A. MITCHELL PALMER

Taken by Harris and Ewing, Washington, D. C., this picture was obtained by Leslie B. Carlton, photographer, from Charles R. and Alex Bensinger, Stroudsburg, Pa.
THE POLITICAL CAREER OF
A. MITCHELL PALMER

By Donald Johnson*

THE recent passing of a "red scare" and of its principal author, the late Senator Joseph R. McCarthy of Wisconsin, has brought a renewed interest in another and earlier "red scare," the one which followed the First World War. It has also brought a renewed interest in the principal figure of the earlier "scare," a Pennsylvania politician by the name of Alexander Mitchell Palmer, who became Attorney General of the United States in March, 1919, just four months after the war had ended. In many ways, the two scares resemble each other. Both followed great wars. Both were attended by rapid inflation and numerous strikes. Both found public opinion intolerant toward expressions of radicalism and indifferent to the traditional liberties of speech, press, and assembly. In both instances an enraged citizenry either encouraged or acquiesced in the investigation, interrogation, exposure, and suppression of those persons who would radically change the fabric of American life.

What has led historians to call these occurrences "red scares" has been the feeling that in neither period was the "radical" a serious threat, and the belief that in both cases suppression went beyond the radical to include the liberal and even the conservative. The person who tried to protect the legal rights of the radical, it is believed, became as suspect as the radical himself. Nonetheless, some distinguishing features, peculiar only to the first of these scares, must be noted. It had a short duration, the range of its greatest intensity extending over a mere nine months, between May, 1919, and January, 1920. It confined itself almost entirely to "alien" radicals or to those who sympathized with alien radicals.

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Finally, its leadership was centered in the executive, rather than the legislative, branch of the national government. Its chief spokesman, in the sense that he became the symbol of what Louis F. Post has called the “deportations delirium of 1920,” was Attorney General A. Mitchell Palmer.

Palmer’s personality is a difficult one to analyze. Private correspondence or personal memoirs that might lead to an adequate understanding are either non-existent or not presently available. No one has yet attempted a full-length biography. Contradictions, or seeming contradictions, in his behavior are as numerous as they are puzzling. Palmer could direct the Department of Justice in a nationwide campaign to annihilate communism in such a fashion that one magistrate exclaimed, “More lawless proceedings are hard to conceive.” Yet he was a Quaker, and professed an aversion to violence in any form. The radicals that Palmer pursued had initially won public disfavor because they objected to war; while Palmer himself abhorred war on religious grounds, he appeared to have no compassion for those who abhorred war on political grounds. At one point Palmer voiced the wish that “any man might set up his camp chair and talk of any change to the system of government he might wish to talk of freely or openly,” and yet at approximately the same moment he was urging upon Congress an all-inclusive bill that would penalize any act of “hate” against an official or employee of the government (for this, Swinburne Hale dubbed him “Act-of-Hate Palmer”).

3 Judge George W. Anderson, quoted in New York Call, April 26, 1920.
4 It is interesting that Palmer was never critical of the anti-war philosophy of the radicals. He concentrated upon their advocacy of revolution. It will be pointed out later that Palmer rejected the Secretaryship of War on the ground that his Quaker faith forbade it.
He once characterized communism as a "criminal and dishonest scheme," but concurrently acknowledged that "unrest and [the] tendency toward radicalism arise from social and economic conditions that are of greater consequence than the individual person." He could insist that alien radicals “go back to the countries from which they came,” and yet believe that the American Socialist Party was “loyal,” even though “radical,” and object when the New York Legislature ousted six of its Socialist members. All of these conflicting sentiments reveal a logic that had baffling dimensions. My purpose in this article is neither to explain Palmer’s logic nor to give his life history, but merely to outline some of the more conspicuous aspects of his career and suggest some of the motives that may have guided him. One of these motives, for example, was a desire to be President, and many of his changing attitudes and conflicting sentiments may be comprehensible only because they reflected the popular attitudes and sentiments of what he conceived to be his constituency.

A. Mitchell Palmer lived most of his childhood and early adult life in the small but prosperous community of Stroudsburg in the Pocono Mountain region of eastern Pennsylvania. He left for a short time to attend Swarthmore College and graduated from that institution with highest honors. He then launched upon a career in law, opening his Stroudsburg office in 1893, and for fifteen years enjoyed a lucrative practice. His interest in politics brought him into the Democratic Party, which happened to be the dominant party in his area, and he rose in time to be a state executive committeeman. Not until 1908 did he consider trying for an elective office. He regarded himself a “progressive,” and had no difficulty securing the endorsement of his party. He won the election on his first try, and went to Washington as a representative of the 16th Congressional district of Pennsylvania.8

He immediately established himself as a determined and loyal “progressive.” In the raging tariff controversy that was to culminate in the Payne-Aldrich Act, Palmer favored the lowering

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of rates. The existing tariff, he declared in his first address to the House, was a class measure that taxed the many to enrich the few; a lower tariff would mean a loss in revenue, but Congress could compensate for this loss with an inheritance tax that would draw back into the treasury some of the wealth amassed under high Republican duties. On almost every issue he voted with his progressive colleagues, supporting conservation, postal savings, currency reform, and a graduated income tax. Women suffrage and child labor bills he introduced himself. Palmer’s record as a progressive legislator is indisputable.

He was among the earliest supporters of Woodrow Wilson for the Presidency, having offered his support in the summer of 1911. Wilson reciprocated the friendship and made Palmer floor manager at the Democratic convention in 1912. Wilson’s general manager William F. McCombs thought that “Palmer’s first choice was himself,” but Wilson believed otherwise, and later repudiated McCombs but never lost faith in Palmer. William G. McAdoo thought Palmer “devoted heart and soul to the Wilson cause,” and most of the other men in the Wilson ranks were in hearty agreement. The rumor was that Palmer almost succumbed to the tempting offers of Champ Clark, who was also fighting for the nomination, but there is no clear evidence that Palmer wavered for a moment in his allegiance to Wilson. Yet, when Wilson began to select his cabinet officers after the election, he was able to find no place for the Pennsylvanian. This was not the result of any qualms about Palmer’s loyalty. Wilson wanted Palmer in his cabinet, preferably as Attorney General, but he relied most heavily on the advice of Colonel Edward House, who did not like Palmer and wanted James C. McReynolds for At-

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9 Congressional Record, XLIV, 696-699.
10 Ibid., XLV, 9027, 7766-7768; L, 5127-5129, 1250.
14 William G. McAdoo, Crowded Years (Boston: Houghton Mifflin Co., 1931), 147, 156.
torney General. No other position could be found, unless Palmer wanted the Secretaryship of War, and he refused this on the ground that his Quaker principles forbade it.

Palmer had to remain in the House of Representatives and wait. In 1914 Wilson asked him to run for the Senate against the notorious Boies Penrose, and Palmer was reluctant but finally agreed to do so. He fought a hard campaign, but Pennsylvania was solidly Republican and he lost. Now he had no political office whatever, and Wilson was still unable to find an acceptable position in the government. Under the circumstances he returned to Stroudsburg and resumed the practice of law, continuing an active participation in the Democratic Party politics of his state. Rumors circulated from time to time that he might be a federal judge or an advisor to the State Department or Attorney General, but as it happened he remained in relative obscurity for more than two years. Finally, Wilson found an opening. In October, 1917, he appointed Palmer to the newly created war post of Alien Property Custodian.

This position was an important and challenging one. The Trading-With-the-Enemy Act required the Alien Property Custodian to seize all enemy property and manage it until the war ended. Later Congress authorized Palmer to sell the seized holdings, and this action enhanced considerably his powers and responsibilities. If he retained the property, he was responsible for its proper management. If he chose to sell it, he had almost limitless power to sell at any price he deemed reasonable. Such authority had its dangers. It left the Alien Property Custodian wide open to charges of mismanagement or fraudulent sale, and Palmer did not escape such criticism, but no critic ever sustained a charge of improper conduct against him. In spite of much damaging criticism, the

18 New York Times, March 10, June 6, July 23, November 14, 1915; October 20, 1917.
office proved a golden opportunity for his political future, if in fact he was making plans. It publicized his name and talents. His operations were constantly before the public; often they made front page news. He did not suffer that agonizing obscurity that so often meets the minor public official. The office was helpful in still another sense. It established contacts and friendships for him. It is significant that when he ran for the Presidential nomination in 1920, most of his financial contributors had either managed or sold property under his direction.29

From the beginning Palmer had higher ambitions than to be Alien Property Custodian. To be sure, its duties offered no small degree of fame, but the subordinate and temporary nature of the office was distasteful. His opportunity finally arrived when Attorney General Thomas W. Gregory resigned in 1919. President Wilson was perhaps anxious at that time to appoint a recognized progressive to replace Gregory, who had been severely reproved for the unfeeling and ruthless treatment he had given to those who had opposed the war. People had gone to jail for sentiments muttered in the heat of arguments with friends, or for criticisms which in any normal period would have been accepted as legitimate expressions of political discontent. Gregory had allowed the organization of civilian "vigilante" committees that had spied on citizens, directed mob raids and tar-and-feathering parties, and in general violated more laws than had the alleged enemy aliens they pursued. Gregory had raided every I.W.W. office in the country and had begun the prosecutions which were eventually to destroy that union’s organization. He had rounded up deserters and draft dodgers in such a fashion that one conservative newspaper called his actions a "monstrous invasion of human rights."30 It is at least plausible that Wilson longed for some Quaker tolerance in that office. Joseph Tumulty insisted that the progressives

wanted Palmer for Attorney General, and the President willingly appointed him. He assumed his new duties on March 5, 1919.22

Palmer did not, as many has expected, introduce wholesale and immediate changes. He refused to drop the prosecutions then in progress against the I.W.W. He continued to prosecute individuals under the wartime Espionage and Sedition acts, though with considerably less vehemence than had been shown by his predecessor.23 He did, however, immediately adopt an aggressive attitude toward "enemy aliens." During the war the government had imprisoned some 4,000 enemy aliens, and Palmer believed many of them to be dangerous because they advocated anarchy or revolution. He estimated that about 1,400 of these aliens were "dangerous," and yet he could deport only about 700 of them lawfully—either on the ground that they wanted to go home, or because they belonged to an organization like the I.W.W. which advocated violent overthrow of the government. As for the other revolutionists, those who were not members of revolution-preaching groups, he had no power except to set them free. He pleaded with Congress to give him "power to deport the most dangerous of these alien enemies."24 But Congress did not appear interested.

Not until the formation of the Communist and Communist Labor parties in September, 1919, was the Attorney General's power augmented measurably, and then only because these new parties openly advocated revolution.25

On the whole, Palmer's early weeks in office were noticeably quiet. In contrast to his predecessor he seemed to have tact and judgment. The trend toward leniency was unmistakable, but it was not to last. Three factors operated to change the trend. In

22 Palmer was not confirmed by the Senate until after a long investigation. There were charges that he had paid excessive fees to lawyers, and the American Defense Society protested against his anti-war principles. See United States Senate, Hearings On the Nomination of A. Mitchell Palmer to be Attorney General (Washington: Government Printing Office, 1919). He was finally confirmed on August 29, 1919.

23 His policy was to continue prosecutions then pending in the courts, but he did not introduce any new cases. New York Evening Post, September 28, 1920. Albert De Silver, director of the National Civil Liberties Bureau, wrote to Louise Connelly on April 30, 1919, that Palmer "is a much better man than Gregory. He disagrees profoundly [with the idea of ending prosecutions] but I think he is susceptible of being persuaded." American Civil Liberties Union Papers, Princeton University Library.


25 Nevertheless, Secretary of Labor Wilson was to rule that the Communist Labor Party did not advocate revolution. See note 77.
May and June there came an outbreak of bombings. Presumably the work of anarchists, the bombings threw the American people into a fit of panicky demands for strong and immediate action. There also came a disruptive inflationary spiral that sent prices up 40 per cent in the single year of 1919. Inflation, disturbing enough in itself, produced a wave of strikes and labor disputes that were often violent and always frightening. To the public it appeared as if a mass conspiracy were afoot, of anarchists to blow up America, of profiteers to gouge the people, of working-men to foment revolution. These fears required a scapegoat, and there was great pressure on the Attorney General, the chief law enforcement officer, to find one. Under Palmer's direction the scapegoat was to be the alien radical.

The bombings began in late April. On April 28th, Mayor Ole Hanson of Seattle, Washington, nationally prominent because of his crusade against the I.W.W., received a bomb in his mail. Fortunately, it did not explode. The following day, however, Senator Hardwick of Georgia received a similar package, and his maid seriously injured herself when she opened it. If an efficient postal clerk had not stopped delivery on a number of similar packages, some thirty-four other public figures, among them A. Mitchell Palmer, might well have been injured or killed. Newspapers assumed that anarchists had mailed the bombs, probably to enliven May Day, the traditional holiday for "radical" labor. The public was not overly concerned about the affair. They seemed willing to regard it as an unfortunate aberration.

The "May Day" incidents might have been forgotten, had not more bombs appeared in June—this time delivered in person. The new atrocities began on the evening of June 2nd, when an explosion demolished the front section of A. Mitchell Palmer's Washington home and smashed windows all over the neighborhood. The Palmers were not hurt. They had retired to their quarters in the rear of the house. Incidentally reassuring was the fact that the perpetrator had been killed, and parts of his body were strewn about the neighborhood with the wreckage. This was not the only incident; in fact, every large city in the East had its

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bombings to report.\textsuperscript{27} The public was visibly alarmed. That anarchists would attempt to assassinate the chief police officer of the nation was particularly fear-inspiring. Most fearful of all was the realization that political rather than personal motives had guided the anarchists. This type of subversive was difficult to ferret out. He had no organization in the usual sense. He worked alone or in small groups.

Something, nevertheless, had to be done. The Attorney General, helpless against the real threat, found that the next best solution would be to seek out those who openly advocated violence. He thought aliens were the troublemakers and promised that no alien anarchist would "terrorize and stampede the Government into doing something contrary to the spirit of our free institutions."\textsuperscript{28} His solution was deportation:

Those who can not or will not live the life of Americans under our institutions and are unwilling to abide by the methods which we have established for the improvement of those institutions from time to time should go back to the countries from which they came.\textsuperscript{29}

He swore that "organized crime directed against organized Government in this country shall be stopped." and asked Congress to appropriate $500,000 for a special bureau to fight the radical menace. His plan was to investigate every alien in the country for possible connection with the I.W.W. or any other group that advocated violent overthrow of the government.\textsuperscript{30}

When Congress granted the money, Palmer moved into action swiftly. He hired detective William J. Flynn to direct the Bureau of Investigation and J. Edgar Hoover to direct a new office that would be appropriately designated the "radical division."\textsuperscript{31} A

\textsuperscript{28} Quoted in \textit{New York Times}, June 18, 1919.
\textsuperscript{29} \textit{Ibid.}, June 4, 1919.
\textsuperscripts{30} \textit{Ibid.}, June 4, 13, 1919.
\textsuperscript{31} Palmer did not create what is now known as the F.B.I. Theodore Roosevelt had created a "Bureau of Investigation" for use in his conservation and anti-trust crusades. This Bureau remained intact, and was not renamed the Federal Bureau of Investigation until 1935. But Palmer's new "radical division," under the then 24-year-old J. Edgar Hoover, became the most important part of the Bureau, and it is of course under Hoover that the Bureau developed into the organization that it is today. Whitehead, \textit{FBI Story}, 13, 41.
staff of investigators set to work at once, gathering data on alien radicals and their organizations. They combed through thousands of foreign-language newspapers and radical pamphlets. Federal agents even joined the suspected organizations to get photographs of the wanted aliens and copies of their membership cards. Under the deportation statutes of 1918 Palmer could bar entrance to, or deport, any alien who was an anarchist or a revolutionary agitator. He directed his men to find such cases, and within four months they had compiled information on some 60,000 persons. Yet, in spite of all this activity, alien revolutionaries remained at large. Congressmen complained that Palmer was not doing anything about the radical menace. This "inactivity," however, was part of the Attorney General's long-range plans. He had rejected the idea of arresting and deporting aliens in a slow and deliberate manner. This would allow wanted aliens to conveniently disappear. His strategy was to prepare for a large-scale attack that would catch the radicals off-guard. Once all the evidence had been assembled, he would conduct a mass raid at the proper time. No other method, he thought, would effectively destroy the radical organizations.

While the investigations proceeded apace, inflation had by mid-1919 reached alarming proportions. The President asked Palmer to take what action he could under the wartime food and fuel laws that prohibited various profiteering tactics. Palmer was at first reluctant about the idea of battling profiteers. He stated flatly he thought little could be done, so long as labor unions insisted upon strike after strike. In contrast to the union belief that higher prices were causing the strikes, Palmer held the thesis that strikes brought the higher prices. Inflation, he said, was the result of shortages caused by the "refusal of labor to produce for the whole people the necessities of life." Still, he agreed to do what

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he could. He brought a suit against some meatpackers, raided hoarders, and implored the public to buy less and save more. Prices continued to go up.\(^3\)

As time went on, the Attorney General began to concentrate more upon labor unions than on profiteers, in part because of his belief that strikes brought inflation, but also because he believed that labor unions were infiltrated with radicals and revolutionaries. When the Great Steel Strike began in September, 1919, Palmer claimed that its leaders were “red radicals and revolutionaries”—a claim not without some foundation, since the strike leader was William Z. Foster who had been an active member of the I.W.W.\(^3\)

Nevertheless, the strike leadership in general was conservative and had the support of Samuel Gompers. Palmer remained unconvinced. When told that the steel workers wished merely to gain recognition for the union, his reply was that it might appear that way; in reality, radicals wanted to “disorganize all industry in this country by breaking down one of its great key foundations.”\(^3\)

He added that the people would not be “fooled into approval of red radicalism parading as a labor movement.”\(^4\) He did all he could to undermine the strike. When his agents found some revolutionist propaganda among the strikers in Gary, Indiana, he used the discovery as a pretext to jail all of the strike leaders in that city.\(^4\) His official opposition had its intended effect. In January, 1920, the steel workers returned to work on company terms.\(^4\)

When a coal strike broke out in November, Palmer thought he saw the same agitators, or as he phrased it, the same “Communists, the Communist Labor Party, the I.W.W. and the ‘one big union’ advocates” that he believed had been leading the steel strike. Violating as it did the Lever Food and Fuel Act, as well as the miners’ agreement not to strike for the duration of the war (which had not yet technically ended), Palmer said the strike


\(^{39}\) Palmer, *Independent*, CII, 266.

\(^{40}\) Ibid.

\(^{41}\) *New York Times*, October 4, 15, 16, 1919.

\(^{42}\) The U. S. Steel Corporation granted a 10 per cent increase in February, 1920, but followed this with a 20 per cent reduction a year later. *American Labor Year Book*, 1921-22, 192-193.
meant "the paralysis of the Government itself." An Indianapolis federal judge agreed with this analysis and enjoined John L. Lewis and the other mine leaders from further participation. Palmer explained why he had requested the injunction:

> While the right to strike in all ordinary industries, under normal circumstances, cannot be denied, there are some callings which are so closely related to the life, liberty, and security of the people that the right to strike in those cases must be subordinated to the superior right of the public to enjoy uninterrupted service.

Nevertheless, the injunction backfired. John L. Lewis calmly accepted the order and advised his miners to end the strike—whereupon they promptly disobeyed. Palmer had met his match. The strike continued as if nothing had happened, and Lewis in the end won a 14 per cent wage increase for his men. It was a remarkable victory, and one that perhaps embarrassed the Attorney General.

In the midst of both the coal and steel strikes, the Attorney General had not forgotten his plans to deport alien revolutionaries. But he had altered the plans considerably, for in September the radical left wing of the Socialist Party had split off into two other political units, the Communist Party and the Communist Labor Party. The members of these new organizations were advocates of revolutionary socialism, and as such their action had greatly aided the Attorney General's plans for deportation. Almost all of the aliens he wanted to deport were now members of these two organizations. Had they remained in the Socialist Party, it would have been difficult to touch them, for the Socialist Party did not advocate revolution. Now, federal agents could join the new parties and greatly expand their deportation activities.

To prepare his men for the gigantic raids he contemplated, Palmer ordered a small-scale test raid on the Federation of Unions of Russian Workers. This was a national fraternal order of Russian immigrants that was known to advocate revolution. On No-

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43 Palmer, Independent, CII, 267; also New York Times, November 1, 1919.
44 Quoted in ibid., November 7, 1919.
November 7th, 1919, Palmer's agents invaded the federation's club-houses in New York, Chicago, Philadelphia, and several other cities. The *New York Times* described the raid on the People's House in New York City. Federal agents covered every floor in the house, and then called, "Out into the hall, everybody." When someone asked what it was all about, an agent answered, "Shut up, there, you, if you know what's good for you." Many of the Russians wore bandages around their heads when they emerged from the house to be whisked off in cars. Agents searched the premises. The *Times*, although it applauded the raids, wrote: "Doors were taken off, desks were ripped open, and even the few carpets were torn up to find possible hiding places for documents." Out of about 200 persons taken in this single raid, agents released 150 on the following day, most of them with "blackened eyes and lacerated scalps." The final chapter to this story closed in December when the ship *Birford* departed for Russia with a cargo of 249 assorted undesirables.

Meanwhile, Palmer continued to urge what he called better and stronger legislation against revolutionary agitators. He claimed to have no power over revolutionaries if they happened to be American citizens. To be sure, no group could lawfully *conspire* to overthrow the government, but conspiracy was almost impossible to prove. No law, he said, forbade the preaching of anarchy, sedition, or the destruction of property. He wanted a sedition act that would prohibit "any act of terrorism, hate, revenge, or injury against the person or property of any officer, agent, or employee of the United States" or any attempt by "sign, word, speech, picture, design, argument, or teaching" to overthrow the government of the United States. It is interesting that Palmer made these suggestions in the belief that all other pending sedition legislation was too "drastic." He justified his proposal by invoking history:

We had our revolution at the beginning. Since then it has been evolution. We shall tolerate no revolution in the future. . . . The alien must realize that his revolution has

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66 November 8, 1919.
67 *New York Times*, November 9, 1919.
been fought and won when he sets his foot on American soil.49

The Attorney General was to prove himself absolutely serious in his threat to "tolerate no revolution. . . ." At least he would tolerate no advocacy of it. For several weeks he had been mapping out plans for a wholesale roundup of alien revolutionists. By the time the Buford sailed in mid-December, he had completed all the details. Every dangerous alien in the country would be arrested. As much of the task as possible would be accomplished in one night. It would begin sometime late Friday afternoon, the 2nd of January, 1920, and would continue until all of the arrests had been made. Each arresting officer would carry with him both a photograph of the desired alien and an arrest warrant. The photographs, supplied by undercover agents, would avoid delays. After the arrest, prisoners would be taken to a designated building and questioned. They would be allowed to show cause why they should not be deported. There would be a "final hearing" at which time the prisoner might have an attorney. Agents of the Bureau of Investigation would handle all of the interrogations and hearings.50 If the final hearing disclosed that the prisoner was an alien who belonged to an organization that advocated the violent overthrow of the United States government, the Department of Justice


50 The most revealing evidence of these plans may be found in a letter, uncovered by Swinburne Hale, from the Assistant Director of the Bureau of Investigation to a Boston agent, dated December 27, 1919. The letter implied that Palmer had no interest in proving individuals as such to be dangerous: "... the grounds for deportation in these cases will be based solely upon membership in the COMMUNIST PARTY of America or the COMMUNIST LABOR PARTY...." Agents should search meeting places and residences of the members without the use of search warrants, unless such warrants were "absolutely necessary." "I leave it entirely to your discretion as to the method by which you should gain access to such places." The letter also suggests the use of agents provocateurs: "If possible, you should arrange with your under-cover informants to have meetings... held on the night set." Arrest warrants were not thought to be necessary: "In cases where arrests are made of persons not covered by warrants you should at once request the local immigration authorities for warrants...." A copy of this letter is in the American Civil Liberties Union Papers, Vol. CXXXV.

would then recommend deportation and turn the case over to the immigration authorities in the Department of Labor. Under the deportation statutes, the Labor Department then had the power to review each case and to approve the Justice Department’s recommendation or dismiss the case. Everything seemed to hinge upon what the Labor authorities would do, but Palmer had no reason to expect difficulties. The Buford deportations had proceeded smoothly.

The mass raiding began as scheduled on January 2nd. In each of the almost forty cities, federal agents followed roughly the same procedure. The roundup in Buffalo, New York, was typical. Here, two agents from the radical division had made elaborate plans. They had secured the aid of about 230 Buffalo policemen, who would make the arrests. A local organization, a “Citizens’ Committee,” had donated 200 automobiles and a chauffeur for each car. They scheduled the raid to begin at four o’clock sharp in the afternoon. Each car drove to a different position in the city to await the zero hour. At four o’clock, a local police officer joined each car, armed with his arrest warrant and photograph. The car then sped to the house or building where they knew their wanted man would be (undercover agents had informed police where each man could be found at any hour of the day). The officer then took his prisoner to the Federal Building in Buffalo where federal agents awaited them in two separate quarters—one for aliens, another for naturalized or native Americans. If a prisoner could prove his American citizenship he went free immediately, unless state officials thought they could prosecute him under state criminal anarchy laws. If an alien, the prisoner had more difficulty. He was asked if he were a member of the Communist or Communist Labor Party. If he denied membership, the agent generally produced a photograph of his party card (these also had been supplied by undercover agents). The interrogation proceeded slowly; there were about 250 prisoners and each case required about a half-hour. When relatives and friends of the prisoners stormed the Federal Building with bail money, agents refused them even a visit, and said it would be several days before any of the aliens might be released on bail.\(^2\)

What happened in Buffalo was repeated in Philadelphia, Chi-

cago, San Francisco, and dozens of other cities. Throughout the country an estimated 5,000 persons were arrested in the first 48 hours of the Palmer raids. Close to 1,500 of these were able to win immediate release, either because they happened to be citizens, or because they could prove their loyalty with letters of reference. The other 3,500 victims had to remain in federal or state custody for anywhere from several days to several weeks. The Justice Department announced that the raids had been a huge success. Palmer thought impending revolution had been nipped in the bud. But the raiding continued on a sporadic basis throughout the month of January.

Unfortunately, Palmer’s elaborate preparations had not included the proper care of so many persons. Raids so large and spectacular made gross injustices inevitable. One reporter found that in Detroit agents had crowded some 800 persons into a “dark, windowless, narrow corridor,” where prisoners shared one small toilet room and had no bathing or resting facilities whatever. The New Republic reported that in Boston agents had flooded the Deer Island prison with hundreds of men and women without having forewarned the prison officials in any way. Cells were crowded and uncomfortable. Police, it was claimed, had marched some chained prisoners through the streets in a noisy and humiliating fashion. Conditions were particularly bad at Ellis Island in New York Harbor, where immigration officials had to handle a constant stream of deportation cases that flowed in from all parts of the country.

Palmer justified his mass raiding technique by reminding his fellow Americans how terribly dangerous the revolutionists were:

Like a prairie-fire, the blaze of revolution was sweeping over every American institution of law and order a year

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54 New York Times, January 7, 1920; New York Call, January 15, 1920; the Buffalo Times, January 31, 1920, reported another large-scale raid there on January 30, with still another raid planned. Raids were reported frequently in January, but fell off in February.
ago. It was eating its way into the homes of the American workman, its sharp tongues of revolutionary heat were licking at the altars of the churches, leaping into the belfry of the school bell, crawling into the sacred corners of American homes, seeking to replace marriage vows with libertine laws, burning up the foundations of society.58

But almost at once the Socialist Party, some labor unions, and some of the lawyers called upon to help the aliens protested against brutalities, arrests without warrants, and inquisition without permitting prisoners to seek counsel.59 In a letter to a national magazine, Palmer acknowledged the fact that “Communists” had been critical of his arrests. The Communists had been clamoring for freedom of speech, but “nothing so endangers the exercise of the right,” explained Palmer, “as the abuse thereof.”60 He offered to the magazine, or to any other magazine or newspaper that could use it, free information about the “unspeakable social treason” of what he called these “criminals, mistaken idealists, social bigots, and many unfortunate men and women suffering with various forms of hyperesthesia.”61

Among the general public, the initial response to the Palmer raids was either one of approval or of quiet unconcern, but as the details about overcrowding and mistreatment leaked into the public press, many persons of both liberal and conservative persuasion took alarm. The New Republic protested on January 14th that “the United States, led by Mr. Palmer, has let itself be frightened into a fantastic attempt to annihilate a radical political minority by imprisonment and deportation.”62 The Nation issued a mild protest on January 17th, but then initiated a hard-hitting campaign to expose the brutalities of what it called “Palmerism.”63 Criticism suddenly seemed to pour in from every quarter. Francis Fisher Kane, a lawyer and one of Palmer’s own assistants in Philadelphia, resigned on January 12th, explaining to President

61 Ibid., 190.
63 “Sowing the Wind to Reap the Whirlwind,” Nation, CX (January 17, 1920), 64.
Wilson that the mass raids had been unwise, unjust, and would only serve to drive innocuous groups underground and transform them into dangerous ones.44 Often the victims themselves made their feelings known. Eugene Neuwald wrote to the New Republic of his own experience. Neuwald edited the Elore Hungarian Daily, and agents arrested him on January 5th with a warrant for the Daily's "managing editor." The agents did not offer any reason or charge for the arrest. They took him to a local police station in New York City, where he spent the night, and on the 6th they transported him to Ellis Island. There he remained for nine days, without a hearing, without being allowed to consult an attorney. No one, not even his wife, could visit him. On the 15th of January they released him on bail, still without a hearing. Neuwald denied being a member of either of the two Communist parties.45

Perhaps the bitterest charge came from Ernest Hopkins, President of Dartmouth College, who said that "the present activity against alien radicals in this country is purely political byplay to enhance the political aspirations of the Attorney General." He added that Palmer had interfered with "freedom of thought and speech, such as the Constitution of the United States expressly guarantees. . . ."66 Palmer answered his critics by denying any desire to limit freedom:

The life of the Republic depends upon free speech, press, and assembly, long held sacred in the minds of our people. These rights must not be abridged in any particular. . . . [But] the right of free speech is not the right of unbridled speech without responsibility. . . . [The] line must be drawn at the point where there is a promise, threat, or implication of the use of force or physical violence. . . .67

Nor had he been lawless or unfair: "So long as the deportation statute is the law," he said, "it must be enforced. No person has been arrested who does not come within the provisions of that

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45 "On What Charge?" New Republic, XXII (March 31, 1920), 158-159.
47 Quoted in "A. Mitchell Palmer, 'Fighting Quaker,'" Literary Digest, LXIV (March 27, 1920), 52.
But to one of the criticisms—that his raids had been inspired by political aspirations—the Attorney General had no ready answer. For on March 1, 1920, he announced his candidacy for the Democratic nomination for President.

The announcement came as no surprise to official Washington; yet it is not clear precisely when Palmer had begun to think of it. He might have entertained such hopes as early as 1912. By 1919 he was regularly being mentioned as a possible candidate, and he did not discourage such talk. He was the first Democrat to announce his intentions in the 1920 campaign.

The central problem of his campaign was the increasing and eventually incessant barrage of attack against his raids and his labor policies. He seemed almost to encourage the opposition of organized labor. When a strike of railroad workers broke out in April, Palmer threatened to indict the strike leaders who, he said, were for the most part members of the I.W.W. His interpretation of the strike was "that the people cannot be fooled by the attempt of radical agitators to foment economic and social revolution under the cloak of labor movements." If Palmer had any hopes of labor support, these sentiments did not attract it. One conservative labor federation denounced him as "an enemy of the labor movement" and "a faithless and contemptible public servant." Labor became critical of his other policies. Samuel Gompers attacked his proposed sedition law as a cleverly veiled anti-strike measure, and other labor leaders denounced his entire deportation program. Palmer answered, "It is absurd and preposterous but it is a curious fact, that honest, 100 per cent American labor should be put in the position of defending alien anarchists."

Criticisms of his raids became more frequent. In May twelve lawyers, among them Felix Frankfurter, Zechariah Chafee, and Roscoe Pound, published a report in which they charged that

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71 Palmer, Independent, CII, 268.
72 The charge was made by the Central Federated Unions of Greater New York. New York Call, May 8, 1920.
74 This statement came after Palmer had announced his discovery of an anarchist bomb plot to kill high government officials on May Day, 1920. Labor was critical of this as a move against organized labor. Said Palmer: "Alien anarchists are the only people I am against." Quoted in New York Times, May 8, 1920.
Palmer had violated at least three amendments to the constitution, by arresting and seizing without warrants, by administering cruel and unusual punishments, and by denying prisoners their right to counsel.\textsuperscript{55} In June Federal Judge George W. Anderson released fourteen of the raid victims with a ringing indictment of the Justice Department. Federal agents had arrested dozens of persons who were neither Communists nor aliens, sometimes in a spectacular fashion, as when they paraded a chained group of prisoners through the streets. On Deer Island, said Anderson, prisoners had slept in cold, damp, overcrowded cells, and then had to answer questions about "unlawful" activities.\textsuperscript{56} At about the same time, an Assistant Secretary of Labor, Louis F. Post, began to reject Palmer's deportation requests. On the basis of Secretary of Labor Wilson's decision that the Communist Labor Party did not advocate revolution,\textsuperscript{77} Post rejected one case after another. Others he dismissed because the Justice Department had used third-degree tactics, arrested without warrant, or detained without counsel. If an alien had become a Communist Party member by accident, or without knowledge of its revolutionary aims, Post refused to approve his deportation.\textsuperscript{78}

Most of these criticisms Palmer accepted gracefully. He called the Anderson decision a "jarring note," but he neither appealed the decision nor censured the judge.\textsuperscript{79} The Post cancellations, how-


\textsuperscript{56} "Anderson's Decision," New Republic, XXIII (July 14, 1920), 189-190.

\textsuperscript{77} Secretary of Labor William B. Wilson threw a wrench into Palmer's entire program when he ruled that he could find no evidence of the advocacy of revolution in the platform or other pronouncements of the Communist Labor Party. The Communist Party, on the other hand, had agreed to follow the principles of the Communist International, which advocated violent revolution. See Walter Nelles, ed., Law and Freedom Bulletins, No. 4 (May 15, 1920), in the N. Y. Public Library.

\textsuperscript{78} The case of Thomas Truss is perhaps typical. Arrested on January 7 without warrant and without any notice to his family, Truss answered questions without being told that his answers might be used against him in evidence. The Department of Justice showed that he was a member of the Communist Party and of the Union of Russian Workers, both of which advocated violent overthrow of the government. Post nevertheless threw the case out because Truss, a Socialist, had joined the Communist Party without knowledge of its true aims. See Law And Freedom Bulletins, No. 1 (April 1, 1920).

ever, were more serious. They threatened to block all he had been struggling to accomplish for over a year. He denounced the nebulous reasonings of the Assistant Secretary and demanded that Post be immediately discharged for his "tender solicitude for social revolution and perverted sympathy for the criminal anarchists of the country. . . ."80

At once Congress looked into the matter. The House Rules Committee called Post in for questioning, but were unable to find a basis for discharging him. Moreover, Secretary of Labor Wilson approved all that Post had done.81 Having vindicated Post of any misconduct, the Committee called in the Attorney General to justify his own alleged misconduct. Palmer explained to the House investigators that "the world is afire with this infamous Red stuff," and the danger required strong action.82 The tactics he had used had been absolutely necessary. Of course there had been mistakes: he admitted this. But if he had approached the menace in slow and careful motions, he might have avoided errors, but he would not have captured many of the revolutionaries. Most of the allegations against him had been made on the basis of alien testimony, and he preferred to accept the word of his own men: "I should prefer," he said, "to take the word . . . of these splendid men, these real Americans . . . rather than the statements of these aliens. . . ."83 The House committee did not know what to do. Post seemed to be right and Palmer seemed to be right. The best course of action was no action, and Congress dropped the matter. This clearance did not, however, aid Palmer's political reputation. It did not erase the damaging publicity which attended the twelve lawyers' report, the Anderson decision, or the Post cancellations.

Palmer's campaign for the Democratic nomination was also marred by a Congressional investigation into campaign expenses (an inquiry precipitated not by the Palmer raids, but by anxious Republicans who feared that General Leonard Wood would win their party's nomination).84 Witnesses made a varied assortment of complaints about Palmer. One lawyer claimed the Attorney

82 Rules Committee Hearings, op. cit., 18.
83 Ibid., 74.
General had pardoned violators of the internal revenue laws. Another witness declared that Palmer's crusade against high prices had been a fraud; his employees, who were supposed to be traveling about the country in a drive to lower prices, were in reality boosting Palmer for the Presidency. Mary Scott, one of Palmer's "cost-of-living" workers, explained in her testimony that while she had indeed boosted the Attorney General's candidacy, she had done this in her spare time only. Turning to his campaign expenditures, the committee found that Palmer had collected but a modest fund of about $60,000. His largest contributor was an old friend who had made money in oil. The remaining contributors were for the most part lawyers whom Palmer had employed to manage alien property or to try his court cases. His campaign manager was J. H. Covington, who had managed several companies for him in the Alien Property office. The investigators found nothing improper, although the chairman announced he would recommend the elimination of Palmer's cost-of-living bureau.

In spite of the attacks and exposures, Palmer's campaign was reasonably successful. He entered two primaries, one in Michigan and another in Georgia. Michigan voters rejected him overwhelmingly—he trailed a poor fifth. In Georgia, he ran against the old Populist, Tom Watson, who concentrated his attack on Palmer's raids: "Palmer," he wrote, "would have had me clawed out of bed, at midnight; and I would have been aboard a steamer, off Brunswick, before my wife would have known that I was a Red bound for Russia.

Watson won the popular vote, but in Georgia it was not the popular vote that counted. Palmer won a majority of counties and this assured him Georgia's eighteen votes in the convention. Both of the primaries hurt Palmer, in the sense that they did not reveal any potential vote-getting power. Most of his final convention strength came from states that did not have primaries. His Assistant Attorney General, Thomas J.

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82 *New York Times*, May 27, 28, July 8, 10, 18, 1920.
Spellacy, toured the northeastern states and was able to gather about half of New England's votes for him.90

The Democratic convention in San Francisco opened with Palmer as one of the leading contenders. A plush suite in the Hotel St. Francis served as headquarters for convention publicity. Prominent everywhere were posters that advertised the Attorney General, with a law book in his hand, as "The Fighting Quaker—laying down the law."91 John H. Bigelow of Pennsylvania placed Palmer's name before the convention, dwelling upon the recurrent themes of "law" and "Americanism" with which Palmer hoped to win:

Your candidate... must be the embodiment of your freedom and the exemplar of your liberties. He must be the intrepid defender of your institutions, a courageous crusader in the cause of law and order. . . . True Americanism must be on guard. . . . To entrust that heritage to the man I name will be to preserve it. . . . His lance is that of law; his shield is that of justice, and Democracy again triumphs led and inspired by Pennsylvania's noblest product, whom I now name for the Presidency of these United States—A. Mitchell Palmer.92

But as the balloting commenced, an insufficient number of "true Americans" came to the aid of the Attorney General. At the onset, Palmer held 256 votes, William G. McAdoo 266, and James M. Cox 134. The fortunes of these three men rose and fell as the long drawn-out affair, running to forty-four ballots, proceeded. Palmer reached his peak strength of 267½ votes early in the game, but not until the 38th ballot did he accept defeat. Most of his support then went to Cox who soon emerged the victor.92

In one sense, A. Mitchell Palmer's political life came to an abrupt end on the day of his defeat at the convention. He had reached the height of his career in the year that began with the bombing of his home in June, 1919, and ended with the Democratic convention in June, 1920. Although he was to enjoy an-

93 Ibid., 267 et. seq.
other seven months in public office, those months were almost de-
void of activity. He dropped out of public attention as quickly as
he had risen into it. After June, 1920, the public seemed apathetic
about anarchists and deportations. When a bomb exploded in Wall
Street in September, 1920, and killed thirty people (many more
than all the bombs in 1919 had killed), Palmer revived his alarmist
techniques, but no one seemed interested. The flurry of excite-
ment passed within a week. The drive against radicalism had
reached a standstill; Congress would appropriate no more money.

The only citizens still interested in alien anarchists were the
twelve lawyers who were untiringly pressuring the Senate to in-
vigate the Palmer raids once more. The lawyers finally suc-
cceeded, and in January, 1921, Palmer again appeared before
Congress to explain his conduct. His defense had not changed:

I believe that the Department of Justice took every
necessary precaution to guard the right of the persons
taken into custody. The charges of brutality, forgery of
names, and theft of money have frequently been made,
but I challenge a single substantiation of any of these
deliberate, malicious falsehoods.

The Senate committee, after lengthy consideration, dismissed the
accusations as without foundation. A majority report said that
prisoners had not suffered great privations, nor had they been
without legal rights. What hardships occurred, had been the re-
sult of unavoidable delays.

Palmer left office for private life in March, 1921, and remained
in Washington to practice law, joining with two other men in the

Palmer rushed to New York to investigate, and claimed that anarchists
were the cause. There was nothing to worry about, he said, but since his
funds had been cut, he was unable to keep as close a tab on things as he
used to. New York Times, September 17, 18, 1920. The relatively mild re-
ception this bombing received suggests the close connection between the 1919
bombings and the two factors of inflation and strikes. When prices began
to drop after mid-1920, strikes fell off, and the public temper cooled.

Quoted in New York Times, February 19, 1921; see United States Sen-
ate Subcommittee of the Committee on the Judiciary Hearings, Charges of
Illegal Practices of the Department of Justice (Washington: Government
Printing Office, 1921).

It should be noted that the chairman of the subcommittee was Senator
Thomas Sterling, who had written an anti-sedition bill which even Palmer
described as too drastic. Senator Walsh wrote a minority report deploing
the delays, the overcrowded conditions, and inhumane treatment of the
firm of Palmer, Davis, and Scott. Congress continued to assail him with petty inquiries about his official life, and at different times claimed he had spent too much money as Alien Property Custodian, that he had taken liquor which his department had seized, that he had illegally sold German patent rights, and that he had defrauded the government in his sale of the Bosch Magneto Company. They once questioned the legality of his employment by private corporations to sue the government within two years of leaving the government himself. In 1924, they questioned the wisdom of his serving as attorney for Edward B. McLean—the gentleman who had given Secretary Fall the $100,000 which had figured so prominently in the Teapot Dome scandals. Said Palmer: “Mr. McLean was reputed to be a man of large means, and it did not look to me strange that he would loan a man like Secretary Fall $100,000.”

Palmer never again re-entered politics. Always a loyal Democrat, he backed Senator Underwood in 1924 and Al Smith in 1928. He was, according to Harold L. Ickes, almost entirely responsible for the Democratic platform of 1932, and did much of the groundwork for the platform of 1936. While working on the 1936 platform, he died after a stroke of appendicitis on May 11, 1936.

Palmer’s was a puzzling personality of conflicting elements. Many questions must remain unanswered after so brief a study. Was he a hypocrite, or was he a statesmanlike politician? Did he violate the tenets of his Quaker faith, or did he act upon the belief that Communists and revolutionaries opposed the principles of his faith? Did he oppose labor unions, or was he sincerely attempting to protect the government? Did he fight radicals because he thought them dangerous, or because he wanted to be President? These are questions to which I have offered no definite answer,

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97 It is interesting, in this regard, to note Col. Edward House’s comment about Palmer when he opposed his taking the Attorney Generalship in 1913: “He wants to be Attorney General to advance his own fortunes as he thinks it would be possible for him to obtain a lucrative practice after four years of service under the Government.” Quoted in Link, New Freedom, 19 n.
98 New York Times, June 23, October 3, 1922; June 29, 1923; October 22, 1926; April 29, 1924.
99 Ibid., March 1, 1924.
yet one observation may be in order. Just as McCarthyism was not the product of any single individual, the "red scare" was not the result of Palmer's singlehanded efforts. We have observed that the passions of a popular hysteria, inflamed over strikes and other postwar dislocations, played a significant part in goading the Attorney General into action. In terms of his own political aspirations, his chief error was to ride the turbulent waves of an intense but ephemeral emotionalism.