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# The Case Against the “Reds.”

by A. Mitchell Palmer  
(Attorney General of the United States)

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*By request of The Forum, Attorney-General Palmer presents herewith his explanation of the Government's reason for deporting the “Reds.”*

*The plans for fomenting a nation-wide revolution in this country, prepared by Trotsky in Moscow, are in the files of the Attorney-General's office. It is upon these proofs that the Attorney-General has decided upon a vigorous system of arrest and deportation of radical aliens, which he says he will pursue until the United States is purged of Bolshevism.*

*In this article, the Attorney-General sets forth his legal authority for wholesale arrests and deportation, revealing the entire program of the Department of Justice against Radicalism.*

In this brief review of the work which the Department of Justice has undertaken to tear out the radical seeds that have entangled American ideas in their poisonous theories, I desire not merely to explain what the real menace of communism is, but also to tell how we have been compelled to clean up the country almost unaided by any virile legislation. Though I have not been embarrassed by political opposition, I have been materially delayed because the present sweeping processes of arrests and deportation of seditious aliens should have been vigorously pushed by Congress last spring. The failure of this is a matter of record in the Congressional files.

The anxiety of that period in our responsibility, when Congress, ignoring the seriousness of these vast organizations that were plotting to overthrow the Government, failed to act, has passed. The time came when it was obviously hopeless to expect the hearty cooperation of Congress...to stamp out these seditious societies in their open defiance of law by various forms of propaganda.

Like a prairie-fire, the blaze of revolution was sweeping over every American institution of law and order a year ago. It was eating its way into the homes of the American workman, its sharp tongues of revolutionary heat were licking the alters 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.

Robbery, not war, is the ideal of communism. This has been demonstrated in Russia, Germany, and in America. As a foe, the anarchist is fearless of his own life, for his creed is a fanaticism that admits no respect of any other creed. Obviously it is the creed of any criminal mind, which

reasons always from motives impossible to clean thought. Crime is the degenerate factor in society.

Upon these two basic certainties, first that the “Reds” were criminal aliens, and secondly that the American Government must prevent crime, it was decided that there could be no nice distinctions drawn between the theoretical ideals of the radicals and their actual violations of our national laws. An assassin may have brilliant intellectuality, he may be able to excuse his murder or robbery with fine oratory, but any theory which excuses crime is not wanted in America. This is no place for the criminal to flourish, nor will he do so, so long as the rights of common citizenship can be exerted to prevent him.

It has always been plain to me that when American citizens unite upon any national issue, they are generally right, but it is sometimes difficult to make the issue clear to them. If the Department of Justice could succeed in attracting the attention of our optimistic citizens to the issue of internal revolution in this country, we felt sure there would be no revolution. The Government was in jeopardy. My private information of what was being done by the organization known as the Communist Party of America, with headquarters in Chicago, of what was being done by the Communist International under their manifesto planned at Moscow last March by Trotsky, Lenin, and others, addressed “To the Proletariats of All Countries,” of what strides the Communist Labor Party was making, removed all doubt. In this conclusion we did not ignore the definite standards of personal liberty, of free speech, which is the very temperament and heart of the people. The evidence was examined with the utmost care, with a personal leaning toward

freedom of thought and word on all questions.

The whole mass of evidence, accumulated from all parts of the country, was scrupulously scanned, not merely for the written or spoken differences of viewpoint as to the Government of the United States, but, in spite of these things, to see if the hostile declarations might not be sincere in their announced motive to improve our social order. There was no hope of such a thing.

By stealing, murder, and lies, Bolshevism has looted Russia not only of its material strength, but of its moral force. A small clique of outcasts from the East Side of New York has attempted this, with what success we all know. Because a disreputable alien — Leon Bronstein, the man who now calls himself Trotsky — can inaugurate a reign of terror from his throne room in the Kremlin; because this lowest of all types known to New York can sleep in the Tsar's bed, while hundreds of thousands in Russia are without food or shelter, should Americans be swayed by such doctrines?

Such a question, it would seem, should receive but one answer from America.

My information showed that communism in this country was an organization of thousands of aliens, who were direct allies of Trotsky. Aliens of the same misshapen caste of mind and indecencies of character, and it showed that they were making the same glittering promises of lawlessness, of criminal autocracy to Americans that they had made to the Russian peasants. How the Department of Justice discovered upwards of 60,000 of these organized agitators of the Trotsky doctrine in the United States is the confidential information upon which the Government is now sweeping the nation clean of such alien filth. Merely as a part of this review, to make it complete, it must be shown how the Department of Justice proceeds to cause deportations today. For the moment we must go back to my report to the Senate of the United States on November 4th, 1919, in response to the Senate Resolution of October 14, 1919, which is as follows:

Resolved, that the Attorney-General of the United States is requested to advise and inform the Senate whether or not the Department of Justice has taken the legal proceedings, and if now, why not, and if so, to what extent, for the arrest and punishment of the various persons within the United States, who, during recent days and weeks, and for a considerable time, continuously previous thereto, it is alleged, have attempted to bring about the forcible overthrow of the Government of the United States; who, it is alleged have preached anarchy and perdition, and who it is alleged have advised the defiance of law and authority, both by the printing and circulation of printed newspapers, books, pamphlets, circulars, stickers, and dodgers, and also by spoken word; and who, in like manner it is alleged, have advised and openly advocated the unlawful obstruction of

industry and the unlawful and violent destruction of property, in the pursuance of a deliberate plan and purpose to destroy existing property rights and to impede and obstruct the conduct of business essential to the prosperity and life of the community.

Also the Attorney-General is requested to advise and inform the Senate whether or not the Department of Justice has taken legal proceedings for the arrest and deportation of aliens, who, it is alleged, have, within the United States, permitted the acts aforesaid, and if not, why not, and if so, to what extent.

In replying to this request, I found it necessary to divide the subject under three headings as follows:

(1) The Conditions of Our Legislation; (2) The Deportation of Aliens; (3) General Activities of the Bureau of Investigation of the Department of Justice.

Briefly, in this article the entire surface of the work of the Department of Justice will be surveyed.

It was shown in my report to the Senate that the Espionage Act, approved June 15, 1917, and amended May 16, 1918, was invoked to be used against seditious utterances and acts, although I felt that it was limited to acts and utterances only which tended to weaken the waging of actual hostilities. Evidently there were others who saw my difficulty, however, among them even Senator Poindexter, who introduced the resolution under which I made my report and who subsequently sought to repeal it, by Congressman LaGuardia, Senator LaFollette, Senator France, and Mr. Voight, in House Bill No. 1697. Nevertheless, I caused to be brought several test prosecutions in order to obtain a court ruling on the Espionage Law and its application to seditions committed since the cessation of the armed activity of our forces.

I did this because our general statutes as to treason and rebellion do not apply to the present radical activities, with the exception of Section 6 of the Federal Penal Code of 1910, which says:

If two or more persons in any State or Territory or in any place subject to the jurisdiction of the United States conspire to overthrow, put down or destroy by force, the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder or delay, the execution of any law of the United States, or by force to seize, take or possess any property of the United States, contrary to the authority thereof, they shall each be fined, not more than \$5,000 or imprisonment not more than six years, or both.

Although this Act by no means covered individual activities, under this law I prosecuted the El Arieto Society, an anarchistic organization in operation in Buffalo, NY, indicting three of its members for circulating a manifesto which was an appeal to the proletariat to arise and destroy

the Government of the United States by force, and substitute Bolshevism or anarchy in place thereof. It was printed in Spanish. Phrases such as "the proletariat of all countries to invite to participate the revolution," "for all others who suffer the evils of servitude must join in the conflict," "to attack the State directly and assail it without hesitation or compunction," were uncompromisingly seditious advice. In threatening the officers of the Government the manifesto went on to say, presumably addressing the officers themselves:

Cannibals, your hour of reckoning has arrived. You have fattened before having your throats cut like hogs. You haven't lived and consequently cannot die decently like men. You are at your wits ends and at the prospects of millions of human beings everywhere rising and not only asking, but demanding and executing vengeance for the promotion of your usurped interests. Yes, they will overwhelm you. We are convinced that rebellion is the noble vindication of slaves, that from generation to generation the shameful reproach of slavery has now come. Make way for Bolshevism, for the Department of Labor, Mines, Railroads, fields, factories, and shops. Let the Soviet be organized promptly. The ideal is not converted into facts until it has come to consciousness after having been acquired by the sacrifice of innumerable voluntary victims.

On motion to dismiss the indictment this case came before Judge Hazel of the Western District Court of New York, July 24, 1919, who, after hearing counsel, dismissed the case and discharged the defendants. In his opinion the Court, after citing Section 6, said:

I do not believe that the acts and deeds set forth in the indictment and the evidence given in support of it establish an offense such as this Section which I have just read contemplates.

However, the language of this Spanish document was so violent and desperate in its declarations of defiance to the existing Government of the United States that I, at once, place the entire record of this case before the Commissioner of Immigration, with a recommendation that the defendants involved be deported as undesirable aliens.

All deportation activities conducted since by the Department of Justice against the "Reds" have been with the cooperation of the Department of Labor, which issued the warrants of arrest and deportation recommended by the evidence that meets the conditions of the Federal Penal Code of 1910. I pointed out to the Senate certain classes of radical activities that might come under certain sections of this Penal Code:

1. Those who have 'attempted to bring about the forcible overthrow of the Government of the United States have committed no crime unless their acts amount to treason, rebellion or seditious conspiracy.' This is defined in Section 1, 4, and 6 of the Criminal Code above quoted.

There were other activities of the "Reds," however, for which there was no legislation. These were:

2. The preaching of anarchy and sedition is not a crime under the general criminal statutes of the United States.

3. Advising the defiance of law is not a crime under the general criminal laws whether the same be done by printing and circulating literature or the spoken word.

4. Nor is the advising and openly advocating the unlawful obstruction of industry and the unlawful and violent destruction of property a crime under the United States general statutes.

These conclusions were reached after wide consultation with the best criminal lawyers in the country. In my testimony before the subcommittee of the Judiciary Committee of the Senate on July 14, 1919, at its request, I had fully outlined the conditions threatening internal revolution in the nation that confronted us. Legislation which I then recommended to meet this great menace has not been enacted. This is not my fault, for I knew that Congress was fully aware of the "Reds" activities in this country.

Many states passed certain acts which embodied the basis of my request to Congress for national legislation bearing upon radicalism. California, Indiana, Michigan, New York, Ohio, Pennsylvania, Washington, and West Virginia have passed state laws governing the rebellious acts of the "Reds" in their separate territories. These states have infinitely greater legal force at their command against the revolutionary element than the United States Government for detecting and punishing seditious acts. In their equipment of men to carry out their laws, they far surpass the facilities of the Department of Justice. New York City alone has 12,000 policemen charged with the duty of investigation, and the District Attorney of New York County has a force of fifty prosecuting attorneys.

Under the appropriations granted by Congress to the Department of Justice, the maximum number of men engaged in the preparation of the violation of all United States laws (*sic.*) is limited to about 500 for the entire country. Startling as this fact may seem to the reader who discovers it for the first time, it is the highest testimony to the services of these men that the Department of Justice of the United States is today a human net that no outlaw can escape. It has been netted together in spite of Congressional indifference, intensified by the individual patriotism of its personnel aroused to the menace of revolution, inspired to superlative action above and beyond private interests.

One of the chief incentives for the present activity of the Department of Justice against the "Reds" has been the hope that American citizens will themselves become voluntary agents for us, in a vast organization for mutual defense against the sinister agitation of men and women aliens, who appear to be either in the pay or under the criminal

spell of Trotsky and Lenin.

Temporary failure to seize the alien criminals in this country who are directly responsible for spreading the unclean doctrines of Bolshevism here only increased the determination to get rid of them. Obviously, their offenses were related to our immigration laws, and it was finally decided to act upon that principle. Those sections of the Immigration Law applicable to the deportation of aliens committing acts enumerated in the Senate Resolution of October 14, 1919, above quoted, were found in the Act of Congress approved October 16, 1918, amending the immigration laws of the United States.

By the administration of this law deportations have been made, the law being as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Sec. 1. That aliens who are anarchists; aliens who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law; aliens who disbelieve in or who are opposed to all organized government; aliens who advocate or teach the assassination of public officials; aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or by violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized Government, or that advocates the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property, shall be excluded from admission into the United States.

Sec. 2. That any alien who, at any time, after entering the United States, is found to have been at the time of entry, or to become thereafter, a member of any one of the classes of aliens enumerated in Sec. 1 of this Act, shall upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the Immigration Act of Feb. 5, 1917. The provisions of this Section shall be applicable to the classes of aliens mentioned in this Act irrespective of the time of their entry into the United States.

Although this law is entirely under the jurisdiction of the Department of Labor, it seemed to be the only means at my disposal of attacking the radical movement. To further this plan, as Congress had seen fit to refuse appropriations to the Department of Labor which might have enabled it to act vigorously against the "Reds," I offered to cooperate with the immigration officials to the fullest extent. My appropriation became available July 19, 1919. I then organized what is known as the Radical Division.

Briefly this is a circumstantial statement of the present

activities of the Department of Justice, cooperating with the Department of Labor, against the "Reds." They require no defense, nor can I accept as true the counter claims of the "Reds" themselves, who, apparently indifferent to their disgrace, violent in their threats against the United States Government, until they are out of sight and sound of it, betray the characterless ideas and purposes that Trotsky has impressed upon the criminal classes which constitute communism.

Behind, and underneath, my own determination to drive from our midst the agents of Bolshevism with increasing vigor and with greater speed, until there are no more of them left among us, so long as I have the responsible duty of the task, I have discovered the hysterical methods of these revolutionary humans with increasing amazement and suspicion. In the confused information that sometimes reaches the people, they are compelled to ask questions which involve the reasons for my acts against the "Reds." I have been asked, for instance, to what extent deportation will check radicalism in this country. Why not ask what will become of the United States Government if these alien radicals are permitted to carry out the principles of the Communist Party as embodied in its so-called laws, aims, and regulations?

There wouldn't be any such thing left. In place of the United States Government we should have the horror and terrorism of Bolshevik tyranny such as is destroying Russia now. Every scrap of radical literature demands the overthrow of our existing government. All of it demands obedience to the instincts of criminal minds, that is, to the lower appetites, material and moral. The whole purpose of communism appears to be a mass formation of the criminals of the world to overthrow the decencies of private life, to usurp property that they have not earned, to disrupt the present order of life regardless of health, sex, or religious rights. By a literature that promises the wildest dreams of such low aspirations, that can occur to only the criminal minds, communism distorts our social law.

The chief appeal communism makes is to "The Worker." If they can lure the wage-earner to join their own gang of thieves, if they can show him that he will be rich if he steals, so far they have succeeded in betraying him to their own criminal course.

Read this manifesto issued in Chicago:

#### THE COMMUNIST PARTY MANIFESTO

The world is on the verge of a new era. Europe is in revolt. The masses of Asia are stirring uneasily. Capitalism is in collapse. The workers of the world are seeing a new light and securing new courage. Out of the night of war is coming a new day.

The spectre of communism haunts the world of capitalism. Communism, the hope of the workers to end misery and oppression.

The workers of Russia smashed the front of international Capitalism and Imperialism. They broke the chains of the terrible war; and in the midst of agony, starvation and the attacks of the Capitalists of the world, they are creating a new social order.

The class war rages fiercely in all nations. Everywhere the workers are in a desperate struggle against their capitalist masters. The call to action has come. The workers must answer the call!

The Communist Party of America is the party of the working class. The Communist Party proposes to end Capitalism and organize a workers' industrial republic. The workers must control industry and dispose of the product of industry. The Communist Party is a party realizing the limitation of all existing workers' organizations and proposes to develop the revolutionary movement necessary to free the workers from the oppression of Capitalism. The Communist Party insists that the problems of the American worker are identical with the problems of the workers of the world.

These are the revolutionary tenets of Trotsky and the Communist International. Their manifesto further embraces the various organizations in this country of men and women obsessed with discontent, having disorganized relations to American society. These include the IWWs, the most radical socialists, the misguided anarchists, the agitators who oppose the limitations of unionism, the moral perverts, and the hysterical neurasthenic women who abound in communism. The phraseology of their manifesto is practically the same wording as was used by the Bolsheviks for their International Communist Congress.

Naturally the Communist Party has bored its revolutionary points into the Socialist Party. They managed to split the Socialists, for the so-called Left Wing of the Socialist Party is now the Communist Party, which specifically states that it does not intend to capture the bourgeois parliamentary state, but to conquer and destroy, and that the final objective, mass action, is the medium intended to be used in the conquest and destruction of the bourgeois state to annihilate the parliamentary state, and introduce a revolutionary dictatorship of the proletariat.

The Left Wing Socialists declared themselves when they issued a call for a convention held in Chicago, September 1, 1919, to organize a Communist Party. An effort was made at a convention of the Socialist Party of America in Chicago, August 30, 1919, to harmonize differences. Their first plan in harmonious endeavor was to refuse admission to their convention to members of the Left Wing, on the ground that the latter intended to capture it. At the Communist Convention of Left Wing Socialists on September 1, 1919, 129 delegates, representing 55,000 mem-

bers, attended. Extensive Communist propaganda followed, including the establishment of a paper, *The Communist*.

There is not legislation at present which can reach an American citizen who is discontented with our system of American Government, nor is it necessary. The dangerous fact to us is that the Communist Party of America is actually affiliated and adheres to the teaching program and tactics of the 3rd International. Consider what this means.

The first congress of the Communist International, held March 6, 1919, in Moscow, subscribed to by Trotsky and Lenin, adopted the following:

This makes necessary the disarming of the bourgeoisie at the proper time, the arming of the laborer, and the formation of a communist army as the protectors of the rules of the proletariat and the inviolability of the social structure.

When we realize that each member of the Communist Party of America pledges himself to the principles above set forth, deportation of men and women bound to such a theory is a very mild reformatory sentence.

If I were asked whether the American Federation of Labor had been betrayed by the "Reds," I should refer the inquiry to the manifesto and constitution of the Communist Party of America, in which, under the heading "Revolutionary Construction," the following paragraph appears:

But the American Federation of Labor, as a whole, is hopelessly reactionary. At its recent convention the AF of L approved the Versailles Peace Treaty and the League of Nations, and refused to declare its solidarity with Soviet Russia. It did not even protest the blockade of Russia and Hungary! This convention, moreover, did all in its power to break radical unions. The AF of L is united with the Government, securing a privileged status in the governing system of State Capitalism. A Labor Party is being organized — much more conservative than the British Labor Party.

It has been inferred by the "Reds" that the United States Government, by arresting and deporting them, is returning to the autocracy of Tsardom, adopting the system that created the severity of Siberian banishment. My reply to such charges is that in our determination to maintain our government we are treating our alien enemies with extreme consideration. To deny them the privilege of remaining in a country which they have openly deplored as an unenlightened community, unfit for those who prefer the privileges of Bolshevism, should be no hardship. It strikes me as an odd form of reasoning that these Russian Bolsheviks who extol the Bolshevik rule should be so unwilling to return to Russia. The nationality of most of the alien "Reds" is Russian and German. There is almost no other nationality represented among them.

It has been impossible in so short a space to review the entire menace of the internal revolution in this country

as I know it, but this may serve to arouse the American citizen to its reality, its danger, and the great need of united effort to stamp it out, under our feet, if needs be. It is being done. The Department of Justice will pursue the attack of these "Reds" upon the Government of the United States with vigilance, and no alien advocating the overthrow of existing law and order in this country shall escape arrest and prompt deportation.

It is my belief that while they have stirred discontent in our midst, while they have infected our social ideas with the disease of their own minds and unclean morals, we can get rid of them! And not until we have done so shall we have removed the menace of Bolshevism for good.

*Edited by Tim Davenport.*

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