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Carolyn Evans

Western Kentucky University, carolyn.evans989@topper.wku.edu

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IMMIGRATION AFTER MCKINLEY: HOW A PRESIDENT'S DEATH BREATHED
LIFE INTO IMMIGRATION POLICY

A Capstone Experience/Thesis Project

Presented in Partial Fulfillment of the Requirements for

the Degree Bachelor of Arts with

Honors College Graduate Distinction at Western Kentucky University

By:

Carolyn Evans

Western Kentucky University
2016

CE/T Committee:

Patricia Minter

Jeffrey Budziak

Melinda Grimsley-Smith

Approved by

Advisor

Department of History

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2016

ABSTRACT

The assassination of William McKinley in 1901 was a national tragedy. However, McKinley's death was neither a spontaneous coincidence nor the first of its kind. The President's assassination was one of several international anarchist attacks that resulted in the death of a world leader. Facing widespread fear regarding anarchy, the 57th Congress responded with harsh legislation that targeted some of America's most vulnerable groups: immigrants. Faced with a rapidly changing new world, at the beginning of the 20th century, Congress began passing harsh legislation they felt necessary to protect the American public. This new legislation, unfortunately, also shook America's core values. In the beginning of the twentieth century, the federal government prioritized supposed safety concerns over the rights of immigrant populations by telling the public it was necessary to prevent an anarchist uprising. Americans became complicit with this strategy, and have continued this complicity even through present times. Examining the fallout from McKinley's assassination provides insight into how, when, and why the federal government began using threat construction and wartime fear to justify human rights violations.

Keywords: McKinley, Assassination, Immigration, Anarchism.

Dedicated to

The hundreds of thousands of immigrants who receive unfair treatment when arriving in the United States, I dedicate this thesis in memorial and in solidarity.

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Without my legal studies professor and advisor, Dr. Patricia Minter, none of this would be possible. What started off as a small comment in class about the Palmer Raids sparked my interest enough to read and write about McKinley's assassination. That research led me to questions about its political implications, which is how I ended up in the office of the patient and thoughtful Dr. Jeffrey Budziak. I've been incredibly blessed with amazing professors and advisors during my time at Western Kentucky University, and my thesis experience has been no different. Thank you both for helping me learn and grow as a student. I'd also be remiss if I didn't thank my wonderful parents, Todd and Cathy, and my beautiful partner, Emma. Thank you all for listening to me talk about William McKinley for hours on end.

VITA

February 26, 1995..... Born- Des Moines, Iowa
2013.....Des Moines Roosevelt High
School, Des Moines, Iowa
2016.....Western Kentucky
University, Bowling Green,
Kentucky.

PUBLICATIONS

Evans, C. J., Evans, C. A.; Frakes, A. (2010). Motivation and intentions of marathon runners have evolved over time. Why do people run? Competitive sport, daily exercise, or community event, (Evans, C. A. ed.) Edwin Mellen Press; Lewiston, NY.

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CHAPTER 1

THE RISE OF ANARCHISM

Long before President William McKinley was killed in September of 1901, the political philosophy of anarchy had begun to spread across the globe. President William McKinley's assassination was therefore not an anomaly, but rather, the culmination of a twenty-year trend in the rise of anarchism. The March 1889 *Political Science Quarterly* attempted to describe the ideology of American Anarchists and the European counterparts, noting that Anarchists found "the government of the United States to be as oppressive and worthless as any of the European monarchies."¹ The report describes anarchists by writing:

They regard the entire machinery of elections as worthless and a hindrance to prosperity. They are opposed to political machines of all kinds. They never vote or perform the duties of citizens in any way, if it can be avoided. They would not pay taxes, if there were any means of escaping it. Judges are regarded by them as the hirelings of power, and courts as centres of despotism. They regard the proceedings of legislative assemblies as vain and worthy only of contempt. They would destroy all statute books and judicial decisions.²

The article noted that ideologies could vary across groups and cities, but ultimately identified the essence of anarchism was a belief of the incompetence and violence of governance. However, in the early 1880s, that violence was rapidly escalating. In 1881,

¹ Herbert L. Osgood, "Scientific Anarchism." *Political Science Quarterly* 4, no. 1 (March, 1889), 19.

² Osgood, "Scientific Anarchism," 1889, 19.

a group of terrorists met in London to codify the doctrine of “the propaganda of the deed.”³ This doctrine ensured that violence and terror would be used as tools of radical anarchists to dismantle governmental structures. Anarchist Luigi Galleani glorified rebellion of past anarchists and illuminated the appeal of the propaganda of the deed in his 1925 book, writing:

We do not believe there are useless or harmful acts of rebellion. Every one of them, together with the accidents inseparable from any violent change of the monotonous routine of life, has deep echoes and lasting gains, which compensate abundantly for them. Let us be understood: we are not being nostalgic for unneeded brutality nor for vulgar coarseness. We too would prefer that every act of rebellion had such sense of proportion that its consequences would correspond perfectly to its causes, not only in measure, but also in timeliness, giving it an irresistible automatic character. Then every act would speak eloquently for itself with no need for glosses or clarifying comments. Furthermore, we would like this unavoidable necessity to assume a highly ethical — and even an aesthetic — attitude.⁴

Soon after the late 19th century meeting in London created “The Propaganda of the Deed”, young men and women quickly adapted views like Galleani’s, and began committing violent acts in the name of anarchy. On September 10, 1898, an anarchist stabbed Empress Elisabeth of Austria.⁵ On July 29, 1900, an anarchist killed Umberto I

³ Scott Miller, *The President and the Assassin: McKinley, Terror, and Empire at the Dawn of the American Century*, (New York: Random House Publishing, 2011) Kindle Locations 1940-1941.

⁴ Luigi Galleani, *The end of Anarchism?*, trans. M. Sartin and R. D’Attilio (Cienfuegos Press, 1982), Chapter 7. (Original work published in 1925).

⁵ "Elizabeth of Austria Is Slain By An Anarchist," *The San Francisco Call*, September 11th, 1898, Chronicling America: Historic American Newspapers, Library of Congress, <http://chroniclingamerica.loc.gov/lccn/sn85066387/1898-09-11/ed-1/seq-1/>

of Italy.⁶ Bombings linked to anarchy ranged from Paris to Chicago.⁷ Through these acts, anarchy's "propaganda of the deed" quickly gained international infamy for its belief that commitment to the ideologies of anarchism required violence. Although beliefs varied greatly among various anarchist groups, the extremists of the movement defined the public perception of anarchist ideology.⁸ Fears about anarchy and violence were exacerbated by the series of international attacks by young anarchists attempting to prove their dedication to the cause. Soon, anarchy was taking the globe by storm.

As anarchy developed a reputation of terror in Europe, it also became a point of fascination and controversy in America. The first major incidence of the emerging tension between American anarchism and the federal government was in 1886, when the infamous Chicago Haymarket Square Riot caused violence to erupt between police and civilians. The subsequent bombings and gunfire killed 7 police officers, four civilians, and wounded hundreds.⁹ The anarchist newspaper publishers who had initially called for the protests were blamed for the violence and sentenced to death because the newspapers had previously published articles about how to make bombs.¹⁰ It was perhaps one of the only times in American history where people were sentenced to death simply for publishing violent articles in their newspapers.¹¹ As Dyer D. Lum, a prominent

⁶ "King of Italy Shot By Assassin," *The San Francisco Call*, July 30, 1900, [Chronicling America: Historic American Newspapers](http://chroniclingamerica.loc.gov/lccn/sn85066387/1900-07-30/ed-1/seq-1/), Library of Congress, <http://chroniclingamerica.loc.gov/lccn/sn85066387/1900-07-30/ed-1/seq-1/>

⁷ "Anarchist Incidents, 1886-1920", Library of Congress, accessed May 3, 2015, <http://www.loc.gov/rr/news/topics/anarchy.html>

⁸ Osgood, "Scientific Anarchism," 1889, 1– 36.

⁹ Mary S. Barton, "The Global War on Anarchism: The United States and International Anarchist Terrorism, 1898-1904*." [Diplomatic History](#) Vol. 39, No. 2 (2015), doi: 10.1093/dh/dhu004. 307.

¹⁰ Barton, "The Global War on Anarchism," 307.

¹¹ Miller, *The President and the Assassin*, 2887-2893.

American anarchist pointed out, the men weren't convicted for their actions; they were convicted for their ideologies.¹² Specifically, Dum wrote, "The defendants were condemned less for the murder of Degan than because they were anarchists, because they held theoretical views at variance with those in general acceptance—in short, because they were social heretics." Dum also notes that prosecutors used unfair courtroom tactics to portray the defendants as violent revolutionaries, by introducing Johann Most's Book, *Science of Revolutionary Warfare*, as evidence even though some of the defendants could not even read the language the book was published in.¹³ Governor Richard J. Oglesby received hundreds of letters pleading for him to pardon the prisoners, yet he received even more letters condemning the men and asking for a capital punishment.¹⁴ It was an apt reflection of American opinion towards anarchism and anarchists: Some citizens recognized the government's prosecution as unjust. However, a majority of citizens were afraid of a perceived imminent violent threat and wanted swift punishment, regardless of the rights implications. The trial had been a spectacle, used as a tool to deter anarchist thoughts and ideologies. The executions were purposefully botched to be extremely painful and to deter further anarchist thoughts.¹⁵ Internationally, fellow anarchists,

¹² Dyer D. Lum, *A Concise History of the Great Trial of the Chicago Anarchists*, (Chicago: Socialist Publishing Company, no date), 174, <https://babel.hathitrust.org/cgi/pt?id=mdp.39015080466645;view=1up;seq=176>

¹³ Lum, *A Concise History of the Great Trial of the Chicago Anarchists*, 171.

¹⁴ James Green, *Death in the Haymarket: A Story of Chicago, the First Labor Movement and the Bombing that Divided Gilded Age America*, (New York: Pantheon Books, 2006), 262.

¹⁵ Miller, *The President and the Assassin*, 2978.

including a young Emma Goldman, mourned the death of the men executed.¹⁶ The trial also elevated a growing international interest about the anarchist doctrine.¹⁷

If the Haymarket Riots sparked the beginning of true American fear regarding anarchism, international acts of violence only made it worse. The man who assassinated King Umberto was actually an Italian immigrant who lived in New Jersey and had traveled back to Italy to act on behalf of the anarchist cause.¹⁸ Following this assassination in 1900, people began to recognize Paterson, New Jersey, as the unofficial capital of anarchism.¹⁹ These fears were statistically supported as well; of the three thousand global readers of *La Questione Sociale*, an Italian anarchist newspaper, one third lived in Paterson.²⁰ Not only did this spark a large distrust of New Jersey and Italian immigrants, it sparked widespread suspicion of all European immigrants. Of these groups, the most heavily profiled as threats were immigrants hailing from Italy, France, Germany, or Austria.²¹ Governments feared it could destroy them, people feared it could kill them, and slowly, what started as a peaceful political ideology became one of the most feared movements of its time.

¹⁶ Green, *Death in the Haymarket*, 276.

¹⁷ Barton, "The Global War on Anarchism," 307.

¹⁸ Richard Bach Jensen, *The Battle against Anarchist Terrorism: An International History, 1878–1934* (New York: Cambridge University Press, 2013) Kindle Edition, 5715.

¹⁹ Jensen, *The Battle against Anarchist Terrorism*, 5715.

²⁰ Jensen, *The Battle against Anarchist Terrorism*, 5715.

²¹ Jensen, *The Battle against Anarchist Terrorism*, 5715.

CHAPTER 2

MCKINLEY'S ASSASSINATION

By the mid-1890s, tensions between government officials and anarchists had skyrocketed. Prominent anarchist thinkers like Emma Goldman, enraged by events like the Haymarket Trial,²² began even more fervently proselytizing the values of anarchy, touring the country to speak to various groups interested in anarchist thoughts.²³ It was during this political showdown that a young Polish immigrant named Leon Czolgosz began reading anarchist works. Czolgosz had become infatuated with anarchist literature after losing his job during the 1893 economic collapse.²⁴ Czolgosz came to believe that everything from America's economic problems to America's social problems were a direct result of government incompetence.²⁵ After seeing Goldman speak at an anarchist rally, the young Pole had decided to take matters into his own hands.²⁶

Despite Czolgosz's unwavering support for the anarchist cause, many anarchist groups largely rejected him. Years later, Emil Schilling, Treasurer of the Liberty Club, a prominent anarchist organization, recalled a conversation with Czolgosz with repulsion. Unprompted, Czolgosz had approached Schilling to discuss his assassination plans:

²² Green, *Death in the Haymarket*, 276-277.

²³ Green, *Death in the Haymarket*, 277.

²⁴ Miller, *The President and the Assassin*, 1002-1010.

²⁵ Miller, *The President and the Assassin*, 1002-1010.

²⁶ *The St. Louis Republic*, September 8, 1901, Chronicling America: Historic American Newspapers, Library of Congress, <http://chroniclingamerica.loc.gov/lccn/sn84020274/1901-09-08/ed-1/seq-29/>

Czolgosz said, “I heard the Anarchists are plotting something like Bresci [the assassin of King Umberto]”.

Schilling responded, “Where did you read that?”

Czolgosz said, “In some Capitalist Newspaper.”

Schilling tersely replied “Well you did not read it in any anarchist newspaper.”²⁷

The terse confrontation made Czolgosz somewhat of a pariah in the anarchist community. However, this only made him more desperate to prove his commitment to the cause.

Czolgosz decided that in order to prove himself to the anarchist community, capture Goldman’s attention, and uphold his duty to the doctrine of anarchy, he would have to assassinate the President. As William McKinley began traveling for his 1901 countrywide tour, the President had no way of knowing that Leon Czolgosz had also finalized his own travel plans. After a twenty-year buildup of anarchist violence and government injustice, the encounter between the President and the young, self-identifying anarchist would serve as the ultimate flashpoint for federal fears regarding anarchism. The history between American legislators and anarchists had placed them on a direct collision course that could only end in devastating violence.

After a successful first term, particularly with regards to impressive foreign policy victories, William McKinley’s re-election tour took him to the September Pan-American exposition in Buffalo, New York.²⁸ In the months leading up to his re-election tour,

²⁷ Robert J. Donovan, *The New Yorker*, November 11, 1953 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

²⁸ Miller, *The President and the Assassin*, 79-84.

rumors began spreading that there were plots by both Spanish-Cubans and Italian anarchists to assassinate the President.²⁹ In 1900, the publication New York World published a story regarding threats to McKinley's life.³⁰ These threats were taken so seriously that the Secret Service was created in 1900 to protect McKinley and the event in Buffalo was canceled twice due to safety concerns.³¹ McKinley laughed these threats off, believing no one would want to kill him.³² He was, unfortunately, very wrong.

Waiting for McKinley in Buffalo was a determined Leon Czolgosz. Czolgosz had become convinced that the only way to further anarchist goals and eliminate the government was to kill the President.³³ Czolgosz's clean-shaven, American look tricked the military forces, local police, and newly formed secret service agents into believing he was not a threat because he was not ethnic looking enough to be perceived as threatening.³⁴ However, the man before him was. A man with a thick mustache and bandaged hand, appearing to be Italian, drew the attention of McKinley's protective detail, ignoring the clean-shaven, American-looking Czolgosz standing behind him.³⁵ The errors of profiling based on looks became apparent just moments later. Detective Samuel R. Ireland

²⁹ Margaret Leech, *In The Days of McKinley*, (New York: Harper & Brothers, 1959)

³⁰ "Rumors of Assassination" *New York World*, September 11, 1900 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

³¹ Christopher Arnold, "McKinley Refused to Heed Warnings", No Date (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

³² Arnold, "McKinley Refused to Heed Warnings."

³³ Miller, *The President and the Assassin*, 5059-5064.

³⁴ William S. Vance, "Kennedy Shooting Recalls McKinley's Assassination" *Canton Repository*, November 23, 1963 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

³⁵ Vance, "Kennedy Shooting Recalls McKinley's Assassination".

described Leon Czolgosz as non-threatening, and explained that until the shots were fired, it appeared to be just a casual greeting.³⁶

On September 6, 1901, Leon Czolgosz approached President McKinley, and as the President extended his hand, Czolgosz saw an opportunity, firing two shots into McKinley's abdomen.³⁷ McKinley collapsed with a look that witnesses would later describe as "an expression of pure shock."³⁸ While it first looked as though McKinley would live, he died several days later. Although he initially denied any connection to anarchist groups³⁹, Czolgosz did say that Emma Goldman inspired him.⁴⁰ Goldman was promptly arrested and placed on a \$20,000 bail.⁴¹ Later, the unapologetic assassin told officers, "I am an Anarchist... I don't regret my act, because I was doing what I could for the great cause."⁴² He even told a medical examiner that, "It is right to kill them."⁴³

Czolgosz's trial became instrumental in constructing an anti-immigrant narrative.

During the closing arguments at the trial, District Attorney Penney told the court:

This instrument (pointing to defendant) of an awful class of people that have come to our shores, a class of people that must be taught, that should be taught and shall be taught that it is entirely foreign to our laws, to our institutions and to

³⁶ *New York Eve Post*, September 7, 1901 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

³⁷ "Chief Executive Victim of Most Cowardly Anarchist," *The San Francisco Call*, September 7, 1901, Chronicling America: Historic American Newspapers, Library of Congress, <http://chroniclingamerica.loc.gov/lccn/sn85066387/1901-09-07/ed-1/seq-2/>

³⁸ *New York Tribune*, September 7, 1901 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

³⁹ "Theory of A Plot Gains Strength," *Pittsburg Post* (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

⁴⁰ "Theory of A Plot Gains Strength," *Pittsburg Post*.

⁴¹ "Heavy Bail for Goldman Woman", September 18, 1901 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

⁴² Miller, *The President and the Assassin*, 5178-5186.

⁴³ Miller, *The President and the Assassin*, 5178-5186.

the laws and institutions that evolved such a man as William McKinley that they have no place upon our shores, that if they cannot conform to our laws and our institutions, then they must go hence and keep forever from us; that they will not be permitted to come here, to stay here to educate themselves into the notion that they can take the life of any individual irrespective of consequences and come into a court—think again.⁴⁴

The “awful class of people” Penney refers to is not only anarchists, but immigrants as well. His language clearly painted a picture of immigrants who defied the law and were a threat to the core of American identity. That narrative not only resonated with the jury, but it also embodied the sentiment of a nation whose worst fears regarding anarchism had come to fruition. Czolgosz called no witnesses, and considering his attorney opened the trial by telling the Court that he didn’t want to take this case and was being forced to defend a man he found despicable,⁴⁵ Penney really didn’t need to convince the jury Czolgosz was guilty. The jury had made up their minds the moment they were selected to be on the jury. While the transcript of Penney’s closing statements may be indicative of a passionate lawyer ensuring a conviction, it seems unlikely that was his primary motivation, raising questions about whether Penney did this because it was his job as a lawyer, because he personally held bias against immigrants, or whether he was using to law and his words to further a xenophobic political agenda that condemned immigrant communities for radicalism. Regardless of motive, his powerful words definitely denote a connection between anarchism, immigration, and public fear.

⁴⁴ *The People of the State of New York against Leon F. Czolgosz* (1901), McKinley Assassination Ink: A Documentary History of William McKinley’s Assassination, McKinley Assassination Ink,

<http://mckinleydeath.com/documents/govdocs/transcriptp.htm>

⁴⁵ “The Trial”, University at Buffalo Library, <http://library.buffalo.edu/pan-am/exposition/law/czolgosz/trial.html>.

Considering the statements of both attorneys, it is hardly surprising that jurors in the state of New York's trial took less than two days to convict Czologosz.⁴⁶ Despite rumors that Czologosz suffered from mental illnesses like epilepsy and schizophrenia, the jury deliberated for only thirty-three minutes before returning with a verdict.⁴⁷ A member of the jury would later admit they would have returned a verdict sooner but the jury thought they should wait so it would at least seem as though they had considered the defendant's arguments.⁴⁸ When he was strapped to the electric chair in late October, Czologosz's last words would be, "I killed the President for the good of the laboring people, the good people. I am not sorry for my crime..."⁴⁹ William McKinley had died in the first week of September. Leon Czologosz was dead by the last days of October. The events of that fall would go on to permanently alter the course of American history.

⁴⁶ "The Trial".

⁴⁷ *The Plain Dealer*, October 16, 1917 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

⁴⁸ Miller, *The President and the Assassin*, 5517-5519.

⁴⁹ "Czologosz, President's Assassin,—Refusing Spiritual Consolation—Executed in the Auburn Prison." *National Police Gazette*, November 16, 1901, <http://mckinleydeath.com/documents/newspapers/NPG79-1265.htm>

CHAPTER 3

LEGISLATION AFTER MCKINLEY'S DEATH

Following McKinley's assassination, there was an immediate and harsh reaction to suspect anarchists and anarchist thought. Despite the fact that Leon Czolgosz confessed that he had committed these acts alone and that he was not part of any anarchist society, the government and the American public treated Czolgosz's actions as representative of all anarchist wishes.⁵⁰ While Leon Czolgosz had hoped to inspire an anarchist revolution and save the workingman, he became an explosive catalyst for tensions between government and anarchists. This tension played out in different ways in different arenas. Specifically, there was a clear public reaction, quick state legislative action, and attempts at comprehensive federal legislation.

One of the most responsive forums to McKinley's death was in the public realm. Even before McKinley's death, at the first circulations of rumors that the President had been shot, people began to cry, "Hunt down the anarchists!"⁵¹ Following McKinley's

⁵⁰ "Czolgosz Says He Had No Aid." *Chicago Sunday Tribune*, September 8, 1901, <http://mckinleydeath.com/documents/newspapers/CST60-251b.htm>

⁵¹ Franklin Matthews, "The President's Last Days." *Harper's Weekly* 45, no. 2335, September 21, 1901, 943. <http://mckinleydeath.com/documents/magazines/HW45-2335j.htm>

death, police immediately began to make arrests across the nation of suspected terrorists⁵², even though they could hold people for long without having to release them.⁵³ On September 15, the patriot organization *Sons of the American Revolution* began calling for laws to prevent another tragedy like Buffalo.⁵⁴ Days later, on September 20 in New Jersey, four suspected anarchists had their saloon licenses revoked.⁵⁵ On September 26, additional nationalist and anti-immigration groups like the Republican League Acts in Pennsylvania, the National Council of the Order of United American Mechanics in Connecticut, and the State Federation of Labor in Indiana also began calling for legislation.⁵⁶

By the 1930s, twenty-seven states enacted state laws on sedition, disloyalty, and anarchy. However, in the two years following McKinley's death, four states passed legislation directed at eliminating anarchy: New York, New Jersey, Washington, and Wisconsin.⁵⁷ While it is difficult to pinpoint why these four states were the first four to pass legislation, New York and New Jersey did have deep connections to anarchy. New York was the first to pass legislation in 1902, followed shortly by New Jersey, with both

⁵² Matthews, "The President's Last Days", 1901.

⁵³ *Cleveland Press*, September 17, 1901 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

⁵⁴ "Aim Blow At Anarchy", *CPD*, September 15, 1901 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

⁵⁵ *The Repository*, September 20, 1901 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

⁵⁶ *Chicago Record Herald*, September 26, 1901 (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

⁵⁷ "A Digest of State Laws on Sedition, Anarchy and Disloyalty." Congressional Digest 14, no. 10 (October, 1935), 235. MasterFILE Premier, EBSCOhost, accessed December 3, 2015.

states passing extremely comprehensive legislation.⁵⁸ Given that McKinley was assassinated in New York and New Jersey had become known as a global capital for anarchism, it is hardly surprising these were two states on the forefront of anti-anarchism legislation. The analysis of the New York and New Jersey legislation also provides a perfect case study for the type of legislation that states passed in the immediate aftermath of McKinley's assassination, as both became pioneers for laws that sought to ban and penalize anarchists. These pieces of legislation incorporated immigration legislation of the past, while simultaneously creating a new template for laws meant to exclude threatening groups in the future.

Section 468-a of New York's legislation defined what criminal anarchy was.

According to the statute,

Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony.⁵⁹

Section a hinged on the idea that advocating the doctrine was a felony. Consequently, section 468-b defines what advocacy means. To accomplish this, 468-b is divided into four criteria. The criteria for being considered an anarchist under the law were as follows:

1. By word of mouth or writing advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or 2. Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should

⁵⁸ "Chap. 371," Laws of the State of New York, Vol. 2, Albany: J. B. Lyon, 1902, 958-960.

⁵⁹ "Chap. 371."

be overthrown by force, violence or any unlawful means; or, 3. Openly, willfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or 4. Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrine; is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or both.⁶⁰

The next few sections expand the framework established above. Specifically, Section 468-c builds upon this section by noting that editors of books, newspapers, or any other published material, as well as any managerial staff or people who are incorporated association with the materials, could be charged under the act. The Haymarket affair, and publications like *La Question Sociale*, were both likely incentives behind this legal section, as these publications were believed to prove a tie between publication of seditious material and violence. The only way to avoid charges under the law was for the defendant to prove that the material was published “without his knowledge” and “against his wishes” by “another who had no authority from him to make the publication and whose act was disavowed by him so soon as known.”⁶¹ Section 468-d addresses the gathering of anarchists. The act notes that if two or more people assemble for the purpose of “advocating or teaching the doctrines of criminal anarchy,” each person is guilty of a felony and is punishable by imprisonment for up to ten years, a fine of five thousand dollars, or both.⁶² Finally, Section 468-e extends culpability to “the owner, agent, superintendent, janitor, caretaker or occupant” of the meeting place where

⁶⁰ “Chap. 371.”

⁶¹ “Chap. 371.”

⁶² “Chap. 371.”

anarchists gather and “willfully or knowingly” permits the assemblage of meeting is guilty of a misdemeanor and is punishable by imprisonment for up to two years, a fine of two thousand dollars, or both.⁶³

The comprehensive nature of the New York legislation shows just how fearful and desperate legislators were to discourage any type of anarchist activity. Simply being a landlord of an apartment where two anarchists happened to meet could result in two years of prison time or a two thousand dollar fine. These punishments were unusually harsh. However, considering that McKinley’s assassination occurred in Buffalo, New York, perhaps it is unsurprising that New York was the first state to take legislative actions against anarchists. Roughly a year later, two other states would also adapt similar legislation.

New Jersey’s legislation was very similar to New York’s in the way that “advocating, subversion, destruction or opposition to the Government by speech, writing or becoming a member of an association for the purpose, circulation of literature, etc.”⁶⁴ However, New Jersey’s legislation differed slightly because it mentioned punishment for attacks on government figures. The law specifically explained, “Assaulting President, Vice-President, etc., with intent to kill, thereby showing hostility to any or all government, punishable by death, unless the jury recommends mercy. Encouragement of assaults upon the United States Army, the National Guard or the police is a

⁶³ “Chap. 371.”

⁶⁴ “A Digest of State Laws on Sedition, Anarchy and Disloyalty.” Congressional Digest, 1935.

misdemeanor.”⁶⁵ These provisions were responsive to McKinley’s assassination and the anarchist belief that followers should attack or kill government officials and agents.

Wisconsin’s 1903 legislation was neither as intense or strict as the legislation in New York or New Jersey, but the time period it passed during suggests it was also responsive to McKinley’s assassination. Wisconsin’s law simply declared, “Advocacy of overthrow of Government by force or violence, by word of mouth, writing, publication or organization a felony.”⁶⁶ The penalty of the law ranged from three to ten years, a fine of five thousand dollars, or both.

The federal legislative response was just as severe as its state level counterparts. The 57th Congress became obsessed with the elimination of anarchy. Congress began drafting harsh immigration laws, believing that anarchy was a “foreign and revolutionary doctrine,”⁶⁷ and that tougher immigration laws could serve counter-terrorism purposes.⁶⁸ Although Congress had been debating harsher anti-anarchy immigration legislation since the 1880s, all initiatives had previously failed.⁶⁹ McKinley’s death became the impetus needed for Congress to fully commit to a legislative fervor that would eliminate anarchy once and for all.⁷⁰ In pushing forward legislative reforms, Congressional representatives used strong rhetoric meant to inspire fear and obedience. Shortly after McKinley’s death in 1901, standing before fellow representatives, Senator Charles W. Fairbanks of Indiana

⁶⁵ "A Digest of State Laws on Sedition, Anarchy and Disloyalty."

⁶⁶ "A Digest of State Laws on Sedition, Anarchy and Disloyalty."

⁶⁷ Barton, "The Global War on Anarchism," 304.

⁶⁸ Barton, "The Global War on Anarchism," 304.

⁶⁹ Sidney Fine, "Anarchism and the Assassination of McKinley." *The American Historical Review* 60, no. 4 (July 1955), 777– 799.

http://www.jstor.org/stable/1844919?seq=1#page_scan_tab_contents;

Barton, "The Global War on Anarchism," 304.

⁷⁰ Barton, "The Global War on Anarchism," 304.

justified a call for several reforms including the creation of the Secret Service, as presidential safety was previously a mix of private security, local officers, and presidential confidants.⁷¹ Following the assassination, the Secret Service became the President's formal protector.⁷² Fairbanks also pushed for various legislative reforms, including gun control, by saying, "The anarchist stands as the personification of the destroyer. His hand is raised against law and order. He strikes at the institutions, which are the foundation stones of our government, rather than at the individual whom he directly attracts. So it certainly is consistent with the spirit of our Constitution to protect ourselves against anarchism by Federal action of a drastic character."⁷³ Pushed to action, Congress created a two-pronged strategy for dealing with anarchy. First, it created particularly harsh sentences against convicted anarchists who attempted or succeeded in attacking public officials. Second, it prioritized barring immigrants who were known or suspected to have anarchist ties.⁷⁴

Six months after McKinley's death, the Senate Judiciary Committee set to work fulfilling Senator Fairbanks's and his fellow Congressional leaders' goals of creating harsher punishments when it proposed its first round of anarchy suppression legislation suggestions. The Judiciary Committee report called for reforms in the Criminal Code so that states could utilize local police and judicial agencies to "more speedily punish this

⁷¹ "The Secret Service." Life and Death in the White House. National Museum of American History, Accessed November 24, 2015. <http://americanhistory.si.edu/presidency/3d2.html>

⁷² "The Secret Service."

⁷³ Miller, *The President and the Assassin*, 5289-5293.

⁷⁴ Miller, *The President and the Assassin*, 5806-5812.

class of offenders.”⁷⁵ The report further recommended changes in penal code to punish anyone publishing “inflammatory or seditious” articles.⁷⁶ The Report also noted that new legislation had been introduced that would punish the assembling of anarchists with two years imprisonment and a two thousand dollar fine. All other crimes linking a suspect to anarchist activity would result in a prison sentence of ten years and a fine of five thousand dollars.⁷⁷ These judicial reforms were perhaps meant to be deterrents to those engaging in political radicalism; however, they could also reflect a desire to scare even average Americans into hyper vigilance against any suspicious behavior.

It was from this second goal of barring immigrants that Congress passed the crowning jewel of its anti-anarchist legislation: the Alien Immigration Act.⁷⁸ Enacted in 1903, the act, also called Anarchist Exclusion Act, hid prejudicial goals in an otherwise seemingly harmless bill. The Alien Immigration Act is a perfect case study in the type of problematic rhetoric Congress employed to target political and national minorities because it demonstrates that this legislation was skewed in a way that unfairly targeted immigrant populations.

Many sections of the legislation isolate specific groups barred from entering the states, but some are more forward in their motives than other. Section two of the bill lists specific classes of aliens that were excluded from admission into the United States including:

⁷⁵ “To Suppress Anarchy,” *The New York Times*, March 7, 1902.

<http://query.nytimes.com/mem/archive-free/pdf?res=9804E7DA103BE733A25754C0A9659C946397D6CF>

⁷⁶ “To Suppress Anarchy.”

⁷⁷ “To Suppress Anarchy.”

⁷⁸ Miller, *The President and the Assassin*, 5806-5812.

All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously, paupers, persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials.⁷⁹

An analysis of section 2 alone leads to two potential conclusions. Either disease and insanity are listed before anarchy as a distraction from the bill's true purposes, or anarchy was considered a type of moral turpitude and disease in and of itself. However, a third analysis may also serve as an appropriate interpretation. Perhaps this section's use of the words "insanity" and "epilepsy" can be linked to speculation that Leon Czolgosz suffered from epilepsy and insanity.⁸¹ Regardless of reasoning, section 2 is an excellent example of the type of ableist and exclusive rhetoric Congress used in immigration law to target anarchists.

Section 38, however, gives a more direct indication that this legislation was specifically about anarchists, as it states, "That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teach such disbelief in or opposition to all organized government,"⁸² could enter the country. However, the law then brings up specific

⁷⁹ "An Act To regulate the immigration of aliens into the United States", Immigration Laws and Regulations, August, 1903.

⁸¹ Carlos F. MacDonald, "The Trial, Execution, Autopsy and Mental Status of Leon F. Czolgosz, Alias Fred Nieman, the Assassin of President McKinley," *American Journal of Insanity*, v. 58 no. 3, (January, 1902), 369-386, McKinley Assassination Ink: A Documentary History of William McKinley's Assassination, McKinley Assassination Ink, <http://mckinleydeath.com/documents/journals/AJI58-3bp.htm>

⁸² "An Act To regulate the immigration of aliens into the United States."

violence, likely a reference to McKinley's death, as it goes on to read that people, "who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government," will be banned from entering the United States or any US Territory.⁸³ The legislation then turns to potential accomplices, stating, "That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such relies and regulations made by the Secretary of the Treasury, shall be fined not more than five thousand dollars, or imprisoned for not less that one no more than five years, or both."⁸⁴

This long and thorough section makes it painfully clear how this legislation was directly aimed at eliminating political radicals from entering America's borders. Even peaceful anarchists who simply didn't believe in the idea of government were subject to deportation. For family or friends of accused anarchists, section 38 also justifies their deportation or jail time. This law not only directly condemned anarchists and banned them from entering US territory, it served as an obvious warning to any and all citizens that aiding suspected anarchists would result in severe punishment. Under these new laws, entertaining anarchist thoughts and ideologies, or sympathizing with those who did, was a crime. Just as the defendants in the Haymarket bombings case had been convicted

⁸³ "An Act To regulate the immigration of aliens into the United States."

⁸⁴ "An Act To regulate the immigration of aliens into the United States."

for their ideology rather than their actions, federal law had now once again taken steps to criminalize an ideology and the people who were associated with it.

When considered as a whole, these sections provide a framework the justification and execution of deportation policy regarding immigrants. The first section of the bill imposed a two-dollar tax on every immigrant not a citizen of the United States, Canada, Cuba, or Mexico. It established that from these funds, the Treasury would create an “immigrant fund” used to regulate the high cost of regulating immigration.⁸⁶ The law specifies that these funds would be used for immigration court fees and the salaries of “all officers, clerks, and employees appointed for the purposes of enforcing the provisions of this Act.”⁸⁷ Under section 19, an “alien” found to be in violation US laws and values would not even be allowed off the boat. Section 20 determines that if at any time during arrival, if an immigrant violated US laws and ideas, they would be deported. Section 21 established that if an immigrant violated US laws and ideals within 3 years of their entrance to America, they would be deported. Section 25 created special boards of inquiry to keep track of these offenses, all funded by the taxes collected as mandated in Section 1. Ironically, section 1’s application in section 25 suggests the act was charging immigrants to pay the salaries of the people most likely to oppress them. This bill was a walking justification for the profiling, policing, and deportation of immigrants.

One year later in 1904, the case of *United State ex rel Turner v. Williams* challenged the constitutionality of Congress’s 1903 act, after an immigrant was detained and excluded for being an anarchist and filed an application for a Habeas Corpus to

⁸⁶ “An Act To regulate the immigration of aliens into the United States.”

⁸⁷ “An Act To regulate the immigration of aliens into the United States.”

discharge from custody.⁸⁸ On the Circuit Level, Judge Lacombe noted that Turner was a known anarchist and that the First Amendment did not protect an “alien’s” freedom of speech.⁸⁹ In doing so, Lacombe successfully established that immigrants accused of anarchism had no means of legal recourse or legal protection. When appealed to the Supreme Court, the Justices agreed with Lacombe’s decision, as Justice Fuller delivered the opinion of the court, explaining:

It is contended that the act of March 3, 1903, is unconstitutional because it’s contravention of the First, Fifth and Sixth Articles of Amendment of the Constitution... Repeated decisions of this court have determined that Congress has the power to exclude aliens from the United States; to prescribe the terms and conditions on which they may come in; to establish regulations for sending out of the country such aliens as have entered in violation of law, and to commit the enforcement of such conditions and regulations to executive officers; that the deportation of an alien who is found to be here in violation of law is not a deprivation of liberty without due process of law, and that the provisions of the Constitution securing the right of trial by jury have no application.⁹⁰

Fuller’s decision is interesting because it notes that the act may have violated the First, Fifth and Sixth Amendments. Despite having three potential constitutional violations, Fuller moves through the decision swiftly using jurisprudence to support his decision. Besides listing ten previous cases that upheld congressional power to exclude aliens, Fuller’s opinion does little else. In a time of fear, the Justices were more willing to sacrifice human rights and constitutional protections than risk a potential anarchist attack. With the jurisprudence firmly established in *Turner* decision, the highest Court in the land affirmed that Congress had the power to deem certain groups of people unworthy of

⁸⁸ *United States ex rel. Turner v. Williams, Immigration Com’r* (Circuit Court, S.D. New York. November 7, 1903.)

http://darrow.law.umn.edu/documents/ex_rel_Turner_Cir_Ct_1903.pdf

⁸⁹ *United States ex rel. Turner v. Williams, Immigration Com’r*

⁹⁰ *United States ex rel. Turner v. Williams*, 194 U.S. 279 (1904).

U.S. citizenship, deport alleged criminals without trial, and prioritize national security at all constitutional costs. As Barton concludes, “Restrictive and exclusionary immigration law... became a means of safeguarding the United States from an external danger.”⁹¹

Unfortunately for Congress, the full-fledged attack on anarchism failed to do anything other than inspire even more radical anarchist thought and action. While many prominent anarchists either disagreed with Czolgosz’s actions or apathetically declined to defend him, radical political icons released provocative statements⁹² devoid of any remorse, sometimes even praising Czolgosz or claiming that McKinley brought the death upon himself.

In a retrospective article published six years after McKinley’s death, feminist and anarchist leader Voltairine de Cleyre reflected on the general feelings of the anarchist community. However, if Cleyre’s comments tell us anything, it is that the anarchist community did not mourn President McKinley, as she specifically penned, “[McKinley] was the representative of wealth and greed and power; in accepting the position he accepted the rewards and the dangers... the force of a desperate man’s will. And he died; not as a martyr, but as a gambler who had won a high stake and was struck down by the man who had lost the game: for that is what capitalism has made of human well-being—a gambler’s stake, no more.”⁹³

Unsurprisingly, pieces like Cleyre's only incited further hostility against anarchists. Cleyre’s commentary was joined by famous Socialist Eugene Debs, who also

⁹¹ Barton, “The Global War on Anarchism,” 304.

⁹² “Radical Comment on the President’s Assassination.” *The Literary Digest*, 23, no. 12, September 21, 1901, 336. <http://www.unz.org/Pub/LiteraryDigest-1901sep21-00336>

⁹³ Voltairine de Cleyre, “McKinley’s Assassination from the Anarchist Standpoint”, *Mother Earth* 2, no. 8, October 1907, 303-306.

defended Czolgosz to a degree, telling reporters, “I have no more sympathy for McKinley than I have for the innocent victims who were shot down by the New York militia at Buffalo a few years ago.”⁹⁴ When asked about anti-anarchy legislation, Debs explained:

The talk about suppressing Anarchy is a waste of breath. Where shall the line be drawn and who shall draw it? When it comes to respect for law, the poor, misguided and much-hated Anarchists are models of innocence compared to the great trusts and corporations that trample all law under foot and so manipulate business and industry as to bring suffering, misery, and death to thousands, each of which in its own small circle is as great a tragedy as the attempted assassination of the President. As long as society breeds misery, misery will breed assassination. Every now and then the poverty and desperation in the social cellar will explode in assassination at the sumptuous banqueting board on the upper floor. The way, and the only way, to end Anarchy is to quit producing it. Sympathy for its victims, while praiseworthy in the human heart, does not mitigate the evil.⁹⁵

Cleyre, a feminist/anarchist, and Debs, a socialist/anarchist supporter, expanded governmental focus from the narrow scope of only fearing anarchy to fearing any radical political viewpoint. Rather than assuage concerns about radicalism, prominent voices like Cleyre and Debs enflamed tensions.

Already fearful of anarchist thought, the growing alliance between anarchists, communists, feminists, and other radical thinkers supercharged government fear and public resentment towards politically radical groups. The commentary of Eugene Debs on McKinley’s death in 1901 was particularly important for forming US policy in the following years. Debs’ words linked anarchism with socialism, an important connection that would later allow Congress to shift its focus to socialism and communism, while still feeling like they were dealing with anarchism. However, Debs had already appeared in the 1895 Supreme Court in the case of *In Re Debs*, challenging the ability to restrict

⁹⁴ “Radical Comment on the President’s Assassination.” *The Literary Digest*, 1901.

⁹⁵ “Radical Comment on the President’s Assassination.” *The Literary Digest*, 1901.

literature that opposed the government.⁹⁶ The previous Debs case in the late 1800s, coupled with the Haymarket convictions, followed by Debs' early 1900s comments after McKinley's assassination, all established an integral link between speech and violence, all of which ignited a political firestorm when Debs ran for President in 1904, as many saw Debs rise to prominence as a sort of political apocalypse where the radical would inherit the Earth.⁹⁷ Even though Debs didn't win the election, his political power amplified his voice and influence and he continued to grow in influence throughout the twentieth century. When World War I began in 1914, anarchists and socialists, led by men like Debs, as they were anti-establishment and anti-government, were some of the most outspoken regarding anti-war sentiment. Congress feared that Debs, and political radicals like him, could derail war efforts. To combat this threat, Congress began to develop specific legislation limiting the type of speech and literature that could be published under the first amendment. Despite his best efforts, Debs' career was marred by frequent legal battles that continued to haunt him for the rest of his life.

It was for this reason that Eugene Debs once again found himself in Court, this time, being prosecuted for violating the 1917-1918 Espionage Act.⁹⁸ The Espionage Act had banned speech that opposed the war, obstructed recruiting, and furthered "a general propaganda of socialism."⁹⁹ However, the war reforms didn't end there. Congress also

⁹⁶ *In re Debs*, 158 U.S. 564 (1895)

⁹⁷ Mark Harris, "The Measure of a Revolutionary: Remembering Eugene V. Debs," *Counterpunch*, September 7, 2015. <http://www.counterpunch.org/2015/09/07/the-measure-of-a-revolutionary-remembering-eugene-v-debs/>

⁹⁸ *Debs v. United States*, 249 U.S. 211 (1919)

⁹⁹ *Debs v. United States*, 249 U.S. 211 (1919)

took the opportunity to retool the Alien Immigration Act.¹⁰⁰ The reforms took even stronger stances against anarchism and socialism, doling out harsher sentences to those who defied the laws. The legislation was also meant to eliminate political radical groups and to use Mr. Debs as an example for other radicals. The message was clear: dissent would not be tolerated. The persecution and prosecution of Eugene Debs not only furthered fears about alternative political groups, but it also gave Congress a chance to reconstruct threats as coming from within the borders in the form of political radicals. Particularly during wartime, the federal government sought to eliminate any potential threat that could derail the cohesion of the American people in fighting against the enemies abroad. To accomplish this “threat elimination,” legislators constructed a narrative where anarchists were living everywhere, always planning to derail the government. That fear allowed the public to look the other way while institutions ranging from the Supreme Court to Congress endorsed legislation that unfairly targeted immigrants and political minorities. For legislators, national security and foreign policy objectives were of the utmost value, while political discourse was seen as a secondary goal reserved only for political groups deemed “acceptable” by governmental structures.

¹⁰⁰ Zechariah Jr Chafee, “Legislation Against Anarchy,” *The New Republic*, v. 19, no. 246 (July 23, 1919), 379-385.
<https://www.marxists.org/history/usa/culture/pubs/newrepublic/1919/0723-chafee-anarchylaws.pdf>

CHAPTER 4

LEGISLATIVE IMPLICATIONS

While Congress was busy waging a physical world war in Europe and a rhetorical war against political radicals at home, the federal government also faced increasing homeland violence and terror threats. Perhaps the most interesting part of assessing the impacts of legislation is looking at the statistical shifts in immigration. While one would expect the number of immigrants might go down in the years following McKinley's assassination, the evidence shows this is too broad of a generalization to make. Figure 1 demonstrates that between 1911-1940, there was a continuous decrease in the total number of immigrants to the United States. However, the figure also shows two particular countries, Austria and Italy, known for their anarchist ties. When compared to the average percent decrease, countries with anarchist ties saw consistently higher drops in rates of immigration. However, the biggest drops in immigration rates did not come until after 1910. Perhaps this demonstrates the amount of time it took for the immigration legislation to kick in, the amount of time it took for states to take initiative in creating their own legislation, or maybe there is simply no relation. Regardless, Figure 1 suggests there is a connection between legislation and decreases in immigration rates.

Year	Total Number of Immigrants	Percent Increase/Decrease
1901-1910	8,795,400	N/A
1911-1920	5,735,800	-35%
1921-1930	4,107,200	-28%
1931-1940	528,400	-87%
Year	Number of Immigrants from Italy	Percent Decrease
1901-1910	2,045,900	N/A
1911-1920	1,109,500	-45%
1921-1930	455,300	-59%
1931-1940	68,000	-85%
Year	Number of Immigrants from Austria	Percent Decrease
1901-1910	668,200	N/A
1911-1920	453,600	-32%
1921-1930	32,900	-93%
1931-1940	3,600	-88%

Figure 1- Immigration Comparisons 1901-1940¹⁰¹ (all numbers rounded to the nearest full percentile, and immigration numbers also rounded based on original data)

Another interesting conundrum is the timeline of immigration legislation and federal action before and following McKinley’s assassination. As Figure 2 demonstrates, from the early 19th century forward, both state and federal legislation has targeted Asian immigrants. Historically, this is in large part because of the economic fear that Asian immigrants would “steal” American jobs. However, this demonstrates that America had a long established history of targeting specific nationalities to exclude them from the country. While anarchism is unique because it is a political ideology, the legislation crafted to exclude anarchists targeted European communities, so political ideology is inextricably linked to nationality in the lens of policymaking.

¹⁰¹ U.S. Census Bureau, Statistical Abstract of the United States: 1999, <https://www.census.gov/prod/99pubs/99statab/sec31.pdf>

Previous legislation also casts doubt on how responsive legislation like the Alien Exclusion Act was to McKinley's assassination. For example, both the Naturalization Act of 1798 and the Immigration Act of 1882 discuss mental illness and sickness, casting doubt on whether the inclusion of epilepsy in the anarchy bill was really a reference to Czolgosz or whether it was merely a continuation of excluding those deemed to be sick. Looking at the statistical analysis, it is clear that something was impacting European immigration at higher rates than other nationalities, but so was legislation directed at Asian immigration. Additionally, the simultaneous legislation that seemed to address the economic fears concerning Asian immigrants and political fears regarding European immigrants complicates the analysis. This makes it extremely difficult to determine whether McKinley's death was a turning point in American immigration legislation, or just a continued trend from previous laws.

Using the timeline below to contextualize the overall decrease in immigration rates may actually explain these differences. 1910 would have been the peak of anarchist fear, yet, Italian immigrants were only down about ten percentage points more than the average, and Austrian immigrants down by approximately three percentage points. Then in the 1920s-1930s, the most drastic numbers come out, from -28% overall, -59% Italian, and at -93% in Austrian Immigrants. Once into the 1930's, the numbers remain roughly the same across the board. Considering that the biggest decreases in immigration came between the 1920s and 1930s, it raises important questions about how long it can take immigration legislation to truly impact the target group it is designed to restrict. This is also interesting because while the period between 1910 and 1920 is when anarchist fear was the highest, the impacts on countries most associated with anarchist fears didn't

really take effect until 1920-1930. By the 1930s and 1940s, socialism and communism had replaced anarchism as the perceived biggest threats to American ideology. Looking at the timeframe of these statistics raises important concerns about our immigration policy. If it takes multiple pieces of state and federal legislation, and thirty years to reach the achieved result, then immigration legislation may no longer be responsive to a threat. This raises concerns about the efficacy of immigration legislation and our methods of using legislation as protection.

While history does show that this legislation had some effect of immigration patterns, it also casts doubt on whether it achieved its touted goal of reducing radical thought. On November 11, 1914, a string of bombs were found across New York City in places ranging from St. Patrick's Cathedral to the Bronx Courthouse.¹⁰² In 1916, a failed Chicago arsenic poisoning was also initiated by anarchists against a prominent Archbishop.¹⁰³ In 1917, a bomb placed in a Milwaukee Church detonated upon discovery, killing 11 people, ten of whom were police officers.¹⁰⁴ The peak of these bombings was in 1919, when thirty dynamite bombs were sent out to powerful figures ranging from businessmen like John D. Rockefeller and Attorney General A. Mitchell Palmer.¹⁰⁵ While these attacks were not successful, later, in June of 1919, seven cities were hit by large explosive attacks.¹⁰⁶ In totality, less than a dozen people died from these anarchist attacks. However, World War I had resulted in the death and wounding

¹⁰² Miller, *The President and the Assassin*, 5861-5866.

¹⁰³ Miller, *The President and the Assassin*, 5861-5866

¹⁰⁴ Miller, *The President and the Assassin*, 5867-5869.

¹⁰⁵ Miller, *The President and the Assassin*, 5868-5869.

¹⁰⁶ "1919 Bombings".

of hundreds of thousands of American soldiers abroad. Together, the perceived threats both within and outside American borders had taken a psychological toll on the country.

Year	Act	Impacted Nationality	Basic Implication
1789	The Naturalization Act of 1789	All	First Piece of US immigration legislation
1798	Revisions to Naturalization Act of 1789	All	Any immigrant deemed dangerous or diseased could be deported.
1862	Anti-Coolie Act	Chinese	Taxes employers who hire Chinese immigrants
1870	Naturalization Act of 1870	Asians	Denies Asians citizenship
1882	Chinese Exclusion Act	Chinese	Restricted all Chinese immigration
1882	The Immigration Act of 1882	All	Bans "lunatics" from receiving citizenship
1885	Alien Contract Labor Law	All	Bans bringing workers from other countries
1892	The Geary Act	Chinese	Extends Chinese Exclusion Act
1901	Anarchist Exclusion Act	European	Bans Anarchists
1902	Chinese Exclusion Act	Chinese	Chinese Exclusion Act renewed
1911	Dillingham Commission report	European	Determines immigrants from Eastern Europe are threats to America
1913	California Alien Land Law	Chinese	Prohibits Chinese and Japanese immigrants from owning property or being employed
1917	The Immigration Act of 1917	Asians	Restricts Asian Immigration
1924	The Immigration Act of 1924	Europe	Reduces immigration quotas
1924	Oriental Exclusion Act	Asians	Bans immigration from Asia

Figure 2- Timeline of Important Legislation¹⁰⁷

The history after the 1919 attacks demonstrate the interesting implications of not only immigration patterns, but also, deportation and exclusion records. Following the attacks in 1919, the federal government pushed back against anarchist extremism.

¹⁰⁷ “Key Dates and Landmarks in United States Immigration History” Harvard University Library Open Collections Program: Aspiration, Acculturation, and Impact, Immigration to the United States, 1789-1930, <http://ocp.hul.harvard.edu/immigration/timeline.html>

Immediately, well-known anarchists were blamed for the atrocities, and using the legislation passed in 1903 and affirmed in 1904, were shortly deported. 249 political radicals, including famous anarchist Emma Goldman, now called “Red Emma,” were deported in a single incident that year.¹⁰⁸ By the end of 1919, thousands of people had been arrested or deported, and the next few years only saw an increase in deportation and exclusion.

Due to the very nature of immigration cases, the records that do exist are nowhere near as detailed or comprehensive as the data from the census bureau regarding immigrants. However, there are specific examples and case studies that can demonstrate just how serious deportation policy was. In January of 1920, the most infamous deportation raid occurred was when Attorney General A. Mitchell Palmer authorized a series raids across the country meant to find and arrest all persons associated with radical groups.¹⁰⁹ While the bureau struggled to coordinate raids, as the communication was overwhelmingly poor,¹¹⁰ the raids still managed to arrest 4,500 people.¹¹¹ However, many speculated about the legitimacy of the arrests that took place during the “Palmer Raids.” Attorney General Palmer was hoping to build up legitimacy for his agency and

¹⁰⁸ *New-York Tribune*, December, 28 1919, Chronicling America: Historic American Newspapers, Library of Congress,

<http://chroniclingamerica.loc.gov/lccn/sn83030214/1919-12-28/ed-1/seq-73/>

¹⁰⁹ “A Byte Out of History: The Palmer Raids”, Federal Bureau of Investigation, December 28, 2007, <http://www.fbi.gov/philadelphia/about-us/history/famous-cases/famous-cases-1919-bombings>.

¹¹⁰ “A Byte Out of History: The Palmer Raids.”

¹¹¹ *The Evening Missourian*, January 3, 1920, Chronicling America: Historic American Newspapers, Library of Congress,

<http://chroniclingamerica.loc.gov/lccn/sn83030214/1919-12-28/ed-1/seq-73/>

eliminate anarchy; the raid only drew widespread criticism from citizens regarding the federal government's actions.¹¹²

While Palmer was criticized for his actions, Congress was equally harsh in its treatment of potential anarchists and communists. Hearings for deported aliens conducted by the House Committee on Immigration and Naturalization have been immortalized in written records, providing small glimpses into overall trends of the time period. In April of 1920, the Committee met to discuss a series of deportations for anarchists, socialist, and communists. This not only demonstrates how the three radical ideologies were becoming interchangeable by the 1920s, it contains thorough records including the testimonies of those who were going to be deported. The images below are from the original 1920 report, and demonstrate just how severe Congress was regarding treatment of suspected anarchists.

Immigration Bureau No. 54616/115.
Name of alien, Ethel Bernstein.
Place of arrest, New York, N. Y.
Date of arrest, November 9, 1919.
"That she is an alien anarchist; that she advocates the overthrow by force or violence of the Government of the United States; that she disbelieves in all organized government; that she is an opponent of all organized government."

Figure 3- Records from Congress (1)¹¹³

¹¹² "A Byte Out of History: The Palmer Raids".

¹¹³ House Committee on Immigration and Naturalization, *Communist and Anarchist Deportation Cases, Hearings Before a Subcommittee of the Committee on Immigration and Naturalization, House of Representatives, Sixty-sixth Congress, Second Session. April 21 to 24, 1920, July 22, 1920.*

"In furtherance of our aim, we place in the forefront, the necessity to create a wide revolutionary class organization of the toilers."

The specific charge on which each member of the following group, composed of 181 aliens, was deported reads as follows:

"That he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54248/20	Naum Stepanuk.....	Cleveland, Ohio.....	Dec. 12, 1917
54235/151	John Tarasyk.....	do.....	Do. 1
54235/158	Paul Krachie.....	do.....	Do. 1
54235/159	Leo Haskewich.....	do.....	Do. 1
54616/133	Kronagi Workolf.....	Pittsburgh, Pa.....	June 12, 1919
54616/156	Thomas Prosk.....	New Haven, Conn.....	Apr. 29, 1919
54616/222	Anton Trzpiot.....	Cleveland, Ohio.....	June 11, 1919
54709/21	Daniel Levczuk.....	Buffalo, N. Y.....	Nov. 13, 1919
54709/103	Wm. Lowna.....	Elizabeth, N. J.....	Nov. 25, 1919
54709/109	John Brunert.....	Baltimore, Md.....	Nov. 14, 1919
54709/111	Iwan Novikoff.....	New York.....	Nov. 21, 1919
54709/112	Dimitri Panko.....	do.....	Nov. 9, 1919
54709/113	Mike Seegan.....	do.....	Nov. 10, 1919
54709/117	Maxim Chinejko.....	do.....	Nov. 9, 1919

Figure 4- Records from Congress (2)¹¹⁴

54810/139.	Department directs stay of proceeding for three months, April 6.
54861/137.	
54859/528.	
54859/864.	
54680/317.	
54709/321.	
54718/58.	Feeble-minded—department cancels warrant—bureau recommended deportation.
54809/608.	
54861/321.	
54810/139.	Examining inspector and inspector in charge recommend deportation—approved by bureau—department directs stay of proceedings for three months.
54860/608.	
54810/104.	
54709/163.	This man appears to have been particularly active in the Communist Party, much correspondence being filed as exhibits.
54709/554.	Bureau recommends holding final decision in abeyance for six months—department cancels warrant.
54810/115.	Bureau approves recommendation of examining inspector and Commissioner of Immigration that alien be deported. The department cancels.
54859/354.	
54810/239.	
54861/162.	This alien is an Italian anarchist, member of Ferrer Association and the I. W. W.

Figure 5- Records from Congress (3)¹¹⁵

¹¹⁴ *Hearings Before a Subcommittee of the Committee on Immigration and Naturalization.*

¹¹⁵ *Hearings Before a Subcommittee of the Committee on Immigration and Naturalization.*

As these original records demonstrate, this was a massive undertaking, and Congress kept meticulous files regarding deportation cases and trials. Hundreds of people were being deported each month, often without fair trials and facing the full force of the federal government. When coupled with the census bureau data above, as well as the legislation timeline, it is clear that the US government spent a great deal of time and effort in trying to use deportation and exclusion as tools to stop anarchy. However, with the memory of McKinley's death still looming large, government actors had pursued an aggressive strategy to combat anarchism in the name of national security and regaining stability; however, one lingering question remains: Just how successful was it?

CHAPTER 5

IMPLICATIONS FOR AMERICAN IMMIGRATION LAW

From the beginning of the anarchist threat in the 1880s, McKinley's 1901 assassination, up to the Palmer Raids of 1920, America certainly had unique approaches to dealing with the threat of anarchy. William McKinley's assassination justified legislation that disenfranchised, imprisoned, and targeted immigrant and political minority groups in the name of national security. The 57th Congress may have thought that it was protecting Americans, but a closer examination of the legislation and Court rulings suggests it was less about protection and more about control. Regardless of the motives, McKinley's death offers insight into modern conversations surrounding rights of immigrants, particularly in an American political climate obsessed with immigration.

Despite the U.S. Constitution guaranteeing procedural due process under the Fifth Amendment, the legislation passed in 1901 and 1903 justified mass deportation of immigrants, and the ruling in *Turner* established that those being detained and deported didn't have these procedural rights. The early 1900s recommendations by the Senate Judiciary Committee that immigrants who talked about anarchy or expressed anti-government sentiment should be deported immediately and the imprisonment for individuals who were connected to anarchist individuals are also at odds with American rights conceptions and the idea of due process. For a judicial system that prides itself on

being fair, proportional, and upholding the rights of all people, these cases and laws seem to suggest anything but justice.

Sometime between McKinley's death in 1901 and her own deportation before 1920, Emma Goldman wrote an essay in 1911 outlining the problem of using patriotism to justify action, explaining:

Patriotism assumes that our globe is divided into little spots, each one surrounded by an iron gate. Those who have had the fortune of being born on some particular spot, consider themselves better, nobler, grander, more intelligent than the living beings inhabiting any other spot. It is, therefore, the duty of everyone living on that chosen spot to fight, kill, and die in the attempt to impose his superiority upon all the others.¹¹⁶

Famous rights lawyer Zechariah Chafee shared similar thoughts, and attributed the denial of rights to the fear of war and the threat construction. Writing about American fear and rights repression in 1919, Chafee penned:

We ought to cross-question acutely our present conviction that the repression of ideas is essential to the public safety, and ask ourselves how far that conviction results from the mood of the moment. Indeed, it may be conjectured that just as some soldiers were given ether to make them "go over the top" better, so a nation can not enter wholeheartedly into the horrors of a war without some benumbing of its reasoning powers, from which it may not yet have recovered. It is not psychologically probable that our minds have been so shaken by excitement, fear, and hatred, so stretched to one absorbing purpose, that they are slow to return to normal, and that we still crave something to fear and hate, some exceptional cause for which we can continue to evoke enthusiasm? Was it altogether accidental that the trial of Socrates followed close upon the Peloponnesian War?¹¹⁷

Despite Chafee's warnings about irrational legal decisions during times of military threat, the United States would continue on its problematic path of rights denial in the face of

¹¹⁶ Emma Goldman, *Anarchism and Other Essays*, (New York & London: Mother Earth Publishing Association, 1911), 133-150.

¹¹⁷ Chafee, "Legislation Against Anarchy," 1919.

fear. The ruling in *Turner* and similar cases would continue to negatively impact rulings for the next century.

Reflecting later in 1931, Goldman explained she never expected that Leon Czolgosz's obsession with her would justify her arrest or deportation. Remaining defiant to the last, she never apologized for McKinley's death, only expressed her remorse for Czolgosz being executed. Goldman became a radical anarchist in the wake of the Haymarket Riots, and time progressed, her radicalism only grew stronger because she feared at the growing power the federal government had against political movements. In her lifetime, the government disappointed her, proving all of her fears right. Both Goldman and Chafee's writings confirm an overwhelming fear amongst radicals and academics alike that national security would be prioritized over due process and the rights of the accused.

Slowly, the rhetoric and argumentation once used against anarchists, socialists, and communists began to expand its applicability into all cases regarding immigration and national security. The rhetoric of *Turner* again appeared during World War II, this time in the Japanese internment case of *Korematsu v. US* in 1944. Writing for the Court, Justice Hugo Black specifically acknowledged that although cases that curtail the rights of particular groups were suspect; they were necessary in the case of national security matters.¹¹⁸ While many later acknowledged the inhumanity of the decision in *Korematsu*, by the time of the Cold War, federal fear over communism had reached new heights, and federal legislators and the courts were worried about the impending threat of communist attack. In 1950, Congress created its own detention plan, which would remain in place

¹¹⁸ *Korematsu v. United States* 323 US 214 (1944)

until 1971.¹¹⁹ Enacted as Title II of the Internal Security Act, this measure allowed emergency detention of those deemed “dangerous persons.”¹²⁰ Richard Longaker, as cited by David Cole in the Harvard Civil Rights and Civil Liberties Review, described the powers of the Internal Security Act:

[It authorized] detention without arraignment before a judge, the possibility of bail, or a jury trial Apprehension and incarceration were based on an administrative finding of prospective guilt in which non-judicial officers utilized a standard of reasonable belief, not probable cause, that a suspect should be held The authority of the Attorney General was uncontrolled. He could issue warrants at will and withhold evidence selectively, including the identity of the detainee’s accusers, thus bypassing the right of a defendant to confront and cross-examine his accusers.¹²¹

Although no one was ever arrested or sent to the four detention centers created under the act,¹²² fear guided court decisions like that of the 1950 Circuit Court decision in *Bailey v. Richardson*, which upheld the firing of civil servant Dorothy Bailey based on “secret evidence” that was never presented in the courtroom.¹²³ Reflecting back on the Cold War and McCarthyism, many later condemned the legal system for prioritizing fear of attack over protecting the vested rights of American citizens.¹²⁴ The fear of communism had yet again justified exactly the type of legislation that Chafee and Goldman had warned against years before.

¹¹⁹ David Cole, “The New McCarthyism: Repeating History in the War on Terrorism,” *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 30, 2003.

18.<http://dx.doi.org/10.2139/ssrn.383660>.

¹²⁰ Cole, “The New McCarthyism”, 2003, 29.

¹²¹ Cole, “The New McCarthyism”, 2003, 29.

¹²² Cole, “The New McCarthyism”, 2003, 29.

¹²³ Cole, “The New McCarthyism”, 2003, 30-31.

¹²⁴ Cole, “The New McCarthyism”, 2003, 32.

Recent cases surrounding Guantanamo Bay have also served to illuminate the delicacy of Fifth Amendment rights. In the 2006 case of *Hamdan v. Rumsfeld*, a Guantanamo Bay detainee appealed to the Supreme Court, arguing that he had been denied “the most basic tenets of military and international law”¹²⁵ including the inability to see or hear evidence against him.¹²⁶ *Hamdan v. Rumsfeld* clearly indicates that there are serious legal concerns about the treatment of those who are detained for national security purposes being denied basic rights. Tracing the historical developments of detainment legislation demonstrates a shift in American attitudes, specifically, when legislators and judges began to perceive an impending threat to national security, they became willing to suspend even the most basic rights of those detained.

The cases surrounding the Guantanamo Bay Detention facility also also furthers the conversation about the impacts of McKinley’s assassination, because McKinley’s death justified going to war with an idea. Although the US often targets people of specific nationalities, legislators insist that the real battle is eliminating radical, violent, and dangerous ideas. This unfortunately suggests that as long as the US continues to champion wars against ideologies, its laws will risk justifying racist policies. In the 1880s, America was at war with the ideas of anarchy. During this time period, the political activity of European immigrants, particularly from Central Europe, was monitored closely by the US government because radicalism could be found in immigrant communities like that of Leon Czolgosz.¹²⁷ Through the 1890s-1920s, the war expanded to include the ideas of socialism, anarchism, and communism. After the 1920s,

¹²⁵ *Hamdan v. Rumsfeld, Secretary of Defense* 548 U.S. 557 (2006)

¹²⁶ *Hamdan v. Rumsfeld, Secretary of Defense* 548 U.S. 557 (2006)

¹²⁷ Miller, *The President and the Assassin*, 1058.

Americans spent decades fighting the ideas of communism. During this war, similar prejudice was shown to Russian immigrants, who were immediately suspect because of their nationality because of US posturing against the Soviet Union in the Cold War. Across this hundred-year time frame, America's battles to eliminate ideologies have historically forced immigrants into a spotlight where their ideas and loyalties face extreme scrutiny. Even being sympathetic to people who practiced political ideals, whether it be anarchy or terrorism, had repercussions ranging from being added to a federal watch list to deportation. Today, the American government continues to detain people for publishing terrorist material or being affiliated with terrorist organizations. One hundred years ago, when terrorism and anarchy were almost interchangeable terms, the federal government did the exact same thing. Considering that US human rights policy has been heavily criticized in the past few years regarding our foreign policy and national security concerns, this historical analysis could offer modern implications on issues like Guantanamo Bay and the War on Terror.

Discussing Guantanamo Bay also raises questions about a potential comparison of political fallout after McKinley's assassination and political fallout after the September 11, 2001 attacks. Spaced almost exactly one hundred years apart, both attacks were motivated by ideologies, and shook the nation to its core. However, radical Islamic terrorist organizations also share similarities with historical radical anarchist terror organizations. In 1881, a group of terrorists met in London to codify the doctrine of "the propaganda of the deed."¹²⁹ This doctrine involved using violence and terror to overthrow governmental structures. Globally, young men and women began committing

¹²⁹ Miller, *The President and the Assassin*, 1940-1941.

violent acts in the name of anarchy. Like the modern terrorist concept of “jihad,” anarchy’s “propaganda of the deed” quickly gained international infamy for its belief that commitment to the ideologies of anarchism required violence. Both radical Islam and anarchism are rooted in the belief that violence is necessary to bring down the perpetrators of oppressive systems. While some may argue that radical Islam is religiously motivated, the political aspects mean that both systems were heavily motivated by political beliefs.

Even when recognizing the differences in organization and execution, as well as considering potential shortcomings in the comparison in ideologies and motive, the response to the two events has been surprisingly similar. “Terrorism” became a buzzword like “anarchism” or “communism” before it. Just as Emma Goldman had posited decades ago, “patriotism” can be used to justify any legislation that faces opposition as a kind of trump card. The Patriot Act and the Alien Sedition Act, while separated by a nearly one hundred years, justify very similar ideas. While the attacks in 2001 and the attack in 1901 are not perfect comparisons, they are two points in a continuing national conversation on immigration that has shape-shifted across political and racial groups while continuing a hateful legacy of exclusion and deportation.

Even though the evidence connecting the two may seem circumstantial, it is important to consider the implications. The rise of ISIS and continued violence in the Middle East and Africa is also far more organized than radical anarchism, and perhaps more comparable to communism, which specifically manifested in a highly organized fashion in the Soviet Union. The growth of these new terrorist organizations could place US policymakers on the cusp of creating a new wave of immigration legislation.

However, the same way policymakers dealt with the perceived economic threat of Chinese workers while simultaneously working to prevent the perceived threats of radical Eastern Europe could also indicate a complexity in our immigration legislation. Preserved in the archives of the McKinley Presidential Library is an article by a local Ohio newspaper, *The Repository*, that noted on September 5, 2001, just days before the 9//11 attacks, that the United States was going through an economic transition, explaining, “The differences between 1901 and 2001 are every bit as striking as the similarities. The fears about the plight of the ordinary workers in an increasingly globally, corporate world, and the stunning transformation of the US economy from agriculture to industry, akin to the recent shift from industry to information.”¹³⁰ As immigration policy complicates, and politicians discuss excluding immigrants from the Middle East for security purposes, while also discussing banning Mexican immigrants for fear of job loss, United States policymakers must balance immigration reform for different ethnicities and for different reasons. Considering the hateful rhetoric that has been used against immigrants by American politicians, McKinley’s assassination also raises questions about the historical narrative of “job stealing immigrant” or “radical militant immigrant”. These tropes have been around for over a hundred years, yet they continue to be just as effective today as they were during McKinley’s time. This may sadly mean that exclusion and otherization are inextricably tied to America’s history of immigration legislation.

¹³⁰ “Distance Involves more than Years,” *The Repository*, September 5, 2001. (Accessed at the Ramsayer Research Library at the McKinley Presidential Library and Stark County Archives: Canton, Ohio).

While we may never be able to isolate the direct impacts of McKinley's death, his death is a historical event that deserves more research and discussion. The United States has long suffered with our immigration policies, and studying the historical change, or lack thereof, over time in immigration legislation, McKinley's death serves as a starting point to discuss immigration reform and the downsides of exclusion and deportation policies. Additionally, it raises questions about how far Americans are willing to go in the name of safety and protecting their country and families. Do American values prioritize patriotism over liberty? Why have racist tropes and ethnic stereotypes driven US immigration policy? Has America really changed that much since 1901? These are all important questions that McKinley's death brings attention to, and serve as important to serve as talking points in our national conversation on immigration reform.

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