Radicals and Immigrants: Senator William H. King's Response to Nativism, 1917-1924

Craig D. Galli
Brigham Young University - Provo

Follow this and additional works at: https://scholarsarchive.byu.edu/etd
Part of the Mormon Studies Commons, and the Political Science Commons

BYU ScholarsArchive Citation
https://scholarsarchive.byu.edu/etd/4700

This Thesis is brought to you for free and open access by BYU ScholarsArchive. It has been accepted for inclusion in All Theses and Dissertations by an authorized administrator of BYU ScholarsArchive. For more information, please contact scholarsarchive@byu.edu, ellen_amatangelo@byu.edu.
RADICALS AND IMMIGRANTS: SENATOR WILLIAM H. KING'S RESPONSE TO NATIVISM, 1917-1924

A Thesis
Presented to the
David M. Kennedy Center
for International Studies
Brigham Young University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Craig David Galli
August 1984
This Thesis, by Craig David Galli, is accepted in its present form by the David M. Center for International Studies of Brigham Young University as satisfying the thesis requirement for the degree of Master of Art.

Neil L. York, Committee Chairman

Stephen L. Tanner, Committee Member

Stan A. Taylor, Department Chairman

Nov 7, 1984
Date
ACKNOWLEDGMENT

I owe much of my interest in this subject to my grandfather, who left Italy and came out West. Professors Neil York and Stephen Tanner were instrumental in encouraging me as well as providing examples of good scholarship. My greatest indebtedness goes to my best friend and wife, Lark, for sacrificing her own studies to critique the research and writing of this thesis.

Anyone who studies the American immigrant experience witnesses our country's achievements as well as its failures. I am glad to live in a country and have attended a university where these could be freely studied and discussed.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCEPTANCE</strong></td>
<td>ii</td>
</tr>
<tr>
<td><strong>ACKNOWLEDGMENTS</strong></td>
<td>iii</td>
</tr>
<tr>
<td><strong>INTRODUCTION</strong></td>
<td>1</td>
</tr>
<tr>
<td>Nativism</td>
<td>2</td>
</tr>
<tr>
<td>Limitations</td>
<td>4</td>
</tr>
<tr>
<td>Notes, Introduction</td>
<td>6</td>
</tr>
<tr>
<td><strong>Chapter One</strong></td>
<td>7</td>
</tr>
<tr>
<td>THE EARLY YEARS</td>
<td></td>
</tr>
<tr>
<td>Social Darwinism</td>
<td>7</td>
</tr>
<tr>
<td>Democratic Rebel</td>
<td>8</td>
</tr>
<tr>
<td>Representative William H. King</td>
<td>11</td>
</tr>
<tr>
<td>Carbon County Strike of 1903</td>
<td>12</td>
</tr>
<tr>
<td>Separation of Church and State</td>
<td>14</td>
</tr>
<tr>
<td>Notes, Chapter One</td>
<td>19</td>
</tr>
<tr>
<td><strong>Chapter Two</strong></td>
<td>22</td>
</tr>
<tr>
<td>ANTI-GERMANISM MOVEMENT</td>
<td></td>
</tr>
<tr>
<td>War Against &quot;Prussian Militarism&quot;</td>
<td>22</td>
</tr>
<tr>
<td>War Time Hysteria</td>
<td>24</td>
</tr>
<tr>
<td>Espionage Act</td>
<td>26</td>
</tr>
<tr>
<td>King's Foreign Language Bill</td>
<td>28</td>
</tr>
<tr>
<td>Utah's Anti-Germanism</td>
<td>27</td>
</tr>
<tr>
<td>National German-American Alliance</td>
<td>36</td>
</tr>
<tr>
<td>Dissatisfaction, Espionage &amp; Sedition Acts</td>
<td>40</td>
</tr>
<tr>
<td>Notes, Chapter Two</td>
<td>43</td>
</tr>
<tr>
<td><strong>Chapter Three</strong></td>
<td>47</td>
</tr>
<tr>
<td>INDUSTRIAL WORKERS OF THE WORLD</td>
<td></td>
</tr>
<tr>
<td>I.W.W. in Utah</td>
<td>49</td>
</tr>
<tr>
<td>I.W.W. Riot in Salt Lake City</td>
<td>49</td>
</tr>
<tr>
<td>Joe Hill Case</td>
<td>51</td>
</tr>
<tr>
<td>Senator William H. King and the I.W.W.</td>
<td>53</td>
</tr>
<tr>
<td>Sedition Act</td>
<td>54</td>
</tr>
<tr>
<td>Enforcement of Espionage and Sedition Acts</td>
<td>60</td>
</tr>
<tr>
<td>Notes, Chapter Three</td>
<td>66</td>
</tr>
<tr>
<td><strong>Chapter Four</strong></td>
<td>68</td>
</tr>
<tr>
<td>POST-WAR RED SCARE</td>
<td></td>
</tr>
<tr>
<td>German and Bolshevik Propaganda, 1918</td>
<td>68</td>
</tr>
<tr>
<td>German and Bolshevik Propaganda, 1919</td>
<td>72</td>
</tr>
<tr>
<td>STRIKE!</td>
<td>74</td>
</tr>
<tr>
<td>BOMBS!</td>
<td>77</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Death to Radicals</td>
<td>79</td>
</tr>
<tr>
<td>Palmer Raids</td>
<td>81</td>
</tr>
<tr>
<td>Raids in Utah</td>
<td>82</td>
</tr>
<tr>
<td>Deportation</td>
<td>83</td>
</tr>
<tr>
<td>The Immigrant Threat</td>
<td>89</td>
</tr>
<tr>
<td>Notes, Chapter Four</td>
<td>90</td>
</tr>
<tr>
<td>Five IMMIGRATION RESTRICTION</td>
<td>93</td>
</tr>
<tr>
<td>Factors Contributing to Restrictionism</td>
<td>94</td>
</tr>
<tr>
<td>Pro-Restrictionist Sentiment in Utah</td>
<td>97</td>
</tr>
<tr>
<td>Senator King Takes a Stand</td>
<td>103</td>
</tr>
<tr>
<td>The Japanese Question</td>
<td>106</td>
</tr>
<tr>
<td>Immigration Act of 1921</td>
<td>109</td>
</tr>
<tr>
<td>Immigration Act of 1924</td>
<td>114</td>
</tr>
<tr>
<td>King Opposes the Act</td>
<td>117</td>
</tr>
<tr>
<td>Notes, Chapter Five</td>
<td>119</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>124</td>
</tr>
<tr>
<td>Notes, Conclusion</td>
<td>131</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>132</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>139</td>
</tr>
</tbody>
</table>
INTRODUCTION

Minutes before passage of the Immigration Act of 1924, Senator William Henry King delivered a brief speech on the Senate floor. "Mr. President, I am disappointed in the measure which will soon receive the approval of the Senate. . . . The pending bill is discriminatory against certain nationalities." He told his fellow senators that, although he had been in favor of some form of immigration restriction, he wanted a bill that would deal fairly and justly with the various people who were to be admitted to our shore. [But the bill soon to be enacted] has perpetuated a view with respect to the races of Europe which I do not regard as sound and which should not be the basis of national legislation.

Historians later agreed with King's appraisal of the Act. Oscar Handlin wrote that it was motivated by "convictions as to the inferiority of the 'new' immigrants [southern and eastern Europeans]." Thomas Archdeacon maintains that the immigration restrictionists "found intellectual support for their judgments about the most recently arrived peoples in the scientific and pseudo-scientific systems of radical categorization." But at the time, few agreed with King. Only six senators opposed the bill, while sixty-two senators supported it. The House approved the measure in a similar
landslide. Of those who dissented, almost all represented constituencies with large numbers of foreign born in Northeastern urban areas. King was the bill's only opponent from the West or South.\textsuperscript{4}

It is significant that King recognized the bill's flaws and opposed it, while the press, other congressmen, and his own constituency generally approved of it. King's previous voting record makes his opposition to the Act even more surprising. He had authored many bills directed against the foreign born, including one prohibiting the publication of anything in a foreign language and another making it a capital offense to belong to a radical organization. Since most radicals were believed to be aliens or naturalized citizens, the bill was aimed at the immigrant population.

\textbf{Nativism}

Anti-radicalism and immigrant restrictionism were both manifestations of "nativism." John Higham in \textit{Strangers in the Land} defines nativism as "an intense opposition to an internal minority on the ground of its foreign (i.e. 'un-American') connections." It is first manifested in an idea or set of ideas and then translated "into a zeal to destroy the enemies to a distinctively American way of life."\textsuperscript{5} Nativism has been part of the American character since colonial times and is still with us, but it came to a crescendo during Senator King's first term in office, from 1917-1923.
Utah followed the national mood, reflecting nativism in the press and governmental policies. Before 1917 the state had already experienced strikes and anarchistic acts associated with foreign-born radicals. During the war, efforts were made to rid the state of its radical and "disloyal" elements.

After the war nativism increased as the country searched for pre-war "normalcy." The fear of large numbers of "unassimilable" immigrants and the presence of alien radicals intensified this desire. By 1924, nativism provided the impetus for the most repressive immigration law ever enacted. Most of those who believed in the scientific racism of Madison Grant, the anti-radicalism of A. Mitchell Palmer, or the anti-catholicism of Tom Watson, were at the forefront of the immigration restriction movement.

A leader of the anti-radical movement and an oppressor of German-Americans, King seemed a natural supporter of immigration restriction. He approved of efforts to curtail the immigration of alien radicals, yet he refused to close the door on the rest of the huddled masses from southern and eastern Europe. King's response to nativism was extremely ambiguous, to say the least.

I will explore the attitudes and actions of Senator King and attempt to reconcile the apparent inconsistencies in his policies. In doing so an effort will be made to
examine nativism, both national and local, which may have influenced King's positions on anti-radicalism and immigration restriction.

Limitations

Undoubtedly, Utah is one of the most ethnic and religiously homogeneous states in the Union. Nevertheless, it has a rich multi-ethnic heritage which has been the subject of many excellent books and articles. This thesis will not attempt to detail the immigrant experience in Utah; rather, it will trace those elements germane to understanding King. Likewise, this is not a biography of William H. King. A full-scale biography will not be possible until King's Senate papers are recovered from a relative's attic or a neglected shelf in the Library of Congress. A handful of King's personal papers can be found in the Marriott Library, at the University of Utah, but his Senate papers remain lost. Since I will be limited to those few documents regarding King located in the public domain, any definitive analysis of his attitudes and policies remains speculative. Even if his papers were available, there is no guarantee that King could be "explained" any more precisely.

This thesis will look briefly at relevant information from the Senator's early years as a missionary, country lawyer and member of the U.S. House of Representatives. Then, using the Congressional Record and information from newspapers and secondary historical sources, an attempt
will be made to trace King's attitudes and policies regarding radicals and immigrants, and place them in the context of state and national nativism from 1917 to 1924.

Senator King was an enigmatic politician whose policies often reflected the nativistic spirit of the times. Nonetheless, he regularly stepped aside from the rush of opinion, and when examined closely, his policies reveal a remarkable consistency. Throughout his career he—in nativistic fashion—hunted spies and radicals, yet rejected nativistic immigration policies. Perhaps we can learn from both King's insights and excesses.
Notes

Introduction

1 Congressional Record, 68th Congress, 1st Session, 15 May 1924, p. 8588.
Chapter One

THE EARLY YEARS

I would rather have the Republican Party march victoriously over my prostrate form than to betray my party by reason of an appeal to religious prejudice and passions.

William H. King, 1906

As the Civil War raged in the East, William Henry King was born on June 3, 1862, in quiet Fillmore City, Millard County, Utah, to William and Josephine Henry King. He decided against being a stockman like his father, and instead attended Brigham Young Academy and the University of Utah. After completing his undergraduate education at the age of seventeen, he went on a two and one-half year mission for the LDS Church to Great Britain.¹

Social Darwinism

King's first public address was a mission report given in the Mormon Tabernacle in Salt Lake City, 1883. He told the congregation, "There was a spirit growing among the people to abandon and make light of everything which savored of religion or Deity, and to believe in the ideas taught by Darwin, Spencer, and others."²

There was nothing out of the ordinary in denouncing Darwin. But Herbert Spencer and the concept of "social darwinism" was at that time new and attractive to American
audiences. Spencer was a popular figure; the year before King's return, he had made his first visit to America, to the delight of Brahmin intellectuals. Among them was John Fiske, the first president of the Immigration Restriction League, who received from Spencer much of his scientific and philosophical justification for restriction-ism and racist attitudes.

Although both Darwin and Spencer affirmed their faith in America as a melting pot, "the Darwinian mood sustained the belief in Anglo-Saxon racial superiority which obsessed many American thinkers in the latter half of the nineteenth century." Time and again King heard witnesses in Senate hearings testify, in "the Darwinian mood," to the inferiority of southern and eastern Europeans, and demand that their immigration be restricted. He had distrusted darwinism and social darwinism as a missionary, and was no more inclined to accept their application to racist policies as a senator.

Democratic Rebel

Shortly after his return King took his first political post in his home town as Millard County Clerk and Assessor. He then attended the University of Michigan to study law in the legal tradition of Thomas M. Cooley, who taught that police power should be vested almost entirely in the states, not the federal government. Later, King tried to follow this dictum when dealing with foreign radicals and anarchists.
After graduating from law school in 1887, he returned home to Utah and quickly became immersed in politics. At twenty-four he was a leader of the Sagebrush Democracy Movement, which set the stage for the Democratic party of Utah in the early 1890s. Prior to that time party politics in Utah had been a messy affair, with the Mormon People's Party opposing the gentile's Liberal Party, a rift dating back to the 1870s. As long as such a division existed, progress toward statehood was stalled.

Utah's transition into national politics was complicated by the fact that the Republicans were the most adamant opponents of polygamy. This predisposed most Mormons to favor the Democratic Party, which caused Apostle Abraham H. Cannon to write in his diary that "such a course would doubtless prove disastrous to us." This was so since the Republican-controlled U.S. Senate made it known that if Utah went Democratic, the Senate would still not be willing to grant statehood.

For this reason President Wilford Woodruff and his counselors Joseph F. Smith and George Q. Cannon adopted the policy "that men in high authority who believed in Republican principles would go out among the people, but that those in high authority who could not endorse the principles of Republicanism should remain silent." This ecclesiastical participation in politics was exactly what Republicans in the Senate now demanded for statehood,
though they had previously condemned Utah's fusing of church and state. To strengthen the link between the Church hierarchy and the Republicans, the party leadership orchestrated an effort to help Mormon agents procure loans to help the Church regain the financial foothold it lost after passage of the Edmunds-Tucker Act.\textsuperscript{10}

This covert campaigning for the Republican party may have helped Utah obtain statehood, but it was unacceptable to William H. King, who at the time was serving one of his three terms in the Territorial Legislature. He agreed that statehood was essential, but only if party politics were not divided down Mormon/Gentile lines. He was joined by other prominent Mormons in support of the Democratic Party. Among them were Apostles Moses Thatcher and Heber J. Grant, Bishop John R. Winder, Franklin S. Richards, Brigham H. Roberts, Charles W. Penrose and James H. Moyle.\textsuperscript{11}

King and the other renegade Democrats saw success when they helped carry Utah with the Grover Cleveland Camp in the election of 1892. Cleveland rewarded King for his part by appointing him to the Territorial Supreme Court in 1894, where he served until Utah became a state two years later.\textsuperscript{12} That was all the time King wanted, since he was ready to go to Washington.

King's early career demonstrated that he was not afraid to stand up against the state's civic and ecclesiastical leadership when he considered it necessary. He was also
able to look critically at popular notions, such as social darwinism, and oppose them.

Representative William H. King

In the election of 1896, Utah Republicans became divided over the silver issue, but managed to unite behind Lafayette Holbrook, candidate for the House. The populists also slated their own candidate, newspaperman Warren Foster. King easily defeated them both by capturing sixty-three percent of the vote.\textsuperscript{13}

During his term in the 56th Congress, he won national recognition with his involvement in the Spanish-American War. He visited Cuba and wrote articles reporting his trip for newspapers and the LDS Church's Improvement Era. In a lively address in the Mormon Tabernacle, King maintained that it was,

\begin{quote}
the most imperative duty of America to stop this Satanic policy. It is the duty of America to see that the sovereignty of Spain is ended in the island of Cuba and to compel her to take down her flags and leave the island. Our cause is entirely justifiable, is proper and will be approved by this and future generations.\textsuperscript{14}
\end{quote}

Representative King determined not to run for re-election in order to campaign for the U.S. Senate. But when B.H. Roberts was elected to King's old seat, the House was not prepared to let a former polygamist take office. A special election was held and King was persuaded to run. He defeated David C. Dunbar in the nominating convention and James T. Hammond in the election.\textsuperscript{15}
During this term in office King glimpsed, perhaps for the first time, the hardships facing immigrants. Since immigrant miners were at the mercy of uncaring labor agents and company officials with no union or workers compensation to protect them, mine accidents took a devastating toll. The worst accident in Utah's history took place in the Spring of 1900: two hundred men died at the Scofield Winter Quarter Mine. Congressman King wrote his condolences to Utah Governor Heber Wells:

I mourn with Utah's people in this sorrowful hour. Please express my sincere sympathy to the suffering families. All classes here deeply sympathize with the bereaved ones.

He also informed the governor that the newspaper The Evening Star had arranged to accept and send contributions, and asked if there was anything he, as Utah's Representative, could do.

Carbon County Strike of 1903

After his term ended March 4, 1901, King returned to his law practice, having lost his bid for reelection. Two years later he became recognized as a defender of the immigrants.

Leaders of the United Mine Workers, encouraged by gains made during the anthracite strike the previous year in Pennsylvania, called for a regional coal miners strike in Colorado, Wyoming and Utah. The Italian, Slavic and Finnish miners led the strike in Carbon County. Their grievances included wage losses and violations of the eight
hour work day law. 18

The Utah Fuel Company promoted the strike as a racial issue, claiming that it was fomented by out of state foreign labor radicals. As tensions mounted, Governor Heber M. Wells called in Brigadier General John Q. Cannon of the Utah National Guard to safeguard company property and protect non-striking miners. In an attempt to break the back of the strike, the coal company also persuaded the authorities to arrest leaders of the Scofield and Sunnyside unions on charges of disturbing the peace.

On December 9, 1903, the day after these arrests, A.B. Edler, legal counsel for the UMW, arrived in Scofield to defend the strikers and was himself arrested on the charge of criminal libel. King was called in to defend him. It was reported that during the trial tensions between King and the coal company attorney "bordered on physical violence." 19 The Salt Lake Tribune reported King's affront to his opponent.

I have practiced before many courts, but I have never seen a place where the desire to railroad a man through jail was so manifest. It is outrageous, and there is not another place where an attorney for a corporation is supreme in the court. I must consult you and get your permission before anything can be done. 20

King did his job and was able to get Edler released on a $1,500 bond during the preliminary hearing.

Before leaving Carbon County, King negotiated another legal problem for the strikers. At the time of the strike they had been living in houses which they had
constructed on company land. When the company tried to evict the strikers from houses with General Cannon's troops, public sympathy sided with the strikers. King negotiated a settlement wherein the worth of the houses was appraised and the strikers paid rent for up to six months after their eviction. 21

King's participation in the 1903 coal strike gave him an opportunity to see unfair treatment of immigrants. He could judge whether accusations such as this Deseret News editorial written during the strike were fair in light of his observations:

These Italians have refused to amalgamate with Americans or learn the English language and have lived with the intention of getting out of this country all they could and then returning to their native land of olives and dirt. 22

Other reports, such as this from the Improvement Era, reflected sympathy for the coal company.

There is a strong effort made to have the company recognize the union, but from all indications this will never be done, and efforts are being made with considerable success to get Americans from all parts of Utah to take the place of the striking Finns and Italians. 23

Separation of Church and State

For the next thirteen years King occupied himself in four areas: unsuccessful campaigns for the U.S. House and Senate, his law practice, advancing the Democratic party, and attacking Reed Smoot and the Republican party. The latter occupied much of his energy.

The most spirited speeches of his political career
were those in which he attacked the Church's interference in politics. One year after the Edler case King told a group in Logan:

The undue and unbecoming influence certain high ecclesiastics are trying to exert in the coming election and did exert on the Republican nominating convention will be one of the leading issues of the campaign... Some people refuse to differentiate between the church and certain individuals in the church.

King felt that the First Presidency of the Church was again meddling in politics. This time the issue was not statehood, but the election of a member of the Council of the Twelve Apostles, Reed Smoot, to the U.S. Senate. King made it clear that he felt keenly the impropriety of an Apostle-Senator.

History has always demonstrated that when men use ecclesiastical power for political preferment they accomplish little for the people... It turns back the wheels of progress fifteen years... Should Smootism succeed?

After Smoot was elected and seated in the Senate, King's attacks became even more vehement. In October 1906, he repeated his concerns about the Mormon and gentile political alignment and of losing Mormon Democrats to the Smoot camp:

If Mormon democrats went over to the Republican party that party could under no pretense be called Republican. It would merely be a church party no matter what label was attached to it... These elusive, will-o-the-wisp, spineless, degenerate cowards that run with the Smoot machine would be the first to quit their church and their state in a crisis. I want to say, "Damn the infamous campaign that is being waged by the Smoot machine."

The Republicans were just as abusive in their
attacks on King and the Democratic Party, as this editorial from the Inter-Mountain Republican illustrates:

A Mormon in Utah has no business in the Democratic Party. Judge King may rant and curse to his heart's content at what he calls the attempt to inject the religious question into the political campaign. But he has far too much sense to pretend a blindness to the fact that his party began the war of religious intolerances... Unnumbered times they have declared that the Mormon people are enemies of the U.S., that they are perjurers and traitors. [his] party is committed to a general system of Mormon spoliation.

King's retort was no less caustic. "I would rather have the Republican Party march victorious over my prostrate form," he declared, "than to betray my party by reason of an appeal to religious prejudice and passions." He further attacked President Joseph F. Smith's support for Smoot's candidacy, when King challenged Smoot in 1908.

There is little doubt that many Church leaders actively campaigned for Reed Smoot. It was hoped that his election would bring the state and the Church greater acceptance, and his thirty years as U.S. Senator attest to the fact that it did.

But did the Church's support for Smoot and the Republican Party cause any disaffection between King and the Church? It appears that it did not. Nor did King ever fall from the Church's grace. During his most virulent campaigns against the Church's Republicanism and Smoot's candidacy, King was invited to address LDS congregations all over the state. In 1905 he went on a trip to Los Angeles with James E. Talmage to defend Mormonism.
Yet to some his attacks on Smoot and other Church leaders in regard to political matters seemed inconsistent with his otherwise complete loyalty and submission. An editorial from the *Inter-Mountain Republican* commented on this apparent inconsistency.

Outside and as a political matter he has denounced the Church for going outside of its sphere and interfering in politics, to the detriment, damage, and confusion of the Democratic party. In the Tabernacle pulpit, however, he gives in his adherence to the proposition that there is no such thing as getting outside of the true functions and activities of the church, that the priesthood have a right to their voice everywhere and in every matter, and that their voice ought to be the controlling voice wherever it is exercised or heard. So that the deliverances of Elder King in the Tabernacle have been a complete extinguisher on the eloquence of Politician King elsewhere.

Several months later the same newspaper made a similar attack concerning the Church and King's position on prohibition. This time King was spared the need of refuting the attack since the *Deseret News*—the Mormon Church's paper—came to his defense:

The *Inter-Mountain Republican* the other day indulged in an intemperate attack upon Judge King. . . . The attack on the speaker was all the more dishonorable, since not even a synopsis of his remarks were given. . . . He said, he didn't believe churches should dictate to members their views on political questions, but that their duty was to speak out on great moral issues. . . . He ended by saying, "In this free country people have a right to hold different opinions on public questions."

King's attacks on Church leaders for allegedly meddling in politics and their continued acceptance of him offer interesting insights into King's personality and the political environment in Utah during King's early years.
First, King was never afraid to speak his mind on controversial issues, particularly when he believed his own integrity or party loyalty were at stake, [even though others accused him of duplicity]. He displayed this tenacity later as a Senator when dealing with complex and highly controversial issues such as the suppression and deportation of radical aliens, the exclusion of Japanese immigration and the restriction of immigration.

Second, at no other time in Utah's history did Church leaders try to dictate party [Democratic and Republican] politics as they did from the time King entered the political arena after law school until his election to the U.S. Senate in 1916. But even during this time of overt ecclesiastical politics, the Church never coerced or punished its members for not following the political promptings of the First Presidency. Those who have accused the Church of manipulating Utah's political life have generally overstated their case, given the way it dealt with political dissidents like King. When the *Deseret News* quoted King as saying "In this free country people have a right to hold different opinion on public questions," it was probably not only speaking for King, but also for the Church. Later, King would find this political tolerance useful when he would oppose not only the opinions of the *Deseret News*, but also most of the country on the issue of immigration restriction.
Notes

Chapter One

2 Deseret News, 4 June 1883.
5 Ibid. p. 172. See also, John Higham, Send These to Me (New York: Atheneum, 1975), p. 46.
7 Deseret News, 28 November 1949, pp. 3-4.
9 Ibid., p. 390.
10 Ibid., p. 388.
11 Ibid., p. 390.
12 Sutton, Utah, p. 408. For an excellent


17 Journal History of the Church, 3 May 1900, p. 3.


19 Ibid. p. 157.

20 Salt Lake Tribune, 11 December 1903, p. 4.

21 Powell, "1903-4 Coal Miner's Strike," p. 143.

22 Deseret News, 7 December 1903, p. 4.

23 Improvement Era, 7 (November 1903): 232.

24 Journal History of the Church, 2 October 1904, pp. 9-10.

25 Ibid.

26 Salt Lake Herald, 20 October 1906.
27 Inter-Mountain Republican, 24 October 1906.
28 Journal History of the Church 1 November 1906, p. 10.
29 Inter-Mountain Republican, 18 August 1908.
30 Deseret News 10 February 1909.
Chapter Two

ANTI-GERMANISM

Shoot the traitors in this country!
William H. King, 1917

As the country went to war nativism intensified. Attention turned away from anti-Catholicism and scientific racism and focused on anti-radicalism. "Radical" during this period was a catchall term for labor agitators, anarchists, wobblies, slackers and bolshevists. Any distinction between them was blurred, since they were all considered disloyal to the war effort and somehow funded by a vast pan-German conspiracy. As a junior senator King would take upon himself the responsibility for exposing and weeding out these undesirables.

War Against "Prussian Militarism"

King's persistence and loyalty to the Democratic Party paid off in the election of 1916, when Utah helped reelect Woodrow Wilson and sent King back to Washington, defeating incumbent Senator George Sutherland by a comfortable 25,000 majority.¹

When King took office March 4, 1917, the imminent declaration of war was foremost on everyone's mind.
Politicians, preachers and civic leaders sounded the battle cry and called for "One Hundred percent Americanism."

Twelve days before Wilson's war declaration, Utah's German born governor Simon Bamberger called a mass meeting in the Tabernacle to declare the state's allegiance to war preparedness. Over 10,000 civic and religious leaders attended. The Salt Lake Tribune reported,

Patriotism saturated the atmosphere, and like an over-charged battery the audience broke forth at frequent intervals in rousing and prolonged cheers as the speakers touched upon the fealty of the American people and their love of liberty, justice and humanity.

Since all things German were suspect, Bamberger used the occasion to reaffirm loyalty to his state, country and the war effort. He implied that other foreign born persons should do likewise. Similarly, Reverend P.A. Simpkin said that "he honored the man who loved the tongue in which he babbled when a baby, but he declared that the time has come when the babble must be wiped out and all must be of one spirit."

Utah's senators were also invited to speak. Senator Smoot went first, giving a dry and self-congratulatory address for always voting for military appropriations. Senator King's remarks received a better response. He implored the animated audience to remain calm. "This is an hour for sober thoughts and a searching of our hearts. It is not an hour for jingo talk. It's an hour to calmly measure up and see how we are prepared." He reminded the
crowd that "in going into such a war the U.S. would not go
to war against the German people, but against Prussian
militarism. . . ." He, like other progressives, believed
that moral progress would come from the war, that America
would spread "the principles of liberty, right and justice
. . . to the whole world." 4

King's speech demonstrated several aspects of his
character. His tone was milder than his jingo speech as a
congressman during the Spanish-American War had been--he
was warning others against jingoism. His optimism
clearly placed him in the progressive tradition with Wilson.
More importantly, his statement that the war was not against
the German people, but against "Prussian militarism," goes
beyond the deference he paid Governor Bamberger; it exhibits
his ability to differentiate between nationalities and the
unfair stereotypes imposed on them. Unfortunately, World
War I and the Red Scare would sometimes obscure that
judgment, and King would make condemnations which resulted
in oppressive policies toward German-Americans and labor
radicals.

Wartime Hysteria

As war approached, the press in Utah reflected the
country's paranoia of spies and traitors. The Salt Lake
Tribune reported that,

Every channel of government activity tonight worked
under pressure to provide "spy insurance" for the
nation in the event of war with Germany. An army
of secret service men and agents of the Department
of Justice, spreading a dragnet from the Atlantic to
the Pacific and from Canada to Mexico, had under surveillance thousands of "spy suspects" and German sympathizers.5

Naturally, those most suspect were the German and Austrian born. Though relatively few lived in Utah, Governor Bamberger called a meeting of the "Teutons of Utah," on March 29, 1917. He warned the one thousand present that "[they] cannot expect to go free and unmolested, unless it is known exactly where they stand. . . . Let every word and act be above suspicion." They concluded the meeting with an impassioned declaration of loyalty.6

Concomitant with these patriotic pep rallies were newspaper editorials strongly vindicating the Utah Germans. The Deseret News protested the "rumor about suspicion of loyalty of German-Americans." The Herald Republican concurred

That the German government has emissaries in this country there can be no doubt. . . . But here in Utah we have a fine example of the melting pot. . . . During the past few weeks there have been entirely too much unfounded rumors casting suspicion on men of German extraction.

But when it was known that American boys would be sent off to the trenches to face machine guns and nerve gas, hysteria unlike any in American history prevailed. From the President to the local minister, 100% Americanism was preached with religious fervor, equating loyalty with conformity. From across rumors flew that Germans and German sympathizers, under orders from the German high command, were responsible for plots and acts of terrorism.8
One outcome of this German paranoia was that lawmakers from Washington, D.C., to Kalamazoo felt the need to suppress disloyalty. Though King had kept a cool head and warned others to do the same before the war, he too became swept up in the wartime frenzy to suppress the German born.

Espionage Act

As early as June 1916, Attorney General Thomas Gregory petitioned Congress to pass a law preventing sedition and sabotage. But it was not until the day Congress declared war that the Espionage Act first officially appeared. The Act was an amalgamation of seventeen bills prepared in the Attorney General's office. Its objectives were to censor the press, punish interference with military recruitment and to prevent the mails from being used to disseminate seditious material.9

Although the press censorship provision was aimed at the foreign language and radical press, many members of Congress feared that "legitimate criticism" of the President's policies would be curtailed. Over Wilson's objections the press censorship provision was removed and the bill easily passed.10

As a member of the powerful Senate Judiciary Committee, Senator King played a vital role in the bill's passage. Twelve years later King credited himself for his participation. A piece of campaign literature read, "He actively assisted Senator Overman [Chairman of the
Judiciary Committee] in piloting the Espionage Act through the Senate...\textsuperscript{11} His involvement also brought him national publicity. The International News Service ran this story, September 24, 1917:

"Shoot the traitors in this country," is the advice given by Senator King of Utah. The western senator, whose revelations of the machinations of the Austro-Hungarian embassy so stirred Congress yesterday, said today: "The only thing to do is to go ahead and expose this crowd of pacifists, spineless degenerates and treacherous individuals who have thronged this country. And if it is found that they are absolute traitors they should be put against the wall and a firing squad brought into action without delay."\textsuperscript{12}

The "revelations" were that the Austrian Embassy had covertly funded Austro-Hungarian, Polish and Rumanian newspapers, as well as several English speaking papers, in an effort to spread propaganda favorable to the central powers. King offered photocopies of canceled checks and receipts to prove the allegation. His findings renewed public fears of disloyal acts and spies operating within American borders.

King believed that the Espionage Act was insufficient to remedy this problem, so he introduced his own Sedition Act, S. 2800, on August 15, 1917. This new bill greatly enlarged the scope of punishable offenses under the Espionage Act. It stipulated that any person who conspired or counseled another to break any law or contract within the United States would face a $1,000 fine or one year imprisonment.

The bill was never reported out of committee for two reasons. First, being the work of a freshman senator, it
was extremely vague. Second, it could not compete with the dozens of other sedition acts introduced at the same time, which merited greater consideration. Not until March of the next year was the Espionage Act amended by a new sedition act. For the remainder of 1917 King concentrated on the foreign language press, which Theodore Roosevelt had also attacked, saying, "We are convinced that today our most dangerous foe is the foreign language press."  

King's Foreign Language Bill  

In August 1917 King introduced his first censorship bill, which prevented the publication in any foreign language of "any comments respecting the Government of the United States, its policies, international relations, the state of conduct of war..." without a printed English translation alongside it. Though the bill died in committee, King reintroduced it a month later in the form of a rider to the Trading with the Enemy Act, arguing,  

These sinister and disloyal newspapers ought not to be permitted to continue their nefarious work. They are seeking in every possible way to oppose the laws of our country, to obstruct the Nation in the prosecution of the war, and to excite the animosity of the American people..."  

To ensure the bill's passage, King sent it to the Department of Justice and the Postmaster General; both endorsed it. Their approbation was vital since they would ultimately have to enforce it. Many other national leaders also called for federal action. King reminded the Congress of the strong support the public and the press had given him:
Protests have been forwarded to me against what has been denominated the laxity of the Federal Government in dealing with newspapers engaged in traitorous and disloyal conduct. . . . The loyal people of this Nation are opposed to these vipers that exist in our midst, that preach treason and disloyalty and that seek in every possible way to spread treason and discontent and sedition among the people.

Finally, he couched his amendment in this:

There is no place in this Republic for traitors or for those who in this hour of stress and at a time when the Nation is carrying the standard of liberty and protecting the Constitution and the flag and the Rights of American Citizens; as well as the great principles of justice, the triumph of which is imperative if civilization shall endure, fail to give loyal support and render undivided allegiance to our country, its institutions and the flag.

In other words, a vote against the King Amendment would not only be un-American, it would endanger the Constitution and civilization. With so much at stake the Senate agreed with King and passed the rider without a recorded vote.

King did not seem to worry whether the bill impinged upon first amendment rights. During consideration of a similar proposal, he stated,

I do not intend discussing the constitutional question involved. . . . There can be no question, however, as to the power of Congress to regulate the entire Postal System of the country and designate what may or may not be carried in the mails.  

For King, Congress's postal regulation was sufficient authority to curtail freedom of speech and the press. Ironically, the Cincinnati City Council had proposed an identical ordinance but had killed it in committee because of its apparent unconstitutionality.

After the Trading With the Enemy Act was returned
from conference, the King Amendment had been slightly altered. It provided that foreign language publications had only to submit to the Postmaster General a correct translation of each article instead of printing it with every copy. Wilson signed the bill into law on October 6, 1917. Six months later King reported to the Senate that the law had excluded from the mails a number of disloyal publications and that others had become "less bitter and denunciatory."\textsuperscript{18}

In practice the law worked oppressively well. The Post Office exercised its power arbitrarily. Some papers regularly obtained waivers of the translation requirement; others equally as loyal never did. Since the translation required extra time and money, many papers with small staffs and budgets were forced to shut down. Others continued operation, printing trite stories in support of the war effort and Wilson's policies. It also became apparent that enforcement of the bill was not aimed at publications which were actually opposed to the war, but at the radical and Socialist Press.\textsuperscript{19}

Certainly King did not act as a one man crusade against the foreign press. His efforts were part of a national effort to eradicate any sign of the German language. Efforts were made throughout the country to pressure or coerce Germans to give up their language.

\textbf{Utah's Anti-German Movement}

Senator King was also acting in accord with the
general movement against Germans in Utah. One group in the state lobbied specifically for termination of teaching the German language. Minutes of the Executive Committee meeting of the Utah State Council of Defense in February, 1918, show that a committee was organized to wait upon the First Presidency of the Mormon Church and present the matter of the education of persons of German extraction now residing in the state of Utah with the end in view of inculcating a better feeling toward the U.S. and its government.

To achieve this end the committee had in mind the cessation of German classes at the Church's schools and perhaps the disbanding of the LDS German congregation in Logan. The Committee members sought and ultimately obtained the abolishment of German classes at the public schools.

These moves were not without their opponents. The Utah Education Association voted against such action, since "we are fighting German autocracy not German literature, music, art, or science." There was also some dissension among the Church school principals. The Deseret News reported,

A number of the school heads declared that they saw not the slightest relation between the teaching of the Teutonic language and the successful waging of the war. However, after a careful discussion of government evidence that the teaching of the language would be an aid to the German propaganda in America and the presentation of the fact that everything unfavorable to the German nation enacted in America would tend to weaken the morals of the German army, the school heads came to a unanimous decision in the matter.

Utah's LDS schools voluntarily dropped German from their curriculums in order to lower the German army's
morale. An unlikely proposition, but a politically wise one, since the Utah State Council of Defense formally passed a resolution seven days later obligating all schools to follow the dictum. The public schools also volunteered to follow the same policy. Several months later the Logan LDS German meetings folded because of the "growing sentiment against gatherings of German people and recently some agitation against the use of the German language."\textsuperscript{23}

Another reminder to Utahns of disloyalty was Fort Douglas, which during the war was the largest prisoner of war camp in the country. Most of the 1500 inmates were radicals and enemy aliens, many of whom were held for the duration of the war without any due process of law.\textsuperscript{24} Utah's press went along with the rest of the country in advocating the surveillance, arrest and internment of enemy aliens. A \textit{Deseret News} editorial expressed this view in November 1917:

More stringent regulations for the conduct of enemy aliens ordered by the government of the United States, may result in hardships. . . they will have to submit to them with patience and make the best of an uncomfortable situation. . . .There are agents of disruption and destruction among us whose devoted purpose is to paralyze the national arms and confuse the national will.\textsuperscript{23}

A month later the same newspaper expressed the wish to intern all enemy aliens and German born citizens because the threat of sedition was so great:

Such cases as that of Paul Hennig [who was arrested for sabotaging torpedo mechanisms] . . . offer good arguments for those who clamor for the internment, during the war, of every German, naturalized or unnaturalized, now within the confines of the United States.\textsuperscript{23}
Although this proposal was never acted upon, large sections of Salt Lake City were designated as "forbidden zones" to enemy aliens. They could not live work or travel in the zones without special permits. These permits were only issued after an extensive application, complete with mug shots, was filed with the United States Attorney and the U.S. Marshall. Applicants were required to take an oath confirming that they

were not seeking to remain within the forbidden zone for the purpose of breaking any law, and will commit no act of hostility against this country and will give no aid, comfort or information to its enemies.  

The forbidden zones were huge areas surrounding the Pierpont Street Armory and Fort Douglas. This created a tremendous hardship because they consisted of approximately forty-two blocks of the downtown business district, including the Hotel Newhouse, Hotel Utah and most of the businesses and boarding houses, and all of the east bench residential areas around Fort Douglas.

Undoubtedly, the Utah State Council of Defense was instrumental in more than just prohibiting the teaching of German in the schools. The state councils of defense were the local arms of the Council of National Defense, which had been organized by Congress in 1916 as part of the national preparedness campaign. The national office's main function was the "mobilization of industries necessary for military preparedness." But the state councils

were called upon to conduct vigorous and persistent campaigns through their local machinery and through
personal contact to arouse the loyalty of each citizen and draw him into active participation in war work, paying special attention to apathetic and apparently disloyal persons. . . ."28

Utah's Defense Council was very active and popular throughout the state, due largely to the participation of the LDS church. After touring Utah during the war, the chief field agent of the Council of National Defense reported,

There exists in Utah an organization which in my opinion, has no superior, and possibly few equals, in this country. It is to all intents and purposes the organization of the Mormon Church converted into a war machine. It reaches each individual searchingly and unerringly."29

The Church's participation was limited mainly to the Liberty Bond drive, food storage, and administrative support. But one of the chief concerns with the Council itself was the loyalty of the state's population. Although they were commissioned only to use persuasion, leaving force to the Department of Justice, many committees degenerated into superpatriot vigilante groups. Little is known of their work, since few records were kept and most of their activities were undercover, but evidence exists indicating that the Utah State Council of Defense actively sought to suppress what it considered to be acts of disloyalty. This was recorded in the minutes of the Executive committee meeting on January 5, 1918,

Mr. R.C. Richmond, Chairman of the Committee on State Protection made a verbal report concerning alien [sic] enemies and their activities within the state of Utah and was authorized to carry to conclusion measures for the control of such enemy aliens.
The Council also established the Committee on Education, chaired by Mrs. John A. Widtsoe. She initiated an "enlightenment" program divided into two branches, one dealing with the alien population to monitor their loyalty and urge them to take night classes on English and citizenship, the other working with "natives whose minds had not grasped the significance of the war." 31

Another organization active in the suppression of disloyalty throughout the country with a branch in Utah was the American Protective League. The League was organized after a Chicago advertiser convinced the Chief of the Justice Department's Bureau of Investigation [F.B.I.] that he could organize a citizen division to help government agents enforce the federal espionage laws. One historian describes the League's activities this way:

Its "agents" bugged, burglarized, slandered, and illegally arrested. . . . They opened mails, intercepted telegrams and were the chief commanders in slacker raids. . . . The League sometimes counseled its members to commit outright physical assault on dissenters. 32

Like the State Council of Defense, the League's activities were largely unrecorded and surreptitious. Nevertheless, the APL's official history, The Web, does indicate that the organization was well represented throughout the state. In rural areas such as Green River several persons were arrested or placed under surveillance by League members for disloyalty or violations of wartime
laws. But most of the reports read like this one from Richfield.

A few pro-Germans were quietly warned, and that was all that was necessary. All our members were organized and watchful, and there was not much to do. Any service we could render we gladly gave."  

Thus, despite the fervent declaration of loyalty the Utah Germans had pledged themselves to a week before war was declared, they were now forced to abandon their religious meetings, the study of their language in the schools, entry into major portions of Salt Lake City, and were hounded by self-appointed spy hunters.  

It is doubtful that these repressive actions met much opposition from the German community in Utah since any outcry would have made them vulnerable to further charges of disloyalty. With this much agitation over Germans and German sympathizers in Utah, King must have known any efforts against Germans on a national level could only bring him praise from his constituency as well as the country. Perhaps, happy to find an issue upon which he and his constituency could agree, he pursued it all the more energetically.  

**National German-American Alliance**

The anti-German movement in Utah and elsewhere seemed to justify King in seeking other sources of treason; the disloyal press he saw everywhere was only one form of sedition. Much worse were the covert operations Germany and Austria had engaged in inside the United States. King
was in the forefront to disclose these operations and announced to the Senate,

Evidence which is incontrovertible has conclusively demonstrated that Germany has attempted to stir sedition among our people. . . . The dislocation of our industrial system and the paralysis of our businesses was attempted by the representatives of Germany. Strikes were fomented, incendiarism was encouraged, munition plants and bridges were destroyed. . . . There is no question that Germany's hand directed many of these criminal acts and the deeds of violence.  

One group was blamed for being indirectly responsible for the sedition—at least for inciting disloyalty. King urged,

The German-American National Alliance should be dissolved. Its work in our Nation was destructive and disintegrating. It stood not for America and American ideals, but represented rather the spirit and culture of modern Germany.

In January 1918, King introduced a bill to repeal the Alliance's congressional charter. According to its constitution, the Alliance, established in 1907, was established "for the protection of the German element against 'nativistic' attacks; and for the promotion of sound, amicable relations between America and the old German fatherland."  

It also promoted the German language and the German contribution to U.S. history, and helped German immigrants gain citizenship, exercise their franchise, and fight prohibition. Its peak membership was two million members in thirty-three states.

At the beginning of the war, the Alliance maintained good relations with the Wilson Administration, since they shared the mutual goal of maintaining neutrality. But as American involvement increased, the Alliance protested the
shipment of arms to the allies, which it considered a breach of neutrality. Even so, when diplomatic relations with Germany were officially severed and a declaration of war lay on the horizon, the Alliance reversed its neutrality stand and called for full support of the President and his policies. The Alliance’s president, Charles J. Hexamer, even considered forming a German-American regiment. Alliance members also demonstrated their loyalty through supporting the Red Cross and buying Liberty Bonds.

Despite the Alliance’s apparent loyalty after Wilson’s war declaration, many critics charged it with disloyalty and called for its abrogation. The Wisconsin Loyalty Legion demanded that

Congress revoke the charter of the so-called German-American Alliance and that the Federal Department of Justice take steps to punish all who have made such a cloak to cover crimes against the country.

Senator Warren G. Harding read declarations from his home state of Ohio demanding repeal and Theodore Roosevelt lashed out with his characteristic vehemence. Even before the Senate could act on King’s bill the New York State Legislature abolished the alliance from their state.

Early in 1918 the Judiciary Committee called on King to chair hearings concerning the Alliance’s repeal. His chief witness, Gustavus Ohlinger, accused the Alliance of being part of a "vast Pan-German conspiracy." Evidence was provided that it had petitioned against the exportation
of weapons to the allies, and lobbied against prohibition and stringent naturalization laws. The Alliance had also requested that the Post Office resume parcel delivery to Austria. It made little difference to the committee that these activities had been engaged in before the war. The subcommittee continually referred to a speech given in Milwaukee by the Alliance's former president, Charles J. Hexamer, on November 22, 1915, who told his audience,

> Whoever throws off his Germanism like an old glove... is not worthy to be spat upon... For a long time we have suffered the preachment, "You Germans must allow yourselves to be assimilated, you must be merged into the American people!"; but no one will find us prepared to step down to an inferior kultur; no, we have made it our aim to draw others up to us... Our duty is to transmit to the American people the depth of German feeling, that seeking after all that is good, beautiful, and true.

As one historian of the German-American experience put it, Hexamer was not a "master of tact," but he was probably guilty of that and little else. Nevertheless, his speech proved to the senators that the organization had become a partisan of the German cause and was attempting to arouse racial antagonism and disloyalty.

The Alliance sent a number of witnesses who demonstrated its support of the war effort publicly as well as financially through the Red Cross and Liberty Bonds. Some denounced the Hexamer speech; others argued that the committee had used a mistranslation. But the youthful Siegumund G. von Boose, Acting President, discredited himself and the Alliance when he referred to prohibition,
the literacy test, and suppression of teaching the German language as "nationalistic encroachments" and "puritanical notions." This was more than the senators could bear. The Alliance knew that the committee members were disposed to report the bill out of committee and recommend its passage; two days before the hearings concluded, the Alliance volunteered to dissolve and gift its $26,000 in holdings to the Red Cross. In spite of that, King's bill passed the Senate on July 2, 1918 and was signed into law.

If the rhetoric the senators used in conducting the hearings was not harsh enough, the press cast an even darker shadow on the Alliance. Daily newspaper stories branded the Alliance as "the Kaiser's best friends" and a "nursery of alien disloyalty." One historian has said that although newspapers such as the Washington Post urged, "Enemy propaganda must be stopped even if a few lynchings may occur, . . .," nothing served to focus popular wrath against Germans more than King's investigation.

Dissatisfaction with the Espionage and Sedition Acts

Shortly after the hearings concluded, many lawmakers agitated for a stiffer espionage law, King among them. The original act levied a $10,000 fine and set a twenty year prison term for interfering with the recruitment of soldiers or the disclosure of information dealing with national defense. But this law did not go far enough to satisfy King and others in Congress. A new bill was intro-
duced which criminalized criticism of the government, the constitution or the flag. It passed within minutes of its introduction into the House. Senator Overman wanted to do the same thing in the Senate, but met resistance from those Senators who wanted to scrutinize it. He warned that any delay would be disastrous, explaining, that since Congress had not passed a repressive enough federal anti-sedition law, citizens were using vigilante force to put down the disloyalists.

The people of this country are taking the law into their own hand on the ground that Congress is not doing its duty. In numerous cases it is said that men are being mobbed all over the country because Congress does not pass laws under which the guilty ones can be adequately punished.

It is more likely that vigilantism was due more to the enthusiasm of Senator King and other government officials who asked that disloyalists be shot, than to the absence of any law.

It is difficult to assess the actual threat disloyalists posed during the war. Certainly the number and frequency of sedition were greatly sensationalized by the press. But along with rumors of ground glass in bandages and train derailments were newspapers stories such as this from the Salt Lake Tribune reporting assassination threats and plots against public officials from German sympathizers and labor radicals:

Threats of death have been received in large numbers during the first few days by congressmen and senators who have been especially active in pushing war legislation. Anonymous writers believed to include pro-
Germans, zealous pacifists, anti-draft advocates, IWW members and plain cranks are promising to kill all senators who have to do with measures relating to the war.

There was truth in the above report. As early as August 1917, King had been the recipient of some of these death threats linked to foreign traitors in the country.

Since the delivery of his anti-German speech in the Senate last week Senator King of Utah has daily been in receipt of anonymous threatening letters. In some of these the writers told him his home would be destroyed by fire, and in others that he and his family were threatened with death. None of these letters were signed, but the character of the writing and the spelling of some of the words indicate the writers to be of foreign birth.

Again in September, shortly after King introduced his own sedition bill, he received other death threats.

But as dangerous as some German-Americans and German aliens were, he felt that the greatest threat to himself and the country came from the Industrial Workers of the World. This time the Salt Lake Tribune reported,

Senator King who has been particularly outspoken against the IWW and other forms of organized disloyalty, has also been singled out for death. . . Senator King believes that most of the communications came from IWW members who are enraged at his bill designed to enable the government to break up their organization.

King and others wanted a new sedition act to give the attorney general and the Postmaster General sufficient power to deal with the IWW.
Notes

Chapter Two

1 Deseret News, 28 November 1949.
2 Salt Lake Tribune, 27 March 1917.
3 Ibid.
4 Ibid.
5 Ibid., 26 March 1917.
6 Ibid., 30 March 1917.
7 Herald Republican, 28 March 1917.
8 Higham, Strangers in the Land, pp. 207-9.
10 Ibid., pp. 25-6.
11 King Papers, Marriot Library, University of Utah, MS 199, Box 1, Folder 24.
12 Salt Lake Tribune, 24 September 1917.
13 Congressional Record, 65 Congress, 1st Session, p. 5949.
14 Ibid., p. 5988.
15 Ibid., p. 7021.
16 Ibid., p. 7025.
17 Ibid. See also ibid., 65th Congress, 2nd Session, p. 4891, for King's constitutionality argument.
18 Ibid., p. 4892.

Utah State Council of Defense Papers, Minutes of the Executive Committee Meeting, 5 January 1918, Marriot Library Special Collections, University of Utah.

*Deseret News*, 3 January 1918.

Ibid., 7 April 1918.

Ibid., 19 July 1918.


*Deseret News*, 26 November 1917.

Ibid., 31 December 1917.

*Salt Lake Tribune*, 11 May 1917.


31 Noble Warrum, Utah In the World War (Salt Lake City: Utah State Council of Defense, 1924), p. 121.
32 Kennedy, Over Here, p. 82.
34 Congressional Record, 65th Congress, 1st Session, pp. 7336-7.
37 Ibid., p. 4.
38 Carl Wittke, German-Americans and the World War (Columbus, Oh.: Ohio State Archaeology and Historical Society, 1936), pp. 166-7.
41 Child, The German-Americans in Politics, p. 175.
42 U.S. Senate Judiciary Subcommittee, National German-American Alliance, p. 339.
44 Ibid., pp. 172-3.
45 Luebke, Bonds of Loyalty, p. 269.
46 Congressional Record, 65th Congress, 2nd Session, p. 4526.

47 Salt Lake Tribune, 26 September 1917.

48 Ibid., 3 August 1917.

49 Ibid., 26 September 1917.
Chapter Three

INDUSTRIAL WORKERS OF THE WORLD

...the Industrial Workers of the World are vagabonds and tramps, the flotsam jetsam on the tumultuous sea of life...a menace to the peace and tranquility of our people.
Senator King, 1918

Fear of radicals did not first develop during World War One; Americans had long been sensitized to imported radicalism from Europe, which most believed threatened social and economic stability. William Preston Jr. noted that after Chicago's Haymarket riot, "a fateful and erroneous identification of alien and radical was firmly implanted in the public mind."¹ Thomas J. Archdeacon argues that this "was symptomatic of the national habit of blaming real domestic dissent on imaginary foreign machinations."²

But even before the Haymarket incident, the radical wing of the Socialist party advocated in 1883 the "destruction of the existing class rule, by all means, i.e. by energetic, relentless, revolutionary and international action."³ Though the organized radical parties lost their appeal toward the end of the 1890s, intermittent strikes and finally President William McKinley's assas-
sination by Leon Czolgosz in 1901 maintained the perceived connection between immigrants and radicals.

In June 1905, forty-three unions united in Chicago under the direction of Eugene Debs, Daniel De Leon and "Big Bill" Haywood, a native of Utah, to form the Industrial Workers of the World. This group, which promoted themselves as the "continental congress of the working class," agreed to reject trade agreements and union contracts. It also disavowed churches and the flag as "the dishonest tools of the exploiting class." Moreover, it approved of "militant direct action" to achieve its goals. From then on the IWW was considered a major threat to national security.

The IWW had a peak membership of 100,000 and engaged in over one hundred and fifty strikes. One year after the Chicago conference it was responsible for a major strike of gold miners in Nevada. Next came the Pennsylvania Steel Strike of 1907, and finally the Lawrence, Massachusetts textile strike of 1912. Since many of the strikers and agitators were of southern and eastern European extraction, it was easy to blame national labor troubles on the importation of foreign doctrines. Royal Cortissoz, an archconservative spokesman, voiced the opinion of many when he said, "The United States is invaded by aliens, thousands of whom constitute so many acute perils to the health of the body politic."
I.W.W. in Utah

By 1912 the IWW had made its presence felt in Utah. Italians and Greek miners such as Louis Theodoropolous were involved in undercover recruitment for the I.W.W. in the Carbon County coal fields and the Bingham Canyon copper district. Undoubtedly some members of the Western Federation of Labor involved in the Bingham copper strike of 1912 were also "wobblies."

The next year Salt Lake City's I.W.W. Local 69 was responsible for a strike when 1,500 Utah Construction Company workers left their jobs, halting progress of the Denver Rio Grande railroad. As in the Bingham strike, company officials brought in hired gunmen and strike-breakers to end the walkout. Unlike the former strike, however, the company gave in to the strikers who were aided by trainmen who prevented passage of construction workers lacking a permit from the strike committee or an I.W.W. membership card.6

I.W.W. Riot in Salt Lake City

On a warm August evening several months after the construction strike, James F. Morgan, I.W.W. leader and spokesman, stood on a wooden box on the corner of Second South and Commercial Streets in downtown Salt Lake City. In a nearby saloon, Axel Steele and a group of ruffians planned to attack Morgan. Steele had been hired by the construction company and deputized to kick Morgan and the other I.W.W. members from the railroad camp. He succeeded
in arresting Morgan and securing his conviction. Morgan had nonetheless been quickly released and Steele vowed to get back at him for the ultimate success of the strike.

Steele and his cronies left the saloon and converged on the speaker. After a signal the group attacked Morgan and other wobblies with the butts of their pistols. Shots were fired, and seven men, I.W.W. members and attackers, were injured. After several minutes policemen drove up and shoved Morgan, who had been repeatedly hit and kicked in the head, into their vehicle. After driving through the crowd several times they hauled him to the police station and arrested him for inciting a riot. Eight other wobblies were arrested, but Axel Steele and his gang received accolades from the community for their "patriotic" actions against the agitators.  

The next day the Deseret News reported,

The I.W.W.s are making trouble wherever they go. That is their very mission. They are revolutionaries. They preach contempt for the flag, for property rights, for moral standards, and they consider organized government as tyranny, and their language is often coarse and vile. They should not be given the freedom of the streets of American cities for such doctrines.  

Salt Lake City Police Chief B.F. Grant issued a warning to the I.W.W: "We will not permit Salt Lake City to become a nesting place for the I.W.W.s and if any of them come here they will either have to move or spend six months on salt water." In defiance the secretary of the I.W.W. local, Sam Scarlett, rebutted, "If we are denied the
right of free speech in Salt Lake, we can and in all like-
lihood will have 2,000 members of the I.W.W. here within
two or three days."

Morgan also lashed out several weeks after his
arrest.

The laws of Utah? The confounded laws of Utah are
what lost us the Bingham strike. The laws of Utah
are such that if you advise a man to go on strike
you are liable to be sent to the penitentiary. That
is the sort of State we are in. . . . Will the I.W.W.
be driven out of Utah? It is impossible. The object
of the Utah statutes is to crush all labor but it
cannot be done.

Although the I.W.W. did not invade Utah as threatened,
efforts at recruiting new members picked up. By Christmas
1913, the I.W.W. had infiltrated other major construction
projects such as the Strawberry Valley Dam project and the
Utah Light and Power Company. The Deseret News reported
that "the membership includes workers from the ranks of
steam shovel engineers to the common laborer on the grading
work."10

Joe Hill Case

Early the next year two masked men walked into a
Salt Lake grocery store and killed the owner and his son.
The slain father, John G. Morrison, had been a Salt Lake
City police officer and in the course of duty had several
dealings with the I.W.W. The only eyewitness was Morrison's
other son who escaped injury. A short while later Joe
Hillstrom, alias Swedish immigrant Joel Hagglund, was
arrested in connection with the murder. What ensued was
perhaps the most controversial and widely publicized trial in Utah's history.

"Joe Hill," I.W.W. poet and songwriter, was found guilty and sentenced to death. The I.W.W. argued that Hill had not received a fair trial and had been victimized by a "malicious capitalist plot" abetted by the Mormon Church. To add to the confusion Virginia Snow Stephens, daughter of LDS President Lorenzo Snow, had sent a request to the Swedish foreign ministry, asking that it intercede. Thousands of letters, including several from President Woodrow and Helen Keller, flooded Governor William Spry's office, calling for a pardon or a new trial. Despite public pressure the governor and most Utahns believed Hill to be guilty, and he was executed on November 19, 1915. In response Spry received hundreds of death threats from all over the country. On Christmas Eve 1916, a nitroglycerin bomb attached to a trip wire was discovered buried in the snow by a neighbor shovelling Spry's walks.11

As war approached, I.W.W. activities seemed to increase. At a time when absolute loyalty and 100% Americanism were the watchwords, the radicals seemed an even bigger threat than before. Government officials and the press everywhere linked the I.W.W. with German sedition. In the fall of 1916 the wobblies, vigorously organized in mining districts, produced the majority of the nation's strategic minerals necessary for the war effort. And in Utah Virginia Snow Stephens continued to
jar her LDS community by organizing a housekeeper branch of the Salt Lake I.W.W. local. After she was fired from her art teaching job at the University of Utah, her fellow wobblies threatened to dynamite the university.

In the early part of the war, as American doughboys prepared to be shipped off to the trenches, ninety to ninety-five per cent of Washington's lumberjacks walked off the job in an I.W.W. strike, putting a complete stoppage on lumber needed for the war industries. Montana wobbly miners also went on strike. In Utah, Justice Department agents uncovered a secret I.W.W. headquarters in a Salt Lake office building used to direct mine and smelter strikes in Utah and Arizona, and state engineers intimated that a dam that mysteriously broke may have been dynamited by the wobblies. Newspaper across the nation exaggerated I.W.W. incendiarism and sabotage, but nonetheless were believed by anxious audiences.

Senator William H. King and the I.W.W.

Senator King and his Utah constituency took note of these I.W.W. activities and were ready to crush the "un-American" organization. The New York Times reported King's determination and quoted him as saying, "I have received an avalanche of letters and telegrams from Utah and other states petitioning against the outrages of the I.W.W. in the Far West."

Despite efforts by federal authorities under the Espionage Act and local enforcement agencies, the I.W.W.
seemed to be unhindered in efforts to incite disloyalty and sabotage.

**Sedition Act**

As mentioned in Chapter Two, there arose a nationwide call for a new sedition act. The purpose of the new act was to stop German sympathizers and radical labor, which many worried Americans considered one and the same. The House bill was reported out of the Judiciary Committee on April 2 and Chairman Overman hoped to rush it through the Senate. It contained several provisions which amended the Espionage Act of 1917, prohibiting the interference of troop recruitment and disclosure of information to the enemy. The new bill made it a crime punishable by not more than twenty years imprisonment and $20,000 dollars to

> utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy.

It also expanded the authority vested in the postmaster general to suppress seditious mail. One of its chief defenders was Senator King. An examination of the dialogue between King and the bill's detractors illustrates the mood which gripped Congress and the nation, and King's perception of the I.W.W.

On April 5, Senator Hardwick of Georgia argued that the I.W.W. problem was one that the Northwestern states could handle by themselves "without asking the entire
country to jeopardize some of its fundamental rights and liberties." He was especially concerned that discussions of peace proposals or legitimate criticism of Wilson's policies could be restricted under the proposed bill. King agreed that the states should take more police power upon themselves and said that it was unfortunate that "there is not more of a spirit of virility and strength on the part of the executive and legislative officers of the States. . . ." ¹⁶

But that was not enough. For King the gravity of the I.W.W. problem he had seen in Utah and elsewhere warranted the abandonment of the University of Michigan legal tradition of letting police power reside with the states. The federal sedition act was needed since the I.W.W. was aimed "at the destruction of all government, the dislocation and destruction of our economic system. . . . It is high time that the Federal Government did something to protect itself and to aid the states. . . ." ¹⁷ Hardwick countered, stating that the bill went too far because it prohibited mere words and opinions, not acts. He said, "There has always been recognized in the jurisprudence of all free people that difference between words and acts, and I dislike to go so far along the pathway of making the spoken word a crime." King agreed with the principle but said that as far as he understood, the bill "does not interdict free speech, but it makes the person subject to penalties for such speech if it culminates in harm." No doubt King
believed that to be the case, but he left no room for a broader interpretation.

It was on that point that Hardwick contended with King and in doing so paid him a compliment:

I will say to the Senator from Utah if he were a judge construing it, and the only judge, I would not have the slightest hesitation in voting for it except on account of the precedent it might establish. I am not criticizing any judge when I am making that statement. I happen to know the Senator from Utah and to understand his mental operation, but when you have brought here a measure that is capable of almost any construction and that can be used as an engine of persecution where perfectly loyal men who have honest differences of opinion may be punished, I tell you I halt and hesitate and gag over it.

The majority of the Senate sided with King, and judges and lawmen did interpret the law broadly. Few other statutes so blatantly abused first amendment freedoms.

Five days later, in a strange twist of events, Senator Henry Cabot Lodge of Massachusetts introduced an amendment identical to the bill regarding the foreign language press that King had sponsored the year before. It required all foreign language publications circulated in the mail to print an English translation in an adjacent column. When King's bill later passed as part of the Trading With the Enemy Act of 1917, it only required the publisher to submit to the post office a translated copy.

King regretted that there were still so many foreign language newspapers, but believed that the Postmaster General was suppressing those that were seditious. Lodge objected to the manner in which the censorship was undertaken.
The matter is handled in secrecy; the Postmaster General, or his agents, pass on the translation, and there is no opportunity for any public judgment or any judgment as is carried in this proposed amendment for the protection of the citizen.

Senator William Borah interjected that "the great mass of the German citizens of this country are perfectly loyal," and should not be discriminated against. King maintained that while some foreign newspapers were loyal and others disloyal, the law effectively repressed the latter. At that point Lodge withdrew his amendment.

King's next opponent was Senator Knox of Pennsylvania, who argued that not only were many foreign language newspapers loyal, but many were owned by American citizens of Anglo-Saxon origin. To this King argued that there were many Anglo-Saxon owned and operated newspapers that were also seditious. He followed with a bitter condemnation of immigrants:

Our Nation, which has welcomed with generous warmth the downtrodden and the oppressed from all lands, has received ingratitude at the hands of those whom it has sheltered and protected. There are those who seek the destruction and the overthrow of our country who have been the beneficiaries of its humane and just laws and policies. There are some who have come from beyond the seas and sworn allegiance to our Constitution and our flag who are strangers still to our form of government and who rejoice when the sorrowful news is brought to our shores that our bitter and implacable foe has been successful in some military endeavor.

This denouncement of disloyalty among immigrants echoed a statement King made several days earlier regarding immigration policy:

I think there should be some change in our immigration laws that would restrict citizenship to narrower limits
and to those only who love this country, its Constitution and its laws, its institutions and its glorious history. . . .

King told Knox that several months earlier he had introduced a bill [S.3529], which outlawed all newspapers or magazines printed in a foreign language until the war ended. Though he decided that it would be unwise to abolish all these publications, he deemed it necessary to censor the foreign press since, "A considerable portion of the German press of the United States has been a tool in the hands of this Pan-German movement, and has sought to prevent the Americanization of the Germans who have come to this country." He also believed that the movement to teach German in the schools was part of the "Pan-German scheme" designed to "superimpose German kultur upon the American people."22

King's rhetoric reflected a common belief held by lawmakers of the World War I era--namely, that censorship of the press was necessary because loyal aliens and citizens alike were easily susceptible to propaganda efforts. Furthermore, many were convinced that any disloyalty had a direct and adverse affect on successful prosecution of the war.

After the bill passed and the conference report returned to the Senate for further consideration, King expressed his reasons for supporting the bill:

I am satisfied, as a result of an exhaustive examination of the activities of the I.W.W. and other disloyal organizations and individuals, that
additional statutes are needed. Unfortunately there are some enemies in our midst. They work in secret and in every possible way to oppose our Government and to cripple it in the prosecution of the war. . . This legislation, in my opinion, goes a long way toward meeting the situation.

King was given one more opportunity to defend the act, this time against the argument that it could be used to suppress legitimate labor unions. This was an important objection to King, because as attorneys he and his brother had both represented labor unions, and he had usually voted pro-labor. His defense reveals his differentiation of radicals from liberals. He explained that the bill did not effect any labor organization other than the I.W.W. In fact, he did not consider the I.W.W. a labor organization, since, "It is not higher wages or improved conditions for the laboring man for which this organization is striving," but the overthrow of the economic and political system. Today this view might seem inconsistent, but at that time it was very common. During the war the Wilson Administration ignored many union strikes while singling out I.W.W. strikes as treasonous. The press also differentiated between legitimate unions and the I.W.W.

In this editorial from the *Salt Lake Tribune*, the A.F. of L. is actually thrown into public favor when compared with the I.W.W.: "It is by contrasting the leaders of the I.W.W. with the genuine labor leaders of this country that we are enabled to appreciate the qualities of a man such as Samuel Gompers." This comment is particularly
significant in light of the fact that Utah's government and business sector never recognized trade unions until FDR's National Recovery Act of 1933.

King also drew upon the I.W.W. experience in Utah to defend the Sedition Act:

A few years ago a number of the members of this association came to the State of Utah. One of their number, named Hillstrom, with one of his associates committed a foul murder. After a fair trial he was convicted and executed. The courageous governor of the State, William Spry, refused commutation of his sentence, and members of the organization attempted to assassinate the governor. The executed criminal became an idol of these outlaws and a number of them followed his ashes as they were carried through the streets of Chicago and glorified his death and the wicked cause with which he was identified.

The Sedition Act passed by a comfortable margin on May 4 and was signed by the President twelve days later.

**Enforcement of the Espionage and Sedition Acts**

Justice Department agents, state councils of defense, and American Protective League posts scattered throughout the country zealously enforced the Espionage and Sedition Acts. Ironically, of the thousands of arrests made under these laws, only ten were known to have been for actual sabotage. As expected, the great majority of the infractions were disloyal utterances. Arrests were made, and judges convicted hundreds who had said that the war was against the teachings of Christ or was for the benefit of financiers.

Innocent people were often arrested. One midwestern businessman went on vacation to Florida for some
sun and relaxation. When unseasonable cold temperature ruined his fishing plans, he said, "Damn such a country as this." He was promptly arrested by a deputy sheriff and released only after hiring an attorney. Due process broke down. Congressman Uddleston of Alabama explained, "In such cases a trial is more or less a farce. It is sort of legalized mob action. The rich, influential, and ably defended, of course, go free. The weak, the undefended, and the friendless are convicted of course. To be alien, radical or labor agitator is to go to jail." Attorney General Gregory truthfully declared to Congress, "It is safe to say that never in its history has the country been so thoroughly policed. . . ."\textsuperscript{27}

Slacker and I.W.W. raids and round ups were common. In Salt Lake City agents stormed an I.W.W. office and in Bingham a wobbly who had allegedly "cursed the government and damned the United States flag" was arrested.\textsuperscript{29} Utah members of the Socialist Party got off much easier than the I.W.W. While the Utah I.W.W. had a distinct southern and eastern European flavor, the Socialists were almost wholly native sons of Anglo-Saxon extraction. Their organization condemned sabotage and violence, and many leaders supported the war effort.

King's most active participation with enforcement was in the area of censorship of both the foreign and radical press. As mentioned previously, King authored the law requiring foreign newspapers to submit translations to
the postmaster general and defended the enlarged power under the Sedition Act to stop incoming and outgoing I.W.W. mail. He also successfully fended off an amendment by Senator Lodge which would have slightly detracted from the postmaster general's power. On several other occasions King defended the postal service's policies and practices. King had a good working relationship with Postmaster General Albert Sidney Burleson, King acting as his intermediary in the Senate, delivered messages and lobbied for policies Burleson had interests in. But Burleson was not without critics on the Hill.

The Postmaster General was one of the most controversial members of Wilson's cabinet. Few undertook the task of silencing disloyalty with more vengeance and less tact than this southern populist from Texas. Burleson was so pompous that Wilson called him "the Cardinal." The President's aide, Colonel House, stated that Burleson "is in a belligerent mood against the Germans, against labor, against the pacifists, etc. He is now the most belligerent member of the cabinet."\textsuperscript{30}

On one occasion Burleson's belligerency became excessive, even by Wilson's standards. Burleson had warned earlier that he would "deal severely" with any publication that claimed "that the government is controlled by Wall Street or munition manufacturers, or any other special interests." In accordance with this policy he
decided to permanently relieve the avant-garde magazine *The Masses* of its second class mailing privileges because one issue contained "seditious material." When Wilson urged him to be lenient with *The Masses*, Burleson threatened to resign and got his way.

Nevertheless, because he had friends like Senator King, Burleson remained in office and wielded almost tyrannical power. King even sought to enlarge Burleson's authority during consideration of the Unlawful Associations Act. He introduced an amendment which made all materials classified as seditious unsuitable for mailing. This was necessary, King claimed, because the I.W.W. used the mails to disseminate seditious literature and receive contributions. The conference report gave the postmaster general the power to mark seditious mail, "Undeliverable Under Espionage Act," and return it to the sender.

King's amendment met stiff opposition. In an earlier debate King had silenced Senator Borah, the old veteran from Idaho. This time Borah would not give in to the freshman from Utah. He declared flatly, "Mr. President, I am anxious to see this bill pass; but if there is going to be any adding to the dictatorial power of the Postmaster General in this situation, it can not pass today." King reluctantly withdrew the amendment, but not without first retaliating:

> This amendment ought to be accepted by everyone who desires to see a needed law properly enforced and manifest evils corrected. It is not sufficient to
punish criminally those who violate the law, but the Government ought not to be required to convey through the mails their treasonable and incendiary publications. If the Senator from Idaho objects to the criminal, disloyal, and seditious publications referred to in section 3 being excluded from the mails, he must reconcile his course with his own conscience. I shall not offer the amendment at the present time.

King considered the Sedition Act lacking in other ways: it did not deal harshly enough with those immigrants allowed to obtain citizenship under the pretense that they would remain loyal to the country. He therefore introduced S.4623 just several weeks after the Sedition Act became law. It would go into effect whenever war was declared, seeing to it that if any naturalized citizen uttered seditious statements within five years of being issued citizenship papers, the utterance would be considered prima facie evidence that the person never intended to renounce his past loyalties and become a U.S. citizen. The authorities could then deal with the person as an alien and deport him without the due process granted all citizens.

Though neither this bill nor King's continued effort to further Burleson's power were given much consideration, they at least illustrate the severity with which King was willing to deal with what he considered to be disloyalty. King was not the only member of Congress who was dissatisfied with the Espionage and Sedition laws. One stated "I would have voted for it much more readily if it carried the death penalty for the offenses which it is designed to prevent." The Attorney General argued that
"from every section of the country comes up the cry that the disloyal and seditious should be tried by military courts-martial and promptly shot."³⁴

The war ended but the Red Scare intensified.
Notes

Chapter Three


2 Archdeacon, Becoming American, p. 149.


4 Ibid., p. 40.


7 Ibid., p. 17.

8 Deseret News, 13 August 1913.

9 Ibid., 29 August 1913.

10 Ibid., 23 December 1913.


12 Herald Republican, 4 August 1917.


15 Congressional Record, 66th Congress, 2nd Session, pp. 1264-5.
16 Ibid., 65th Congress, 2nd Session, p. 4639.
17 Ibid.
18 Ibid.
19 Ibid., p. 4892.
20 Ibid., p. 4893.
21 Ibid., p. 4367.
22 Ibid., p. 4893.
23 Ibid., p. 6045.
24 Salt Lake Tribune, 24 December 1917.
26 William Preston Jr., Aliens and Dissenters, p. 144.
27 Congressional Record, 67th Congress, 4th Session, p. 486.
28 Higham, Strangers in the Land, p. 212.
29 Peterson, Opponents of War, p. 62.
30 Kennedy, Over Here, p. 75.
31 Congressional Record, 65th Congress, 2nd Session, p. 6084.
32 Ibid.
33 Peterson, Opponents of War, p. 216.
34 Ibid.
Chapter Four

THE POST-WAR RED SCARE

This bill is for the purpose of striking at those, whether they are laboring men or capitalists, whether they are intellectualists or otherwise, whether they belong to the "parlor" Bolsheviki or to the loud-mouthed, blatant street-corner revolutionist, who seek to destroy by force and violence our government.

Senator King, 1920

In November 1918 war with the central powers ended, but the war against the radicals at home only gained momentum. The establishment of the Bolshevik government in Soviet Russia, a new surge of labor troubles with the I.W.W., and the appearance of bolshevism in America rejuvenated the nativism that had been stimulated by World War I. Maxine Seller in her ethnic history, To Seek America, explains the mood that gripped the country during the first two post-war years:

Panicked middle class Americans did not stop to distinguish between trade unionist and philosophical radicals on the one hand and criminal or violently revolutionary elements on the other. All were lumped together as "un-American" and identified with the foreign population.

The German and Bolshevik Propaganda Hearing of 1918

As expected, King pursued suppression of radicals. Just before the war ended, he was called to a special Senate subcommittee to investigate German and bolshevik
propaganda. A series of hearings was held from September 1918 to February 1919.

The hearings evolved out of correspondence between Senator King and the new Attorney General A. Mitchel Palmer. King had heard about a speech Palmer had given in Harrisburg, Pennsylvania, to the Democratic State Central Committee on September 14, 1918, where Palmer had accused the German brewery interests of financing newspapers to spread pro-German propaganda. Palmer had said,

Why, you and I know perfectly well that it is around these great brewery organizations owned by rich men, almost all of them of German birth and sympathy, at least before we entered the war, that have grown up all the societies, all the organizations of this country intended to keep young German immigrants from becoming real American citizens. I know that these great interests have actually been willing to finance great newspapers for the purpose of spreading German propaganda and sentiment in this country.

King was immediately interested in Palmer's claims, since he believed that there was a direct link between the United States Brewer's Association and the National German-American Alliance, which he sought to abolish. By that time King's hearings had concluded but the bill had not yet passed. If what Palmer said was correct, the findings of his own hearings on the Alliance and the merit of his bill would gain credibility. King told Palmer that although his hearings had concluded, "I feel that any facts that you might care to give respecting the matters mentioned in the portion of your address above set forth would be of interest to the members of the sub-committee, if not to the country."
Palmer promptly wrote back to King and included a copy of the major portion of his address along with documentation. The next day Senator Jones from Washington introduced a Senate Resolution calling for Palmer to report his findings to the Senate. The resolution passed that day and hearings convened a week later.

The Judiciary Subcommittee began its investigation on the premise that "The Nation having engaged in the greatest war in history with the purpose of saving the world for democracy, now emerges from that struggle confronted with the paramount duty of preserving democracy for the world." This was no small task since, "The radical revolutionary elements in this country and the Bolshevik government of Russia have, therefore, found a common cause in support of which they can unite their forces."

That cause was,

fanning the flame of discontent and endeavoring to incite revolution. Numerous newspapers are openly advocating revolution. Literature and circular matter demanding a resort to violence are being widely circulated. Bombs and high explosives have been used in many parts of the country in an attempt to inaugurate a reign of terror and to accomplish the assassination of public officials."

These hearings were reminiscent of the Alliance hearings in that they linked activities before the war and anti-prohibition propaganda with disloyalty. Oddly, it was King who showed the greatest sympathy to the subpoenaed witnesses from the brewery community. At one point he asserted that the hearings were going beyond the scope of
the resolution upon which they were based. Later he stated that when it came "down to brass tacks," the Germans were only trying to save what they considered an honorable occupation from being assailed by do-gooder organizations. Furthermore, they used political machinery and the press to counter prohibitionists; means they too felt were legitimate, used with equal tenacity by their opponents.

Despite King's defense of the brewers, the committee passed a number of recommendations based on its findings that the brewers had used millions of dollars to influence politicians and elections and that English and foreign language newspapers were used to propagandize against prohibition and to discourage "the assimilation of the foreign element with the American people." Most seriously, the brewers were charged with radicalism and anarchism:

Today the forces of anarchy and violence are utilizing the financial resources plundered by them from the European people they have succeeded in exploiting, to import into this country money, literature, and hired agents for the purpose of promulgating the doctrine of force, violence, assassination, confiscation, and revolution.

To combat these affronts the committee recommended legislation that would "bring under legal control and supervision every committee and organization participating in a political activity... and control and regulate the printing of foreign-language publications in this country."

As harsh as these proposals were, even more oppressive would be the recommended extension of the Espionage and Sedition
Acts of 1917 and 1918. The report lamented that their provisions were applicable only during time of war and consequently the restoration of peace will leave the Government of the United States more helpless, and because of the growth of the revolutionary movement as a result of the World War, more powerless, than if found itself prior to our entrance into that struggle. It is therefore imperative that there be enacted before the reestablishment of peace an act adequately protecting our national sovereignty and our established institutions.

The hearing report contained the approval of all subcommittee members but Senator King. His dissent stated,

As a member of the subcommittee, I have joined in the above report; but while agreeing with many of the statements and recommendations appearing on pages 43 to 48, inclusive, I desire to state that I am not in full accord with all the committee's recommendations.

Though King was not specific about what he opposed, included in the recommendations was an extension of the anti-explosive act, which prohibited aliens from using explosives. If such a bill were passed in peacetime it could be used against miners such as the Greek and Italian miners in Utah who used explosives in their work. King would not likely want to support a law that would violate the interests of his former clients and incur the wrath of Utah mining interests.

German and Propaganda Hearings of 1919

On February 11, 1919, the hearings resumed under an additional resolution that extended the investigation to include agents of the bolshevik government operating within the U.S., whose purpose it was to overthrow the government.
"by force, or by the destruction of life or property, or the general cessation of industry," These second hearings reveal how King and others viewed the connections between the various radical elements.

One of the first things that King felt he established, based on testimony of a witness who had been an attache in Russia with the Department of Commerce, was that the Bolsheviks were allies of Germany and Austria. He then asked another witness, the former superintendent of the Methodist Episcopal Church in Petrograd Russia, about the Industrial Workers of the World.

Doctor, you have read and heard of and come in contact with I.W.W.s of this country and their destructive creed, their advocacy of the destruction of our form of government. I will ask you whether or not, from your observations of the Bosheviki and the I.W.W., do you see any difference?

The Reverend George A. Simmons responded, "I am strongly impressed with this, that the Bolshevik and the Industrial Workers of the World are identical." Simmons also answered King that the Bolsheviks had aided the Germans with troops, munitions and propaganda, and that they were "abolishing marriage and establishing what has been called 'free-love.'" King and the other senators seemed willing to accept this testimony as fact, even if it was very impressionistic and from a less than authoritative source.

Robert K. Murray's Red Scare: A Study of National Hysteria, argues that while the hearings did little to prove the link of radicals in this country to the Bolshevik Revolution, they did serve as a primary catalyst for the
"Red Scare" that followed the war. Vivid stories of Bolshevik atrocities made up for the lack of definitive proof. During the twelve thousand pages of testimony, Senator King and the other committee members listened to hearsay stories that east side New York Jews led the Russian revolution and that Lenin was a tool of the Kaiser. The press found that such testimony made good copy.

Stories were circulated that the victims of the Bolshevik madmen customarily had been roasted to death in furnaces, scalded with live steam, torn to pieces on racks, or hacked to bits with axes...Russia was a place, some said, where maniacs stalked raving through the streets, and the populace fought with the dogs for carrion.

While many of the allegations were farfetched, the evidence gathered convinced King and others that German sympathizers, bolsheviks and wobblies were all part of the same conspiracy.

STRIKE!

If the bolshevik hearings started the post-war Red Scare fire, the strikes that followed fanned the flames. The first strikes began in the New York garment districts and spread from there to the textile mills of Massachusetts. Steel workers followed when 376,000, mostly of southern and eastern European extraction, left their jobs. Some strikes turned violent; policemen and vigilantes roamed through crowds swinging clubs.

In February 1919, a general strike was called in Seattle, Washington, with sixty-thousand men representing almost every union participating. Many observers
considered it evidence that the bolshevik revolution had crossed the ocean. Even President Wilson's progressive aide, Joe Tumulty, declared the strike to be "the first evidence of the soviet in this country." Senator King announced that the strike was the work of bolshevik agitators: "From Russia they came and to Russia they should be made to go."

In September another strike broke out in Boston, where policemen left their beats to demand higher wages and to be allowed to join the American Federation of Labor. Though the worst incidents involved a few hoodlums breaking windows and pelting trolley cars with rocks, the fact that policemen were striking to join a labor union panicked Boston. Officials at Harvard University told students that their grades would not be penalized if they joined the American Legion on the streets to protect the peace. In Salt Lake City the Tribune's headline read, "TERROR REIGNS IN CITY," and Life magazine reported that the police had "lined up with the Bolsheviki."

Utah was the victim of an I.W.W. strike on May 6. Approximately nine-hundred miners and smelter workers left their jobs in the Park City area, resulting in a stoppage of all mining activity for over a month. Ironically, some of the mine operators, such as Ernest Bamberger, conceded that the strikers wage demands were fair, but as the Park Record observed,

because of the known fact that the present labor
troubles had been planned and fostered by the I.W.W. the demands of the miners would not be granted, as it is the firm determination of every mining company in the state, not to recognize or countenance any action launched by the I.W.W., if the properties were compelled to remain closed indefinitely.

The most important thing to come out of the 1919 strikes was the popular perception that the strikers were largely foreign born or aliens. One typical newspaper story reported that while some of the strikers might be American citizens, they were largely peaceful but "The foreign element, on the other hand, is absolutely destructive..." John Higham notes that the publicity accompanying the strikes gave

an impression that radicalism permeated the foreign-born population, that it flourished among immigrants generally and appealed to hardly anyone else... During 1919 and the early months of 1920 no other kind of xenophobia even approached it in terms of vogue and impact.

King agreed that the foreign born were largely responsible for the radicalism he saw permeating the country:

I think the investigations which have been made by agencies of the United States and of States will prove that the greater number of the I.W.W.'s and extreme radicals are aliens.

At about this time many lawmakers expressed support for state and federal peacetime sedition laws. They were urged on by a public sensitized by spy hunt hearings, sensationalized reporting of strikes and rumors of bombings and attempted assassinations of public figures. King became a leader of the peacetime sedition movement after one such act of anarchy struck him so personally that he
responded by introducing perhaps the most oppressive bill ever to be read in the chambers of the U.S. Senate.

**BOMBS!**

On April 29, 1919, as Senator Thomas W. Hardwick's wife looked on, the Senator's maid opened a package that had just arrived in the mail. The parcel exploded, resulting in the loss of both the maid's hands and severe burns to Mrs. Hardwick. On his way home from work, a postal clerk from New York City read the headlines describing the act of terrorism and recalled that several days earlier he had intercepted sixteen packages matching the description of the Hardwick bomb for lacking the proper postage. He rushed back and found them undisturbed, and more importantly, unmailed. Each contained a deadly acid detonator coupled with a high explosive.⁴¹

Among those to receive the bombs were Frederic Howe (Commissioner of Ellis Island), Anthony Caminetti (Commissioner of Immigration), Albert Burleson (Postmaster General), A. Mitchell Palmer (U.S. Attorney General) Oliver Wendell Holmes, J.D. Rockefeller, J.P. Morgan, Senator Lee S. Overman (Chairman of the Senate Bolshevik Subcommittee), and Senator William H. King. It is difficult to know exactly why Justice Holmes and the business tycoons were targeted, but the rest were directly involved in either the suppression of radicals or in the regulation of immigration.

King's bomb was eight inches long, two inches high, two inches wide and weighed eleven ounces. It had been
addressed to "Senator William H. King, Sault Lake City, UT, Hotel Utah [sic]." The return address was "Gimbel Brothers, 32nd Street Broadway 33rd Street, New York City," and was stamped with the figure of a traveling vendor to appear as though the package was a product sample.

Two other Utahns were sent bombs: Senator Reed Smoot and Frank K. Nebeker. The latter had been chief prosecutor against more than one hundred members of the I.W.W. in the famous Chicago trials under Judge Landis. The bomb arrived at his office on the 6th floor of the Judge Building in downtown Salt Lake City, but was left unopened by a wary secretary. She notified the Post Office, who disposed of the bomb. Nebeker commented after the incident that, "If I was selected to receive one of the bombs then the Industrial Workers of the World organization is behind it." 22

A month later the Salt Lake City newspapers reported that King received a death threat:

Senator William H. King of Utah again has become the object of attack by the band of reds or anarchists as yet unknown. In a plain envelope, bearing a New York City postmark, the Senator received a brief note, hand printed as follows: 'Beware: You will not escape.' The Senator believes the note emanated from the same source as did the bomb that was sent to him at Salt Lake through the mails and fortunately caught before delivery. It was sent to his home at the Somerset Apartments and not his office. Despite the warning sent him, Senator King is insisting even more vigorously than ever that Congress shall lose no time in enacting drastic legislation to punish severely all reds who can be apprehended in the United States.
Death to Radicals

King wasted little time in retaliating. He prepared two bills, one making it a capital offense to transport bombs in interstate commerce, and the other dealing in the same way with persons belonging to anarchist organizations. Never before had a Senator proposed that guilt by association have been punishable by death. The first bill was favorably reported out of committee, but never made it to Senate floor—there is no record of action on the other bill. Both demonstrate the severity with which King was willing to deal with radicals.

Another King bill caught the attention of the New York Times, which reported on June 12, 1919, just a week after his death threat, that the "SEVEREST MEASURE EVER INTRODUCED AGAINST RADICALS MAY BE INTRODUCED TODAY." The Times was right—King stood before the Senate and introduced a peacetime sedition act. It made written or verbal statements encouraging defiance of the Government or its laws felonies punishable by a ten thousand dollar fine and ten years imprisonment. In addition, if the convicted person was an alien, he or she was subject to deportation. The same punishment applied to persons attempting to import seditious publications.

Other senators introduced milder sedition acts [seventy such acts were introduced in the fall and winter of 1919 and 1920], but all met stiff resistance from Congressmen who could not justify any laws aimed at punishing
speech. It was bad enough that such measures were passed during wartime, but peacetime sedition acts were clearly unacceptable and such bills were seldom passed into law.\footnote{25}

King believed that the answer rested not with another federal sedition act, but as he had been trained in law school, with the states. He told the \textit{New York Times} the same month he introduced his sedition act that

\begin{quote}
It is difficult for the Federal Government to act effectively without vigorous cooperation of the states. For this reason the state governments ought to enact with the utmost haste to stamp our anarchistic tendencies where ever they exist within their own borders.\footnote{26}
\end{quote}

King helped A. Mitchell Palmer and the super patriot organizations lobby the states in passing peacetime sedition acts or criminal syndicalist laws. Twenty-six states did so by by the end of the year. Robert Murray describes the laws:

\begin{quote}
Although such laws varied slightly from state to state the effect was generally the same. Opinions were labeled as objectionable and punished for their own sake without any consideration of the probability of criminal acts; severe penalties were imposed for the advocacy of small offenses; and a practical censorship of speech and press was established ex post facto.\footnote{27}
\end{quote}

Utah was among the states to enact the peacetime laws. The Utah Syndicalism and Sabotage Act of February 17, 1919, prohibited verbal or written advocacy of a crime for industrial or political ends. It also tried to avert any further I.W.W. street meetings by outlawing the assembly of two or more persons for seditious purposes. A person could be convicted if he knowingly allowed the
display of seditious literature or banners on his property. The sentence was imprisonment for one to five years or a two hundred to one thousand dollar fine.\textsuperscript{28}

**Palmer Raids**

In anticipation of a federal sedition act, Palmer's Justice Department agents had busied themselves in gathering information on radical activities. These activities were conducted under the newly organized General Intelligence Division with the young, ambitious J. Edgar Hoover as its director. Despite the fact the law was never passed, by November 1919, Palmer and Hoover felt they had enough information and authority to begin the radical roundup. Palmer was as personally bitter against the radicals as King since he too had received a bomb, which damaged the front of his home. He had been embarrassed when he was unable to apprehend those who had sent the bombs to King and others the previous April.

The night of November 7, Palmer's agents in eleven cities arrested hundreds of alleged bolsheviks. A month later two hundred and forty-nine of them were speedily processed and put on a boat to Finland, without due process. From there they traveled by train to Russia, many never to see their families again.\textsuperscript{29} By popular demand, Palmer conducted another raid with the help of local police and vigilante organizations such as the American Protective League, on January 2, 1920. From thirty-three cities over
three thousand men, mostly eastern Europeans members of the Communist Party, were seized. Some were neither communists nor aliens, but were in the wrong place at the wrong time. The arrested were held in custody from a few hours to several weeks, and in almost all cases their treatment was appalling. Higham records,

   For several days in Detroit eight hundred men were held incommunicado in a windowless corridor, sleeping on the bare stone floor, subsisting on food which their families brought in, and limited to the use of a single drinking fountain and a single toilet.

Palmer received accolades from across the nation for being able to accomplish more with less authority than his predecessor, Thomas Gregory. Newspapers such as the Salt Lake Tribune expressed support for Palmer's actions and called for even tougher legislation against the radicals.

The present Congress has an imperative duty to perform. It is to vitalize the existing laws against these vicious propagandists and enact measures which will buttress the American nation against attacks from alien enemies and alien Americans.

Raids in Utah

The I.W.W. strikes in Park City and throughout the nation traumatized Utah, whose chief industry was agriculture. For the farmers, conservative businessmen and Mormon Church leaders who made up the state's civic leadership, the I.W.W. was not a welcome addition to the state's labor force. James W. Collins, President of the Salt Lake Rotary Club, told a luncheon of rotarians at the Hotel Utah that "Utah is a center of I.W.W. propaganda according to the literature of that element and the boasts of its leader."
He went on to say that Utah led new membership nationwide the previous month and that an intensive membership drive was underway in the Carbon County coal fields. To remedy the situation, local authorities should expel the undesirables from the state and the U.S. Congress should pass tougher laws. He closed by saying, "We don't want here what happened in Washington." 32

Unfortunately, little is known of the extent of anti-I.W.W. activities by Utah's legal authorities, but the newspapers occasionally mentioned their efforts. The *Salt Lake Tribune* reported that in November, 1919, two Italians were arrested in Standardville for "preaching anarchism," and in March, 1920, the *Deseret News* reported that a Salt Lake radical bookstore was raided, and a Greek later arrested for printing seditious materials. 33

**Deportation**

The objective of the local and national raids was deportation. Only by expelling, once and for all, the leaders of the I.W.W., the bolsheviki and the Communist Party, could radicalism be weeded out from the country. There were two major problems in accomplishing this end and Senator King recognized them. First, foreign-born radicals who had become naturalized citizens could not be deported. The irritated Utah senator complained on the Senate floor,

> They can be punished and imprisoned. They may violate laws calling for the death penalty, but it is not within the power of the Government to send them to some other country. It is quite likely that the United States could
send them persons convicted of violating Federal laws to some distant island or place of isolation over which it had jurisdiction. . . . But in the usual sense of the word "deport," it would not have authority to deport them.

He reminded his colleagues that the Immigration Act of 1918 allowed for the deportation of radical aliens. "This law which we passed in 1918, provides that aliens belonging to certain classes may be deported from the United States." Not only could the federal government deport aliens, but the 1893 Supreme Court case, Fong Yue Ting v. United States, ruled that they could do so without any judicial review. The Department of Labor was therefore subject only to Congressional legislation, which mandated in the 1918 Act that (for the first time in history) guilt by association was a deportable offense.

The second problem, as King saw it, was that while the Department of Justice and local authorities had enthusiastically arrested alien radicals during wartime under the Espionage and Sedition Acts and even in peacetime without any federal laws, the Department of Labor, responsible for the actual deportation proceedings, was failing to deport sufficient numbers.

When Palmer took over as the new attorney general his main concerns were the deportation of radicals already apprehended and further arrests, convictions and deportations. But what had concerned Palmer and motivated King to intimate that the Labor Department was not enforcing the law was that in March 1919, Secretary of Labor
William B. Wilson had modified the deportation procedure so that the arrested radicals could have the right to legal counsel. They had not theretofore had the right to an attorney and had been frequently convicted through self-incrimination.

King was not the only one angry about the change. Anthony Caminetti, the Labor Department's Commissioner of Immigration, argued that it would obstruct justice since "self-incriminating confessions of beliefs or associations played an extraordinary role in proving the guilt of these aliens." This was true. Others arrested, of course, were counseled by their attorneys against divulging information.

With this new procedure Palmer was concerned that those he planned to arrest in the fall would never be convicted. King sent a strong signal to the Labor Department encouraging deportation of those arrested for sedition. He told the Senate,

I am of opinion that some of the officials in the Labor Department who were charged with the duty of deporting aliens have been derelict. I feel that there have been those who did not sympathize with the laws requiring the deportation of certain aliens, and they have failed to act and to drive from our shores many whose activities were pernicious and who have contributed to industrial anarchy and who have sought the overthrow of this Republic.

He made it clear that he was not referring to Commissioner Caminetti, whom he said has "earnestly attempted the discharge of the duties resting upon him."
Though he did not name Secretary Wilson and Assistant Secretary Louis F. Post then, King believed they were to blame. He said of them,

I believe there have been influences at work in the department, which have circumvented his [Caminetti's] purpose and interposed obstacles to the accomplishment of his desires. It is to be hoped that a change will be made and that the laws relating to the deportation of aliens will be vigorously enforced.

A change was made, but not by Secretary Wilson, who had been a member of the United Mine Workers and was sympathetic to labor and the "underdog" in general. During his prolonged illness he reluctantly signed the Palmer arrest warrants for the second round of raids in January, and agreed that members of the Communist Party were susceptible to deportation under the 1918 law. To make matters worse for the radicals, Acting Secretary John W. Abercrombie restored the old department rule that prohibited arrested aliens from having access to their attorneys.

But a month after the second raid Louis F. Post became Acting Secretary and refused to streamline the deportation procedure as King and Palmer had requested. Instead, he again restored the right to legal counsel and refused to convict on the grounds of guilt by association only. He did so on the basis that there was a difference between "conscious" and "unconscious" membership in a radical organization. If a person had joined without a knowledge of an organization's illegal doctrines, he should not be
deported. He threw out self-incriminating or illegally seized evidence and sought the quick release by writ of habeas corpus of those not convicted.

The seventy-one-year-old Post was prepared to defend these policies. Inspired by Thomas Paine as a boy, and later a follower of Henry George and Emanuel Swedenborg, he carefully considered the thousands of arrested radicals on a case by case basis. Palmer and King were furious. Palmer and his men "suspected Post of being a tool of the wobbly organization and had his correspondence sifted." They even tried to have him impeached.

To rectify the problem, King introduced a bill which transferred deportation authority from the Department of Labor to the Department of Justice. Had it been enacted, Palmer would have become arresting officer, prosecutor and judge in the deportation proceedings. But the bill was never reported out of committee. King next introduced a resolution to investigate "the indifference of the Department of Labor with regard to the issuance of an execution of warrants for the deportation of such aliens...." This effort was also unsuccessful.

As time went on and more facts concerning the Department of Justice's activities were disclosed, many leading newspapers and jurists began to denounce Palmer. After Post brilliantly defended himself before a Congressional committee, the New York Times lavished praise on the aged liberal. Palmer received a caustic rebuke from
Harvard Law School's Dean, Roscoe Pound, and twelve other legal scholars who published a paper entitled, "Report Upon the Illegal Practices of the United States Department of Justice," which accused Palmer of conducting illegal searches and seizures, major Bill of Rights violations, and of generally abusing his office.\(^{44}\)

Through it all King remained loyal to Palmer and continually defended him and his deportation policies on the Senate floor. In a heated debate, King accused Wilson and Post openly, telling Senator France of Maryland,

> The Senator knows that the Labor Department, including the Secretary of Labor and the Assistant Secretary of Labor, Mr. Post have been sympathetic, indeed, too sympathetic... with sinister alien elements that should have been deported who have been permitted to remain in the United States. There are persons who should have been permitted who have been permitted to remain in the United States by Mr. Post, the Assistant Secretary of Labor. I believe the President should have removed Mr. Post from his position months ago.\(^{45}\)

The Senate made another major attempt to force the deportation of radicals arrested by Palmer, and passed the Immigration Act of 1920. It spelled out clearly that guilt by association was sufficient to warrant deportation. The problem with the law was that it did not specify which organizations it considered seditious, but left that up to Wilson and Post. The foreseeable result was that they never named the I.W.W. or the Communist Party as seditious organizations, therefore nullifying any enforcement of the new law.\(^{46}\)
The Immigrant Threat

As the strikes lost energy and the country began to return to a state of "normalcy," attention shifted from the radical aliens to the waves of immigrants. As early as June 1919, lawmakers began to take note of the increasing numbers of immigrants flowing through Ellis Island. On June 27, during a typical King harangue about aliens who "have for their object the overthrow of the Government. . . .," Senator Smith of South Carolina interrupted the Utahn:

I think the time has come when in conjunction with the punitive statutes which we are passing for the restriction and the extermination of this element in this country [radicals], we should also supplement it by the strictest form of immigration laws, so that we can stop this melting pot business which comes so near melting the pot in the process.  

By September 1920, an average of five thousand immigrants, mostly southern and eastern Europeans, poured into Ellis Island every day, and the cry for restriction grew louder. What had been fear of German spies during the war and Bolsheviks after turned to a full-blown xenophobic immigration restriction movement. Most congressmen, who had advocated strict anti-radical measures, made the transition easily, accepting the idea that America was in the process of becoming "mongrelized" unless the floodgates were closed. But the Senator from Utah who had imposed harsh restrictions on the foreign language press and asked that members of subversive organizations be executed was not so favorably disposed toward immigration restriction.
Notes

Chapter Four


2 U.S. Senate Judiciary Subcommittee, Brewing and Liquor Interests and German Propaganda, Hearings on S.Res. 307 65th Congress, 2nd Session, p. 5.

3 Ibid., pp. 5-6.

4 Ibid., p. XLII.

5 Ibid., p. XLX.

6 Ibid., p. Ibid.

7 Ibid., p. L.

8 U.S. Senate Judiciary Subcommittee, Brewing and Liquor Interests and German and Bolshevik Propaganda, Hearings on S.Res. 307 and 439, 65th Congress, 3rd Session, p. 6.

9 Ibid., p. 138.

10 Ibid., pp. 137-8.

11 Ibid.


14 Ibid.

15 Murray B. Levin, Political Hysteria in America: The

16 Ibid., p. 38. Salt Lake Tribune, 9 September 1919.


18 Higham, Strangers in the Land, p. 227.

19 Ibid.


22 Journal History of the Church, 1 May 1919, p. 5.

23 Ibid., 4 June 1919, p. 7.


29 Higham, Strangers in the Land, p. 230.

30 Ibid., p. 231.

31 Salt Lake Tribune, 4 January 1920.

32 Deseret News, 18 November 1919.

33 Ibid., 23 March 1920.

34 Congressional Record, 66th Congress, 1st Session, p. 1910.

35 Harold W. Chase and Craig R. Ducat, Constitutional

36 Congressional Record, 66th Congress, 1st Session, p. 4147.
37 Preston, Aliens and Dissenters, p. 212.
38 Ibid., p. 213.
39 Congressional Record, 66th Congress, 2nd Session, p. 70.
40 Ibid.
41 Preston, Aliens and Dissenters, p. 218.
42 Ibid., p. 225.
43 Congressional Record, 66th Congress, 2nd Session, 22 March 1920, p. 4678.
44 Preston, Aliens and Dissenters, p. 222.
45 Congressional Record, 66th Congress, 3rd Session, p. 1865.
46 Preston, Aliens and Dissenters, p. 228.
Chapter Five

IMMIGRATION RESTRICTION

Mr. President, I am disappointed in the measure which will soon receive the approval of the Senate. . . . The pending bill is discriminatory against certain nationalities.

Senator King, 1924

Prior to 1921, the only restriction on immigration was the exclusion of certain categories of "undesirable" immigrants such as convicts, lunatics, prostitutes, polygamists and anarchists, and the Chinese Exclusion Act of 1882. The first sweeping exclusion came with the Immigration Act of 1917, which banned anyone over sixteen years of age who could not read some language. This law was subtly discriminatory against southern and eastern immigrants since they were proportionally less literate than northern European immigrants.

By the 1920s the demand for a far-reaching immigration restriction policy arose from all parts of the country. It was not the first time that such a clamor was raised. In the 1890s it had become evident that the character of immigration was changing. The traditional "old" immigrant of protestant, anglo-saxon ancestry was giving way to the "new" immigrant of Mediterranean, slavic or semitic descent, with his strange languages and religions.
Lawmakers and the public from across the country noted the change. A Salt Lake Herald-Republican editorial from March 30, 1910 read,

Boston has some things that are worth while. One of them is the Immigrant Restriction League. . . . There was a time when the very fact that a man left his native country and came to America was good evidence that he was a strong, resourceful, progressive man; the very material out of which splendid citizenship would most easily be made. But we may as well admit that that time has passed. 1

Factors Contributing to Restrictionist Sentiment

It was not until the 1920s that the nation was prepared to permanently close the floodgates. There were several reasons for this, involving economics, racism, anti-radicalism and public perception. First, as an outcome of World War I, much of the nation's farm labor had moved to urban centers to work in the war industries. This created an estimated farm labor shortage of four million, but only about three per cent of the new immigrants were farmers. To further aggravate the labor situation, technological advances had decreased the need for unskilled laborers in the industrial urban centers. This imbalance in the labor force, coupled with a post-war recession, created an extremely unwelcome atmosphere for the 50,000 immigrants arriving each month by 1920. 2

As expected, labor strongly supported immigration restriction. Though many labor union leaders were themselves "old" immigrants, they felt a direct threat of job displacement from their more recent counterparts. Big
business vacillated throughout the twenties on restriction, depending on the need for unskilled labor and the perceived threat of labor unrest from the radicals.

John Higham calls the twenties the "Flowering of Racism." The importance of the new scientific racism in justifying discriminatory policies and practices should not be underestimated. Although racism was not new to America, by the twenties it had received an air of legitimacy through the pseudo-scientific work of Madison Grant's *The Passing of the Great Race*, Lothrop Stoddard's *The Rising Tide of Color* and many other texts. From 1910 to 1920, there were more articles on eugenics published in popular magazines than on any other social issue. Middle class magazines such as *The Saturday Evening Post* ran series of articles on the dangers of propounding the immigration of "the human scrubs and runts and culls that will otherwise be a part in the future generations of Americans..." But these articles were not limited to middle America. Scores of similar articles appeared in liberal and progressive magazines, such as *Nation* and *The New Republic*.

Maxine Seller's *To Seek America* explains that,

These American writers, as well as the European investigators whose works they used, made the mistake of linking genetically caused physical characteristics—hair, skin coloring, and height—with environmentally produced cultural characteristics such as poverty and illiteracy."

Patriotic societies and immigration restriction leagues across the country used this "scientific
evidence" to validate their claims that southern and eastern Europeans were mentally inferior or predisposed to crime. Senator King and other members of the immigration committees heard representatives of these groups testify in hearings for hours on the need to curtail immigration.

Failures in the Americanization movement also contributed to immigration restriction. Reformers first became involved during the progressive era with the establishment of settlement houses and charity organizations to help the immigrant adjust and assimilate into American life. Then, the government became involved through the Federal Bureaus of Education and Naturalization. During the war Americanization fell under George Creel's Committee for Public Information and the National Council of Defense, whose main purpose was to promote loyalty among the foreign born population, and to encourage the use of the English language. After the war many states adopted voluntary or compulsory Americanization programs aimed at teaching immigrants English and the duties of American citizenship.

By 1921 these efforts seemed largely ineffectual; reformers and politicians turned away from trying to assimilate the immigrant to trying to keep him out. With this change came the erosion of the longheld ideal of America as a melting pot. Higham describes the transition:

The war virtually swept from the American consciousness the old belief in unrestricted immigration. It did so, very simply, by creating an urgent demand
for national unity and homogeneity that practically destroyed what the travail of preceding decades had already fatally weakened: the historic confidence in the capacity of America to assimilate all men automatically.

Finally, almost every social problem was blamed on the immigrants. Many considered them responsible for everything from the flu epidemic of 1918 and the strikes of 1919, to increased crime in the big cities. Others remembered friends and relatives who died in the trenches during the war while thousands of alien "slackers" reaped the rewards of good employment at home.

The call for restriction would not wane until the golden door had been slammed shut.

Pro-Restrictionist Sentiment in Utah

Utah followed the national mood; all of these factors promoting restrictionism were abundant in the Beehive State. Editorials, such as this from the Deseret News in April 1921, reflected the popular opinion that the economy and the work force could not bear the open door policy.

In view of widespread existing and impending unemployment in our chief industrial centers, a very sane and proper manifestation of that charity and sympathy which legislators at home suggested that our business was to find jobs for our own workers, whether native or foreign born, before letting in an immense new aggregation to make the situation more grevious.

The fear of job displacement even motivated the ugliest forms of nativism in Utah—the Ku Klux Klan—according to Larry Gerlach's study. He argues further that the economic
factor was acute in Utah and was the leading cause of inter-racial conflict within the state:

Ironically, the primary source of ethnic antagonism was that which brought the immigrants to Utah in the first place: economics. Immigrants were resented initially because as a source of cheap labor they provided unwelcome competition for unskilled jobs and later because their economic mobility threatened the position and prosperity of natives. Greeks made a particularly rapid assent from laborers to entrepreneurs, and by 1920 in many mining and coal towns Greek businesses rivaled or surpassed native establishments.

Racism was also vogue in Utah. It could be seen in the press and in the attitudes of many people. Some historians have argued that Mormon theology was the source of nativism and racial problems between Mormons and "gentiles." But while many Mormons reflected the nativist attitudes of their day, there is no evidence that these emanated from LDS theology. The proof usually cited is a pamphlet by Nathaniel Baldwin titled, "Times of the Gentiles--Fulness of the Gentiles," published in 1917. Far from being a spokesman for the LDS Church or an expert on Mormon theology, Baldwin had been excommunicated for apostate beliefs, and advocating polygamy and his pamphlet is actually an anti-Mormon tract.

Those nativist attitudes evident in the Church membership and publications were a product of linking the popular culture to Church doctrine. Certain zealous Church members were guilty of taking eugenicist and racist ideas found in history books and slick magazines and disseminating them as Church doctrine. For example, several Church
publications printed pieces enthusiastic about eugenics. As early as 1904, a Deseret News editorial reported that "The author of the Mosaic law had studied eugenics closely for, according to that code, death was the penalty of all transgressions that threatened to result in the deterioration of the races." Similarly, another editorial from 1910, reported, "And the great fundamental principle of eugenics was taught to the children of Israel..."

The most authoritative statement advocating eugenics is found in the February 1913 Young Women's Journal, where John A. Widstoe, himself an immigrant from Norway, suggested that eugenics was a new truth revealed from God and that the membership of the Church should prepare themselves to accept it.

Eugenics was also popular in circles outside the Church. The Utah Eugenics Society was "permanently" organized in the Hotel Utah in April of 1913, with a membership from the community's "best" circles. The Society's purpose was to meet and hear speakers as well as recommend eugenics legislation to the state legislature. One such proposal advocated the establishment of a State Bureau of Eugenics.

That same year an out-of-state visitor to the National Education Association convention held in Salt Lake City commented that, "The Mormon people respond so heartily to my doctrine of eugenics, that I am satisfied that they
are a most moral and upright people." But in 1916 the Church seemed to take an anti-eugenics stand. B.H. Roberts published an article in the Improvement Era condemning eugenics on scientific and theological grounds. Even before that there were Deseret News editorials critical of the "science." It is uncertain whether the Church's informal condemnation of eugenics through Deseret News editorials and the Improvement Era altered the attitudes of those who had enthusiastically espoused it.

Nativist attitudes continued among the Church membership and publications. These were not derived from Mormon theology—LDS scriptures or pronouncements of the First Presidency of the Church—but notions adopted from the popular culture. An example is this Relief Society lesson on "English Racial History" for June 1918.

The Latins are excitable, erratic, artistic, and are keenly susceptible to the Catholic religion—a religion of sensuous emotionalism; the Irish—among the Celtic remnants—seem akin to the Latin in this and many other traits. On the contrary, the Teutons—that is, the Scandinavians, Germans, English, Dutch, Swiss, German and Normans, are less emotional, require a religion which appeals to mind and heart alike, and are steady, sane and reasonable. It is through the Teutonic races that the Gospel has come—heralded by the Reformation, helped by the Huguenots, Puritans and Pilgrims, finally reaching its culmination in the revelations of the Lord Jesus Christ through the mission of the Prophet Joseph Smith.

Except for the last line, this statement could have been pulled directly from William Z. Ripley's treatises on the racial composition of Europe or Thomas Watson's anti-catholic tracts. The rift between Mormons and immigrants
was based not on theological differences but on cultural and economic differences, as in every other section of the country where new immigrants met old immigrants and old stock Americans.

Nativist attitudes and policies were seen in civic as well as church organizations in Utah. In 1918 the state legislature created a State Committee on Americanization. It was to oversee efforts to assimilate the alien peoples of Utah. As Arch M. Thurman, the director, stated, "The presence in our state of large alien groups presents the possibility of a real menace to the welfare of the state."\(^{22}\)

The next year the legislature passed an Americanization bill requiring all aliens between the ages of sixteen and forty-five to be able to speak, read and write English at fifth grade level or attend night class.\(^{23}\) Though many immigrants made an effort to conform to the law, most ignored it; only fourteen per cent of those required to actually attended classes.\(^{24}\) Undoubtedly, many active in the Americanization movement in Utah genuinely sought to help the foreign born adjust to life in Utah. The University of Utah bulletin, "Suggestions for Americanization Teachers," offered sound and sensitive instructions:

1. Cultivate and show a friendly attitude.
2. Acquaint yourself with the life of your students in the old world both by systematic reading and by conversation.
3. Put yourself in his place. Can you imagine your own feelings in a strange land attempting to learn a strange
language from a strange teacher who may be very dull, especially after a day's hard work? Nevertheless, such a law enforced by threat of arrest could never bring the desired results, and the program was deemed a failure.

Other civic and community programs motivated by racism were at least as condescending to the immigrant. In 1920 a series of pilgrim pageants was held in Utah commemorating the Tercentenary Celebration of the landing at Plymouth Rock. Professor B. Roland Lewis of the University of Utah Department of English published a manual instructing the primary and secondary schools in their pageants. He called the occasion "a most welcome opportunity to pay noble tribute to those sturdy Anglo-Saxon forefathers to whom the people of Utah owe so much and to whom they are so closely and so directly linked," and condescendedly reminded, "Notwithstanding the highly cosmopolitan nature of the population of Utah today, as varied as that of any other community in the land, the backbone of Utah is essentially of the staunchest New England stock. . . ." It is difficult to say whether nativism manifested itself to a greater or lesser extent in Utah than in the nation in general. There was never mob violence against the immigrants in Utah as there was in other states. The Ku Klux Klan made a brief show of bigotry and harassment, but was never made welcome in the state.
But surely the same xenophobia leading to immigration restrictionism that existed elsewhere existed in Utah. Utahns were worried about the economic implication of millions of new immigrants. They worried about radicals, and lauded efforts made by Palmer and others to stop them. They harbored notions of eugenics and the superiority of the Anglo-Saxon race, to which most of them traced their heritage. They believed that the "quality of our immigration has changed, and not for the better."  

The editorials found in the state's papers reflect the often contradictory reasons for advocating immigration restriction. In the space of three months readers of the Deseret News read that the jobs of merchants, traders and mechanics were threatened by the ranks of skilled immigrant labor, and on the other hand the new immigrants were undesirable since they did not assimilate into American society.

They have little idea of the principles of self-government because they come from countries where it has been little practiced. The great majority of these are common laborers, many are illiterate and their standard of life and living is low. . . .  

Senator King Takes a Stand

The message of hundreds of similar editorials reached the lawmakers in Washington. They no longer considered whether immigration restriction was necessary, but rather how to go about it. Representatives and Senators chose a variety of reasons to support restriction, but the biggest was that, except for a few Congressional districts in the Northeast, the voters wanted the immigrants of
southern and eastern Europe kept out. Senator King could have chosen any of the reasons to support restriction. It appeared, for a time, that the threat of radicalism was enough to swing him to the restrictionist camp. As might be expected, his hardline anti-radical stand made him an early advocate of tougher immigration laws. He had told the Senate back in April 1918,

I think there should be some change in our immigration laws that would restrict them to narrower limits and to those only who love this country, its Constitution and its laws, its institutions, and its glorious history; those who desire liberty under law and who can comprehend in part, at least, the high mission and the ideals of this Republic.  

His position was reiterated in the New York Times in December 1920, stating that "The admission of aliens to this country must be made more difficult and that it was necessary to prohibit all persons who were inoculated with 'red tendencies' from entering the United States." In January of 1920, King spoke to the Immigration Aid Society and said that the immigration laws were "a crazy quilt patch-work" and that he disapproved of the literacy test. He pledged to work with the leadership of the Immigration Committee in the formulation of a "coherent, just and humane law."  

Many lawmakers had already proposed various immigration bills, some calling for a long-term moratorium on immigration of anywhere from five to fifty years, or even indefinite restriction on all immigration. King
agreed that "there seems to be strong reasons calling for a law that will forbid for a limited period practically all immigration. . ." to prevent entrance of "thousands of persons who desire the overthrow of this Republic." He called for "prompt action" and a cessation of immigration for six to twelve months in order to study the problem. But he insisted that a permanent policy or indefinite restriction was uncalled for.

Of course, no policy will be adopted which will permanently exclude aliens from our shores. Our country for more than a century has been the asylum for the oppressed of all nations, and we have welcomed to our shores millions of people from all parts of the world. Our composite citizenship testifies to the fact that we have drawn peoples from nearly all parts of the world. There is yet room in the United States for millions of honest, intelligent, and progressive people.

In what appeared an amazing turnaround, the former leader of the spy hunts and foreign language suppression now asked his colleagues not to get hysterical or overreact.

I think there has been some propaganda in the United States and a good deal of hysteria calculated to inflame the minds of the American people, so that they would oppose for a long period any migration to our shores. This subject is of vital importance and should not be treated lightly. A sound and rational immigration policy should be adopted, but we are not in possession of sufficient data to formulate a permanent law.

Perhaps if King had changed his previous stand on the foreign language press and on foreign language, this policy would seem more natural, but the above statements indicate that he felt a change was needed in the immigration laws so
as to exclude those "who desire the overthrow of this republic," but that it did not justify excluding the "oppressed of all nations" and the "millions of honest, intelligent, and progressive people." King's rhetoric resembled more the senator who reminded impassioned Utahns that they were at war with a military power and not a people, than the avid anti-radicalist.

The Japanese Question

One of the most sensitive immigration problems concerned the Japanese. Many members of Congress, particularly those from the West coast, hoped to exclude the Japanese altogether, as they had the Chinese in 1882. The Japanese were envied for their success in farming the fertile California soil and disliked for their clanishness and perceived unassimilability.

Japanese immigration was not a simple matter of domestic policy. By executive order and without Senate ratification, Theodore Roosevelt had negotiated the so-called "Gentlemen's Agreement" in 1908, allowing Japan to regulate immigration by a self-imposed quota. By 1920 Congress was ready to consider the Japanese issue and even exclude all immigration from Japan.

Senator King's position on Japanese immigration illustrates again his willingness to oppose popular opinion, particularly in Utah, in defense of the underdog. But it is a complicated position which has been misinterpreted by at least one historian. Justin H. Libby's
article, "Senators King and Thomas and the Coming War with Japan," states that King's attitude stemmed from "an intense mistrust and hostility toward Japan," and says that he had been a "recognized stalwart of anti-Japanese sentiment on the Hill." Libby argued that King's League of Nations position and other stands reveal "the extent to which his anti-Japanese prejudices would color future foreign policy decisions." His appraisal of King's "anti-Japanese sentiment"—which I understand to mean aversion to the Japanese people or government or both—is over-generalized. King expressed support for both the Japanese and their government, even though Utahns, in general, supported Japanese exclusion.

In February 1920, hearings were held concerning the Japanese in Hawaii. Many expressed the opinion that Japanese immigrants and naturalized citizens were not assimilating with the rest of the community. Senator King argued to the contrary that they had "manifested the deepest attachment to our institutions and to our form of government," and that "their children were learning about our institutions, the flag and our government." Not many Westerners agreed with King. Although Utah had few Japanese people, those here were looked down upon. As early as 1913, a Salt Lake Tribune editorial stated, "All that we want of the Japanese is that they keep to themselves and not come into this country with their unassimilable tendencies and their inevitable loyalty to the Mikado."
And shortly before King's Japanese hearing the Salt Lake Telegram expressed the fear that hordes of Japanese would soon invade Utah, and that exclusion was necessary.

Utah has not yet felt the effect of Japanese immigration but it seems certain the effect will be apparent before long if Congress does not take control of the situation. . . . There is much here to attract them and it is certain their number will rapidly increase unless action, definite and final, is taken to keep them out. . . . What has happened on the coast will happen sooner or later in the interior states such as Utah, unless Congress takes action. . . . The two races, American and Japanese do not assimilate. There is only room in the United States for the one race, and that is the American. 40

There was such widespread support for Japanese exclusion in Utah that the state legislature passed an antiJapanese memorial which Senator Reed Smoot presented to the U.S. Senate. It called for abrogation of the Gentlemen's Agreement and complete exclusion since,

These oriental aliens will always remain separate and distinct from our own people, and there exists a social chasm between them and the white people that will never be successfully crossed, and their presence in large numbers will always be a source of trouble. . . . 41

With such a mandate from his state, and probably with an eye to his 1922 election, King took a curious position. He joined the Asiatic Exclusion League and even sponsored an anti-Japanese document on behalf of a California patriotic society, but continued to publicly defend the Japanese people and their government. 42 In June 1921, during a lengthy speech on naval appropriations, King called for disarmament and an end to "talk of war with Japan." He also said,
I believe that Japanese statesmen, as well as the Japanese people generally, have suffered a keen disappointment at the attitude assumed by the United States, as well as some other nations, toward the question of racial equality. . . . While recognizing that there are racial differences between America and Japan, our Government and the American people should treat with the utmost respect and the highest consideration all other nations and peoples, regardless of racial or economic considerations. We cannot pursue a selfish and cynical policy of dealing with other nations, nor can we assume that arrogant and supercilious attitude which will inevitably provoke resentments and bitter international controversies.\(^{43}\)

The California delegation could not rally enough support for exclusion, and attention remained with the larger issue of immigration restriction.

King's Japanese stand superficially appears a major contradiction. But on closer examination, he had no other choice but to officially support Japanese exclusion since his constituency had sent him and the other senators such a strong signal through the memorium. It was also an election year and such a disregard for the will of the Utah voters would have been a serious mistake. But while King gave his state his vote, he rhetorically opposed Japanese exclusion, which he felt to be discriminatory.

The Immigration Act of 1921

In 1921, Representative Albert Johnson of Washington, Chairman of the House Immigration Committee, piloted through the House a bill suspending immigration for two years. The measure was passed, after being amended to one year. But Chairman William Dillingham of the Senate Immigration Committee was displeased with the House ver-
sion. After King and other members of the Senate Immigration Committee mulled over the Johnson bill for two months, Dillingham proposed a bill limiting European immigration to five per cent of the number of foreign born of each nationality present in the United States according to the last available census—that of 1910. His proposal clearly favored the immigration of northern Europeans. Of the 592,436 allowed in during any given year, fifty-seven per cent were from northern Europe and forty-three per cent from southern and eastern Europe.44

When the House and Dillingham bills reached the Senate for a vote, King voted not to strike the one year moratorium proposal, apparently thinking it better to suppress immigration from all European countries equally for a year to study the problem rather than favoring the immigration of certain nationalities. But the Senate voted to reject the House bill, and King joined his peers supporting the Dillingham bill, which passed by an overwhelming sixty-two to two.45 The conferees quickly adopted it with a three per cent allotment and sent it to the President. For unknown reasons Wilson pocket vetoed the measure during his last weeks in office. But when Warren G. Harding moved into the Oval Office, a special session of Congress was called to deal with the immigration issue.

During April both Houses reconsidered the issue and had little trouble in passing the Dillingham version. Though King did not publicly oppose the Dillingham Act,
he clearly preferred to handle immigration differently. During the special session in April, he introduced his own immigration act, which differed greatly from the popular Dillingham Act. It called for a six month moratorium to study the problem, but allowed the unrestricted immigration of students, businessmen, tourists, government officials, or relatives of U.S. citizens. King had little clout against the powerful chairman, and his bill was never considered. President Harding signed the Dillingham bill in early May.

The bill was meant to be a temporary measure until a permanent policy could be formulated. A month after its passage King introduced his own immigration act to replace the Dillingham Act and impose a permanent policy. Many of its provisions would have remedied some of the abuses of the Dillingham Act. The most significant change was that it created an Immigration Board to regulate immigration. The proposed board would study the origins and reasons for immigration and work with the states in determining where the greatest need for an immigrant labor force existed. This information would be distributed to the immigrants after they landed, in hopes that they could establish themselves more easily and find work, avoiding areas already congested.

The board would license businesses, charitable organizations, steam ship companies, money changers and any
other group involved in the transportation of or aid to immigrants. Fines and revocation of business licenses would be imposed on those who took advantage of the immigrants.\textsuperscript{48}

Perhaps the best change in King's bill was the inspection of immigrants at stations in their own lands. If they were found medically or otherwise unfit to immigrate, they would not leave only to be returned, disappointed. Had the bill been passed it might have averted one of the greatest tragedies of American immigration policy. Ellis Island subsequently became known as the "Island of Tears," because thousands made the trip only to learn from medical examiners or inspectors that they were unsuitable for one reason or another. They would be returned to their native land, often having spent their savings on the passage. At least three thousand immigrants were known to have committed suicide rather than face deportation.\textsuperscript{49}

Another advantage of overseas inspection and processing was that when the immigrants arrived at Ellis Island they would immediately be sent on their way. Under the other system immigrants were often detained for weeks and sometime turned back if their country's quota had been filled.

King's bill would have smoothed the deportation process by giving immigrants legal counsel and a public hearing, although without chance of appeal. It set the
quota at two per cent of the 1910 census, thus lowering the total number but keeping the proportion of Europeans the same as under the Dillingham bill. King may have included this provision because he knew that congressional sentiment favored an even smaller number of total immigrants per year (and two per cent was better than one).

Originally the Dillingham Act was to be effective for only one year, giving Congress time to consider King's and other bills. But neither House was ready to grapple with the issue, and they extended the present law's effectiveness for an additional two years.50

Although there is little evidence to suggest that King defended immigrants other than the Japanese, his support of a six month or one year exclusion as well as his own bill's pro-immigrant provisions might seem to suggest that he had modified his previous severe stand on the foreign language press and foreign born radicals. But in 1921 he continued the anti-radical crusade after most of the other spy-hunters had become preoccupied with other issues.

In April 1921, King introduced three bills in the red scare tradition. The first two were bills he had introduced in previous congresses to deport seditious aliens and turn the deportation proceedings over to the Department of Justice. The third prohibited all foreign language publications from the second class mail. This was
not the last time he would display sympathy for the immigrant population as a whole while attacking its radical element.\textsuperscript{51}

The Immigration Act of 1924

By 1923 the economic picture had improved, but the desire to shut out the southern and eastern Europeans intensified. The \textit{Deseret News} regretted that the Dillingham Act shut out so many northern Europeans.\textsuperscript{52} Other newspapers and lawmakers felt the same, and a new bill was introduced by the House which established a new quota system based on the 1890 census. Since few southern and eastern Europeans had arrived by then, the total number of allowable immigrants would favor the Anglo-Saxon immigrant while severely cutting back the latins and slavs. Throughout the country the press applauded this new proposal. The \textit{Deseret News} reported,

> It has been suggested that the census of 1890 be made the basis on which quotas are determined and that quota percentages be increased. This would increase the skilled labor that the country might receive as it could bring in a larger number of English, Scotch, Irish and Scandinavians—the northern European stock whose mental and physical qualities are most in keeping with American life and American ideals. The best thought of this country is against the continuous admission of large numbers of non-assimilable aliens.\textsuperscript{53}

The House passed a bill using a quota of two per cent of the 1890 census. Under this proposal the Italian quota would be reduced from 42,057 to 3,912 and the Russian from 7,419 to 638.\textsuperscript{54} Although few in number, those who opposed the proposal were vehement. Representative Fiorello
La Guardia attacked its supporters as men 'nursing religious and racial hatreds.' Most Congressmen did not agree with La Guardia, but many felt uncomfortable that the act was so blatantly discriminatory and affronted so directly the Jeffersonian principle that "all men are created equal. . . ."

The Senate struggled over a permanent policy during Immigration Committee hearings in February through April. As a member of that committee, King demonstrated that his stand on radicals and the foreign language press remained unchanged. He expressed his concern over "parlour Bolsheviks," and the still "too many [foreign language newspapers] for proper amalgamation."

But he also demonstrated his disposition to defend the foreign born by chiding a witness from the Allied Patriotic Societies. After asking him if Italian and Polish children were just as patriotic as other children, he asked, "Now, the children of foreign born parents being patriotic, as I knew you would say, then what complaint can there be against admitting into the United States, in proper proportion and based upon a proper quota, those races from which such children come?"

Again King looked beyond the "reds" and foreign language press—which he still despised—and supported the "huddled masses."

The same committee also considered the Japanese problem. Even as a member of the Asiatic Exclusion League, King defended the Japanese by telling a witness who had
categorically labeled all Japanese-Americans "hopelessly unassimilable" that,

We erected social barriers against them and political barriers against them; . . . whereas they might be born here and become American citizens by reason of birth, our attitude forbade any possible amalgamation, assimilation or association, political or otherwise. 58

A month later, a diplomat's nightmare became reality for Japanese Ambassador, Masanao Hanihara. In a letter expressing Japan's displeasure at the proposed abrogation of the Gentlemen's Agreement and total exclusion, he had written in a letter to the Secretary of State that "grave consequences" would result if the proposals were carried out. A number of Senators led by Henry Cabot Lodge were incensed. In a classic display of American diplomatic machismo Lodge misinterpreted Hanihara's intent and told the Senate that this "veiled threat" against American sovereignty would have to be vindicated. 59

King was unmoved. He told his colleagues that the Gentlemen's Agreement was a product of executive diplomacy carried out "in good faith" without Congressional challenge. He urged that it not be abrogated by Congressional decree, which would be considered "rather brutal and rude," but that the Administration deal with it. 60

But the Senate had made up its mind concerning the Japanese, and King voted with the seventy-six to two majority for abrogation and seventy-one to four for exclusion. 61 Rodman W. Paul remarks in The Abrogation of the Gentlemen's Agreement, that
Senator King of Utah, despite coming from a state whose legislature had voted strong approval of California's stand, displayed a singularly open mind on the issue and eventually voted for exclusion only with reluctance and only at the last moment.

King retained his previous position for Japanese exclusion, probably since his constituency continued their strong support.

The month that the Senate moved to exclude Japanese immigration a new proposal was hit upon to restrict southern and eastern Europeans without the negative overtones of using the 1890 census. With the help of one of Madison Grant's colleagues at the American Museum of Natural History, John B. Trevor helped Senator David Reed of Washington formulate a "national origins" quota system. Instead of basing the quotas on an arbitrary census of foreign born persons living in the United States, everyone's ancestors would be counted in order to ascertain the ethnic origins of the entire U.S. population. These figures would then be used to establish quotas that maintained the present ethnic composition. The law makers could tell themselves that they were not discriminating against anyone. Support for the national origins plan was evidenced by widespread acclaim from the public and the press. The New York Times called it a solution "from the American point of view."

King Opposes the Act

The Immigration Act of 1924 rolled forward with overwhelming support. Since the national origins quota
would take several years to construct, a two per cent quota based on the 1890 census would continue to serve until July of 1927. King participated little, and only to sponsor unsuccessfully two amendments, one concerning identification cards for alien seaman and the other Americans living abroad threatened by expatriation. He lamented to the Senate on the day the bill passed,

Many harsh statements during the discussion of this bill have been made against those who have come from southern and eastern Europe which I regard as wholly unwarranted and most inaccurate.64

On April 18, 1924, King was one of only six senators to oppose the Act.65 On May 15 he again called it discriminatory.

Mr. President, I am disappointed in the measure which will soon receive the approval of the Senate and which already obtained the seal of approval by the House. I was in favor of restricting immigration and as a member of the Immigration Committee I endeavored as best I could to aid in framing a bill that would be fair and would protect the interests of our country and deal fairly and justly with the various peoples who were to be admitted to our shores. The pending bill is discriminatory against certain nationalities. It has perpetuated a view with respect to the races of Europe which I do not regard as sound and which should not be the basis of national legislation. It is believed by nation of southern and southeastern Europe that it is discriminatory, and the provision of the bill which bases quotas for immigration after the year 1927 upon national origins confirms this view which is so widely entertained. However, the necessity for legislation is conceded by all, and this bill will undoubtedly be approved by a great majority of the American people. It has many admirable features and much of which I cordially approve. With a few amendments, I could give it my hearty approval.66
Notes
Chapter Five

1 Herald Republican, 30 March 1910.
3 Higham, Strangers in the Land, p. 270.
4 Ibid., pp. 150-1.
5 Wang, Legislating Normalcy, p. 60.
6 Higham, Strangers in the Land, p. 302.
9 Higham, Strangers in the Land, p. 301.
10 Deseret News, 25 April 1921.
14 Deseret News, 18 June 1904.
15 Ibid., 26 March 1910.
16 Salt Lake Herald Republican, 4 April 1913.
18 Deseret News, 15 August 1913.
20 Deseret News, 27 February 1914.

29 *Deseret News* 7 February 1920.

30 Ibid., 2 August 1922.

31 *Congressional Record*, 65th Congress, 2nd Session, p. 4367.


33 Ibid., 12 January 1920, p. 4.

34 *Congressional Record*, 66th Congress, 3rd Session, p. 424.

35 Ibid.


37 Ibid., p. 372.


39 *Salt Lake Tribune*, 1 July 1913.

40 *Salt Lake Telegram*, 27 September 1919.

41 *Congressional Record*, 67th Congress, 1st Session, p. 182.

42 S.Doc. 188, 67th Congress, 2nd Session.


45 Ibid., p. 18 and *Congressional Record*, 66th Congress,
3rd Session, pp. 3456-7, 3464.

46 S.569, 67th Congress, 1st Session, April 12, 1921.
48 S.2882, 67th Congress, 2nd Session, December 19, 1921.
51 S.570, S.572, S.555, April 12, 1921.
52 Deseret News, 2 April 1923.
53 Ibid., 13 September 1923.
55 Ibid., p. 89
57 Ibid.
60 Congressional Record, 68th Congress, 1st Session, p. 6306.
64 Congressional Record, 68th Congress, 1st Session, p. 6629.

65 Ibid., p. 6649.

66 Ibid., p. 8588.
CONCLUSION

King's response to nativism was mixed. He led the fight against foreign-born radicals and disloyalists, but resisted immigration restriction. Swept up by the hysteria of World War I, King helped squelch a largely innocent press and persecute the German people. During the labor unrest that followed, he contributed to the terrorist tactics of the Palmer raids and the deportations. He even called for death to wobblies guilty only by association. But as much as King desired the exclusion of anarchists and others he believed threatened the peace and security of the country, he could not support a policy which categorically discriminated against certain races.

It is difficult to know why King took the positions he did on radicals and immigrants. Certainly, his hardline anti-radicalism followed the conservative trend in Utah and the nation, though most historians now think that the Red Scare had little basis in reality—most wobblies were not bomb throwers and almost all German-Americans were loyal. But perception is as powerful as reality. Few of us lived through the Great War, and none of us have been sent a bomb in the mail. During King's career preachers, plumbers, journalists, and senators turned their aversion to radicals
into contempt for the new immigrant. The Industrial Workers of the World had made their mark in Utah and incurred the wrath of the press. There were enough rumors flying of disloyalty to provoke persecution of Utah's German-Americans. King, intent on preserving the country's security and pleasing his conservative constituency, joined the nativistic bandwagon.

There are even more reasons Senator King could have found for supporting the Immigration Act of 1924. Nativism was never stronger in the country or in Utah than in the early 1920s. Utah had experienced labor unrest and radicalism, which most residents attributed to the foreign born. Many Utahns resented the economic competition the new immigrant brought with him and distrusted his strange dress, language and religions. Eugenics and Anglo-Saxonism were popular doctrines expounded in newspapers, church publications and social circles, and Americanization attempts had failed. For these reasons most of King's constituency followed the nation and supported the Act.

King's attacks against alien radicals and German-Americans made him a likely supporter of the 1924 Act. Those, like King, who supported the espionage and seditions acts and urged deportation of radicals were predictably the same lawmakers who urged immigration restriction of southern and eastern Europeans. One form of nativism usually followed another.
But King's story presents a problem, since he was a cavalier without a clear motivation. Why did he oppose the Immigration Act of 1924 when every other member of Congress with western or southern constituencies support it? Even if his Senate papers and personal memoirs were available, it still might be impossible to explain King's inner workings.

But enough evidence does exist to tentatively answer a number of relevant questions regarding his seemingly inconsistent positions. Did King simply change his mind regarding nativistic and unfair treatment of foreign-born peoples? A cursory examination of King might conclude that he made a typical senatorial flip-flop on a controversial issue. This explanation can be discarded, since he consistently denounced radicalism, yet spoke out for immigrants throughout his career without wavering. At the same time King was attacking the National German-American Alliance and calling for a tougher sedition act, he said this about America's responsibility to other peoples:

> We are in the world today to establish a great internationalism, a polyglot of nations to succor the distressed and to help humanity solve their problems. Our narrow, bigoted conceptions of the past have been blotted out and we stand ready to give heed to the appeals of the oppressed and down-trodden in all the world, and by so doing assist in establishing the greatest and best civilization Christianity has ever known.

Some might suggest that this statement was merely a display of Wilsonian progressivism, but the point is that this attitude stayed with King and was applied specifically to liberal immigration restriction in the 1920s when so many
others had become disillusioned with progressivism after World War I. King's consistency is also evidenced by his anti-radical pronouncements well into the 1920s after much of the anti-radical fervor had been doused by the frolic of the "Jazz Age."

Another important consideration is whether King might have sought political gain from his positions of radicals and immigrants. It is apparent that King benefited from his anti-radical crusade in Utah's conservative press. He might have even gone to great lengths to publicize his anti-German and anti-radical legislation to get the most political mileage possible. But what political interest might he have had in remaining friends with the immigrants and minorities?

Evidence suggests that King did pursue the ethnic vote, particularly that of the Greeks. In the election of 1922, King's brother and campaign manager wrote to A. Polygoides of New York, editor of the Greek publication Atlantis, that,

If elected, it means that he will be in the U.S. Senate for six years more, during which time he will be able to wage a battle for humanity and justice to your liberty loving people and nation.

That King enjoyed the Greek community's support is suggested by this letter from the President of the Hellenic Liberal League of San Francisco, who wrote the Senator,

I am sending you today the Greek newspaper, Prometheus, in which you will see a very nice article written by the Editor at my request, and also a notice by me to the
Greek-American voters of Utah, in which I am urging them to work for your re-election.

But King cannot be regarded as a political opportunist. Whatever help the ethnic communities gave King could not offset any diminished support from the state, which as a whole supported restriction. This is evidenced by the fact that in King's 1928 campaign literature, he highlighted his participation in the wartime anti-German drive, the post-war anti-radical efforts, and even his own immigration act of 1921, but made no mention of his opposition to the immigration act of 1924. He may have considered it politically damaging.

King's pro-immigrant positions also proved a political liability through his brother Samuel, who had followed his brother's career in representing immigrants in strikes and other legal entanglements. Their close association with immigrants sometimes hurt the Senator during election time, at least in Carbon County, where a mining engineer wrote Samuel in August 1922,

We are doing what we can for Senator King here but I find that the coal companies are working hard for Armstrong. Otto Harris of Hiawatha is on the job here and tipped the thing off that you represented the strikers and gave them advice to the disadvantage of the coal companies and to law and order so that he was opposed to the Senator on that account.

More important than ethnic votes was the amity King felt toward ethnic peoples, which extended beyond the political arena. He offered encouragement and praise to a congregation of Greeks at their Church in Price for their
"good qualities and their value to Carbon County." In addition, King's son, the former Congressman David S. King, remembers that their home was frequently full of minorities: Greeks, Armenians, Filipinos, Haitians, American Indians, and to a lesser extent, Blacks, Chinese, and Latins. This amity with immigrants even might date to 1903 when King represented immigrant miners in the Carbon County coal strike. And his apprehension towards anglo-saxonism and other racist notions might have developed while on his mission.

I have also wondered whether the Mormon Church exerted any influence on the immigration issue, since so many Mormons had been recent immigrants. Though the Deseret News editorials did support the 1890 quota, this was in step with other Utah papers, and probably not an expression of Church leaders. By 1924, the Church had abandoned its policy of encouraging its foreign converts to immigrate to "Zion," and most converts were from northern Europe, where the new quotas made little difference. But even if the Church hierarchy had actively participated in the immigration restriction movement, King had remained unmoved. As evidenced by his early support of the Democratic party, King was unabashed in opposing Church leaders political positions and unafraid in taking controversial positions on issues he felt strongly about. He had also learned that the Church tolerated political dissent.
King's opposition to the Immigration Act of 1924 was not an act of political heroism. Immigration restrictionism was never as important an issue in Utah as was polygamy or prohibition. Yet it was a popular issue supported by the press and King's opposition at least demonstrates his integrity. Perhaps herein lies the key to understanding King: He spoke his mind on issues from the threat of foreign-born radicals to the advisability of immigration from southern Europe and the Orient. He evaluated each nativistic policy as it arose, weighing its merits as he saw them. Some, such as the Immigration Act of 1924, were so repugnant to him that, in spite of their popular appeal, he openly opposed them. They violated his idea of America. Senator King wanted both to stop those who "desire the overthrow of this Republic," and to keep America "the asylum for the oppressed of all nations."
Notes

Conclusion

1 Deseret News, 11 August 1918.
2 King Papers, Box 1, Folder 15.
3 Ibid.
4 Ibid.
5 Ibid.
6 News Advocate, 21 October 1920.
BIBLIOGRAPHY

Primary Sources

Congressional Record


Deseret News

Harriman, R.D. "Suggestions for Americanization Teachers." Bulletin of the University of Utah 10 (March 1920).

Herald Republican


Improvement Era

Inter-Mountain Republican

Journal History of the Church

Karl V. King Papers. Marriott Library, University of Utah.


New York Times

News Advocate

Relief Society Magazine

Salt Lake Herald

Salt Lake Telegram

Salt Lake Tribune

______. Japanese Immigration Policy. 68th Congress, 1st Session.


______. Brewing and Liquor Interests and German Propaganda, Hearings on S.Res. 307. 65th Congress, and 2nd Session.

______. Brewing and Liquor Interests and German and Bolshevik Propaganda, Hearings on S.Res 307 and 439. 65th Congress, 3rd. Session.


SECONDARY SOURCES


________. "Utah's Ellis Island: The Difficult 'Americanization' of Carbon County." *Utah Historical Quarterly* 47 (Spring 1979):178-93.


When Senator William Henry King took office in 1917, Utah and the nation were apprehensive about the presence of large numbers of foreign born aliens and citizens. Utah's King joined the wartime hysteria and promoted many nativistic policies directed against the foreign born population. During the post-war Red Scare he continued his crusade, concentrating on the suppression of Bolsheviks and the Industrial Workers of the World.

But when Congress passed the Immigration Act of 1924—a nativistic law designed to curtail the immigration of southern and eastern Europeans—King was the bill's only opponent from the West or South. Since anti-radicalism and immigration restriction were both manifestations of nativism, King's position on the two issues appears inconsistent.

This thesis will examine nativism in Utah and the nation and King's response to it. An attempt will be made to identify those factors which influenced King's actions and to explain how his actions were not as inconsistent as they might appear.