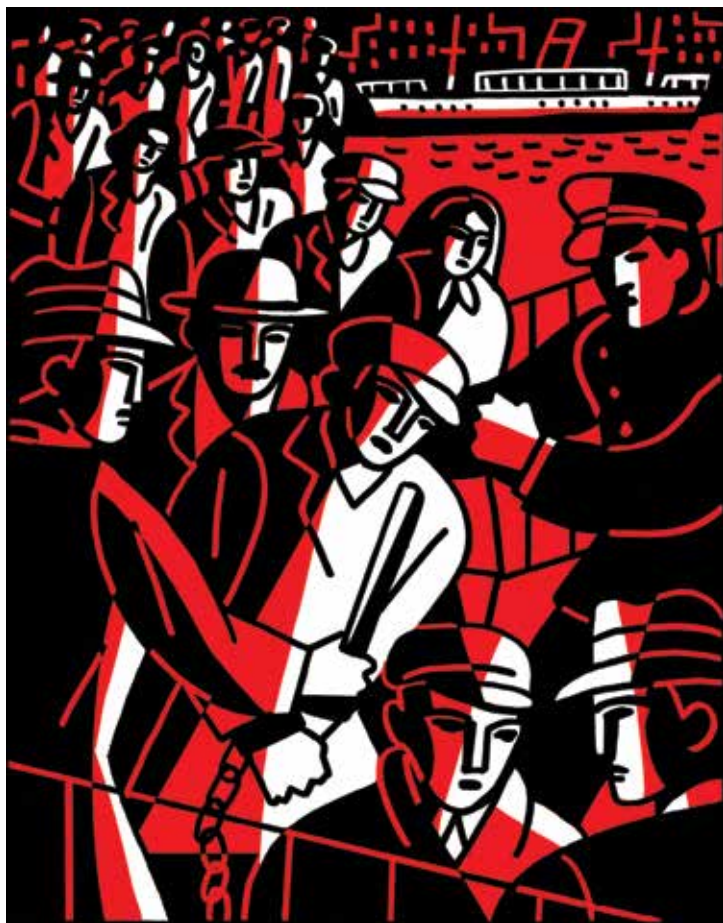


OBSTRUCTION OF INJUSTICE

When mass deportations were planned a century ago, one man got in the way.

BY ADAM HOCHSCHILD



On a winter night a hundred years ago, Ellis Island, the twenty-seven-acre patch of land in New York Harbor that had been the gateway to America for millions of hopeful immigrants, was playing the opposite role. It had been turned into a prison for several hundred men, and a few women, most of whom had arrived in handcuffs and shackles. They were about to be shipped across the Atlantic, in the country's first mass deportation of political dissidents in the twentieth century.

Before dawn on December 21, 1919, the prisoners were roused from their bunks to be packed onto a barge and

transported to a waiting vessel, the Buford, which was berthed in Brooklyn. The Buford was an elderly, decrepit troopship, known by sailors as a heavy "roller" in rough seas. One of the two hundred and forty-nine people who were deported that day, Ivan Novikov, described the scene in the island prison: "It was noisy and the room was full of smoke. Everybody knew already that we are going to be sent out. . . . Many with tears in their eyes were writing telegrams and letters." Many "were in the literal sense of the word without clothes or shoes," he went on. "There was no laughter." Then, as now, deportations severed families: "One left a

mother, the other a wife and son, one a sweetheart."

At 4 A.M., with the temperature in the twenties, shouting guards ordered the captives outside, where a gangplank led to the barge and an attached tugboat. "Deep snow lay on the ground; the air was cut by a biting wind," wrote that day's most famous victim of what she called "deportation mania," the Russian-born anarchist and feminist firebrand Emma Goldman. "A row of armed civilians and soldiers stood along the road. . . . One by one the deportees marched, flanked on each side by the uniformed men, curses and threats accompanying the thud of their feet on the frozen ground."

The mass expulsion was so important to the U.S. government that, despite the hour, a delegation from Washington joined the deportees on the trip across the harbor to the Buford. The group included several members of Congress, most notably Representative Albert Johnson, of Washington State, who was the chair of the House Committee on Immigration and Naturalization as well as an outspoken anti-Semite, a Ku Klux Klan favorite, and an ardent opponent of immigration. Shepherding the party was a dark-haired, twenty-four-year-old Justice Department official who was quietly respectful toward the dignitaries he was with but who would, before long, wield far more power than any of them: J. Edgar Hoover.

Hoover had met Goldman some weeks earlier, in the courtroom where he made the case for her deportation. Now one of the great American radicals of her day and the man who would become the country's premier hunter of such dissidents encountered each other one last time, in the galley of the tugboat. She was fifty, more than twice his age, but they were of similar stature, and would have stood nearly eye to eye, with Goldman looking at Hoover through her pince-nez. One admirer described her as having "a stocky figure like a peasant woman, a face of fierce strength like a female pugilist." Hoover had won this particular match, but, according to a congressman who witnessed the exchange, she got in one last jab.

"Haven't I given you a square deal, Miss Goldman?" Hoover asked, as

The Palmer Raids sought not just to round up "subversives" but to expel them.

they steamed toward Brooklyn in the darkness.

“Oh, I suppose you’ve given me as square a deal as you could,” she replied, two hours away from being ejected from the country where she had lived for thirty-four years and found the voice that had won her admirers around the world. “We shouldn’t expect from any person something beyond his capacity.”

That morning’s mass deportation had been preceded by a crescendo of anti-immigrant rhetoric that will sound distinctly familiar today. “The surest way to preserve the public against those disciples of destruction,” Thomas Edward Campbell, the governor of Arizona, told a conference of newspaper editors on February 22, 1919, “is to send them back forthwith to lands from which they came.” And if native-born Americans were acting un-American, why not deport them, too? Senator Kenneth McKellar, of Tennessee, suggested that they “be deported permanently to the Island of Guam.”

And why not go one step further and strip objectionable people of U.S. citizenship, to make them more deportable? In 1919, alarmed by the growing presence of “peoples of Asiatic races,” the Anti-Alien League called for a constitutional amendment “to restrict citizenship by birth within the United States to the children of parents who are of a race which is eligible for citizenship”—i.e., whites. Senator Wesley Jones, of Washington State, promised to introduce such a measure—a proposal not unlike today’s calls to end birthright citizenship. That May, a cheering convention of the American Legion demanded the deportation not only of immigrants who evaded military service during the First World War but of *any* men who evaded service.

What made high-ranking government officials so passionate about deportations that they would get up in the middle of the night to ride through freezing wind across New York Harbor? One factor was the Bolshevik seizure of power in Russia in Novem-

ber, 1917, which political and corporate leaders feared might incite militant labor unionists in the U.S., who had already shaken the country with a stormy, decade-long wave of strikes. Lenin had written a “Letter to American Workingmen” declaring “the inevitability of the international revolution.”

Postwar economic turmoil promised to make the country more vulnerable than ever to radical doctrines.

For these officials, the most worrisome left-wing group was the Industrial Workers of the World, known as the Wobblies. The I.W.W. had more flash than breadth—the number of members probably never exceeded a hundred thousand—but the Wobblies caught the public imagination with their colorful posters, stirring songs, and flair for drama.

The Justice Department began a nationwide crackdown in September, 1917, raiding all four dozen I.W.W. offices and the homes of many activists. In sealed boxcars, Wobblies from around the country were brought to Chicago’s Cook County Jail. When they received news of the Bolshevik takeover in St. Petersburg, they celebrated by singing and banging tin cups on their cell bars. A hundred and one leading Wobblies were charged with violating a long list of federal laws as part of a mass trial—still the largest in American history—that ran through the spring and summer of 1918. The jury took a mere fifty-five minutes to render its verdict, finding all the defendants guilty on all counts. They were sentenced to an average of eight years in prison. Tons of I.W.W. records, which the Justice Department had seized in the raids, were later burned.

Fear of bolshevism blended with a long-standing hostility toward certain classes of immigrants. By 1890, those coming ashore at Ellis Island were no longer from places like Britain and Germany; the great bulk were now from Italy, Eastern Europe, or the Russian Empire, and they were Catholic, Eastern Orthodox, or Jewish. There were a lot of them, too: by 1900, the majority of men in Manhattan over

the age of twenty-one were foreign-born.

Many Americans shared the resentment voiced in a book published in 1902: “Throughout the [nineteenth] century men of the sturdy stocks of the north of Europe had made up the main strain of foreign blood which was every year added to the vital working force of the country . . . but now there came multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland, men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence; and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population.” The writer of these words was a young Princeton professor, who, a decade later, would become the President of the United States: Woodrow Wilson.

His feelings were echoed widely among the American establishment. The Massachusetts senator Henry Cabot Lodge was a prominent political enemy of the President’s, but he completely shared Wilson’s attitude on this score. In a speech to the Senate about the need to restrict “undesirable immigrants” who came from the “races” he found “most alien,” he invoked Thomas Bailey Aldrich’s poem “Un-guarded Gates,” which compared such people to the “thronging Goth and Vandal [who] trampled Rome.” For Lodge and others anxious to restrict immigration, Eastern European Jews were definitely among the undesirables. The historian Henry Adams, a friend of Lodge’s, declared that “the Jew makes me creep” and wrote of a “furtive Yacoob or Ysaac still reeking of the Ghetto, snarling a weird Yiddish.” The novelist Henry James was disgusted by the people he saw “swarming” on New York’s heavily Jewish Lower East Side, who reminded him of “small, strange animals . . . snakes or worms.”

These immigrant swarms, politicians claimed, were not just unseemly; with their affinity for radical movements, they were a threat to national security. Many leftists, like Goldman, were Jewish, and the most violent anarchists were largely Italian-American. In June, 1919, one of them managed to blow



himself up as he was planting a bomb at the Washington, D.C., home of Wilson's Attorney General, A. Mitchell Palmer, and among the items he left at the scene was an Italian-English dictionary. The Socialist Party had a high proportion of foreign-born members, and the pro-Socialist press included newspapers like New York's *Robotnik Polski* and Chicago's *Parola Proletaria*.

The tenor of the deportation frenzy was heightened by the upcoming 1920 Presidential election. Several of those hoping to succeed Wilson saw great potential in promising to deport troublemakers. A leading Republican contender was Major General Leonard Wood, a dashing hero of the Indian Wars and a former Rough Rider, who captured headlines in 1919 for leading military forces against strikes and race riots in the Midwest, and who at one point put Gary, Indiana, under martial law. "Deport these so-called Americans who preach treason," he told an audience in Kansas City.

Another Republican candidate, the president of Columbia University, Nicholas Murray Butler, said in a speech, "Today, we hear the hiss of a snake in the grass, and the hiss is directed at the things Americans hold most dear." He called for deporting "Reds" to the Philippines. The Republican senator Miles Poindexter, of Washington State, also eyeing the Presidential nomination, called on the government "to deport every alien Bolshevik and to punish rather than protect those who practice their savage creed in this country." Poindexter suggested that Attorney General Palmer was pursuing the deportation of these savages with insufficient vigor: "The government had positively refused in many cases to allow them to go."

But Palmer, a Democrat, had his own hopes for the Presidency. An imposing-looking man with a shock of gray hair who wore three-piece suits crossed by a watch chain, he was not about to let anyone outflank him in enthusiasm for deportations. And, unlike the out-of-power Republicans, he had the authority to back up his words. Raised as a Quaker, Palmer had declined the position of Secretary of War, when Wilson had offered it, in 1913, but, when he accepted an appointment

as Attorney General, in 1919, his faith did not prevent him from waging a kind of domestic war the likes of which the United States has seldom seen.

The bombing of Palmer's house, which was clearly intended to kill him, his wife, and their ten-year-old daughter, understandably left him terrified. Eight other bombs went off the same night, mostly at the homes of prominent politicians or judges. Some five weeks earlier, a mail bomb had exploded in the home of a former U.S. senator from Georgia, blowing off the hands of his maid, and thirty-five additional mail bombs addressed to Cabinet members, judges, and business moguls were intercepted before they could go off.

Immediately after the spate of bombings, Palmer founded the Radical Division of the Justice Department to track subversive activities of all kinds, and he put J. Edgar Hoover in charge. This post, as Kenneth D. Ackerman shows in his biography "Young J. Edgar," was a key step on this precocious man's path

to power. Hoover, during an earlier job at the Library of Congress, had come to love the great information-management technology of the day: file cards. Within two and a half years in his new job, he would amass a database of four hundred and fifty thousand cards on people and organizations, carefully linking them to documents in the Radical Division's files.

To those in power, signs of a simmering revolution were everywhere. Two rival Communist parties each promised to reproduce on American soil the Bolshevik takeover. In 1919, amid the largest strike wave in U.S. history, one in five workers walked off the job—everyone from telephone operators to stage actors. An unprecedented general strike briefly brought Seattle to a halt. In September of that year, most Boston police officers went on strike. If even those sworn to defend law and order were in rebellion, what could come next? Senator Henry Myers, of Montana, warned that if America did not hold firm it would "see a Soviet



"Remember, fall is just one of many reasons you shouldn't leave your mother to go live in California."

government set up within two years."

At the same time, agents provocateurs played a significant role in the turbulence. Many came from the ranks of private detectives; the three biggest such firms had a hundred and thirty-five thousand employees. In July, 1919, the U.S. attorney in Philadelphia wrote to Palmer to tell him that many of the most extreme agitators were undercover operatives "actively stirring up trouble" because "they know on which side their bread is buttered." Justice Department officials in Los Angeles concluded that private detectives, in order to create more business, had planted bombs in nearby oil fields. But none of this deterred Palmer, who was now on an anti-dissident crusade, with mass deportations as his main goal. Ninety per cent of Communist and anarchist agitation, he maintained, "is traceable to aliens."

Millions of immigrants, even if they had arrived decades earlier, had never bothered to become American citizens. The bureaucracy of doing so could seem intimidating, especially for those who didn't speak English well, and naturalization hadn't seemed important at a time when the country pro-

fessed to welcome newcomers. Now, however, lacking citizenship became an enormous liability. Emma Goldman, a prime target, was under close surveillance—her mail was opened, her phone calls were tapped, and her secretary, unbeknownst to her, was a government informer. Goldman believed that she had become a citizen thirty-two years earlier, by marrying a naturalized immigrant, Jacob Kershner. But Hoover contended that the rabbi who performed the ceremony was not properly ordained; moreover, two decades after their divorce, Kershner's citizenship had been revoked, because he had falsified something on his original application. It was deemed that Goldman had thus lost her status as a U.S. citizen as well, and could be duly shipped off on the Buford.

The crackdown at the time of Goldman's deportation came to be known as the Palmer Raids, although they were planned and closely supervised by the much younger Hoover. The first big raid rounded up members of the Union of Russian Workers, an avowedly anarchist organization that also offered classes and social activities. Offices of the union in more than a dozen cities were raided during the night of No-

vember 7, 1919—pointedly, the second anniversary of the Bolshevik coup—and 1,182 people were arrested and interrogated. A far larger number were roughed up, briefly detained, and then let go. Hoover's agents were helped by local police. A raid of offices near New York's Union Square, where members of the anarchist group had been attending night-school classes in mathematics and auto repair, left the building looking "as if a bomb had exploded in each room," the *New York World* reported. "Desks were broken open, doors smashed, furniture overturned and broken, books and literature scattered, the glass doors of a cabinet broken, typewriters had apparently been thrown on the floor and stamped on," and there were "bloodstains over floor, papers, literature &c." The *Times*, although it backed the arrests, acknowledged that "a number of those in the building were badly beaten by the police during the raid, their heads wrapped in bandages." The raids, which were recorded by newsreel-makers for greater impact, produced the outcome that Hoover and Palmer wanted: foreign-born radicals began filling immigration prisons like the one on Ellis Island. President Wilson, incapacitated by a stroke at the time, never publicly addressed the raids, but just before falling ill he had spoken of the "disciples of Lenin in our own midst," from whom "poison has got in the veins of this free people."

The Palmer Raids reached their climax on January 2, 1920, with night sweeps in more than thirty cities and towns. Their professed targets were the two Communist parties, whose combined membership was no more than forty thousand but was ninety per cent immigrant. Many of those arrested had only a tangential connection, if any, to the Communists, including, in Nashua, New Hampshire, a hundred and forty-one Socialists. In nearby Manchester, it was everyone dancing at the Tolstoi Club; in Chicago, all the patrons at the Tolstoy Vegetarian Restaurant; in Lynn, Massachusetts, thirty-nine bakers, a third of them American citizens, in the middle of a meeting to discuss forming a coöperative; in New Jersey, a group of Polish-Americans soliciting money

for a funeral; in Philadelphia, the members of the Lithuanian Socialist Chorus, mid-rehearsal. There are no complete records of how many people were seized, but a careful study by the Danish scholar Regin Schmidt estimates the total arrested in the Palmer Raids at ten thousand.

More than five hundred of those arrested were jammed into quarters at Ellis Island, which ran out of cots and bedding. Several inmates died of pneumonia. In Detroit, some eight hundred men and women were held for up to six days in a narrow, windowless corridor of a federal building, with a bare stone floor to sleep on and one toilet and one drinking fountain. They were without food for twenty hours, and then could eat only what their families and friends brought them. In Boston, a hundred and forty prisoners in chains and leg irons were marched through the city's streets, then locked up in an unheated prison on an island in the harbor. One despairing prisoner committed suicide by jumping from a window.

A. Mitchell Palmer, with one eye on justifying these mass arrests and the other on his Presidential campaign, issued a series of press releases. One was headed "WARNS NATION OF RED PERIL—U.S. Department of Justice Urges Americans to Guard Against Bolshevism Menace." The department's press office distributed photographs of prisoners, taken after they had been jailed for days without the chance to shave or wash, captioned "Men Like These Would Rule You." And Palmer published a magazine article warning that Communism "was eating its way into the homes of the American workman, its sharp tongues of revolutionary heat were licking the altars of the churches, leaping into the belfry of the school bell, crawling into the sacred corners of American homes, seeking to replace marriage vows with libertine laws." (In fact, a survey by a church organization found that a large majority of the arrested men—eighty per cent of whom had lived in the United States for at least six years—were married.)

The arrests continued, and Palmer promised that deportations by the thousands would follow. New Yorkers would soon find, he told an audience in the city, a "second, third, and fourth" ship

like the Buford, "sailing down their beautiful harbor in the near future." Hoover personally led a raid in New Jersey in February, 1920, and Palmer began predicting that a nationwide Communist uprising would erupt on May Day of that year.

Palmer and Hoover had assumed that they could deport most of those seized in the raids. A high proportion were non-citizens, and a law passed in 1918, during the martial fervor of the First World War and the anti-Bolshevik hysteria, said that any alien who advocated anarchism or violent revolution, or who belonged to an organization that did so, could be expelled. There was, however, one considerable roadblock: although it was Palmer's Justice Department that had the power to arrest people, deportations were under the authority of the Immigration Bureau, which was part of the Labor Department.

Then something happened that neither Hoover nor Palmer anticipated. Two and a half months after the Buford had sailed, and just as the two men were hoping to deport many more shiploads of newly arrested "undesirables," the Secretary of Labor went on leave, to tend to an illness in the family; his replacement resigned; and a seventy-year-old man named Louis F. Post became the acting Secretary of Labor.

Post was no typical bureaucrat. His wire-rimmed glasses, Vandyke beard, and thick head of dark hair combined to give him a striking resem-



blance to the man then commanding Soviet Russia's Red Army, Leon Trotsky. As far as Palmer and Hoover were concerned, he was just as dangerous.

He was born on a New Jersey farm in 1849 and, though too young to serve in the Civil War, was imbued with abolitionist zeal. As a boy, he talked to the free black handyman who worked

for his grandfather and noticed that the man had to eat at a separate table. As a young man, Post spent two years working in the South during Reconstruction and saw how white Southerners foiled all possibility of advancement for the former slaves who hoped for equal rights at last. He served as a court reporter in a series of South Carolina trials in which Ku Klux Klansmen were convicted of murder—only to see President Ulysses S. Grant pardon most of the Klansmen several months later. He returned North, where he became a prosecutor and then a private attorney in New York City. The work left him uninspired, but he acquired a keen sense of the law that he was able to put to extraordinary use decades later.

Journalism, first on the side but eventually full time, became Post's calling. While running the opinion pages of a lively pro-labor daily, the *New York Truth*, he supported the campaign that established Labor Day. Along the way, he became a convert to Henry George's single-tax movement, which advocated a land tax meant to discourage speculators from getting rich by acquiring land and leaving it idle, impoverishing those who could have put it to good use. A friend of George's, Post in effect became the leader of the single-tax movement after George's death, in 1897, and toured North America lecturing on the subject. As the editorial writer for the *Cleveland Recorder*, Post crusaded against industrial monopolies and in favor of workers' rights. By the turn of the century, he and his wife had started a Chicago-based magazine, *The Public*, which denounced American colonization of the Philippines, the power of big business, and racial discrimination while supporting women's rights and unrestricted immigration. Post had been impressed by the promises of reform that helped Woodrow Wilson first get elected President, and, in 1913, when offered a position in the brand-new Department of Labor, he happily accepted.

Post knew, and had published, many of the leading reformers and radicals of the day. Indeed, Emma Goldman had been a dinner guest in his home, and he had managed, in 1917, to prevent her from being deported, although he was

powerless to do so two years later, when the laws had been tightened. Being in government did not tame him: as the Assistant Secretary of Labor, he had boldly written to President Wilson suggesting a blanket pardon for jailed draft resisters. As for anarchists, Post knew that some practiced violence, like the man who had bombed Palmer's home, but he argued that anarchist ranks also included "apostles of peace," like the followers of Tolstoy, who were "supremely harmless." It was "perverted," he wrote, to lump them all together as people to be deported.

Now, in charge of the Department of Labor, Post proved a shrewd investigator and decisive reformer. When he discovered that many of the raids had been made without warrants, or with warrants based on faulty information, he invalidated nearly three thousand of the arrests. He found that prisoners had been questioned without being informed that their answers could be used as evidence against them and without being given access to lawyers. In response, he ruled that any alien subjected to the deportation process was entitled to full constitutional safeguards. Post learned that many people taken in the raids hadn't known that one of the Communist parties listed them as members; these factions had seceded from the Socialist Party and were intent on claiming as large a membership as possible. He ordered the release of many of those still held in immigration prisons like the one on Ellis Island; he slashed the amount of bail for others. Palmer and Hoover were furious.

Public opinion, however, slowly turned in Post's favor. Quoting an unnamed commentator, Representative George Huddleston, of Alabama, said that some of the supposedly dangerous "Reds" targeted for expulsion probably didn't know the difference between bolshevism and rheumatism. A federal judge in Boston ordered a group of immigrants to be released from custody, declaring that "a mob is a mob, whether made up of government officials acting under instructions from the Department of Justice, or of criminals, loafers, and the vicious classes." Despite the estimated ten thousand arrests made amid the Palmer Raids

and the 6,396 deportation cases that Hoover's Radical Division prepared during this period, Palmer succeeded in deporting fewer than six hundred radical immigrants.

The Attorney General condemned Post's "habitually tender solicitude for social revolution and perverted sympathy for the criminal anarchists." Privately, Palmer suggested that Post was "a Bolshevik himself." Palmer and Hoover sought to discredit Post and get him impeached by Congress. A three-hundred-and-fifty-page file on Post attempted to tarnish him with evidence about everything from contacts with I.W.W. members to his advocacy of divorce reform. The House Rules Committee, supplied with this file, called Post in for ten hours of testimony. But he acquitted himself brilliantly, and the committee could find no grounds for impeachment.

Palmer's Justice Department continued to issue dire warnings, almost daily, of the nationwide Communist uprising predicted for May Day, 1920. As the date approached, New York City's police force was put on twenty-four-hour duty; Boston stationed trucks with machine guns at strategic locations. In Chicago, three hundred and sixty local radicals were arrested and put in preventive detention.

May Day came and went. Nothing happened. Yet the silence turned out to be an event in itself. It deflated the national hysteria about arresting and deporting "Reds," and helped kill Palmer's campaign for the Presidency. Nor did any of the three Republicans who had thundered about deportation become his party's choice. The eventual candidate and victor was Warren Harding, a Republican who declared that "too much has been said about bolshevism in America," and campaigned for a "return to normalcy." The Republican Party platform that year rebuked the "vigorous malpractice of the Departments of Justice and Labor."

Owing in part to Post's courage, normalcy did not include mass deportations on the scale that people like Hoover and Palmer had hoped for. But a larger battle was lost, since pressure for deportations has always been linked to another cause: keeping people out in the first place. In 1924, Congress

passed a law that, for the next four decades, slammed the door on all but a tiny trickle of immigrants. It barred Asians from entering the United States and assigned country-by-country quotas, set to reflect the American population as it had been in 1890—when the proportion of Eastern Europeans, Italians, and Jews was small. The law bore the name of its principal author, Representative Albert Johnson, one of the men who, along with Hoover, had seen off the Buford and its cargo of deportees from New York Harbor. It was the Johnson-Reed Act that, years later, would prevent untold numbers of people trying to flee the Holocaust from finding shelter in the United States.

Post did not live to see that shame; he died at the age of seventy-eight, in 1928. But he died proud. He had entered the Wilson Administration expecting to fight for workers' rights, but ended up fighting a very different battle. When faced with a challenge he had never anticipated, he rose to it magnificently, saving thousands of people from being expelled from the country. Moreover, his example emboldened others to speak out. It was only after Post had spent several months publicly stopping deportations that a group of a dozen distinguished attorneys, law professors, and law-school deans, including the future Supreme Court Justice Felix Frankfurter, issued a report denouncing the Justice Department's many violations of the Constitution in carrying out the Palmer Raids. The report was accompanied by sixty pages of material, from sworn statements of witnesses to photographs of bruised and beaten prisoners.

The report had a big impact on members of Congress and the press. Few were aware that two of the people who had helped prepare it were close allies of Post, and that Post almost certainly supplied much of the information in it. Post was both a man of high principle and a master of bureaucratic maneuvering—a rare combination. "He struggled without ceasing to preserve our liberties and to enlarge them," the Supreme Court Justice Louis Brandeis wrote after Post's death. "He resisted the clamor of stupid intolerance. He exposed its shameful, ruthless lawlessness." ♦