THE POLITICAL CAREER OF
A. MITCHELL PALMER: A COMMENT

By Harry N. Scheiber*

Students of the Wilson period will welcome fresh evaluations of the enigmatic A. Mitchell Palmer’s career as United States Attorney General. Mr. Donald Johnson presents such a re-interpretation in an article recently published in this journal. Unfortunately he founds his analysis of Palmer’s policies during his first weeks in the Justice Department upon faulty assumptions concerning the policies of Palmer’s predecessor, Thomas W. Gregory, who headed the department throughout the war period. Specifically, Mr. Johnson states: (1) that Gregory was “severely reproved for the unfeeling and ruthless treatment he had given those who had opposed the war,” and (2) that a short-lived “trend toward leniency” set in with the accession of Palmer.1

There is no doubt that Gregory was with some cause severely reproved by liberal organizations such as the National Civil Liberties Bureau, whose pamphlets Mr. Johnson cites. Gregory had requested legislation abridging traditional liberties; he assisted in the direction of the vicious attack against the International Workers of the World, conducted with the cooperation of the War Department and local authorities by means of “troops, trials, and deportations”;2 and he condoned the wartime imprisonment of many American left-wing leaders guilty only of condemning the war as a capitalists’ fight. However, many of the ruthless acts were in fact committed by Gregory’s subordinates, often in direct disobedience of his explicit orders, as in the case of the “slacker

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raids” in New York City. Gregory himself made important public statements condemning lynching and the arbitrary dismissal of aliens from a university faculty. He publicly warned the federal district attorneys to avoid unjustified prosecutions under the Espionage Act, and when some proved “unmanageable” he ordered them to obtain permission from specially designated assistants before commencing such prosecutions. Furthermore, Gregory successfully opposed a bill in Congress which provided for the trial by military courts of persons interfering with the war effort, and he objected to what he termed unconstitutional censorship powers embodied in the “Sedition Act” of May, 1918. Finally, in his private correspondence he exhibited a strong concern over the fact that injustices might be done to persons, as he wrote, “who have not the slightest sympathy with Germany, whose loyalty in so far as they have national loyalty is exclusively for the United States,” yet “who give public voice to sentiments obstructive of the war effort.”

Thus, soon after the Armistice, Gregory and his assistant John Lord O’Brien undertook a review of all Espionage Act convictions affecting persons still in prison. As a result, pardons and commutations of sentence were granted in numerous cases in which “the evidence of willful intent was indirect or circumstantial in character.” Restrictions on all enemy aliens except those actually interned were lifted on Christmas Day, 1918; plans were made to disband the Justice Department auxiliary, the American Protective League (whose deplorable record Mr. Johnson justifiably as-

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4 Gregory to D. W. Jones (an open letter), April 28, 1917, Gregory Papers; Crisis, XVI (June, 1918), 71.


6 Homer Cummings and Carl MacFarland, Federal Justice (New York, 1937), 424; Gregory to Wilson, May 14, 1918, Gregory Papers.

7 Gregory to Wilson, August 21, 1918, Woodrow Wilson Papers, Library of Congress. See also Gregory to T. U. Taylor, April 15, 1918, Gregory Papers, and Gregory to R. E. Vinson, May 13, 1918, ibid., in both of which Gregory deplored hysteria concerning the alleged spy menace.

saults); and all federal district attorneys were ordered to obtain approval from the Washington office before prosecuting further Espionage Act cases, thus halting the flood-tide of presentments. Withal, the “trend toward leniency” set in with the Armistice, and not with the accession of Palmer. These policies were associated primarily with Gregory and O’Brian, and not with Palmer.

After becoming Attorney General on March 4, 1919, Palmer continued the review of Espionage Act convictions and completed disbandment of the American Protective League. Against the advice of Mr. O’Brian, who resigned in May, Palmer—asserting that a revolution was planned on a day known to him—requested funds from Congress to expand the Bureau of Investigation. He thus embarked in June on the course which led to the mass deportations and “red scare” of 1919-1920.10

10 Ibid., 15; R. W. Dunn, ed., The Palmer Raids (New York, 1948), 21, 49. Palmer and Gregory agreed that a general amnesty for “political prisoners” was undesirable, but that individual cases should be reviewed; they agreed also that the American Protective League should be deprived of its official standing. See Gregory to Wilson, August 21, 1918; Palmer and R. E. Stone to Joseph Tumulty, June 28, 1919; Palmer to Tumulty, March 15, 1920; and stenographic report of a statement by Palmer to Samuel Gompers and others, September 14, 1920, all of which are in the Wilson Papers. Although Gregory had attempted to deport members of the I.W.W. in 1918 and 1919, he was never associated with a massive anti-radical deportation campaign comparable to the Palmer Raids. See Robert Warth, “The Palmer Raids,” South Atlantic Quarterly, XLVIII (1949), 1-23; H. C. Peterson and G. C. Fite, Opponents of War, 1917-1918 (Madison, Wisconsin, 1957), passim; and, on the early origins of the Red Scare, John Blum, “Nativism, Anti-Radicalism and the Foreign Scare, 1917-1920,” Midwest Journal, III (1950), 46-53.

ERRATUM

Line 6, page 129 (April, 1959), should read as follows:

Probably, the noteworthy thing about the I.W.W. was the man-