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## Act-of-Hate Palmer

By SWINBURNE HALE

I INTEND, in this article, to make some extreme statements. They concern Mr. A. Mitchell Palmer and his administration of the Department of Justice. Statements of fact they are—not “charges” or opinions. That some readers may doubt them is as it should be—such things have heretofore not existed in America. Brutality, torture, forgery, theft—provoking crime in order to detect it—are novelties when practiced in the name of Justice. The facts that I shall set forth are based in the main on sworn testimony, confirmed by the camera and by Department of Justice secret documents. The reader who doubts—and doubts rightly, as I have said—may find the evidence in the Report on the Illegal Practices of the Department of Justice, published by the National Popular Government League at Washington, and signed by Dean Roscoe Pound of the Harvard Law School and five other teachers of law, and by Frank P. Walsh of New York and five other practicing attorneys—a jury of twelve experts sitting in judgment. Since that report was published I have sat in the House Rules Committee room and listened to Mr. Palmer’s detailed defense upon the facts. That defense seemed to me almost more damning than the indictment, being compounded of false testimony and equivocal boasting. The indictment stood unimpaired. It all depends, as Mr. Palmer said, on whom you believe. Either you believe that Mr. Palmer’s agents beat up the Russians and broke the furniture, or you believe that the Russians beat up Mr. Palmer’s agents, and the next day some small boys got in and broke the furniture. Take your choice.

The rules of the criminal law were devised with the object of making it harder to punish people. Undoubtedly. We limit our governments. We limit our prosecuting attorneys. We say to them, “Go ahead as far as you can go until you bump into a rule. Stop there.” Such is our common law inheritance. Such are the limitations imposed by successive revolutions in the Anglo-Saxon race from 1215 to 1776.

The trouble with Mr. Palmer is that he is impatient of rules. Mr. Palmer wants to be able to punish people not individually but wholesale; not according to their personal guilt, but according to whether they play around with other people that he does not like; not according to whether they



have actually done anything, but according to what they have thought or what he thinks they thought; and finally not according to proof but according to executive suspicion and propaganda. Mr. Palmer does not say he is impatient of the rules. He says he is impatient of those who break them. But when he comes to inflicting punishment, or getting ready new machinery for inflicting punishment, his impatience cannot tolerate his principles. As for example—

*Sedition:* Whoever with the intent . . . to cause the change . . . of any of the laws . . . threatens to commit . . . any act of . . . hate . . . against the person or property of any officer . . . of the United States . . . shall be deemed guilty of sedition. . . .

*Promoting Sedition:* Whoever makes . . . any sign, word, speech, picture, design, argument, or teaching, which advises any act of sedition . . . or becomes . . . affiliated with any society . . . which has for its object . . . teaching or justifying any act of sedition . . . shall be deemed guilty of promoting sedition. . . .

The above is no fanciful device, but the bare bones of a bill which was solemnly proposed November 14th last by the Attorney General of the United States to the Senate of the United States as absolutely essential to preserving the Government of the United States in peace times. In this bill, with its definition of crime by threat, and its doctrine of guilt by affiliation, is to be found the essential psychology of all that point of view in America which has created not only Mr. A. Mitchell Palmer but the House Immigration Committee, the New York Lusk Committee, the irresponsible arbiters of the Postoffice Department, and the various other champions of the sort of thing that we used to deplore when practiced in other countries, but which many otherwise kindly and useful citizens have lately regarded as desirable in ours.

Whoever threatened to commit an Act of Hate against an officer of the United States, Mr. Palmer thought, should be put away for a period not exceeding twenty years—thereby suggesting the essential clemency of a mind which would not recommend life imprisonment or death. For Mr. Palmer is always in his public appearances ostensibly the embodiment of every free principle that government could ask for. No one more than he insists upon the preservation of free speech, provided no one says anything which is unfree; no one more than he yields to no man in his admiration for the Fathers; no one is more able to put a wise and benevolent exterior upon the practice of terrorism. No one more than Mr. Palmer is able not only to threaten, but to direct,



repeated Acts of Hate, while he pretends that they proceed from the highest human morality. Low acts and high ideals. A fighting pacifist; a surly Samaritan; a spying defender of free speech. Listen to Mr. Palmer's own statement of his adaptability:

Every instinct of my nature, planted there by heredity, by training at my mother's knee, by education, by teaching in the holy place of God's worship, revolts at the thought of war—yet I was for this war from beginning to end.

We cannot be less willing now than we have always been that the oppressed of every clime shall find here a refuge from trouble, disorder, and distress; . . . those who remain shall stay with the intent to become Americans in every [Palmer] sense.

The life of the Republic depends upon the free dissemination of ideas and the guaranties of freedom of speech, press and assembly, long held sacred in the minds of our people. These rights must not be abridged in any particular. [But pass my Seditious Law!]

Mr. Palmer's peace time sedition bill was intended to be applied to citizens. It has still to become law. Americans may still be moderately free. Meanwhile, the Attorney General has had to content himself with pursuing aliens. And in this pursuit of persons who were voteless, usually propertyless, speaking little or no English, workingmen and workingwomen with no visible protection and little stake in the community, the Department of Justice has been able to vent all of the suppressed vindictiveness and ignorance that lie behind a psychology which can propose an Act of Hate as a test of criminal guilt. The Department has even been able to vent itself on a great many citizens, too, as well as aliens, by conveniently assuming that such citizens were aliens, until it had got them well punished and sent home. The Act of Hate has become official, has become standardized and efficient, rewarded with the Iron Cross and honorably mentioned in the order of the day. And what is the result in human suffering of this policy of the Act of Hate?

I do not mean merely in cases of individual torture and sadism and crime committed by agents of the Department of Justice and connived at or covered up by the Department. I do not refer merely to the thuggery which beat Oscar J. Tywerewski to a pulp in the presence of five invited newspaper reporters and then terrorized them into silence and officially whitewashed the affair—nor to the suffocation nearly to death of Peter Musek and Anton Dimitroff and Semeon Nakhwat in the "steam room" of the Hartford jail—nor to the broken body of fifty-year-old Professor Lavrow-



sky whose crime was teaching algebra in Russian instead of in English—nor to twelve-year-old Violet Bukowetsky who smoothed the guard's face with her hand and cried, "Please don't hurt my father and mother!" only to see them both struck to the floor—nor to Andrea Salsedo and Roberto Elia held in eight weeks' secret confinement in the offices of the Department in the Park Row Building in New York City, and tortured physically or mentally till Salsedo obtained surcease by jumping from the fourteenth story window—nor to the forgery of Gaspare Cannone's name to false testimony after filthy words and beatings had not broken him down—nor to the wholesale blackjacking of three hundred Russians at once at 133 East 15th Street, New York City—nor to any of the thousand and one other criminal acts which have been intentionally and purposely done to terrorize the foreign working population.

These things are horrible enough, and Mr. Palmer has known of them (at least of Tywerewski and the three hundred Russians and Elia and Salsedo) and sanctioned them with his silence—but they are among the extreme cases, the worst cases, in which other minds than Mr. Palmer's brutalized minds of agents and jailers, have had a part. What I want the reader to visualize is the merely average case, the *normal* case, that must inevitably result over and over and over again from just pure Palmerism, from the mass-action of mass law flung against masses of people at once. And for this purpose I pick—fairly, I think—the case of Mrs. Stanislas Vasiliewska.

Mrs. Vasiliewska was a married woman and the mother of three infant children. She resided in Chelsea, Mass. On the evening of January 2 last she stopped with her eldest little girl at a meeting in Low's Hall, Chelsea, where there were present about twenty-five persons, mostly Russian. Now let Mrs. Vasiliewska speak for herself, as she spoke on oath in the court room of Judge Anderson in Boston:

I went with my little girl, 13 years old, to do the shopping for next morning, and I stepped in the hall to the mailman to give a letter I had, and when I went there I meet quite a few people there; . . . so there comes a civilian man . . . and there comes some police in uniforms and they make every man "Hands up!" So every man just stand like that and they fish all the pockets in the men; they don't fish my pockets—of course not—and they get to me, they look all over the bag, but there was nothing in it because I did not buy anything yet. So they looked all over the hall; they broke the platform, looked all over, move every chair; of course take every picture from the wall, the sign "No Smoking" in Russian language—take the signs and



everything and put in their patrol wagon, and they put every man two by two handcuffed and put those men and another lady and the child in a patrol wagon with those pictures they take from the wall. . . . Well, I wasn't care for it, because I was thinking about the two children was waiting for me. . . . They bring us to Chelsea police station; they closed me and my little girl and another lady in one cell, and the other lady she was in the family way, and she was kind of nervous. . . . There was one bed there, very narrow . . . and I make her lay down for a while, and she kick one sheet all off and I find under the clean sheet a very dirty mattress, and I couldn't sit down or lay down, I had to stay there all one night. About twelve o'clock at night they take my little girl and send her home all alone . . . about fifteen or twenty minutes' walk from the police station, and you know there isn't no city, just a country place, a field. . . . Half-past eight or nine o'clock in the morning I was put in an automobile, you know, machine, and I has a ride to the boat—I don't know the boat, I forget the name of the boat—but three of us, two man was handcuffed on, and me and two policeman and one man of Justice in the machine . . . they took me to the boat, but the boat was gone and we had to wait till afternoon boat. . . . So, of course, they don't get no room for me. They put the men in a separate room so one man take me—he was a very big man, I believe he was stronger than I—and he pushed me into the toilet . . . on the wharf where I was waiting for the boat . . . and I don't know how long I was stayed that time waiting until the afternoon boat, but it seemed to me I stayed very long there; and I stayed in the toilet about—I don't know, there wasn't no clock there, I could not tell the time, but it seemed very long. I was feeled cold; I asked him for heat and he give me some heat; and after I stayed there long,\* they push another woman in. I find out it was Mrs. Colyer. She was pushed into the same toilet. It was more than dirty; I can't tell how it was looking, because it was in the station; a lot of cigars and spitting on the floor and everything, and it was dirty; and I wait until the afternoon boat, and when the boat come we went on the boat and so we got to Deer Island.

And it was many days after that before Mrs. Vasiliewska could communicate with friends, or obtain any lawyer to help her, or find out what had become of her children. Any warrant for her arrest? Not necessary in Palmerism. Any warrant to break the platform and carry off the pictures? Equally unnecessary. Any previous charges or reasonable cause shown under the law? No. Only a vague suspicion that the twenty-five persons in the hall were bent on overthrowing the government of Mr. Palmer by making speeches to each other in the Russian language.

The story of Mrs. Vasiliewska has been multiplied by five



or six thousand since the first of November last, when agents of the Department of Justice, throughout the country, began the carrying out of Mr. Palmer's program of the Act of Hate. Exact figures do not exist; 3,000 have been arrested and held; only the Department of Justice can guess whether 2,000 or 3,000 were arrested and released. Since November 1, in raid after raid, from New York to Seattle, Washington, men and women (both aliens and citizens) have been taken up wholesale without any warrant or process of law. Citizens and aliens have been jailed and held incommunicado without access of friends or counsel. Their homes and clubhouses have been broken into without search warrant and their property stolen or destroyed. They have been struck with fists, beaten with blackjacks, maimed and tortured. Persons have been compelled to be witnesses against themselves and to answer questions in secret inquisition before being allowed the right of counsel or of bail. Persons against whom there were deportation warrants of the Department of Labor outstanding have been spirited away by the Department of Justice and held in unknown confinement. Under-cover spies employed by the Department of Justice have worked their way up in radical groups and informed upon the members, or incited them to the commission of supposed crime, operating as zealous agitators and becoming, in some cases, the leaders of radical activity in their districts.

Before the national raids of the night of January 2, these under-cover provocative agents were used to call meetings of the Communists for that particular night so as to make it possible to arrest them wholesale, in accordance with the following written instructions issued direct from the Bureau of Investigation, Department of Justice, Washington:

If possible you should arrange with your under-cover informants to have meetings of the Communist Party and the Communist Labor Party held on the night set. I have been informed by some of the Bureau offices that such arrangements will be made. This, of course, would facilitate making arrests.

The machinery of the Department of Justice and the Department of Labor has been used by the steel and coal companies in West Virginia and Pennsylvania to get rid of "troublesome" workers and labor organizers. Private detective agencies have been busy working hand in hand with the Department of Justice. And throughout this shameful pageant of terrorism, Mr. Palmer's efficient and elaborate propaganda bureau has been busy flooding the press with



matter to incite public feeling against aliens and workingmen who were, or who were called, radicals, so as to inure the sentiment of the country to a continuation of such wholesale lawlessness, and such abuse of the high Constitutional liberties of America.

If there is one illegality among the many upon which I wish to lay special emphasis, it is Mr. Palmer's employment of provocative agents, or "agents provocateurs" as they used to be known in the slimy undercurrents of Bismarck or the Romanoffs. Now it may be that Mr. Palmer can make out a logical case for lip-service to Americanism, and still defend his use of these under-cover instigators of trouble. But, somehow, the American people as a whole has always reacted to the mere idea of secret spies provoking crime with singular unanimity and disgust. The American people simply happen not to like such an institution. They simply do not happen to like the necessity of hearing in their courts such testimony as I will now quote from the examination of George E. Kelleher, Division Superintendent of the Bureau of Investigation of the Department of Justice, before Judge Anderson in Boston:

Q. You had good reason to know about some of these meetings, did you not?

A. Yes.

Q. You had even reason to know that the meeting would be held, did you not?

A. Yes.

Q. *And in some instances you even stimulated the calling of the meeting, did you not?*

(Objection; overruled.)

A. *Possibly. It may be that that did not apply in this particular district; it may be that it did. . . .*

Q. *In other words, the meeting was arranged at which these people were to be found?*

A. *There is that possibility.*

Q. And that possibility is not excluded in the instructions which you got from Washington?

A. Not at all.

Q. In fact, that possibility is included in the instructions which you got from Washington?

A. Yes, sir.

Nor do the American people particularly like to listen to the following evidence from Mr. William J. West, Mr. Kelleher's subordinate, who also testified, however evasively, before Judge Anderson as follows:

Q. You remember the instructions, Mr. West?

A. I remember the instructions; yes, sir.

Q. *Did you impart those instructions to your cover informants?*



A. I cannot say.

Q. *You are not prepared to deny it?*

A. *I am not.*

Q. *And presumably you acted upon instructions that came to you from your chief at Washington, did you not?*

A. *I in each instance carried out all instructions issued to me, to the best of my knowledge.*

Q. And do you recall there were specific instructions to hold meetings that night?

A. I recall; yes, sir.

The Court: *Were Communist meetings actually held that night?*

The Witness: *Yes, sir.*

The Court: In large numbers?

The Witness: On the night of January 2 there were Communist meetings held at Worcester, there was a meeting at the city headquarters in Boston, there was a meeting at Nashua, N. H.; I believe there was a meeting in Lynn, I believe a meeting in Springfield.

Mr. Palmer should be made to appear before the bar of the Senate, to answer in his own person, upon impeachment proceedings, the charge that more than any other man in America, and more than any other man who has occupied a cabinet position in the American Government since its beginning, he should be removed from his office for high crimes and misdemeanors. In such an impeachment proceeding there can be no question of any political move merely to discredit Mr. Palmer as a Presidential aspirant. He is no longer an aspirant for the Presidency, or for anything except oblivion. His campaign of excitation of clamor against the "Reds," combined with his conspicuous failure to dig coal by injunction, and to produce any effect on the price of living by jailing obscure retailers, his record in sugar and in oil, his record in alien property custodianship, and his use of the Department of Justice to further his own ends, were challenges thrown out to the American people and bound either to make or to break Mr. Palmer. They have already broken him. For a month, now, the signs have been unmistakable of a great weariness on the part of the American people for government of this sort. The one question still remaining as to Mr. Palmer is the question whether the high reins of authority of the Department of Justice shall be left until March 4 next in the hands of a man who has so shamed America in the hearts of her citizens and in the eyes of the world.

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