists were able to profit under the capitalistic economic system.

Despite, or perhaps because of, Goldman’s iconic status among the political left of the 1910s, the government was adamant that she would receive no special treatment in either the deportation proceedings or her deportation. Goldman’s attorney, Harry Weinberger, wrote to the Bureau of Information requesting that if deported, Goldman and Berkman be allowed to leave the country as first-class passengers by paying the difference in cost. Commissioner General Anthony Caminetti wrote back that “all aliens who are to be deported under the deportation clauses of the immigration law will receive like treatment. It has no desire, and does not propose, to confer special privileges upon any alien or aliens, individually or collectively, who are deported under the anarchistic provisions of the law.”<sup>74</sup> Newspapers scornfully noted any complaints aired by political prisoners, whether on Ellis Island or in federal prisons throughout the country, and mocked Goldman’s left-wing supporters. In the week before the *Buford* deportation, the *New York Times* ran an article on a package party thrown by the Workers’ Defense Union (WDU) to collect Christmas gifts as well as necessities for political prisoners. Those prisoners the article chose to mention, however, were far from “needy”: the churlish prisoners constantly grumbled about prison food, which lacked enough sugar for their taste. One Atlanta prisoner was reported to have insisted that the WDU provide him with a gray or black sweater but “not a striped one.” One individual donated

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<sup>73</sup> “Emma to Sail Today,” *Los Angeles Times*, December 21, 1919.

<sup>74</sup> Letter, Anthony Caminetti to Harry Weinberger, December 6, 1919, EGP, reel 64.

a sewing basket for Emma Goldman with the hopes that she might pass the time during her trip by embroidering or knitting, an action the reporter mockingly noted.<sup>75</sup>

The press concentrated their efforts on undermining Goldman and few of the other 247 deportees because she was perceived as the largest threat: not because she was particularly violent, but because of the influence she was perceived to have possessed as the intellectual wing of the American anarchist movement. There was a fear that Goldman was corrupting the masses, and, if permitted to return to the United States, “[it] would result in undue harm on the community.”<sup>76</sup> Indeed, the primary goal of the government in the initial Red raids was to capture “the ‘intellectuals’ of agitation,” as opposed to actual agitators, and deport them in a manner that was equal parts symbolic and dramatic.<sup>77</sup>

A large crowd of congressmen and government officials gathered to witness the deportation. Congressman William N. Vaile of Colorado, who had come to watch the deportations, remarked that he had arrived “with a firm determination to be charitable and distinguish between the individual and his views.” But, after observation, Vaile remarked that such a distinction was impossible to make. Vaile noted that the deportees seemed “to be a very poor lot, both as to physique and mentality,” and that “they certainly would compare unfavorably with any equal number of American workingmen.”<sup>78</sup> Despite his efforts to identify with the deportees and view them as human, their egregious political views rendered any attempts by Vaile to find a common

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<sup>75</sup> “All Pupils to Sign Pledge of Loyalty,” *New York Times*, December 15, 1919.

<sup>76</sup> Memorandum, J. Edgar Hoover to John T. Creighton, August 23, 1919, EGP, reel 64.

<sup>77</sup> “249 Reds Sail, Exiled to Soviet Russia,” *New York Times*, December 22, 1919.

<sup>78</sup> William N. Vaile, “Deportation of Anarchist Aliens: Extension of Remarks of Hon. William N. Vaile” in *Congressional Record*, January 5, 1920, EGP, reel 65.

understanding impossible: a view which supported the governmental policy of deportation despite protests of the practice's inhumanity.

The deportation, believed Commissioner General of Immigration Anthony Caminetti, could persuade the average citizen that law and order still prevailed, for it indicated that the government had triumphed over the "soldiers of disorder." "Speaking for myself, and my colleagues agree with me," summarized Caminetti, "this deportation is a good thing. We believe it will convince those who are left behind and who feel as those who have been deported feel, that the Government is still here." The accounts of Goldman and Berkman as they boarded the *Buford* depicted the pair as ideologically and physically defeated. Noted the *New York Times*, "even [Berkman's] straggling black mustache looked weary."<sup>79</sup> As they were preparing to board the ship, Goldman began one of her characteristic tirades against capitalism, but there was a sense that she was spouting empty words. Dressed entirely in black, she continued to insist that she was an American and that the *Buford* deportation was America's death sentence. But her words fell on deaf ears. As she boarded the *Buford*, one congressman derisively yelled "Merry Christmas, Emma!" to which she thumbed her nose.

## **Conclusion**

With the sailing of the *Buford*, the Department of Justice believed that the worst of the radical problem—namely, Emma Goldman and Alexander Berkman—was gone. The roundup of radicals and the suppression of dissent continued well into the next decade, yet most cases received far less attention. Yet with the continued suppression of radicalism, new definitions of Americanism were advanced. These new definitions sought to include more racial and ethnic groups under the banner of "American," defining Americanism not as a specific racial or ethnic composition, but in terms of

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<sup>79</sup> "249 Reds Sail, Exiled to Soviet Russia," *New York Times*, December 22, 1919.

a specific political ideology and moral behavior. Public and governmental reactions against the hysteria of the Palmer raids pushed new debates over what was more “American”—to endeavor to indoctrinate the immigrant to the American way of life; to hold up some model immigrants as examples and expel those who could not conform; or to grant all equal rights under the rule of law.

## CHAPTER 3:

### Deportation and Americanism, 1920-1924

The deportation debates reflected conflicting views about immigrants and immigration taking shape in the twentieth century as well as a struggle over the true meaning of “Americanism.” To many of the opponents of the Palmer raids, the question was not over the morality of radicalism, but rather whether the practices of the government fit within their conceptions of patriotism and constitutionality. Opponents of deportation, whether liberal elites or the deportees themselves, tapped into a rhetoric of American exceptionalism, rooting the freedom to dissent with the founding fathers. Repression of this fundamental American freedom, they argued, placed the nation in a league with czarist Russia and made a mockery of the ideals Americans had fought so hard to defend in the Great War.

The arguments against U.S. deportation policy in the early 1920s can be grouped into three strands. The first argued against the practice on the basis of its inhumanity. Citing reports of police brutality in the raids, poor prison conditions, and wrecked families, they reasoned that even if the aliens were legally deportable under the current laws, the practice should be made more sympathetic and attuned to the realities of the immigrant’s situation.<sup>1</sup> Another strand argued against deportation on the basis that the often hasty methods employed by those arresting the alleged radicals violated the constitutional safeguard of due process of law. A third argument opposed the grounds on which many of the aliens were apprehended because it flouted the first amendment right to freedom of speech. They believed that no matter how odious the doctrine espoused, it should be tolerated by the state as long as belief was not translated into action. Though opposition to deportation was focused entirely on the left, the liberal camp included both liberal elites, from

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<sup>1</sup> Though deportation was nothing new, it should be noted that the only deportations of which many of the opponents were aware were the dramatic Palmer-raid era mass roundups of white ethnic radicals.

settlement house workers to Harvard law professors, as well as those for whom deportation was a very real threat, the immigrant radicals themselves. Arguments that attempted to arouse the sympathies of Justice Department agents were the least effective, while arguments critiquing the constitutionality of the methods employed by the Justice Department ultimately influenced policy. No singular factor explains the decline of the Palmer raids. The ascension of a Republican congressional majority, waning public support of the Democrat A. Mitchell Palmer, and criticisms of government practices that originated within the government itself all contributed to the decline of the Red Scare.

After the *Buford* deportation, the practice of deportation garnered much less public attention outside of organized labor and legal communities. Yet the lack of articles, editorials, and other texts produced by the American public does not indicate that Americans did not care about the threat of radicalism, nor that other issues were more worthy of their time.<sup>2</sup> Rather, the public as well as the government were beginning to turn against the excesses of the Palmer regime and the dramatic modes in which the raids were conducted. Instead, they looked to more bureaucratic, lower profile modes of radical repression and elimination.<sup>3</sup> The adoption of bureaucratic methods points to the acceptance of deportation as the legal strategy to deal with radicals. As deportation became the responsibility of a new agency, the Immigration Board for Review, Americanization, or the process of cultivating loyal, assimilated citizens, became the mission of governmental and

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<sup>2</sup> The argument that radical fears dissipated in part because Americans were distracted by consumer culture is advanced by Robert K. Murray in his 1954 work *Red Scare: A Study in National Hysteria, 1919-1920* (New York: McGraw-Hill, 1954). Murray's text remains one of the most influential to understanding the Red Scare of 1919-20.

<sup>3</sup> In his book *Rethinking the Red Scare: The Lusk Committee and New York's Crusade Against Radicalism, 1919-1923* (New York: Taylor and Francis Routledge, 2003), Todd J. Pfannestiel argues that the methods of the Lusk Committee, the New York state body charged with hunting down Reds became more focused after 1923, moving from targeting radicalism in all its manifestation to focusing on purging schools of Reds. Like me, Pfannestiel argues that the shift in focus and in tactics was effected by arguments made about the repression of civil liberties, but I extend that argument to encompass the strategy of deportation itself. See Pfannestiel, *Rethinking the Red Scare*, xii.

nongovernmental organizations alike. Americans, it seemed, could no longer afford to assume that Americanization was a natural process; rather, schools, churches, and community centers had to be designed in order to cultivate American values of loyalty, morality, and, above all, patriotism.

### **“The Pendulum of Public Opinion”: The Push towards Bureaucratization**

By 1920, tolerance of the excesses of the Department of Justice was beginning to weaken. The raids of January 2, 1920, conducted against the Communist and Communist Labor parties, were even more extreme than the November raids. On that evening alone, some 2500 arrests in thirty-three cities nationwide were carried out, with promises of more raids to come.<sup>4</sup> In the week following the January 2 raids, the Chief of Military Intelligence, Wrisley Brown, acknowledged the anti-deportation dissenters and hinted that mass deportations would not be the permanent solution to the radical problem. “The effect of the raids on national opinion is decidedly encouraging,” observed Brown privately, “and the sense of the community appears [to illustrate] that the deportation of undesirable aliens is the necessary policy at the present moment and should be pursued with all the legal machinery of the government.” Yet Brown also observed that influential voices were being raised in opposition to mass deportations. He thus expressed rising governmental concern over their actions.<sup>5</sup>

Questions about the humanity of the practice of deportation and of prison conditions were raised by ordinary citizens, radicals, and the National Civil Liberties Bureau.<sup>6</sup> Rather than arguing

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<sup>4</sup> “Raid from Coast to Coast,” *New York Times*, January 3, 1920.

<sup>5</sup> Wrisley Brown, “Weekly Situation Survey for Week Ending January 7, 1920,” EGP, reel 65.

<sup>6</sup> Letter, Emma Goldman and Alexander Berkman to unknown recipient, December 9, 1919, EGP, reel 64; “Worried Lest Family Starve, Deportee Kills Self in Prison,” *New York Call* ca. January 1920, ACLU, reel 6, Vol. 52; “Will Courts Destroy Romance?” *Union Record* (Seattle, Washington), ca. February 1920, ACLU, reel 6, Vol.



that deportation in and of itself was a horrible practice, these groups recognized the inevitable limitations to American citizenship and hoped instead to make the laws more responsive to the individual conditions of the deportees. The amount of time the individual had been in the United States, for example, was a compelling argument against deportation, particularly when the individual had built a family. The National Civil Liberties Bureau evoked a desire for a more sympathetic deportation law, quoting Supreme Court cases in which even the justices admitted the extreme stringency of the laws. In *Redfern v. Halpert* (1911), the individual in question had been in the country since childhood and was deported for immoral behavior. The Court claimed that, in such a case, deportation “is tantamount to exile.”<sup>7</sup> More recent cases, Recht averred, contained a “serious human aspect”: families were more often than not financially dependent on the deportee.<sup>8</sup>

Ultimately, however, the humanitarian arguments against deportation had little weight precisely because images of the radical had stripped away the humanity of the deportees. In response to a letter questioning whether it was true that the families of deportees were suffering as a result of the internment or deportation of their loved ones, Commissioner of Immigration Anthony Caminetti asserted that the situation was an unfortunate but unavoidable effect of the necessary practice of deportation. Caminetti had little sympathy for men whom he claimed had deliberately subjected themselves to deportation by belonging to the radical “class,” endangering not only their citizenship but the livelihood of their families.<sup>9</sup>

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52; all in *The American Civil Liberties Union: The Roger Baldwin Years, 1917-1950: A Microfilm Edition* [hereinafter, *ACLU Papers*], ed. Ben Primer (Wilmington, Delaware: Scholarly Resources, 1996),

<sup>7</sup> Charles Recht, *American Deportation and Exclusion Laws: A Report Submitted by Charles Recht, Counsel, to the N.Y. Bureau of Legal Advice, January 15, 1919* (New York: National Civil Liberties Bureau, 1919), 5.

<sup>8</sup> *Ibid.*, 16.

<sup>9</sup> Letter, Lillian Wald to Anthony Caminetti, January 7, 1920; Letter, Anthony Caminetti to Lillian Wald, February 6, 1920, EGP, reel 65.

In response to criticism that his tactics were similar to those employed by czarist Russia and other oppressive governments, Palmer only attacked the Reds more passionately. Alternating freely between “reds,” “bolsheviki,” “communists,” and “anarchists,” Palmer wrote that the problem was the same. Beyond threatening national security and inciting disorder, the reds had, “infected our social ideas with the disease of their own minds and their unclean morals.” Deportation could then be viewed as a form of social cleansing—Americans, Palmer claimed, only needed to be convinced of the true magnitude of the situation.<sup>10</sup>

Despite the failure of humanitarian concerns, more powerful critiques of the excesses of the Palmer Raids also came from within the government. On January 12, Francis Fisher Kane, the United States Attorney for Philadelphia, resigned in protest of Palmer’s anti-radical methods as well as the repression of civil liberties. But, according to the *New York Times*, Kane resigned out of “tenderness to the communists and other radicals.” The *Times* concluded that, in the Justice Department’s prosecution of radicals, the most difficult to cure of the “Bolshevik disease” would be liberal intellectuals and “boudoir Bolsheviks.”<sup>11</sup> More credence was given to the criticism of congressmen, viewed as outside of the liberal intelligentsia. Discussing the ignorance of many of those arrested, Alabama Congressman George Huddleston asserted that the threat of the “red menace” was nothing more than a scheme by New York financial interests to garner a profit by playing on the fears of ordinary Americans. Accusations of “red” and “Bolshevik” and “I.W.W.,” Huddleston claimed, were mere “stageplay,” adding that there was no danger of revolution in

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<sup>10</sup> A. Mitchell Palmer, “The Case Against the ‘Reds,’” *Forum* 63 (1920): 175-183.

<sup>11</sup> “Enemies of the Republic,” *New York Times*, January 26, 1920.

America. But the *Times* portrayed Huddleston as a crazy liberal and not as representative of the sentiments of the entire government.<sup>12</sup>

### **Protesting the Red Scare**

Though civil libertarians were initially pitted as enemies of the crusade against radicalism, they eventually emerged as defenders of sacred American freedoms. The career of the individual responsible for bringing an end to the excesses of the Palmer Raids, Louis Freeland Post, reveals the changing public opinion. Initially portrayed as a red sympathizer, Post became a real American hero as Palmer was further discredited. When Solicitor of the Department of Labor John W. Abercrombie left his position in March of 1919 to pursue a vacant Senate seat in his home state of Alabama, Assistant Secretary of Labor Louis F. Post assumed responsibility for the deportations. Horrified by the violations of civil liberties and due process he witnessed upon close review of the cases, the progressive and socialist sympathizer canceled nearly 2,000 deportation warrants. Post's actions provoked a massive governmental reaction; he was brought before the House Rules Committee for investigation in April, 1920. The investigation of Post helped bring about the downfall of Palmer and the Department of Justice by exposing the agency's own flaws.

Born on a farm in Warren County, New Jersey, Post was a pro-labor, progressive activist and aspiring politician. In characteristic progressive fashion, he had denounced the political corruption of the Reconstruction era that he witnessed while an attorney in New York and had run for Congress in 1882 on the Greenback-Labor ticket. Though Post lost in this and subsequent campaigns, it did not diminish his political passions. Having failed in politics, Post worked as an editor of various progressive periodicals. Post was never a socialist or anarchist, but he

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<sup>12</sup> "Calls Sedition Bill Free Speech Curb," *New York Times*, January 18, 1920.

sympathized with many prominent American leftists, including Emma Goldman, and wholeheartedly supported women's equality, academic freedom, organized labor, and, above all, unrestricted immigration.<sup>13</sup>

Though Post was upset by the increased repression of civil liberties that accompanied World War I, he justified his actions on the basis of insufficient evidence or denial of due process: nearly all of the pending cases involved alleged membership in the Communist Party of America. Post asserted that, regardless of his own personal persuasion, his sole obligation was to decide whether each individual alien "charged with being a member of the Communist Party was so in fact."<sup>14</sup>

Post's discretion stemmed largely from the correct wager that many of those arrested were not actually Party members, but some were socialists whose Socialist Party meetings had been transferred from other locations; many had no understanding of the difference. Others were at Party headquarters to take advantage of the social services offered by the organization. Post described delving into the "red" records as a moment of realization and determined that "had the facts as they were then thrust upon my attention been generally known, public condemnation of the Department of Justice and its cooperating agencies would have been sure and swift."<sup>15</sup>

Upon review of the cases, Post became disgusted with the Department of Justice's behavior. Without the knowledge of anyone within the Department, Post issued a press release in April 1920, condemning the Department of Justice for its denial of due process, arguing that those arrested often turned out to be "working men of good character, who have never been arrested before, who are not

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<sup>13</sup> Kenneth D. Ackerman, *Young J. Edgar: Hoover, the Red Scare, and the Assault on Civil Liberties* (New York: Carroll and Graf, 2007), 145.

<sup>14</sup> Louis F. Post, *The Deportations Delirium of Nineteen-Twenty: A Personal Narrative of an Historic Official Experience* (Chicago: Charles H. Kerr & Company, 1923), 152.

<sup>15</sup> Post, *Deportations Delirium*, 152, 158.

anarchists or revolutionists, nor politically nor otherwise dangerous in any sense.”<sup>16</sup> Though Post was careful to qualify his remarks by stating that he did not condone acts of violence or abuse of the American hospitality for thousands of immigrants, he stressed that patriotic Americans should be disgusted with such drastic measures taken against well-meaning, innocent aliens.

As proof of the agents’ incompetence, Post presented the case of Thomas Truss, a Polish immigrant then living in Baltimore with his wife and three American-born children. Truss had once joined the IWW to get a job in a clothing factory, but had long since quit: his application for American citizenship was denied as a result of his stint in the union. Upon investigation, Post found that rather than being a violent anarchist, Truss was “a respected member and active worker of the St. Paul Polish Presbyterian Church in Baltimore.”<sup>17</sup> Such a statement illustrates the weight religious affiliation had in determining something of an individual’s moral character: that the person in question was a member of a mainstream, traditionally Anglo-Saxon church denomination (even though it served the immigrant community) removed him from any question of radicalism.

Post’s statement angered J. Edgar Hoover and prompted Albert Johnson, chairman of the House Immigration Committee and trusted ally of Hoover and Palmer to issue a report that claimed Post had violated the chain of command. After a wave of wildcat railroad strikes swept the country, some within the government were determined that this evinced the true sympathies of Post. “We have there in the Department of Labor a man whose sympathies evidently are with the enemies of our Government,” claimed Ohio representative Martin Davey, who added that had Post not been in power, the railroad strikes would not have occurred.<sup>18</sup> In similar fashion (and somewhat childishly)

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<sup>16</sup> “Will Deport Only Real Communists,” *New York Times*, April 10, 1920.

<sup>17</sup> “Will Deport Only Real Communists,” *New York Times*, April 10, 1920.

<sup>18</sup> Davey quoted in Ackerman, *Young J. Edgar*, 267.

J. Edgar Hoover cut an image from a newspaper of Post and drew in red pencil a halo around Post's face, including a poem entitled "The Bully Bolshevik" which claimed that "The 'Reds at Ellis Island/Are happy as can be/For Comrade Post at Washington/Is setting them all free.'"<sup>19</sup>

The Rules Committee met and decided to pursue a vote to "condemn" Post in order to force him to resign. At his hearing, Post defended a narrower view of anarchism than that proscribed by the Act, contending that the Act of 1907 was not intended to exclude philosophical anarchists: and that such provisions had not been meant to exclude pacifistic anarchists such as the Quakers, maintaining instead that it was meant to exclude violent anarchists.<sup>20</sup>

The investigation ultimately reflected a tendency to typecast radicals and portray radicalism as the result of the upper-class exploiting the lower classes. The chairman of the investigating committee, Albert Johnson of Washington, spoke of "high brow" anarchists—an epithet inclusive of "Harvard and Yale anarchists" who "weep in articles about the laboring man but never labored a day in their lives, who prate about the poor and their rights." The chairman demanded to know whether Post thought that the "high-brow" anarchists were more dangerous than "the poor ignorant fellow who is willing to take his hatchet and go out and break up the Government or any of its representatives that he can reach." Post denounced the chairman for using "newspaper epithets" with little basis in reality and asked for specific examples; when the chairman could produce none he instead charged Post with conspiring to prevent the deportation of alien enemies by any means possible.<sup>21</sup>

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<sup>19</sup> Ibid., 274-275.

<sup>20</sup> Post, *Deportations Delirium*, 15.

<sup>21</sup> Ackerman, *Young J. Edgar*, 292.

The investigation further exposed government ineptitude and corruption and ultimately presented Post as a loyal American. Concluded the *New York Evening Post*, “Louis F. Post deserves the gratitude of every American for his courageous and determined stand in behalf of our fundamental rights.” William B. Wilson added further credibility to Post’s actions by sending a letter to the White House claiming that, “Louis F. Post is one of the truest Americans I have ever come in contact with.”<sup>22</sup> If Palmer was the discredited governmental official, then Post had to be portrayed as the complete opposite; as one-hundred percent American. Post’s characterization as a loyal, patriotic citizen reflected the continued dichotomous view of loyalty and patriotism that persisted after the Great War and informed legal measures like the 1924 National Origins and Quota Act. Americanism was either 100% or not at all; the immigrant could either be assimilated or must be expelled.

In the end, Post was insistent that the 1919-1920 events were the result of a “popular delirium” excited by the bombs and that the violations of civil liberties were temporary aberrations from an otherwise orderly bureaucratic machinery. Like others who fought against deportation, their problem with the practice was the ways in which the rounding up of radicals violated civil liberties and threatened institutions. Wrote the Executive Secretary, Judson King, of the National Popular Government League, a group of prominent lawyers who galvanized the anti-Palmer movement, the organization’s sole purpose in publishing the pamphlet *To the American People: Report upon the Illegal Practices of the United States Department of Justice* was to defend “American institutions,” for, “It is against the lawless practices of high officers of the law, sworn to uphold the Constitution and laws, that we protest.”<sup>23</sup> The report prepared for the National Civil

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<sup>22</sup> Post, *Deportations Delirium*, 271, 276.

Liberties Bureau by lawyer Charles Recht was even more sympathetic toward the plight of the radical, but held that “It is not pertinent to discuss here the propriety or moral right of a nation to exclude aliens,” choosing instead to focus its attack on the ambiguities surrounding the use of “anarchy” as a means for exclusion.<sup>24</sup> The reticence of those outside of the radical press to sympathize too much with the plight of the radical can be explained by their own fears. Lawyers who represented people charged with sedition during the war faced intense criticism from the bar association or even disbarment, a threat that continued in the postwar era.<sup>25</sup> Despite these limitations, the influence of the legal community in mobilizing public and mainstream press opinion that previously condoned or overlooked the Palmer Raids cannot be underestimated.<sup>26</sup> Part of the influence of the legal community stemmed from its presumed intellectual authority. Proclaimed the *Nation*, the *Report Upon the Illegal Practices* was “not the work of hysterical sentimentalists or revengeful radicals,” but rather the effort of law professors and deans at America’s most prestigious law schools.<sup>27</sup>

The fight against Palmer’s methods required a new assertion of Americanism. The violations of civil liberties that accompanied the raids constituted a threat to American ideals: Judson King’s prefatory letter to the National Popular Government League (NPGL) pamphlet quoted Justice Charles E. Hughes, who had asserted the right of the five socialists elected to the New

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<sup>23</sup> National Popular Government League, *To the American People: Report upon the Illegal Practices of the United States Department of Justice* (Washington, D.C., National Popular Government League, 1920), unpaginated.

<sup>24</sup> Recht, “American Deportation and Exclusion Laws,” 22.

<sup>25</sup> David Williams, “The Bureau of Investigation and Its Critics, 1919-1921: The Origins of Federal Political Surveillance,” *Journal of American History* 68, No. 3 (December, 1981), 567.

<sup>26</sup> “Palmer Defends Red Deportation,” *Constitution*, June 3, 1920; “Anti-Red Campaign Denounced in East,” *Times Picayune* (New Orleans), May 28, 1920; “Twelve Attorneys Charge Department of Justice with Persecuting ‘Reds,’” *St. Louis Post Dispatch*, May 30, 1920; “Palmer’s Removal Asked on Charges of Violating Law in Wholesale Raids” *New York American*, May 30, 1920, ACLU Papers, reel 6.

<sup>27</sup> Swinburne Hale, “Act-of-Hate Palmer,” *Nation* June 12, 1920.



York Assembly to be seated; that “It is not Socialism, but Americanism that is at stake.”<sup>28</sup> Those who fought the conduct of the Justice Department and A. Mitchell Palmer relied upon a definition of the American system as one that tolerated differences of opinion, invoking America’s history of dissent embodied in individuals such as Thomas Paine and Thomas Jefferson. Paine, reminded the NPGL, had been one of the earliest immigrants, and, “under the present system of exclusion and deportation... would be the first to be branded ‘Anarchist’ and cast off by the very country which he fought so hard and bitterly to establish.”<sup>29</sup>

The response to the delirium had been deportation of the foreign-born because of both association of bombing with “reds,” anti-Bolshevism, and immigrant prejudice that had been brewing for nearly forty years. Post concluded that delirium was nothing more than a repetition of the Know-Nothing Period, but that the main difference was that, in this case, the object of odium had been deported.

Palmer was unrelenting in the wake of preliminary attacks against deportation. After deciding to run for president in March 1920, he was aware that “the pendulum of public opinion” was swinging against him, but continued to predict an imminent Bolshevik takeover. In late April, he warned of massive assassinations and riots in major cities in commemoration of May Day. As an extra precaution, Philadelphia, Washington, and Chicago officials placed guards around important public buildings and the homes of public figures, and, in Chicago, 360 alleged radicals were arrested and jailed for the entire day. But when May Day 1920 came and went without incident, Palmer became the laughingstock of the press. “The joke is certainly on A. Mitchell Palmer, but the matter is not wholly a joke,” quipped the *Boston American*, lamenting the thousands of taxpayer

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<sup>28</sup> National Popular Government League, *To the American People*.

<sup>29</sup> Recht, *American Deportation and Exclusion Laws*, 25.

dollars spent to pay “Mr. Palmer’s agents” to fortify buildings in reaction to the supposed pandemonium. According to the Socialist Party spokesperson Otto Branstetter, Palmer’s “anarchistic outburst” was an attempt to provoke a violent outbreak in a “desperate campaign for the presidency.”<sup>30</sup>

Palmer’s reputation was further damaged when he was called before the House Rules Committee on June 1, 1920, to testify against charges by Louis F. Post and his attorney, Jackson H. Ralston, that he had violated due process by conducting raids without warrants and ordering the immediate deportation of aliens without trial.<sup>31</sup> During his three hour testimony, Palmer defended the actions of the Justice Department, arguing that it would have been impossible to thoroughly investigate the circumstances surrounding all of the accused radicals. Experience had taught him, he claimed, that “individual agitators” were “so migratory in their habits and so cautious in their oral arguments that it was impossible to pick them off one by one.” Thus, it became apparent that if a particular organization was found to be unlawful, “a proper foundation could then be laid against all aliens who had signed pledges of membership in such organizations.”<sup>32</sup> Palmer faced charges of an illegal usurpation of power brought forth by labor unions, congressmen, and notable American lawyers. He testified before the Rules Committee on June 1, 1920, asserting that any charges of misconduct were “deliberate and base falsehood[s] from the pale-pink parlor Bolsheviks and from the mouths of the friends of the radicals.” Palmer’s three-hour testimony concentrated on undermining his critics and defending his own actions as heroic. At the Democratic convention in

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<sup>30</sup> “Socialists Say Palmer Imagined Bomb Plot,” *New York Times*, May 1, 1920.

<sup>31</sup> *Attorney General A. Mitchell Palmer on Charges Made Against Department of Justice by Louis F. Post and Others: Hearings Before the Committee on Rules, House of Representatives, Sixty-sixth Congress, Second Session* (Washington: Government Printing Office, 1920), 3-4.

<sup>32</sup> *Ibid.*, 28.

late June and early July of 1920, President Wilson refused to endorse Palmer or to remove his own nomination.

Acts of violence in connection with radicalism did not decline, but Palmer's diminished power and influence were exposed when a large explosion on Wall Street on September 16, 1920 that killed twenty-nine people and injured hundreds more failed to initiate a panic. Though the *Times* was convinced that this was an act of "organized devilry" that "dwarfed" previous attacks and assassination attempts by other radical elements, the agitators had "failed" in their efforts to do anything but commit an act of terrorism. As the paper pointed out, the bombing had occurred at an hour when no one but the workers and messengers were out.<sup>33</sup> Similarly, the *Cleveland Plain Dealer* asserted that "the federal government is not shaken in the slightest degree," and that the public is "merely shocked, not terrorized."<sup>34</sup>

Palmer was once again brought before Congress on January 19, 1921, under fire for arrests without warrants. Soon after, he announced that he would leave the Justice Department at the conclusion of Wilson's term and open his own law office in Washington. The man originally appointed as attorney general by Wilson in the hopes of moderating wartime excesses had only exacerbated them. Fear of Bolshevism did not dissipate, but the method of coping with it turned more bureaucratic.

### **Constructing Americans**

That a radical problem existed at all suggested to some that something was at fault with the process of Americanization and not with the immigrants themselves. Among the religious

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<sup>33</sup> "Red Plot Seen in Blast," *New York Times*, September 17, 1920.

<sup>34</sup> *Cleveland Plain Dealer* quoted in Ackerman, *Young J. Edgar*, 344.

elements, the failure of Americanization efforts, evidenced by descent into radicalism, meant that religious organizations must step up efforts to provide social services and spread the gospel. Indeed, many of the radicals arrested in the Palmer Raids had been at communist and other radical meeting houses because those organizations frequently provided both social and educational opportunities. If America could not provide the opportunities for advancement immigrant meeting houses could, they reasoned that the radicals would continue to add to their numbers. According to Methodist Episcopal minister and immigrant defender Constantine Panunzio, “the very concept of Christendom renders deportations from one nation to another wholly anomalous.” The presence of political agitators should instead be viewed as an impetus for people to re-evaluate their ideals of America as “the land of milk and honey”—and an opportunity for Christian Americans to serve their foreign brothers through an educational campaign of “Christian Americanism.”<sup>35</sup>

Undergirding the drive for Americanization, in contrast to the position of the Department of Justice, was the belief that the majority of immigrant radicals had not deliberately chosen to become so: instead, unaware of what the groups truly stood for, they had been lured into anarchism and communism by cunning leaders.<sup>36</sup> Within this narrative, all that was needed was to “save” the immigrant from corrupting influences before it was too late. This belief was reinforced in the outline of a novel describing the travails of an ordinary government agent, V.A. Hajek, who was exposed to the seedy anarchist underworld. Hajek “sees with clenched fists” the downfall of innocent girls “by these apostles of prostitution and crime” and how the victims “are pulled down by the persuasive beautiful words and the diabolical shrewdness” of their leaders. While investigating

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<sup>35</sup> John T. McNeill, “It’s a Long Way to Utopia,” *The Biblical World* 54, No. 4 (July 1920), 398-400; George H. Sandison quoted in “The ‘Reds’ Challenge to the Church,” *Literary Digest*, June 26, 1920, 38; Constantine R. Panunzio, *The Deportation Cases of 1919-1920* (New York: Da Capo Press, 1923), 6.

<sup>36</sup> “The ‘Reds’ Challenge to the Church,” *Literary Digest* June 26, 1920, 38; Panunzio, *Deportation Cases of 1919-1920*; Letter, Alice Petrus Hall to William J. Neal, September 18, 1920, EGP, reel 65.

the anarchists, Hajek falls in love with a beautiful Russian anarchist who, under the tutelage of Hajek, becomes “one of the most bitter enemies of the gang when she realizes who they really are” and finds a newfound admiration for her friend who labors to uphold the American flag “amidst this vice, lawlessness, and ruin.” After a series of spy forays and clever detective work, Hajek and his companion foil the anarchists’ plot to initiate a worldwide revolution.<sup>37</sup>

Arguing that deportation only eliminated those who had already succumbed to radicalism, community leaders sought to excise the roots of dissent from their neighborhoods by creating community centers, spaces in which immigrants could socialize free from the “corrupting” influence of radical politics. These community centers could also be used to indoctrinate immigrants with values of patriotism and loyalty to their adopted country. Though Americanization efforts were to be directed towards all immigrants, particular efforts were directed towards the Jews because of rumors that they were behind the Bolshevik movement.<sup>38</sup> According to the *Hudson Dispatch*, supporters of the new Jewish community center being built in North Hudson hoped to mold its patrons into “better Americans and better Jews.”<sup>39</sup> This linkage implied an equation of Americanness with religious devotion: if the political radical was atheistic, the American was defined as religious. However, it also suggested that religious Jews could be considered “American,” that they could retain some aspects of their culture after assimilation. Prominent Jewish businessman Peter Gouled assured the Justice Department that he was working to cultivate Jewish patriotism by requesting that the editor of the *American Hebrew Weekly* issue a

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<sup>37</sup> V.A. Hajek, “My Year and a Half Among the Bomb Throwers,” 1920, EGP, reel 65.

<sup>38</sup> Joseph F. McDevitt, “Agent Report In Re: Emma Goldman, Alexander Berkman, and Mina ‘Lowensohn’—Alleged Jewish Bolsheviki Activities,” January 30, 1920, EGP, reel 65.

<sup>39</sup> “Community Centre Plan Being Backed by Leading Hebrews,” *Hudson Dispatch*, December 27, 1919, EGP, reel 65.

statement pledging that “the vast majority of Jews stand ready to fight tooth and nail any internal enemy of our country.”<sup>40</sup>

Schools were another place to cultivate “American” values. “It is not enough to teach a child economics, civics, and history,” affirmed the American League for Citizenship (ALC), “the schools’ duty is to make *him* a good citizen.”<sup>41</sup> The ALC believed that Americans could be shaped—history, they argued, had proven that the people of any nation could be created by the government of which they were a part—but that they could be shaped for good through the democratic process.<sup>42</sup> The ALC and similar organizations proposed the establishment of summer camps as well as immigrant education classes as means to the end of instill a sense of civic virtue.<sup>43</sup>

## Conclusion

Reflecting on the drastic changes that had occurred in immigration and deportation law in the 1910s and 1920s, Columbia sociologist Jane Perry Clark emphasized the desire for a panacea for the national problems that “war hysteria” and economic depression had generated. As Clark’s study asserted, the “nostrum often advocated for the ills of the United States in the decade from 1920 to

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<sup>40</sup> Letter, Peter Gouled to A. Mitchell Palmer, December 29, 1919, EGP, reel 65.

<sup>41</sup> American League for Citizenship, *To Americans: To All Americans Who Believe, As We Do, That These Things Must Be Done for America, This is a Call to Action* (New York: American League for Citizenship, 1920), 6.

<sup>42</sup> *Ibid.*, 3.

<sup>43</sup> “Roosevelt Camps Planned,” *New York Times*, December 31, 1919.

1930” was “the removal of aliens from the country.”<sup>44</sup> Clark’s 1931 study represented a concerted academic effort to understand the legal questions surrounding a practice that, in the words of the Commissioner General of Immigration, “had only just begun.” Efforts to understand deportation—and questions of the practice’s legality—however, did not occur decades after the 1919 deportations, but rather they began with the waning of the sensationalism and drama that surrounded the 1919 Red Scare. The turn towards more legal, bureaucratic forms of radical and dissent repression must be seen as a response to external as well as internal pressures: in part, the downfall of Palmer but also the legal community’s response to civil liberties violations.

Louis Post’s account, like Clark’s study and the work of the National Civil Liberties Bureau, are also telling for what they left out of the deportation narrative: none considered the deportation of Asian immigrants. Despite Recht’s faith in the League of Nations as an institution founded upon the belief that “the peoples of the earth have so much in common that it is impossible to injure one without injuring all,” he ignored Chinese exclusion cases on the basis that such cases “are in a class by themselves, as this country has always reserved the right to exclude certain types of Asiatics by treaty, law, and precedent.”<sup>45</sup> Recht thus reinforced the prevailing racism of the time and the belief that that Asian immigrants could never be Americanized.

The passage of the Johnson-Reed Immigration Act in 1924 coincided with the termination of line inspection at Ellis Island. Immigrants were no longer physically inspected upon arrival at Ellis Island. Yet the elimination of line inspection at Ellis Island coincided with the introduction of line inspection at the Mexican border. Non-first class Mexican immigrants to the United States, beginning in 1924, were made to bathe and delouse and pass through medical inspection before

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<sup>44</sup> Jane Perry Clark, *Deportations of Aliens from the United States to Europe* (New York: AMS Press, [1931] 1961), 9.

<sup>45</sup> Recht, “American Deportation and Exclusion Laws,” 25 and 4-5.

entering the United States. Immigration officers, as part of the Immigration and Naturalization Service, now also received professional training.<sup>46</sup> Deportation continued to a greater extent than ever before, but the bureaucratization of the process made it seem less tragic.

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<sup>46</sup> Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004), 68, 84.



## Conclusion

In the battle between two conflicting visions of patriotism— one which defined Americanism as the unconditional support of government policy and another which defined Americanism as the freedom to dissent— the latter vision was upheld. Mass deportations of alien radicals ended after 1921 as the unconstitutional repression of civil liberties that occurred in apprehending the alleged radicals was exposed. Yet if it seemed that the free speech advocates had won the battle over deportation, theirs was a pyrrhic victory in the context of the rising anti-immigration sentiment of the 1920s. Fears of alien radicals were subsumed within wider fears of hyphenated Americans. Madison Grant, a leading eugenicist, presented an apocalyptic view of the future of American society in his 1916 work *The Passing of the Great Race*. Grant warned that the physically and intellectually superior Nordic type was being subsumed by swarms of inferior immigrants who negatively impacted the biological and cultural advancement of the race. Eugenics and race science provided nativists with the language necessary to make a convincing case for restriction, citing the incompatibility of the “melting-pot” conception of assimilation with biological facts about inherited traits.<sup>1</sup>

The drastic immigration restriction measures embodied in the 1921 and 1924 Immigration Acts can be viewed as the culmination of years of debate over the potential for assimilation; the accumulation of racial scientific theory about the inferiority of nonwhites; and as a manifestation of the desire to make exclusion and deportation easier. The acts were harbingers of a new era in immigration and deportation law. For the first time, a numerical restriction on immigration was created which established a national and racial hierarchy that privileged white, Western European

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<sup>1</sup> Matthew Frye Jacobson, *Barbarian Virtues: The United States Encounters Foreign Peoples at Home and Abroad, 1876-1917* (New York: Hill and Wang, 2000), 154-161.

immigrants and effectively divided the West from the non-Western world.<sup>2</sup> In 1924, line inspection at Ellis Island was dropped; the immigrant hopeful now received medical inspection in the home country and, barring any medical deficiencies, was permitted entry to the United States solely on the basis of racial and national status, suggesting that the litmus test many Americans had longed for to discern the would-be immigrant's potential for assimilation had finally been realized.

Ultimately, deportation failed as a strategy of social control—as a means to this end, restriction, eugenics, and Americanization efforts proved more appealing (and more cost-effective). Under the quota system, deportation evolved into a form of population management, less about the individual's political ideology or personal characteristics than whether or not the individual exceeded the country's allotment or had entered the United States with the requisite documentation.<sup>3</sup>

Concerns over foreign radicals did not end with the enactment of more stringent immigration laws. Also in 1924, J. Edgar Hoover, the young Justice Department staff member, was appointed director of the Bureau of Investigation (by 1934 the Federal Bureau of Investigation). Though the attorney general enacted measures in 1924 to curb the intelligence-collecting capabilities of the Bureau, fear of domestic Nazi sympathizers and, eventually, communists pushed Franklin Roosevelt to re-institute surveillance capabilities by 1936.<sup>4</sup> Though membership in the Communist Party exploded in the 1930s in the wake of the economic strain of the Great Depression, the party was never a viable political constituency and still carried a stigma: many, particularly those in public fields, hid their membership.

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<sup>2</sup> Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004), 3.

<sup>3</sup> *Ibid.*, 61.

<sup>4</sup> Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Princeton, New Jersey: Princeton University Press, 1998), 88.

Like World War I, the end of the Second World War made domestic communism a threat to national security.<sup>5</sup> Hoover spearheaded the crusade against communism (and the American left), backed by the federal government. Image, as in 1919, informed practice: American communists were perceived to be under the direction of the Kremlin, a supposition that made the pursuit of communists all the more vital. Yet, unlike the Palmer Raids of 1919-20, the crusade against communism was much more controlled. Unlike the Raids, which persecuted thousands of individuals indiscriminately, those brought into question during the era of McCarthyism had some connection to communism, either through current or past affiliation with the Party.<sup>6</sup> McCarthyism, with its wild pronouncements of communist affiliation, was an expression of sentiments that had been building for nearly a century and were held by many politicians.<sup>7</sup> The discrediting of McCarthy, like the discrediting of A. Mitchell Palmer, did not destroy the anti-radical movement: rather, they effected tactical shifts.

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<sup>5</sup> Schrecker, *Many Are the Crimes*, 119.

<sup>6</sup> *Ibid.*, xiv.

<sup>7</sup> *Ibid.*, xii-xiii.

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