

Anarchist Terrorism and American National Security, 1881-1903

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ABSTRACT:

This dissertation examines the intersections of transnational anarchist terrorism, American foreign relations, and national security in the late nineteenth and early twentieth centuries. As such, the primary purpose is to examine how cultural concerns exert an influence over discussions of national security in the United States. In the face of an unprecedented wave of bombings and assassinations around the world, Americans made clear that anarchist terrorism was a dual menace. First, the actual threat of violence posed an external security problem that needed to be addressed. Government officials as well as private individuals debated the need to protect public officials, curtail press freedoms, punish anarchist crimes, and cooperate with other states to suppress anarchist violence. At the same time, however, many Americans expressed concern that by overreacting and making acceptable the passage of measures that would erode traditional values in the name of providing security, anarchist terrorism posed a second—greater—threat to American society. The failure to satisfactorily resolve those conflicting priorities, this dissertation argues, set the boundaries within which discussions over how to protect society from the threat of anarchist violence—both real and imagined—would take place.

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INTRODUCTION: FRAMING ANARCHIST TERRORISM AND NATIONAL SECURITY

“Assassination has never changed the history of the world.” – Benjamin Disraeli¹

On the evening of 29 July 1900, disaster struck as King Umberto I and his wife left an athletic ceremony in Monza, Italy. As the king’s carriage navigated through the crowd-lined streets, a figure pushed forward and fired several shots from a revolver, striking and fatally wounding Umberto. Onlookers quickly subdued the assassin, an Italian immigrant to the United States and a self-professed anarchist named Gaetano Bresci, and he was swiftly put on trial for the king’s murder. Under examination, Bresci cited the bread riots that had recently taken place in Milan and Strofina, Sicily, as the reason for his deed, declaring that he acted, “to avenge the misery of the people and my own.” When given further opportunity to speak, Bresci calmly requested: “Sentence me. I am indifferent. I await the next revolution.”² The Italian court found Bresci guilty and sentenced him to life in prison, first in Milan and subsequently at the penal colony of Santo Stefano. Less than a year later, a prison warder found Bresci hanged in his prison cell on 21 May 1901 with the word “Vengeance” scratched into the wall. Accounts differ on whether Bresci committed suicide or if prison guards murdered him.³

Anarchist terrorism illustrated its perpetrators’ transnational reach and encapsulated the challenges to and perceived vulnerabilities of American society at the turn of the

¹ Parliamentary Archives, HC/Deb 1 May 1865, Vol. 178: 1246.

² “Bresci Given Life Term,” *Chicago Daily Tribune* 30 August 1900: 4; “The Assassination of King Humbert of Italy,” *Harper’s Weekly* 4 August 1900: 736.

³ “A Forlorn Letter from Bresci,” *Washington Post* 18 November 1900: 30; “Bresci Commits Suicide: Murderer of King Humbert Hangs Himself in Prison,” *New York Times* 24 May 1901: 9; “Say Bresci was Murdered,” *New York Times* 24 May 1901: 9; “Indirect Capital Punishment,” *Chicago Daily Tribune* 24 May 1901: 12.

twentieth century. Rather than portray Bresci's violent action as an aberration, contemporary reactions painted a radically different picture. Police and high-ranking government officials from the United States, Spain, France, Germany, and Italy spent more than a year investigating Umberto I's assassination as part of a global anarchist conspiracy. In the United States, the popular press eagerly reported every detail to an anxious, interested public that was quickly becoming accustomed to such violence as a new norm. The *Boston Morning Journal* followed the multinational police investigation into Bresci's movements in Europe and reported on time Bresci spent in Spain—where rumors indicated he was dissuaded from assassinating the Spanish Minister of the Interior—to his presence for several years in Germany and his time spent in Paris before the actual assassination.⁴ Interest intensified when it was rumored that Errico Malatesta, a leading figure of the international anarchist movement and disciple of Mikhail Bakunin, had been in Paterson, New Jersey the year before Umberto's assassination. The press also reported that Italian ambassador in Washington, D.C. received a police report alleging that Bresci volunteered to assassinate Umberto at a meeting presided over by Malatesta. The report went on to say that in other meetings in cities around the United States, Malatesta preached murder and laid plans for not only the assassination of the king of Italy but the heads of other foreign governments as well.⁵ Specific interest in Bresci periodically returned to the American consciousness in the decade after his crime.⁶ American newspapers also widened their scope beyond Bresci and

⁴ "Prearranged Plot?" *Boston Morning Journal* 1 August 1900: 1.

⁵ "King Humbert Conspiracy," *Washington Post* 12 February 1902: 1.

⁶ In 1905 national papers reported when police in Cairo arrested an alleged co-conspirator of Bresci's who had disguised himself as a priest. In 1910, the *Washington Post* reported the release of an Italian convict from a prison in Siena, Italy because he retold a story he had heard from a fellow convict about the organization of the Paterson plot. See "Alleged Accomplice of Bresci Arrested," *Washington Post* 7 May 1905: 6; "Bresci's Accomplice

frequently reported about “anarchical brotherhoods” formulating conspiracies and plots to commit future assassinations across Europe and North America.⁷

This dissertation examines domestic American statecraft and foreign relations in the face of a transnational security threat. In the last two decades of the nineteenth century, an intensifying campaign of bombings and assassinations around the world sparked concern that civil society was under attack. Americans observed, with growing concern, that anarchists not only repeatedly crossed international borders when perpetrating their crimes but targeted republics and monarchies alike. Whereas once most Americans believed that the virtues of their society insulated them from such violence, that confidence was shaken by reports of global conspiracies and continued rumors of American statesmen as possible targets. Americans made clear that anarchist terrorism was a dual menace. First, the actual threat of violence posed an external security problem that needed to be addressed.

Government officials and private individuals alike debated the need to protect elected officials, punish anarchist crimes, prevent anarchists from disseminating their beliefs, and cooperate with other governments to suppress the transnational threat of anarchist violence. At the same time, however, many expressed concern that by overreacting and making acceptable the passage of measures that would erode traditional values in the name of providing security, anarchist terrorism posed a second—greater—threat to American society.

This dissertation argues that the failure to satisfactorily resolve those conflicting priorities

Caught,” *New York Times* 7 May 1905: 2; “Drew Lots to Kill King,” *Washington Post* 6 January 1910: 1.

⁷ “To Kill All of Europe’s Sovereigns?” *Boston Morning Journal*, 1 August 1900: 2; “Other Countries’ Boxers,” *Daily Herald* (Biloxi, MS) 11 September 1900, 3, no. 21: 3; “Another Plot—To Assassinate McKinley is Discovered,” *Daily Herald* 28 November 1900, 3, no. 85: 1; “A Move Against Anarchists,” *Dallas Morning News* 27 August 1900: 2 [op. cite *New Haven Evening Register* and *Morning-World Herald* (Omaha, NB)]; “Plot to Kill Rulers,” *Washington Post* 4 August 1900: 1.

established the boundaries within which would take place specific policy discussions on how to best protect society. As such, this dissertation explores the contradictions, paradoxes, and nuances of political and social liberalism in the United States in light of the challenge posed by anarchist violence.

THE DILEMMAS OF ANARCHIST ASSASSINATIONS:

Outside of the infamous act with which he was inextricably tied, the other details of Gaetano Bresci's life are hardly unusual. Born in 1869 to working-class parents in Prato, near Florence, Bresci eventually left his family behind and immigrated to the United States in 1894. There, two years after his arrival, he married an American woman, Sophia Knieland, and they soon had a daughter, Madeline. He spent Sundays with his wife and daughter at their tenement in nearby West Hoboken. During the week, Bresci typically lived in a boarding house in Paterson, New Jersey, where he, like most of the area's thriving Italian immigrant community worked as a weaver in the silk industry. As a worker at the Hamil & Booth Mill, Bresci was highly recommended as "a good workman and a man who had never made any trouble." Yet Bresci also fit into his adopted community on another level: having "imbibed Anarchist principles and ideas" long before he left Italy, he felt quite comfortable amongst the sizable anarchist community in Paterson and he gained ready acceptance into the "Right of Existence Group" [*Gruppo diritto di esistenza*], the leading anarchist organization in Paterson and the publisher of *La Questione Sociale*.⁸ As his wife later acknowledged, though he rarely discussed his anarchist beliefs, she "knew that [he] frequently met his friends and

⁸ "Assassin's Lot Fell Upon Anarchist Here," *New York Times* 31 July 1900: 1; Francis H. Nichols, "The Anarchists in America," *Outlook*, 10 August 1901.

discussed the affairs of the Government of Italy just as any foreigner naturally takes an interest in the doings of his mother country.”⁹

When the first reports of Umberto I’s assassination raised the possibility that an anarchist group in the United States planned the assassination, it ignited a firestorm of interest. The rumors originated when the *New York Times* reported that a supposedly incriminating letter was found on the body of Carboni Sperandio, an Italian anarchist from the same group as Bresci. Sperandio committed suicide after he shot and killed Giuseppe Persina, foreman of the Wildman Dye Company of Paterson on 22 July 1900. The letter detailed that during an anarchist meeting in Milan in February lots were drawn to determine who would be responsible for killing King Umberto I. “That lot fell to me,” Sperandio claimed, but since he was in America, “the society has left it to my full liberty to choose as a substitute whomsoever I wish.” Sperandio targeted Persina because he was a “brute... who did not respect anybody, who ill-treats his own countrymen.”¹⁰ The *Philadelphia Inquirer* picked up the story from the *New York Times* on 1 August and investigated whether Sperandio and Bresci were associates. The newspaper spoke about “a mysterious visitor” who would frequently walk the streets with Sperandio late at night, speaking in hushed tones. Based on the physical description, Sperandio’s friends identified Bresci as the visitor. The story took further twists and turns as the Paterson group denied any connection between Bresci and Sperandio and subsequently denied that the letter even existed.¹¹ The

⁹ “Was it a Plot? Assassin’s Wife had no Inkling,” *Boston Morning Journal*, 1 August 1900: 2.

¹⁰ “A Confirmatory Letter,” *New York Times* 31 July 1900: 1. See also “The Anarchists of Paterson,” *The Independent* 9 August 1900, 52, no. 2697: 1888-89.

¹¹ “Woman Plotter Holds Clue,” *Philadelphia Inquirer* 1 August 1900, 143, no. 32: 1. See also “Assassin’s Comrade Nicola Quintavelli,” *New York Times* 2 August 1900: 3; “Plot to Kill Rulers,” *Washington Post* 4 August 1900: 1; “Searching Among Paterson Anarchists,” *New*

Trenton Evening Times reprinted a letter by C. Luigi Alfieri, a self-proclaimed member of the Paterson group, that repeated the story that Gaetano Bresci was selected to kill Umberto I by drawing lots and next alleged that a second named individual “was chosen to slay President McKinley. Men were also named to assassinate President Loubet of France, Emperor William of Germany and the emperor of Austria.”¹²

Bresci’s crime highlighted some of the significant challenges to authorities charged with designing measures to avert such acts as well as punish perpetrators when crimes could not be prevented. First, plots—in some cases real conspiracies by groups desiring to murder a specific head of state, but in many cases the fevered imaginings of a nervous press—were covert by their very nature and, consequently, posed hurdles to authorities trying to uncover them. While Richard Jensen’s statement that “documents show that in 1901 the only federal agency that had a nationwide network and was available to carry out some kind of surveillance of the anarchists within the United States was the Post Office” is extreme, there was no centralized investigative organization, such as the modern Federal Bureau of Investigation or the Central Intelligence Agency.¹³ Britain, which had similarly become a hotbed of anarchism, also lacked a national investigative agency. Second, anarchists frequently used publications or held mass meetings to spread word of their cause, yet neither the American nor British governments emulated their continental peers who systematically restricted the ability of anarchists to spread their message. Eugene Emley, the Prosecutor of the Pleas in Paterson, made clear that “No permit is necessary and there is no law to prevent

York Times 1 August 1900: 1; “The Anarchist Investigation,” *New York Times* 13 October 1900: 7.

¹² “The Plot Details,” *Trenton Evening Times* 14 August 1900: 7.

¹³ Richard B. Jensen, “The International Anti-Anarchist Conference of 1898 and the Origins of Interpol,” *Journal of Contemporary History* 16, no. 2 (1981): 337.

men expressing their sympathy with an anarchist who has committed a crime.”¹⁴ Next, Bresci purportedly purchased the revolver he used in the murder in New York; anarchists elsewhere perpetrated crimes using explosives manufactured abroad. While many states passed laws restricting the manufacture, transportation, and use of explosive materials, the United States did not have any federal laws restricting explosives until 1917. Finally, Bresci’s immigrant status fed into public concern over the circumstances of “new immigrants.”¹⁵ Was it possible that the industrial conditions in the United States were little better than those in Europe and the country could become a breeding ground of anarchist discontent? *Harper’s Weekly* demonstrated the depths of this concern when it attacked William Jennings Bryan—once rumored to be a target of anarchist assassins himself—as “a contributing factor to the forces of anarchy” because he and politicians like him “preach the gospel of discontent,” which “contributes in some proportion... to the anarchistic cause.”¹⁶

Bresci’s crime—like many of the assassinations committed by anarchists in the late nineteenth century—had a pronounced transnational element, which further complicated efforts to deal with it. While governments had a shared interest in monitoring the movements of anarchists and communicating that information to others, there were also incentives against such cooperation. Anarchists were not evenly distributed around the world

¹⁴ “Assassin’s Comrade Nicola Quintavelli,” *New York Times* 2 August 1900: 3.

¹⁵ Thomas Archdeacon, *Becoming American: An Ethnic History* (New York: Free Press, 1983); Michael J. Greenwood and John M. McDowell, “The Factor Market Consequences of U.S. Immigration,” *Journal of Economic Literature* 24, no. 4 (December 1986); Timothy J. Hatton and Jeffrey G. Williamson, *Global Migration and the World Economy: Two Centuries of Policy and Performance* (Cambridge: MIT Press, 2006); John Higham, *Send These to Me: Immigrants in Urban America* (Baltimore: Johns Hopkins University Press, 1984).

¹⁶ “The Assassination of King Humbert,” *Harper’s Weekly* 11 August 1900: 740. For the rumored assassination of William Jennings Bryan by anarchists, see “Bryan on the List,” *Bismarck Tribune* 25 August 1900: 1.

and states were not eager to receive more; nor were they eager to accept the return of anarchists who had departed for other locales. This presented powerful incentives to not share information on the movements of anarchists in a timely manner. There were also concerns about the crime itself. Bresci's offense—murder—was universally punished, but other potentially illegal acts associated with the primary crime were not always treated in a similar fashion. For those anarchists rejoicing over Umberto's death, the most severe crime authorities in New Jersey could charge them with was disorderly conduct.¹⁷ Regarding any potential conspiracy, Assistant Prosecutor of Pleas Philip Shaw acknowledged, "even if it was proven beyond a shadow of a doubt that Bresci was sent to Italy as the result of a pre-arranged plan, the ones that sent him could only be tried for conspiracy. Conspiracy in New Jersey is only a misdemeanor punishable by a fine not exceeding \$1000 and imprisonment not exceeding three years."¹⁸ Perhaps most galling to foreign officials, expressions of sympathy by anarchist groups that would be cracked down on in many countries did not constitute criminal offenses in the United States.

Even "murder," the crime that Bresci was charged with committing, highlights a fundamental challenge that anarchist terrorism posed to those who would debate measures for its suppression. Anarchists, whether they attacked heads of state or detonated bombs in public locations, were typically sentenced to capital punishment.¹⁹ Bresci, as contemporary

¹⁷ "Searching Among Paterson Anarchists," *New York Times* 1 August 1900: 1.

¹⁸ "Woman Plotter Holds Clue," *Philadelphia Inquirer* 1 August 1900, 143, no. 32: 1.

¹⁹ For example, the infamous French anarchist Ravachol, who set off a series of bombs around Paris in 1892, was guillotined, as were the anarchist bombers Auguste Vaillant and Émile Henry. Sante Caserio, who assassinated French President Sadi Carnot in June 1894, met a similar end while Michele Angiolillo, the assassin of Spanish Prime Minister Antonio Cánovas del Castillo, was garroted. Luigi Lucheni, who committed suicide while serving a life sentence for the assassination of Empress Elisabeth of Austria, initially requested that his trial take place in Lucerne, which retained the death penalty. Finally, Leon Czolgosz, who

sources and later scholarly works pointed out, was sentenced to life in prison because the Italian government had, under the Penal Code of 1889, abolished capital punishment.²⁰ He could have been sentenced to death, however, had he been charged with treason because the Military Penal Code [1869] still permitted capital punishment. If Italian authorities had labeled Bresci's crime treason instead of simple murder, however, they would implicitly recognize a political dimension to his offense. That, in turn, would raise the possibility that should some future anarchist assassin escape abroad, a state might resist surrendering the offender because the crime, however distasteful it may have been, could be interpreted as a political offense, which was typically exempted from extradition. Unsurprisingly then, those who recognized that transnational anarchist criminals could only be contained through some level of international cooperation were steadfast in rejecting the notion that assassinations committed by anarchists could, in any way, be classified as a political crime.

FROM NATIONAL SECURITY TO SOCIETAL SECURITY:

A thorough examination of how assassination affected American foreign relations in the late nineteenth and early twentieth centuries is inevitably complicated by situating

would assassinate U.S. President William McKinley in 1901, died in the electric chair and his body was subsequently dissolved with sulfuric acid.

²⁰ On the status of Bresci, see "Bresci Commits Suicide," *New York Times* 24 May 1901; Pietro Gandetto, "Criminal Law in Giacomo Puccini Operatic Production: The Crimes Against Persons in 'Tosca,'" in *Law and Opera*, ed. Filippo Annunziata and Giorgio Fabio Colombo (Berlin: Springer, 2018), 155-56.

The Grand Duchy of Tuscany had abolished the death penalty on 30 November 1786, the first modern European state to do so. Umberto I issued a royal decree of pardon in January 1878, which informally halted subsequent capital punishments until the Penal Code of 1889, commonly called the Zanadelli Code, formally ended the practice. The Code passed with almost unanimous approval. See generally John Gooch, *The Italian Army and the First World War* (Cambridge: Cambridge University Press, 2014), 134-36; Luigi Lacchè, "Un Code Pénal Pour l'Unité Italienne: le code Zanardelli (1889) -- La Genèse, le Dèbat, le Projet Juridique," *Seqüência* 68 (June 2014).

contemporary debates on the danger posed by anarchists within a larger understanding of state power during this period.²¹ As a result, this dissertation forces us to reassess the relationship between assassination, national security, and foreign relations in the late nineteenth and early twentieth centuries. Scholars such as Lewis Gould and David Hendrickson have argued that foundational aspects of the modern American state—a strong executive branch, and a commitment to internationalism—were laid in the last decades of the nineteenth century.²² Charles Maier, however, cautions: “get real. For all the recent histories that suggest the state became exponentially more ambitious and powerful in controlling its citizens, nineteenth-century governments still hardly ‘penetrated’ society.” Indeed it is only in the later part of the century, Maier argues, when central governments started encroaching upon local and non-state authority.²³ As this dissertation demonstrates, contemporaries recognized a degree of institutional weakness. When confronted by the menace of anarchist violence, they debated and developed measures that most hoped would provide meaningful security against the danger.

The dilemma highlighted by Maier has defined much of the historical scholarship on national security in the United States. Most studies of national security begin their analysis with the post-1945 world despite a recognition that the effort to protect against, and the

²¹ Foreign relations rather than foreign policy is used deliberately for, as Frank Costigliola and Thomas Paterson point out, it “can be used to explain the totality of interactions – economic, cultural, political, and more – among peoples and states.” Frank Costigliola and Thomas G. Paterson, "Defining and Doing the History of United States Foreign Relations: A Primer," in *Explaining the History of American Foreign Relations*, ed. Michael J. Hogan and Thomas G. Paterson (Cambridge: Cambridge University Press, 2004), 10, n. 2.

²² Lewis L. Gould, *The Modern American Presidency* (Lawrence: University Press of Kansas, 2003); David C. Hendrickson, *Union, Nation, or Empire: The American Debate over International Relations, 1789-1941* (Lawrence: University Press of Kansas, 2009).

²³ Charles Maier, "Leviathan 2.0," in *A World Connecting, 1870-1945*, ed. Emily Rosenberg (Cambridge: Harvard University Press, 2013), 163-4.

desire to be protected from, external threats is not an exclusively modern concern. This is largely a consequence of the attention devoted to the complex network of formal institutions, ideologies, and commitments that guided what Julian Zelizer identifies as “continual engagement overseas through diplomacy, war, and covert action.”²⁴ Such studies typically take the National Security Act [1947] as their starting point. They analyze how the act centralized control of the military under the National Security Council and provided for the formation of the Central Intelligence Agency.²⁵ To the extent that these studies consider earlier developments, Michael Stewart traces “the roots of the national security ideology in America’s prewar and wartime experience, and places a much greater emphasis upon Pearl Harbor as a turning point.”²⁶ Melvyn Leffler’s seminal *A Preponderance of Power* only discusses early national security issues insofar as the memories of Woodrow Wilson’s failures shaped the outlook of those individuals who would shape policy in the post-World War II world, while Zelizer ascribes the desire to create a robust national security agenda to Theodore Roosevelt who was, nevertheless, “unable to break through nineteenth-century resistance to

²⁴ Julian E. Zelizer, *Arsenal of Democracy: The Politics of National Security from World War II to the War on Terrorism* (New York: Basic Books, 2010), 2.

²⁵ See, for example, Andrew Bacevich, ed., *The Long War: A New History of U.S. National Security Policy since World War II* (New York: Columbia University Press, 2007); Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State* (Cambridge: Cambridge University Press, 1998); Saul Landau, *The Dangerous Doctrine: National Security and U.S. Foreign Policy* (Boulder: Westview Press, 1988); Melvyn P. Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Stanford: Stanford University Press, 1992); Garry Wills, *Bomb Power: The Modern Presidency and the National Security State* (New York: Penguin Press, 2010); Zelizer, *Arsenal of Democracy: The Politics of National Security from World War II to the War on Terrorism*.

²⁶ Michael T. Stuart, *Creating the National Security State: A History of the Law that Transformed America* (Princeton: Princeton University Press, 2008), 2. In his examination of the intellectual genealogy of national security, Andrew Preston points to Franklin D. Roosevelt’s physical and normative framing of “home defense” as the birth of modern national security complex. Andrew Preston, “Monsters Everywhere: A Genealogy of National Security,” *Diplomatic History* 38, no. 3 (2014): 492.

internationalism and a national security state.”²⁷ Ultimately, the emphasis on institutional mechanisms overshadowed older, more fluid debates about security and created a significant historical blind spot. Rather than a fundamental driver for social organization in the first place, security became almost exclusively a product of, and synonymous with, the modern nation state.²⁸

Some studies that situate security in the *longue durée* do indeed trace the roots of this idea further, sometimes by tracing the development of specific issues rather than security, broadly conceived. Scholars like Christopher Capozzola, Marc Eisner, and Roberta Feuerlicht argue that the experiences of Americans during the upheavals of the early twentieth century led to increasingly interconnected relations between the government and the public.²⁹ This is part of a growing body of scholarship that continues to push the

²⁷ Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War*; Zelizer, *Arsenal of Democracy: The Politics of National Security from World War II to the War on Terrorism*, 18.

²⁸ Scholarly studies of American political development and state-making in the late nineteenth century is extensive. See, for example, Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge: Cambridge University Press, 2009); Daniel Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928* (Princeton: Princeton University Press, 2001); William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth Century America* (Chapel Hill: University of North Carolina Press, 1996); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Belknap Press, 1995); Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982).

²⁹ Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (Oxford: Oxford University Press, 2008); Marc Allen Eisner, *From Warfare State to Welfare State: World War I, Compensatory State Building, and the Limits of the Modern Order* (University Park: Pennsylvania State University Press, 2000); Roberta S. Feuerlicht, *America's Reign of Terror: World War I, the Red Scare, and the Palmer Raids* (New York: Random House, 1971).

temporal focus back in time and trace the development of security.³⁰ Other studies, traditionally done by political theorists, focus on general theories of security. They trace the idea back to Enlightenment thinkers like John Locke and Thomas Hobbes and examine how security is socially constructed at different moments, rather than accepted as a given.³¹ Falling under the umbrella of “Security Studies,” scholars such as Robert Jervis show how security concerns developed out of the First World War.³² As Eli Jelly-Schapiro acknowledged, however, “Despite the reciprocal emergence of security thinking and the modern state, the absolute saturation of social and political discourse within security rhetoric is a twentieth-century phenomenon.”³³

This dissertation adopts the premise of Melvyn Leffler’s widely accepted definition of national security and focuses on the years between 1881 and 1907—from the assassinations of Tsar Alexander II and President James Garfield to the Sundry Civil Services Act, which formally funded the Secret Service’s protective role. There are no institutional

³⁰ In addition to Capozzola, other notable examples include Mary S. Barton, “The Global War on Anarchism: The United States and International Anarchist Terrorism, 1898-1904,” *Diplomatic History* 39, no. 2 (2015); James Chace and Caleb Carr, *America Invulnerable: The Quest for Absolute Security from 1812 to Star Wars* (New York: Simon & Schuster, 1988); Ryan M. Johnson, “War is the Health of the State: War, Empire, and Anarchy in the Languages of American National Security” (University of Minnesota December 2014); Robbie Totten, “National Security and U.S. Immigration Policy, 1776-1790,” *Journal of Interdisciplinary History* 39 (2008).

³¹ Mark Neocleous, *Critique of Security* (Montreal: McGill-Queen's University Press, 2008); Mark Neocleous, “Security, Liberty, and the Myth of Balance: Towards a Critique of Security Politics,” *Contemporary Political Theory* 6, no. 2 (May 2007).

³² Shiping Tang, “The Security Dilemma: A Conceptual Analysis,” *Security Studies* 18, no. 3 (October 2009); Robert Jervis, *Perception and Misperception in International Politics* (Princeton: Princeton University Press, 1976); Jack Snyder, “Perceptions of the Security Dilemma in 1914,” in *Psychology and Deterrence*, ed. Robert Jervis, Richard Ned Lebow, and Janice Stein (Baltimore: Johns Hopkins University Press, 1985).

³³ Eli Jelly-Schapiro, “Security: The Long History,” *Journal of American Studies* (May 2013): 2. On the relationship between the state and property rights, see Neocleous, *Critique of Security*.

requirements to Leffler's definition of national security. Rather, national security encompasses "the decisions and actions deemed imperative to protect domestic core values from external threats." Moreover, Leffler argues, it has "been an enduring element of the American diplomatic experience," not just the result of the security realities of the atomic era.³⁴ A number of scholars argue that the immediate aftermath of Leon Czolgosz's assassination of President William McKinley was a turning point, whether framing it as the genesis of the national security state or something even greater.³⁵ Eric Rauchway, for example, argues McKinley's death made way for political modernization. "William McKinley had two killers," he writes, "the man who shot him and destroyed his body, and the man who succeeded him [Theodore Roosevelt] and erased his legacy."³⁶ That may well be the case, but this period also offers important insights into how events can shape security debates. National security in these decades defined by anarchist bombings and assassinations was an evolving concern, subject to constant debate, negotiation, and contradiction.

³⁴ Melvyn P. Leffler, "National Security," in *Explaining the History of American Foreign Relations*, ed. Michael J. Hogan and Thomas G. Paterson (Cambridge: Cambridge University Press, 2004), 123, 36.

³⁵ Barton, "The Global War on Anarchism: The United States and International Anarchist Terrorism, 1898-1904."; Richard B. Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934* (Cambridge: Cambridge University Press, 2013); Richard B. Jensen, "The United States, International Policing, and the War Against Anarchist Terrorism, 1900-1914," *Terrorism and Political Violence* 13, no. 1 (Spring 2001); Johnson, "War is the Health of the State: War, Empire, and Anarchy in the Languages of American National Security"; Julia Rose Kraut, "Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression," *Indiana Journal of Global Legal Studies* 19, no. 1 (Winter 2012).

³⁶ Eric Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America* (New York: Hill and Wang, 2003), xi-xii.

Anarchism was a truly transnational movement and, consequently, measures to suppress it involved both internal domestic issues as well as external international ones.³⁷ Unlike other strains of radical thought in the late nineteenth century, anarchists seemingly denied the validity of any and all government and, consequently, they were not engaged in a struggle to impose their own kind of rule. Anarchist violence, as Julian Mack concluded in 1910, was “not directed against one country alone and its political conditions, but directed against human society in general.”³⁸ Anarchist violence was an external threat to society and the perpetrators of such infamous acts were “*hostes humani generis* [sic.], enemies of mankind.”³⁹ *Hostis humani generis*, as a legal term, originated in admiralty law and was first used to justify action against pirates and slavers and has subsequently been applied to terrorist crimes.⁴⁰ Like piracy in earlier centuries, governments tried to craft international agreements to suppress and contain the threat posed by anarchists, though with very limited success. At the same time, governments strenuously rejected the idea that anarchists engaged in a struggle to impose their own vision of social organization. Instead, governments and

³⁷ External security is traditionally oriented toward addressing threats from other states while internal security refers to threats coming from within the state or society that is being protected. See Wolfgang Wagner, “Building an Internal Security Community: The Democratic Peace and the Politics of Extradition in Western Europe,” *Journal of Peace Research* 40, no. 6 (November 2003): 696, n. 2; Barry Buzan, *People, States, and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Second ed. (Boulder: Lynne Rienner Publishers, 1991 [1983]), 86, 112-23.

³⁸ J. Reuben Clark Jr., Frederic R. Coudert, and Julian W. Mack, “The Nature and Definition of Political Offense in International Extradition” (paper presented at the Proceedings of the American Society of International Law, Third Annual Meeting, Washington D.C., 23 April 1909), 156.

³⁹ James B. Angell, George Ticknor Curtis, and Thomas M. Cooley, “The Extradition of Dynamite Criminals,” *North American Review* 141, no. 344 (July 1885): 48-49, 50.

⁴⁰ Douglas R. Burgess Jr., “Hostis Humani Generi: Piracy, Terrorism and a New International Law,” *University of Miami International and Comparative Law Review* 13 (Spring 2006).

civil society in general treated anarchists the way they would the mafia and terrorist organizations in subsequent decades, as ordinary—if dangerous—criminals. While international agreements occasionally addressed the suppression of anarchist violence, the primary responsibility fell within states, to police or national legislators. In the last decades of the nineteenth century, contemporaries weighed domestic responses such as employing undercover agents, expanding federal power to punish attacks on officials, or press restrictions—all hallmarks of modern national security policies. At the same time, they also challenged such solutions on the grounds that such measures undermined perceived core values like freedom of speech, judicial review, rights to expatriation, or the concept of equality before the law. The threat of anarchist terrorism, this dissertation argues, forced those seeking to defend society to increasingly favor security measures that undermined the principles on which they believed their society was based.

ASSASSINATION AND SECURITY: EMOTION, COGNITION, AND PERCEPTION

Assassinations, successful and unsuccessful alike, stand out as some of history's most prominent and universal occurrences, yet they remain largely shrouded in vagaries. As a tactic, it has endured across time and space: assassins have struck on every continent except Antarctica; it has been used as a weapon of the strong as well as the weak; and it cuts across gender and cultures. Despite this prevalence, there is little agreement on what actually constitutes a definition of assassination. At the most basic level, one can identify four core elements: first, assassination involves the use of lethal force; second, it encompasses intent, the deliberation to kill, and some degree of premeditation; third, it entails the targeting of individually selected persons or groups for political purposes; and fourth, it is generally

conducted through covert means.⁴¹ In addition to the debates over meaning—for example, to be assassination, does the target have to have a political role or is it sufficient that the act have a broader political resonance?—few studies actually investigate the practice rigorously.⁴²

Extant literature on assassination, which can provide some useful building blocks, falls into four basic categories. While there is obviously some overlap across the different groupings, the first, and largest, covers the many accounts of individual assassinations.⁴³ Such studies, despite their popularity, often fail to make connections to broader social and political factors and, consequently, do little to advance our understanding of assassination as a historical phenomenon.⁴⁴ A second, and related, literature delves into the assassins themselves.⁴⁵ Unfortunately, as the political scientists Iqbal and Zorn point out, “such studies imply that assassinations are essentially random acts of violence, the explanation for

⁴¹ The first three elements are central to the modern idea of “targeted killing,” which some distinguish as a phenomenon separate from assassination. See, for example, Nils Melzer, *Targeted Killing in International Law* (New York City: Oxford University Press, 2008), 3-4; Col. W. Hays (USMCR Parks, Ret.), “Memorandum on Executive Order 12333 and Assassination,” ed. Office of the Judge Advocate General of the Army (Washington D.C.: Department of the Army, 2002 (2 November 1989)), 2; Stephen T. Hosmer, *Operations Against Enemy Leaders* (Santa Monica: RAND, 2001).

⁴² J. Bowyer Bell, “Assassination in International Politics,” *International Studies Quarterly* 16, no. 1 (March 1972): 60.

⁴³ There is, for example, a veritable cottage industry built around the assassinations of figures like Abraham Lincoln and John F. Kennedy, encompassing serious scholars and conspiracy theorists alike.

⁴⁴ This has somewhat changed in recent years. See, for example, Kenneth D. Ackerman, *Dark Horse: The Surprise Election and Political Murder of President James A. Garfield* (New York: Carroll & Graf Publishers, 2003); Candice Millard, *Destiny of the Republic: A Tale of Madness, Medicine and the Murder of a President* (New York: Anchor, 2011); Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America*.

⁴⁵ See, for example, James W. Clarke, *American Assassins: The Darker Side of Politics* (Princeton: Princeton University Press, 1982); Roger Manvell and Heinrich Fraenkel, *The Men Who Tried to Kill Hitler* (New York: Coward-McCann, 1964); Geri Spieler, *Taking Aim at the President: the Remarkable Story of the Woman who Shot at Gerald Ford* (New York: Palgrave Macmillan, 2009).

which can be found at the individual level.” Consequently, such works fail to “offer generalizable theories to understand the determinants of assassination as a political and social phenomenon.”⁴⁶ A third approach, generally the domain of political scientists, has tried to employ datasets on political violence to trace the roots of assassination to the character of the domestic political system or has focused on the relationship between institutions and the influence of individual leaders.⁴⁷ While occasionally making insightful conclusions, such studies are more often beset by a host of methodological problems and can even disagree over what actually constitutes “assassination.”⁴⁸ A final branch of the literature is made up of those works that evaluate assassination, and covert operations in general, from the perspective of state policy.⁴⁹

⁴⁶ Zaryab Iqbal and Christopher Zorn, “Sic Semper Tyrannis? Power, Repression and Assassination Since the Second World War,” *Journal of Politics* 68, no. 3 (August 2006): 489.

⁴⁷ Bruno S. Frey, “Why Kill Politicians? A Rational Choice Analysis of Political Assassinations,” (Basel: Center for Research in Economics, Management and the Arts, 2007); Bruno S. Frey, “Overprotected Politicians,” (Zurich: University of Zurich and the Research Center for Economics, Management, and the Arts (CREMA), Working Paper No. 2007 - 7, 2007); Iqbal and Zorn, “Sic Semper Tyrannis? Power, Repression and Assassination Since the Second World War.”; Benjamin F. Jones and Benjamin A. Olken, “Hit or Miss? The Effect of Assassinations on Institutions and War,” (Cambridge: National Bureau of Economic Research, May 2007); David C. Schwartz, “On the Ecology of Political Violence: ‘The Long Hot Summer’ as a Hypothesis,” *American Behavioral Scientist* 11, no. 6 (July/August 1968).

⁴⁸ For a discussion of some of the problems associated with data collection, see Ivo K. Feierabend et al., “Political Violence and Assassination: A Cross-National Assessment,” in *Assassinations and the Political Order*, ed. William J. Crotty (New York: Harper and Row, 1971), 54-140. Regarding a restricted sample size, Jones and Olken’s method of using failed assassinations to control for successes only focuses on cases where a weapon was actually used. This approach is limited in that it fails to account for when plots are detected or weapons are deactivated before they can be triggered.

⁴⁹ See, for example, Louis Rene Beres, *Assassination, Law and Justice: A Policy Perspective*. (Purdue University, N.D. [cited 18 November 2004]); available from <http://web.ics.purdue.edu/~lberes/articles.htm>; Patricia Zengel, “Assassination and the Law of Armed Conflict,” *Military Law Review* 134 (Fall 1991); United States Senate, “Alleged Assassination Plots Involving Foreign Leaders, An Interim Report of the Select Committee

Scholarly debate over the significance of assassination has been shaped by a deeply ingrained belief that despite their universality and obvious immediate impact, assassinations are isolated, seemingly random attacks that do not have an enduring, tangible legacy.⁵⁰ The quote at the beginning of the introduction—assassination has never changed the history of the world—highlights the shortcomings of our understanding of assassination. As part of his speech introducing a resolution of sympathy for the United States in the wake of President Abraham Lincoln's assassination, Benjamin Disraeli made one of the most often-repeated statements about assassination as a historical phenomenon. Decontextualized by later interpreters, it stands as the foundation of our popular understanding of such violent actions: assassination does not change history. This is especially true in discussions of the United States, where this particular type of violence is seen as unusually anomic and inconsequential, perpetrated by mentally unstable individuals.⁵¹ Yet when conceptualized in

to Study Governmental Operations with Respect to Intelligence Activities," ed. United States Senate (Washington D.C.: Government Printing Office, 1975); States United, *Assassination Bills : hearing before the Subcommittee on Criminal Law of the Committee on the Judiciary, United States Senate, Ninety-seventh Congress, first session on S. 904 ... and S. 907 ... September 22, 1981* (Washington :: U.S. G.P.O., 1982); States United, *Congressional, cabinet, and Supreme Court assassination, kidnapping, and assault : report (to accompany S. 907), Report / 97th Congress, 2d session, Senate ; no. 97-320* (Washington, D.C. :: U.S. G.P.O., 1982); Berkowitz, "National Security: Is Assassination an Option?," in *Hoover Digest* (Stanford: Hoover Institute, 2002); Bert Brandenburg, "The Legality of Assassination as an Aspect of Foreign Policy," *Virginia Journal of International Law* 27, no. 3 (Spring 1987); Hosmer, *Operations Against Enemy Leaders*; Brian Michael Jenkins, "Should Our Arsenal Against Terrorism Include Assassination," (Santa Monica: Rand Corporation, January 1987); Melzer, *Targeted Killing in International Law*; Parks, "Memorandum on Executive Order 12333 and Assassination."

⁵⁰ See James F. Kirkham, Sheldon G. Levy, and William J. Crotty, *Assassination and Political Violence: A Report to the National Commission on the Causes and Prevention of Violence* (New York: Praeger, 1970); Franklin L. Ford, *Political Murder: From Tyrannicide to Terrorism* (Cambridge: Harvard University Press, 1985); Murray Clark Havens, Carl Leiden, and Karl M. Schmitt, *The Politics of Assassination* (Englewood Cliffs: Prentice-Hall, Inc., 1970).

⁵¹ Clarke, *American Assassins: The Darker Side of Politics*, 14; William J. Crotty, "Assassinations and their Interpretation within the American Context," in *Assassinations and the Political Order*, ed. William J. Crotty (New York: Harper and Row, 1971), 3; Donald W. Hastings, "The

this way, the extant literature cannot capture the cumulative effects the spate of assassinations had on socio-political debates in the United States at the turn of the twentieth century and fundamentally misrepresents how contemporaries perceived these attacks.

While we do not know the manner or tone in which Disraeli delivered this particular speech, the written transcript overflows with evocative, emotional language that reveals a good deal more than the quote itself. The loss was a personal one: Lincoln “sprang from the same fatherland, and spoke the same mother tongue” while his character “touches the heart of nations.” In the face of such violent action, he cautioned, the “public mind is apt to fall into gloom and perplexity; for it is ignorant alike of the causes and consequences of such deeds.” Yet, in his public dismissal of assassination as a means of structural change, Disraeli argues that it is “one of our duties to re-assure the country under unreasoning panic or despondency... let us not, therefore, sanction any feeling of depression.” This would, of course, necessitate a forceful denunciation of assassination as a source of significant change. Disraeli elaborated on this point: “Elevated and chastened,” he said, the populations of North America “will be enabled not merely to renew their career of power and prosperity, but they will renew it to contribute to the general happiness of mankind.” In this, one was to draw comfort not from the remote past where “the costly sacrifice of a Caesar did not propitiate the inexorable destiny of his country;” rather, one was to look “to modern times, to times at least with the feelings of which we are familiar, and the people of which were animated and influenced by the same interests as ourselves.” Here, in that context Disraeli

Psychiatry of Presidential Assassination, Part II: Garfield and McKinley,” *The Journal-Lancet* 85 (April 1965); Donald W. Hastings, “The Psychiatry of Presidential Assassination, Part IV: Truman and Kennedy,” *The Journal-Lancet* 85 (July 1965); Donald W. Hastings, “The Psychiatry of Presidential Assassination, Part I: Jackson and Lincoln,” *The Journal-Lancet* 85 (March 1965); Donald W. Hastings, “The Psychiatry of Presidential Assassination, Part III: The Roosevelts,” *The Journal-Lancet* 85 (May 1965).

recalled the “heroic” Henry IV of France and the Prince of Orange as “conspicuous illustrations of this truth,” that assassination has never changed the history of the world.⁵²

Violence has an emotional impact on individuals and the feelings aroused influence how that violence is understood. For Disraeli, the danger was gloom, confusion, and depression; to guard against that, he needed to marshal temporally relevant evidence to give emotional weight to his argument. Less than forty years later, assassination and anarchism were seen as radical deviations from social norms and the anarchist assassin’s willingness—even eagerness—to accept death as a consequence of their actions reinforced such notions. Consequently, when contemporaries labeled something an “assassination” or someone an “anarchist,” they were making subjective, emotional rationalizations as well as objective descriptions of a particular type of violence or political philosophy.⁵³ Even a cold, premeditated assassination is, as James Clarke argues, “a highly charged emotional expression of something more than simple aggression.”⁵⁴ Consequently, by exploring assassinations through a lens that takes emotions and their capacity to shape understanding—influencing perception and, as a consequence, the policies on which those perceptions were based—into account, this dissertation aims to help bridge the divide between scholars who emphasize state power with those who focus on cultural factors.

⁵² Parliamentary Archives, HC/Deb 1 May 1865, Vol. 178: 1245-6.

⁵³ In the early nineteenth century, assassination could be used to describe a nefarious murder devoid of political meaning; for example, a brother that killed his sister over her inheritance was branded an “assassin.” When Secretary of State William Seward was attacked as part of the Lincoln plot, newspapers repeatedly said he was “assassinated” though they made clear Seward had survived. In the late nineteenth century, assassinations were seen as sinister, shadowy occurrences meant to instill fear in society at large.

⁵⁴ Clarke, *American Assassins: The Darker Side of Politics*, 7.

While the study of emotion in history has grown slowly over the last two decades, the relationships between emotion, foreign relations, and security remain critically understudied.⁵⁵ It is somewhat counter-intuitive because the emotions so closely associated with security—fear, hate, and jealousy, for example—seem self-evidently important; yet scholars have rarely examined them critically.⁵⁶ This is largely a consequence of the centrality of the realist perspective and a presumption of rationality that has dominated thinking on this topic, despite the fact that, as Roland Bleiker and Emma Hutchinson point out, “just about every philosopher considered central to the tradition of IR [International Relations] scholarship... has engaged the role of emotions.”⁵⁷ Emotions have a long history of being perceived as irrational;⁵⁸ they may be useful to explain misperceptions, but most often stand

⁵⁵ Recent work by Frank Costigliola, who uses emotion as a way to reframe the origins of the Cold War, is an exception. More typical of the way that emotion may be acknowledged, but left largely unexplored, is Melvyn Leffler’s recent monograph on the origins of the Cold War. “They [Truman and Stalin] could not do otherwise,” Leffler writes, “in an international order that engendered so much fear and so much opportunity.” Ideology shaped perceptions and fears; the role of emotions remains unclear. See Frank Costigliola, *Roosevelt’s Lost Alliances: How Personal Politics Helped Start the Cold War* (Princeton: Princeton University Press, 2012); Frank Costigliola, “After Roosevelt’s Death: Dangerous Emotions, Divisive Discourses, and the Abandoned Alliance,” *Diplomatic History* 34, no. 1 (January 2010); Melvyn P. Leffler, *For the Soul of Mankind: The United States, the Soviet Union, and the Cold War* (New York: Hill and Wang, 2007), 83, 458.

⁵⁶ Neta C. Crawford, “The Passion of World Politics: Propositions on Emotion and Emotional Relationships,” *International Security* 24, no. 4 (Spring 2000): 118. The contrast is even more marked because studies that do focus on emotions and their broader significance tend to focus on such “extreme” emotions. See, for example, Peter N. Stearns, *Jealousy: the Evolution of an Emotion in American History* (New York: New York University Press, 1989); Peter N. Stearns, *American Fear: the Causes and Consequences of High Anxiety* (New York: Routledge, 2006); Peter N. Stearns and Carol Z. Stearns, *Anger: The Struggle for Emotional Control in America’s History* (Chicago: University of Chicago Press, 1986).

⁵⁷ Roland Bleiker and Emma Hutchinson, “Fear No More: Emotions and World Politics,” *Review of International Studies* 34, no. 1 (January 2008): 117.

⁵⁸ Barbara Rosenwein, one of the leading scholars of emotion in history, ascribes this to a lack of a convincing framework. “The only one that exists today,” she argues, “is that given ballast by Norbert Elias, who argues for a ‘civilizing process’ that began in medieval courts...

in explicit contrast with rational cognition in studies of foreign policy decision-making.⁵⁹

Lastly, there are major methodological questions: emotions are ephemeral, hard to define and measure, of potentially questionable authenticity, and subject to tremendous change.⁶⁰

The problem is magnified for historians because, while the theoretical debate is largely settled—scholars generally agree that there is both a biological and socio-political component to emotions—there is still recognition that emotions are “plastic,” while we may see similarities in anger, fear, or happiness, they are not the same across time, culture, and gender.⁶¹ Even Disraeli, recognizing this dilemma, urged his audience to look to modern times, to people motivated by familiar interests.

Despite numerous critiques of this theory, it is terribly attractive and had enormous staying power. This is in part because it is so helpful to *most* Western historians... The Civilizing process makes the Middle Ages an uncomplicated foil against which modernity may be easily defined.” See Barbara H. Rosenwein, “Writing Without Fear About Early Medieval Emotions,” *Early Medieval Europe* 10, no. 2 (July 2001): 233. See also Barbara H. Rosenwein, “Worrying about Emotions in History,” *American Historical Review* 107, no. 3 (June 2002); Jon Elster, *Alchemies of the Mind: Rationality and the Emotions* (Cambridge: Cambridge University Press, 1999).

⁵⁹ See Jonathan Mercer, “Rationality and Psychology in International Politics,” *International organization* 59, no. 1 (Winter 2005): 97-98. This is true even of scholars who have come to place a great deal of emphasis on emotions. Frank Costigliola, for example, tries to “break new ground by analyzing emotional as well as rational thinking.” See Frank Costigliola, “‘I Had Come as a Friend’: Emotion, Cultural, and Ambiguity in the Formation of the Cold War, 1943-45,” *Cold War History* 1, no. 1 (2000): 104. See also Thierry Balzacq and Robert Jervis, “Logic of mind and international system: a journey with Robert Jervis,” *Review of International Studies* 30, no. 4 (October 2004): 563-65; Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 6th ed. (New York: Alfred Knopf, 1985), 7-8; William M. Reddy, “Against Constructionism: The Historical Ethnography of Emotions,” *Current Anthropology* 38 (1997): 335; Mary Holmes, “Feeling Beyond Rules: Politicizing the Sociology of Emotion and Anger in Feminist Politics,” *Journal of Social Theory* 7, no. 2 (2004): 209-11.

⁶⁰ Bleiker and Hutchinson, “Fear No More: Emotions and World Politics.”; Crawford, “The Passion of World Politics: Propositions on Emotion and Emotional Relationships.”

⁶¹ On emotions as “plastic,” see Rosenwein, “Writing Without Fear About Early Medieval Emotions,” 231. For a discussion of the development of emotional history and the different meanings of emotion across biology and psychology, see Randolph R. Cornelius, *The Science of Emotion: Research and Tradition in the Psychology of Emotion* (Upper Saddle River: Prentice Hall,

The general agreement that emotions have both biological and socio-political components has helped reinforce the understanding that emotion works in tandem with rationality, which has implications for decision-making. As Neta Crawford argues, “the concept of a security dilemma pivots on perceptions of intention, not reality... Emotions are part of perceptual processes.” Emotion also helps shape cognition, information gathering, and processing; “Emotions influence actors’ understanding of the past and sense of what is possible in the future in four ways: emotions influence recall, the use of analogy, the evaluation of past choices, and the consideration of counterfactuals.”⁶² Insecurity and the fears it spawned, in this case, arose from the reality that anarchists were responsible for repeated attempts on heads of state in a closely bounded period of time. Contemporaries had the knowledge that anarchists crossed borders to avoid various crimes, perpetrated crimes in other places, were tied into a global communicative web that allowed them to share ideas, and more. This knowledge, coupled with the deeply ingrained image of the sinister anarchist bomb-thrower, colored perceptions of the threat’s magnitude and influenced contemporary responses.

Scholars have often invoked emotions as a way to understand anti-radical efforts in the early twentieth century. Louis Freeland Post, the Assistant Secretary of Labor who

1995); Paul R. Kleinginna and Anne M. Kleinginna, “A Categorized List of Emotion Definitions, with Suggestions for a Consensual Definition,” *Motivation and Emotion* 5, no. 4 (December 1981); Carolyne Larrington, “The Psychology of Emotion and Study of the Medieval Period,” *Early Medieval Europe* 10, no. 2 (2001); William M. Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: Cambridge University Press, 2001); Rosenwein, “Worrying about Emotions in History.”

⁶² Crawford, “The Passion of World Politics: Propositions on Emotion and Emotional Relationships,” 133, 40. See also Yuen Foong Khong, *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1965* (Princeton: Princeton University Press, 1992), 10; S. Neil MacFarlane and Yuen Foong Khong, *Human Security and the UN: A Critical History, United Nations Intellectual History Project* (Bloomington: Indiana University Press, 2006), 5-6.

helped end the first Red Scare, characterized the period as one of needless panic and titled his work, *The Deportations Delirium of Nineteen-Twenty*. “With nerves unstrung,” Post wrote of the period, “the public easily saw anarchy spooks in every shadow.”⁶³ Robert Murray perpetuated this aspect of the narrative, labeling it “national hysteria” because, in his view, foreign-born radicals never presented a serious danger to American values or society.⁶⁴ Some scholars have opted to downplay the role of emotions and instead examine anti-radical efforts as a question of tension over governmental repression and the protection of civil liberties.⁶⁵ Approaching security from a different angle, scholars of immigration examine how xenophobia and nativism, inspired in part by fears of how immigrants affected the nation, contributed to the emergence of what Erika Lee calls the “gatekeeping nation.”⁶⁶ In

⁶³ Louis Freeland Post, *The Deportations Delirium of Nineteen-Twenty* (Chicago: Charles H. Kerr & Company, 1923), 305.

⁶⁴ Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (Minneapolis: University of Minnesota Press, 1955).

⁶⁵ See, for example, Kenneth D. Ackerman, *Young J. Edgar: Hoover, the Red Scare, and the Assault on Civil Liberties* (New York: Carroll & Graf Publishers, 2007); David Cole, *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism* (New York: New Press, 2003); Christopher Finan, *From the Palmer Raids to the Patriot Act* (Boston: Beacon Press, 2007); Beverly Gage, *The Day Wall Street Exploded: A Story of America in its First Age of Terror* (New York: Oxford University Press, 2009); William Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge: Harvard University Press, 1963); Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919-1943* (Copenhagen: Museum Tusculanum Press, 2000); Ellen Schrecker, *Many are the Crimes: McCarthyism in America* (Boston: Little, Brown, and Co., 1998).

⁶⁶ See Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective* (Princeton: Princeton University Press, 2012); Jennifer M. Chacón, "The Security Myth: Punishing Immigrants in the Name of National Security," in *Immigration, Integration, and Security*, ed. Ariane Chebel d'Appollonia and Simon Reich (Pittsburgh: University of Pittsburgh Press, 2008); Edward P. Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia: University of Pennsylvania Press, 1981); Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003); Erika Lee, "A Nation of Immigrants and a Gatekeeping Nation: American Immigration Law and Policy," in *A Companion to American Immigration*, ed. Reed Ueda (Malden, MA: Blackwell Publishing, 2006); Daniel Kanstroom, *Deportation Nation:*

the eyes of others, anarchism was a threat to the health of the body politic and scholars have studied how medical rhetoric about foreign disease justified efforts to improve policing, surveillance, and immigration bureaucracy.⁶⁷

This dissertation offers new insights into the evolution of early discussions about national security by examining how contemporaries understood the threat of anarchist assassination and why they responded to it in the ways that they did. Popular apprehension over assassinations in such close temporal proximity underscored the feeling that theirs was a society under attack, a feeling that was reinforced with a shift in how the victims were portrayed. *The Daily Picayune* (New Orleans) highlighted the trend: despite “the general betterment” of people globally, “the almost complete extinction of arbitrary power wielded by monarchs” did not diminish the number of assassinations. “As a matter of fact, attempts upon the lives of monarchs and rulers seem to have increased, rather than to have diminished in recent times.”⁶⁸ Umberto I, Carnot, Cánovas, and Elisabeth were “representative,” according to another iteration of this thinking in the *North American Review*; their only crime was that they had “contrived to accumulate a little bric-a-brac, while so

Outsiders in American History (Cambridge: Harvard University Press, 2007); Torrie Hester, “‘Protection, Not Punishment’: Legislative and Judicial Formation of U.S. Deportation Policy, 1992-1904,” *Journal of American Ethnic History* 30, no. 1 (Fall 2010); Aristide Zolberg, *America by Design: Immigration Policy in the Fashioning of America* (Cambridge: Harvard University Press, 2006).

⁶⁷ Matthew F. Jacobson, *Barbarian Virtues: The United States Encounters Foreign Peoples at Home and Abroad, 1876-1917* (New York: Hill and Wang, 2000); Johnson, “War is the Health of the State: War, Empire, and Anarchy in the Languages of American National Security”; Alan M. Kraut, *The Huddled Masses: The Immigrant in American Society, 1880-1921* (Whaling: Harlan Davidson Publishing, 2001); Alan M. Kraut, *Silent Travelers: Germs, Genes, and the Immigrant Menace* (Baltimore: Johns Hopkins University Press, 1995); Isaac Land, “Men with the Faces of Brutes: Physiognomy, Urban Anxieties, and Police States,” in *Enemies of Humanity: The Nineteenth-Century War on Terrorism*, ed. Isaac Land (New York: Palgrave Macmillan, 2008).

⁶⁸ “Attacks Upon Rulers,” *The Daily Picayune* (New Orleans) 18 November 1900: 4.

many of [their] countrymen had to sell their furniture for bread.”⁶⁹ The increasingly popular perception that the attacks were linked, and intensifying, shaped the debates on potential solutions. Various policy alternatives—harsher penalties, protective measures, greater cooperation with other countries, and, ultimately, exclusion—challenged the external threat posed by anarchists; at the same time, contemporaries debated whether such measures went too far, becoming an internal danger to the society and values they were trying to protect.

ORGANIZATION AND CHAPTER OUTLINE:

The first chapter uses emotion as a lens to examine how popular reactions to assassinations and anarchists changed over the last two decades of the nineteenth century, a time period largely defined by acts of anarchist terror. It focuses on language and imagery in contemporary sources and shows how popular media increasingly framed anarchists as a threat to both the national body and spirit. Analyzing representations of anarchists and assassination in newspapers, magazines, serial publications, and novels engages with what Joseph Campos calls the “textual field of U.S. national security” where “loaded vocabulary, metaphors, synecdoche... delimit options and possibilities.”⁷⁰ This popular discourse was the backdrop against which policymakers deliberated over how to create domestic security measures and engaged with foreign peers who were likewise confronted with the menacing specter of anarchist violence. Emblematic of this is Leon Barritt’s “In the Cradle of Liberty,” published in the aftermath of William McKinley’s assassination. The anarchist is a serpent, a popular, dehumanizing representation at the time that was both exotic and an unwelcome,

⁶⁹ F.L. Oswald, “The Assassination Mania: Its Social and Ethical Significance,” *North American Review* 171, no. 526 (September 1900): 317.

⁷⁰ Joseph H. Campos, *The State and Terrorism: National Security and the Mobilization of Power* (Burlington: Ashgate Publishing Company, 2007), 2.

dangerous presence. Uncle Sam, representing the government, would have to take an increasingly active, protective role because anarchists could not be trusted to discern the line between “liberty and license.” This chapter argues that, over time, evolving attitudes about the anarchist danger to society increasingly left anarchists outside the bounds of civil society and vulnerable to a range of security measures that had earlier failed to gain popular support.

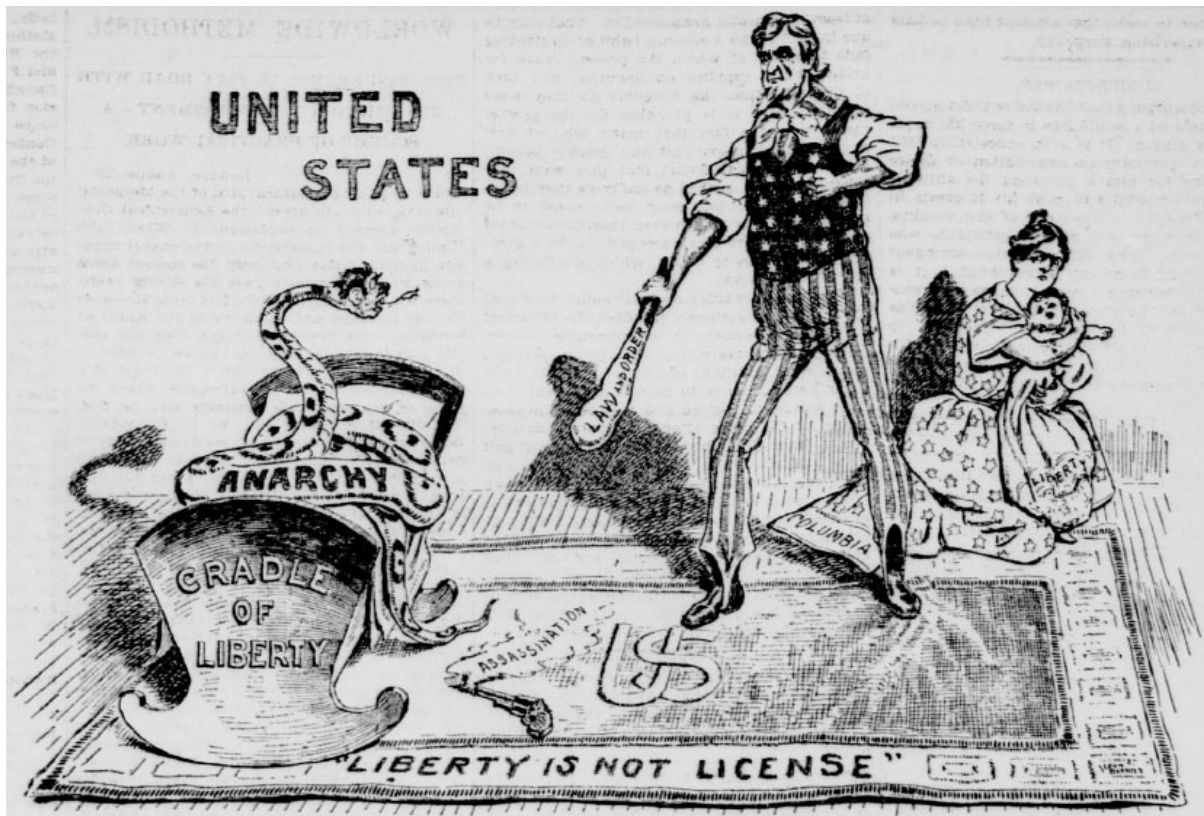


Figure 1.1: Leon Barritt, “In the Cradle of Liberty!” *New York Tribune*, 12 September 1901:

9.⁷¹

The second chapter begins with the assassination of U.S. President William McKinley and examines domestic efforts to suppress the danger of violent anarchists: prosecution of anarchist offenses, protection of political elites, and policing of dangerous

⁷¹ McKinley Assassination Ink [MAI], <http://mckinleydeath.com/documents/newspapers/NYTrib61-20024a.htm> [Accessed: 30 September 2018].

radicals. It first examines the legal questions raised by the prosecution of Leon Czolgosz as well as the arrest and detention of other anarchists in the aftermath of McKinley's assassination. From questions about justice, the chapter then considers issues of security and debates over how to best protect public officials. While the Secret Service Division of the Treasury Department began to informally protect President Grover Cleveland in 1894, permanent funding formalizing this role only came with the passage of the Sundry Civil Services Act for 1907 [34 Stat. 708]. Protecting public officials, such as the president, from harm necessitated a better understanding of possible threats. Yet, while prominent police officials devised measures to investigate individuals and anarchist groups, a wary public debated whether such undercover, covert measures were any better than the practices of those targeted for surveillance.

The third chapter analyzes how the American government participated in the halting efforts to construct an international regime designed to counter anarchist terrorism and how civil society reacted to these developments. The first section of this chapter examines how states adapted extradition treaties to address the problems posed by attacks on heads of state and of political offenders, more generally. The second section examines the challenges delegates to the International Conference of Rome for the Social Defense Against Anarchists [1898] faced while trying to negotiate acceptable compromises on cooperative measures to suppress anarchist terrorism. Finally, the third section analyzes how the British and American governments responded to a Russo-German initiative to suppress anarchism following the attempted assassination of the Prince of Wales in 1900 and the successful attack on President McKinley in 1901. This initiative, which resulted in the secret St. Petersburg Conference [1904], explicitly referred to those attacks to justify greater international cooperation. Yet, even though a British delegation participated in the Rome

Conference and President Theodore Roosevelt called for an international response to anarchist crime, neither government participated.

The fourth chapter examines the debates around anarchist restriction that shaped the eventual passage of the Immigration Act of 1903 [32 Stat. 1213] and argues that transnational and international currents challenged domestically oriented conceptions of national security. Over the last two decades of the nineteenth century, individuals in public forums, state governments, and the offices of the federal government considered immigration control as part of an interdependent web of other measures aimed at curtailing what they perceived to be the anarchist threat to society. As such, anarchist exclusion was more than a sudden nativist eruption sparked by Leon Czolgosz's assassination of President McKinley in 1901. It was intricately tied into the country's foreign relations. Anarchists, like any other group of immigrants, were fully enmeshed in a vibrant transnational network and those individuals advocating measures to restrain and, ultimately, restrict their activities were cognizant of how that reality complicated their efforts. Contemporaries understood that successfully restricting anarchists at the gates required cooperation beyond the country's borders, and exclusion, when it finally took shape, was the result of nearly twenty years of evolving debate. If the "master theme of immigration politics," according to Roxanne Lynn Doty, is "the fear that we are losing control of our way of life," then understanding how the fear of anarchist violence helped shape the contours of the domestic and diplomatic debates over anarchist restriction is critical as these old questions of transnational immigration control reemerge.⁷²

⁷² Roxanne Lynn Doty, "The Double-Writing of Statecraft: Exploring State Responses to Illegal Immigration," *Alternatives: Global, Local, Political* 21, no. 2 (April-June 1996).

By examining shifting attitudes about anarchism and anarchist violence, this dissertation shows how Americans came to terms with such violence and how their understanding of it shaped discussions of security in the last two decades of the nineteenth century. As the spate of anarchist violence increased and blossomed into what contemporaries perceived to be a social crisis, people began to argue in favor of security and increased state power. Counterarguments that the appeal of American institutions and values were sufficient to assimilate dangerous anarchists became less dominant, though they never completely went away. Anarchists, by nature of the violent deeds attributed to them, gradually transformed from being viewed simply as foreigners to being depicted as inhuman creatures or demons. Consequently, it became easier to subject them to increasingly restrictive security provisions. Members of civil society deserved protections for free speech, from political persecution, and more. Anarchists, by contrast, had increasingly found themselves defined as outside of, and in opposition to, that society. The scales, which for two decades weighed the realities of an increased security presence against ideals about freedom, tilted decisively in favor of the emerging state security apparatus.

CHAPTER 1: ANARCHIST TERRORISM AND ASSASSINATION IN A GLOBAL CONTEXT

On December 3, 1901, President Theodore Roosevelt delivered his first State of the Union address to Congress and the nation “under the shadow of a great calamity.” Three months earlier, the self-professed anarchist Leon Czolgosz assassinated Roosevelt’s predecessor, William McKinley, at the Pan-American Exhibition in Buffalo, New York. Roosevelt, as did countless others, explicitly linked the assassination of McKinley to attacks on other political figures. “Of the last seven elected Presidents,” Roosevelt reminded his audience, “he [McKinley] is the third who has been murdered” and that reality was “sufficient to justify grave alarm among all loyal American citizens.” Unlike the deaths of Presidents Abraham Lincoln and James Garfield, however, McKinley’s death at the hands of an anarchist was a “blow... aimed not at this President, but at all Presidents; at every symbol of government.” Roosevelt expressed the views of many, arguing that anarchists were “not merely the enemy of system and of progress, but the deadly foe of liberty.” He briefly acknowledged one of anarchists’ primary critiques—that a growing economic divide exacerbated social discontent. Though he contended such criticism was overblown, Roosevelt conceded that rapidly accelerating industrial development resulted in “very serious social problems” that “aroused much antagonism.” Nonetheless, Roosevelt maintained that anarchist grievances were not the byproduct of socio-economic or political injustice. An anarchist, he claimed, “is in no sense... a ‘product of social conditions,’ save as a highwayman is ‘produced’ by the fact that an unarmed man happens to have a purse.”

Rather, as a majority of Americans agreed, “The cause of his criminality is to be found in his own evil passions and in the evil conduct of those who urge him on.”¹

Roosevelt’s speech revealed the depth of American hostility to—and fear of—
anarchists at the turn of the twentieth century. It embodied the tropes that had largely come to define anarchists. Anarchists were “evil,” “foreign,” even inhuman creatures, not ordinary criminals. Their “crimes”—which, in the eyes of many, included simply adhering to anarchist philosophy, regardless of whether an individual anarchist believed in violence or not—were not conventional criminal acts. Rather, anarchist offenses fell beyond the pale of civil society. As such, most Americans viewed anarchists in the same light as pirates and slave traders. Roosevelt added a powerful voice to the chorus that had long advocated for definitive action to suppress and punish anarchists of all stripes. In addition to eulogizing his slain predecessor, Roosevelt used his State of the Union speech to call for domestic legislation and international action. He endorsed measures that Americans, and others affected by similar violence around the world, had debated for close to two decades: punish those who spread anarchist teachings, expel those who held—and admitted to—anarchist beliefs, and coordinate with other countries to defend a shared interest in the well-being of society.

Why then did so many repressive measures fail if anarchist violence was so unsettling and proponents of its suppression articulated a coherent series of inter-dependent measures to quarantine it? While subsequent chapters address specific anti-anarchist measures, this chapter examines the nature of anarchist violence and explores Americans’ evolving opinions about it during the last two decades of the nineteenth century. The modern view of

¹ Theodore Roosevelt, “First Annual Message to the Senate and House of Representatives,” 3 December 1901.

assassination holds that such incidents are singular events typically perpetrated by mentally unstable individuals.² Americans during the 1880s and 1890s, by contrast, viewed such attacks as evidence of an organized, systematic anarchist threat to society. While the widespread belief in a global anarchist conspiracy that targeted heads of state for assassination proved imaginary, popular fear of this played a significant role in shaping views of anarchism and anarchists. Studies of anti-anarchist measures that begin with McKinley's assassination unfailingly note the depth of the emotional turmoil and fear Czolgosz's attack instilled.³ Scholars including Mary Barton, Nathaniel Hong, Ryan Johnson, and others push

² The political scientists Iqbal and Zorn argue that viewing assassinations in this way means that the extant literature fails to "offer generalizable theories to understand the determinants of assassination as a political and social phenomenon." Zaryab Iqbal and Christopher Zorn, "Sic Semper Tyrannis? Power, Repression and Assassination Since the Second World War," *Journal of Politics* 68, no. 3 (August 2006): 489. For similar arguments, see generally, James W. Clarke, *American Assassins: The Darker Side of Politics* (Princeton: Princeton University Press, 1982); Franklin L. Ford, *Political Murder: From Tyrannicide to Terrorism* (Cambridge: Harvard University Press, 1985); James F. Kirkham, Sheldon G. Levy, and William J. Crotty, *Assassination and Political Violence: A Report to the National Commission on the Causes and Prevention of Violence* (New York: Praeger, 1970).

³ In general, scholarly attention to emotions such as fear is often implicit. Emilie M. Hafner-Burton, D. Alex Hughes, and David G. Victor, "The Cognitive Revolution and the Political Psychology of Elite Decision Making," *Perspectives on Politics* 11 (2013).

See, for example, Mary S. Barton, "The Global War on Anarchism: The United States and International Anarchist Terrorism, 1898-1904," *Diplomatic History* 39, no. 2 (2015); Nathaniel Hong, "The Origins of American Legislation to Exclude and Deport Aliens for Their Political Beliefs and its Initial Review by the Courts," *Journal of Ethnic Studies* 18, no. 2 (Summer 1990); Nathaniel Hong, "Constructing the Anarchist Beast in American Periodical Literature, 1880-1903," *Critical Studies in Mass Communication* 9, no. 1 (1992); Ryan M. Johnson, "War is the Health of the State: War, Empire, and Anarchy in the Languages of American National Security" (University of Minnesota December 2014); Whitney Kassel, "Terrorism and the International Anarchist Movement of the Late Nineteenth and Early Twentieth Centuries," *Studies in Conflict and Terrorism* 32 (2009); Julia Rose Kraut, "Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression," *Indiana Journal of Global Legal Studies* 19, no. 1 (Winter 2012); Bradley Miller, "Emptying the Den of Thieves: International Fugitives and the Law in British North America/Canada, 1819-1910" (University of Toronto, 2012); Scott Miller, *The President and the Assassin: McKinley, Terror, and Empire at the Dawn of the American Century* (New York:

the origins of national security debates back to this violent episode. Rather than identify any single event or moment as the genesis of modern national security concerns, this chapter examines contemporary characterizations of anarchists to shed light on the cultural roots of national security. “Cultural processes,” W. Lance Bennett argued, “produce common social understandings.”⁴ While Americans were quick to condemn anarchist crimes, they were also hesitant to embrace harsh, repressive measures. Calls for comprehensive, severe responses occupied the same public space as pleas for caution, lest proposed solutions lead to potentially unanticipated consequences to deeply held principles like freedom of speech or equality before the law.⁵ The failure to satisfactorily resolve those conflicting views, this

Random House, 2011); Douglas T. Stuart, *Creating the National Security State: A History of the Law that Transformed America* (Princeton: Princeton University Press, 2008).

⁴ W. Lance Bennett, “Myth, Ritual, and Political Control,” *Journal of Communication* 30, no. 4 (December 1980): 166.

Emily Rosenberg employs “ideology,” which refers to “the system of beliefs, values, fears, prejudices, reflexes, and commitments—in sum, the social consciousness.” As Michael Hunt argues in *Ideology and U.S. Foreign Policy*, “Once generated, ideas often acquire... ‘a life of their own’.... In other words, people and societies both create ideas and in turn become subject to them.” See, respectively, Emily Rosenberg, *Spreading the American Dream: American Economic and Cultural Expansion, 1890-1945* (New York: Hill and Wang, 1982), 7; Michael H. Hunt, *Ideology and U.S. Foreign Policy* (New Haven: Yale University Press, 2009 [1987]), 13.

⁵ Speaking of the U.S. government’s crackdown on political radicals—including anarchists, communists, and socialists—during the Palmer Raids and Red Scare of 1919, Paul Avrich notes, “[a]t no time in living memory had there been such a ruthless invasion of civil rights. Roundups of innocent people, detention without warrant, denial of counsel, secret testimony of undercover informants, seizure of property, extortion of confessions—such practices were not easily tolerated by those who cherished American traditions of personal liberty and fair play. See Paul Avrich, *Sacco and Vanzetti: the Anarchist Background* (Princeton: Princeton University Press, 1991), 175. For studies of this period, see Andrew Cornell, “‘For a World Without Oppressors’: U.S. Anarchism from the Palmer Raids to the Sixties” (New York University, 2011); Roberta S. Feuerlicht, *America’s Reign of Terror: World War I, the Red Scare, and the Palmer Raids* (New York: Random House, 1971); Christopher Finan, *From the Palmer Raids to the Patriot Act* (Boston: Beacon Press, 2007); Suzanne Orr, “Deporting the Red Menace: Russian Immigrants, Progressive Reformers, and the First Red Scare in Chicago, 1917-1920” (Notre Dame, 2010); Louis Freeland Post, *The Deportations Delirium of Nineteen-Twenty* (Chicago: Charles H. Kerr & Company, 1923); Jeffrey D. Simon, “The Forgotten

chapter argues, shaped subsequent discussions over how to protect society from the threat—both real and imagined—of anarchist violence.

THE NATURE OF ANARCHIST VIOLENCE:

Sunday, March 13, 1881 inaugurated the first wave of modern terrorism.⁶ On that morning, Tsar Alexander II was returning to the Winter Palace in St. Petersburg after his weekly inspection of a Cossack military parade. Traveling in a bomb-proof carriage that was a gift from Napoleon III and accompanied by a small escort of guards, the Tsar's retinue came to a halt when Nikolai Rysakov threw a bomb from the crowd that detonated under the Tsar's carriage, killing one and wounding several others. Though Rysakov missed his mark, another co-conspirator and fellow member of the revolutionary *Narodnaya Volya* ["People's Will"] was ready: Ignatei Grinevitsky threw a second bomb that exploded at the feet of Alexander II as he stood amidst the carnage of the first blast. The bomb killed Grinevitsky. The Tsar, bleeding profusely and with one leg nearly severed, was carried by sleigh to the Winter Palace, where he died that afternoon.⁷

Terrorists: Lessons from the History of Terrorism," *Terrorism and Political Violence* 20, no. 2 (2008).

⁶ On the idea of terrorism happening in waves, see David C. Rapoport, "The Four Waves of Modern Terrorism," in *Attacking Terrorism: Elements of a Grand Strategy*, ed. Audrey K. Cronin and James M. Ludes (Washington D.C.: Georgetown University Press, 2004).

Though 1881 is widely accepted as inaugurating this period of terror, Claudia Verhoeven argues that 1879 is more accurate. Between April 1879 and February 1880, Alexander II was the target of three different attempted assassinations. Claudia Verhoeven, *The Odd Man Karakozov: Imperial Russia, Modernity, and the Birth of Terrorism* (Ithaca: Cornell University Press, 2009).

⁷ Robert K. Massie, *Nicholas and Alexandra: The Classic Account of the Fall of the Romanov Dynasty* (New York: Random House, 2000), 14-16; Edvard Radzinsky, *Alexander II: The Last Great Tsar*, trans. Antonina W. Bouis (New York: Free Press, 2005), 413-19; Allison Rowley, "Dark Tourism and the Death of Russian Emperor Alexander II, 1881-1891," *Historian* 79, no. 2 (Summer 2017).

Alexander II's assassination was a seminal moment in the emergence of modern terrorism. Up until that point, scholars David Rapoport and Benjamin Grob-Fitzgibbon argue, assassins sought to destroy those who corrupted the system. Terrorists, while they may have employed similar techniques, aimed to destroy the system that corrupted everything it touched.⁸ The People's Will targeted Alexander II—a moderate ruler when compared to his predecessor and successors—because he embodied the system of centralized authority, rather than for any “crime” he committed.⁹ Members of the organization plotted for years against the Tsar in the hope that his assassination would undermine popular acceptance of the institution of the Tsars, cripple the Romanov dynasty itself, and initiate a widespread popular uprising. It was, Matthew Carr writes, “the most significant act of regicide since the execution of Louis XVI.”¹⁰ While the assassination of Alexander II had the opposite effect of what its perpetrators intended—resulting in a hard freeze on popular reforms under the reign of Alexander III—this method of violence would be widely copied over subsequent decades.¹¹

⁸ Benjamin Grob-Fitzgibbon, “From the Dagger to the Bomb: Karl Heinzen and the Evolution of Political Terror,” *Terrorism and Political Violence* 16, no. 1 (Spring 2004): 98; David C. Rapoport, *Assassination & Terrorism* (Toronto: Canadian Broadcasting Corporation, 1971), 37-38.

⁹ David Rapoport, one of the preeminent scholars of terrorism, made a parallel between the American presidents and Russian tsars, noting: “Only the Russian Tsar, whose powers were truly extraordinary, attracted as many assassins as the American president has. History demonstrates a relationship between assassination attempts and the degree to which power seems to be held by one man.” Rapoport, *Assassination & Terrorism*, 16.

¹⁰ Matthew Carr, *The Infernal Machine: A History of Terrorism from the Assassination of Tsar Alexander II to Al-Qaeda* (New York: The New Press, 2006), 14.

¹¹ On the setbacks Alexander II's death had for the reform movement in Russia, see Hans Heilbrunner, “Alexander III and the Reform Plan of Loris-Melikov,” *Journal of Modern History* 33, no. 4 (1961).

The technological revolution of the nineteenth century facilitated such violence.¹² While anarchists used daggers and pistols in their most infamous targeted killings, the enduring symbol of anarchist terrorism was the bomb. Patented by Alfred Nobel in 1867, dynamite was substantially more powerful than black powder. Related inventions of the blasting cap and, in 1875, of gelignite—a more powerful and stable explosive—allowed political radicals to deploy increasingly sophisticated and powerful devices. While anarchists were most closely associated with bombs in the popular imagination, revolutionary nationalist organizations, such as the People’s Will, Clan na Gael, and the Fenian Brotherhood first employed explosive devices to commit violence.¹³ Each of these groups participated in sustained bombing campaigns intended to pressure governments to enact reforms and inspire popular insurrections.¹⁴ Mikhail Frolenko, a member of the executive committee of the People’s Will recalled a debate as to whether the group should use an accurate pistol to assassinate the Tsar rather than a less precise explosive. This suggestion was dismissed because, as he recalled it, “This assassination would not have created the same

¹² It was, Matthew Carr contends, “a product of the same bourgeois world it aspired to overthrow.” Carr, *The Infernal Machine: A History of Terrorism from the Assassination of Tsar Alexander II to Al-Qaeda*, 51. James Joll expresses a similar sentiment. See James Joll, *The Anarchists* (Cambridge: Harvard University Press, 1980), ix-x.

¹³ The People’s Will, for example, used gelignite for all of its attempted assassinations. Richard B. Jensen, “Daggers, Rifles, and Dynamite: Anarchist Terrorism in Nineteenth Century Europe,” *Terrorism and Political Violence* 16, no. 1 (Spring 2004): 129-30.

¹⁴ Lindsay Clutterbuck, “The Progenitors of Terrorism: Russian Revolutionaries or Extreme Irish Republicans?,” *Terrorism and Political Violence* 16, no. 1 (Spring 2004); Joseph McKenna, *The Irish-American Dynamite Campaign: A History, 1881-1896* (New York: McFarland & Co., 2012); Derek Offord, *The Russian Revolutionary Movement in the 1880s* (Cambridge: Cambridge University Press, 1986); Kenneth R.M. Short, *The Dynamite War: Irish-American Bombers in Victorian Britain* (Dublin: Gill and Macmillan, 1979); Niall Whelehan, *The Dynamiters: Irish Nationalism and Political Violence in the Wider World, 1867-1900* (Cambridge: Cambridge University Press, 2012); Avraham Yarmolinsky, *Road to Revolution: A Century of Russian Radicalism* (New York: Macmillan, 1955).

impression. It would have been interpreted as an ordinary murder, and would not have expressed a new stage in the revolutionary movement.”¹⁵

Yet the anarchist tactic of “propaganda by deed” relied as much on revolutionary changes in communication and transportation as much as it did on harnessing the power of a new type of explosive. Dynamite possessed significantly more destructive power than black powder, which made bombs more dangerous. But it was the rise of literacy, the proliferation of mass-circulation newspapers, and the speed at which individuals and information traveled that caused panic and drew greater attention to such acts. Lower barriers to travel meant that anarchists—who often had to cross international boundaries to escape domestic repression—could keep in contact with a transnational community of like-minded individuals.¹⁶ Newspapers covered the movements of prominent anarchists and reported on expulsions elsewhere, heightening fears that the United States—and other western countries—would become the inevitable destination of such people. Perhaps even more crucially, groups and individuals who espoused or perpetrated acts of violence depended on the news of such acts being transmitted quickly and widely. The ready delivery of newspapers and affordable print publications helped anarchists disseminate their message,

¹⁵ Quoted in Zeev Ivianski, “Individual Terror: Concept and Typology,” *Journal of Contemporary History* 12, no. 1 (January 1977): 47.

¹⁶ On the development of anarchist networks and how those networks shaped the changing ideas of individuals, see generally James A. Baer, *Anarchist Immigrants in Spain and Argentina* (Urbana: University of Illinois Press, 2015); Tom Goyens, *Beer and Revolution: the German Anarchist Movement in New York City, 1880-1914* (Urbana: University of Illinois Press, 2007); Ilham Khuri-Makdisi, *The Eastern Mediterranean and the Making of Global Radicalism, 1860-1914* (Berkeley: University of California Press, 2010); Kenyon Zimmer, “‘The Whole World is Our Country’: Immigration and Anarchism in the United States, 1885-1940” (University of Pittsburgh, 2010).

circulate news of their deeds, and cultivate the technical skills required to imitate their methods.¹⁷

The infamous German anarchist printer, Johann Most, offers a classic example of how anarchists utilized these developments to further their own ends. Most lived an itinerant life: born in Bavaria, he worked as a bookbinder in Switzerland in the 1860s, served briefly in the German Reichstag as a social democrat, and fled to London in 1878 after a period of imprisonment following Bismarck's passage of a series of anti-socialist laws. This nomadic existence enabled Most to foster connections with, and draw inspiration from, prominent anarchist figures such as Mikhail Bakunin and Auguste Blanqui. In London, Most founded a paper, *Freiheit*, and used it to espouse a policy of direct action. Twice jailed in Britain, once in 1881 for publishing an article approving of Tsar Alexander II's assassination and again after Irish nationalists murdered Lord Frederick Cavendish in Dublin, Most departed for the United States in December 1882. There, he re-established *Freiheit* and, in 1885, published his most infamous work, a pamphlet entitled: *Revolutionary War Science: A Handbook of Instruction Regarding the Use and Manufacture of Nitroglycerine, Dynamite, Gun-Cotton, Fulminating Mercury, Bombs, Incendiary Devices, Poisons, etc.* Part how-to manual and part call to arms, anarchist newspapers serialized it and translated it into numerous languages, which meant it gained a wide readership. Most advocated using bombs and other devices to carry out terrorist acts against the established order. He placed as much emphasis on the terrorizing effect of

¹⁷ On the power of newspapers, community building, and the role of new journalism in framing security concerns, see Richard L. Kaplan, *Politics and the American Press: The Rise of Objectivity, 1865-1920* (Cambridge: Cambridge University Press, 2002); Howard Abramowitz, "The Press and the Red Scare, 1919-1921," in *Popular Culture and Political Change in America*, ed. Ronald Edsforth and Larry Bennett (Albany: University of New York Press, 1991); Benedict R. Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (New York: Verso, 1983).

dynamite—especially as word of such deeds got out—as on its destructive power: “what can tear solid rock into splinters,” he reasoned, “may not have a bad effect at a ball where monopolists are assembled.”¹⁸ Most’s fiery public speeches, strident calls for and support of violence, plus his infamous, heavily-bearded visage did much to engrain into the popular imagination the image of a wild-eyed, bearded, anarchist clutching a bomb in one hand and a revolver in another.¹⁹

Though technological developments facilitated and magnified anarchists’ use of violence, the relationship between individual anarchists, anarchist philosophy, and violence was complicated. As Martin Miller argues, the currents of anarchism and terrorism overlapped, “fusing at a historical moment, then separating.”²⁰ Peter Kropotkin, the most prominent anarchist thinker of the early twentieth century, defined anarchism for the tenth edition of the *Encyclopedia Britannica* [1910] as “the name given to a principle or theory of life and conduct under which society is conceived without government – harmony in such a society being obtained, not by submission to law, or by obedience to any authority, but by free agreements concluded between the various groups... freely constituted for the sake of production and consumption.” To the general public, Kropotkin begrudgingly acknowledged, violence may have been “the substance of anarchism,” but supporters saw

¹⁸ Cited in Paul Avrich, *The Haymarket Tragedy* (Princeton: Princeton University Press, 1984), 165.

¹⁹ Historian Frederic Trautmann calls Most the “voice of terror” while Robert Hunter argues, “The history of terrorist tactics in America largely centers about the career of Johann Most.” See Beverly Gage, *The Day Wall Street Exploded: A Story of America in its First Age of Terror* (New York: Oxford University Press, 2009), 41-50; Robert Hunter, *Violence and the labor movement, Mass violence in America* (New York: Arno Press, 1969); Frédéric Trautmann, *The Voice of Terror: A Biography of Johann Most* (Westport: Green Press, 1980).

²⁰ Martin A. Miller, “The Intellectual Origins of Modern Terrorism in Europe,” in *Terrorism in Context*, ed. Martha Crenshaw (University Park: Pennsylvania State University Press, 1995), 58.

violence as a reaction to state “repression.”²¹ While anarchists such as Pierre-Joseph Proudhon, Mikhail Bakunin, or Kropotkin himself, saw utility in violence—at least at different times during their lives—they did not call for the bombings and assassinations that came to define anarchist terrorism.²² At their core, however, anarchist philosophers envisioned a society fundamentally different from what existed and they viewed modern society and the power of the state as the root of all social ills. Therefore, while it is indeed possible to see anarchist theory as not inherently violent, there was—and is—an irreconcilable tension at its heart.²³

The methods some anarchists developed for using violence as a tool for socio-political change emerged out of the upheavals of the nineteenth century. During the Age of Revolutions, the diffusion of ideas regarding individual and collective freedoms as well as notions of popular sovereignty helped shatter the *Ancien Régime*’s monopoly on violence. The *régime de la terreur*, as Gus Martin writes, “was an instrument of revolutionary justice, so that terrorism was considered a positive medium used by the defenders of order and liberty... acceptable and necessary to consolidate power and protect liberties won.”²⁴ Anarchists

²¹ Petr Alekseevich Kropotkin, "Anarchism," in *Encyclopaedia Britannica* (1910).

²² Bakunin came closest. For a time in 1869-70, Bakunin associated with Sergei Nechaev, whose infamous *Catechism of a Revolutionary*, called for robbery and assassination. Yet he quickly became disillusioned with such an approach and with Nechaev as well. See Joll, *The Anarchists*, 75-79.

²³ In his discussion of anarchist violence, Martin Miller notes, “the line between society and the state was completely obliterated.” Because, by definition, everyone was implicated, “no one was innocent.” Miller, "The Intellectual Origins of Modern Terrorism in Europe," 58.

²⁴ Gus Martin, *Understanding Terrorism: Challenges, Perspectives and Issues*, Sixth ed. (Thousand Oaks, CA: 2017), 21. See generally Martin A. Miller, *The Foundations of Modern Terrorism: State, Society, and the Dynamics of Political Violence* (Cambridge: Cambridge University Press, 2013); Mike Rapport, "The French Revolution and Early European Revolutionary Terrorism," in *The Routledge History of Terrorism*, ed. Randall D. Law (London: Routledge, 2015), 63-76; Reuven Young, “Defining Terrorism: The Evolution of Terrorism as a Legal Concept in

believed they continued this tradition. Alexis de Tocqueville was the first to describe the rise of the “professional revolutionary” as a new type of individual whose sole aim was changing the face of society.²⁵ Many mid-century liberals held failed revolutionaries like Guiseppe Mazzini, Lajos Kossuth, or Guiseppe Garibaldi in high regard despite their occasional espousal of the same techniques of violence later made infamous by anarchists.²⁶ As Barton Ingraham writes, the political offender “was seen as motivated by moral considerations: Fighting for liberal democracy against autocratic and repressive regimes, fighting for the cause of nationalism or self-determination... but never acting from personal considerations of greed or lust for power.”²⁷

International Law and Its Influence on Definitions in Domestic Legislation,” *Boston College International and Comparative Law Review* 29, no. 1 (December 2006): 27-28.

²⁵ See Zeev Ivianski, “The Terrorist Revolution: Roots of Modern Terrorism,” *Journal of Strategic Studies* 10, no. 4 (1987): 129.

Another French contemporary, Armand-Emmanuel de Vignerot du Plessis, Duc de Richelieu and future French Prime Minister, held a more dismal view, lamenting, “It cannot be denied that the intoxication of the French in these unfortunate times is a real fanaticism.” See Adam Zamoyski, *Phantom Terror: Political Paranoia and the Creation of the Modern State, 1789-1849* (New York: Basic Books, 2015), 37.

²⁶ Mazzini, an author of an article in the newspaper *Truth* [New York] pointed out, “has a bust in Central Park” despite his “justification of the murder of sovereigns for the good of the people.” Another revolutionary, Karl Heinzen, had a statue erected in his honor at his burial site in Boston, yet he was the first to refer to terrorists as freedom fighters [*Freiheits-Kämpfer*]. Heinzen’s seminal “Murder and Liberty” [*Mord und Freiheit*] declared, “It is folly and self-betrayal, if the revolution confines itself to the moment. It must exterminate the reaction’s representatives.... If we desire the end, we must also desire the means; if we desire the life of the people; so we must desire the death of their enemies.” See, respectively, “A Hero Assassin,” *Truth* [New York City], 11 April 1881: 2; Daniel Bessner and Michael Stauch, “Karl Heinzen and the Intellectual Origins of Modern Terror,” *Terrorism and Political Violence* 22, no. 2 (2010): 144,63; Grob-Fitzgibbon, “From the Dagger to the Bomb: Karl Heinzen and the Evolution of Political Terror.”; Martin, *Understanding Terrorism: Challenges, Perspectives and Issues*, 39. See also Gage, *The Day Wall Street Exploded: A Story of America in its First Age of Terror*, 44-45.

²⁷ Barton L. Ingraham, *Political Crime in Europe: A Comparative Study of France, Germany, and England* (Berkeley: University of California Press, 1979), 219.

Anarchists drew lessons from the experiences of political radicals during the mid-nineteenth century. Heinzen, in the 1840s, framed terrorism as a necessary response to state-sponsored violence aimed at suppressing revolutions and inspiring fear in those who would try to upset the existing order. In 1857, the Italian revolutionary Carlo Pisacane, Duke of San Giovanni, first formulated the idea that would evolve into the anarchist strategy of “propaganda by deed.” In his “Political Testament,” Pisacane wrote, “Ideas spring from deeds and not the other way around.” Violence, according to this logic, served two interrelated functions: it drew attention to a cause and, as individuals became more informed, the masses would rally to that cause.²⁸ Yet time and again, the “masses” failed to rise to the challenge. In the 1860s and 1870s, governments in Spain, France, and Italy successfully crushed mass movements inspired in part by Bakunin. Of these, the most dramatic failure was the Paris Commune in 1871. Amid the turmoil caused by the Franco-Prussian War, the collapse of the Second French Empire, and the start of the Third Republic, radicals including anarchists occupied Paris from March until May, when it was brutally suppressed by the French army. Ulrich Linse, echoing revolutionaries from Heinzen to Kropotkin, argues that state repression and the repeated failure of the mass insurrection necessitated a turn toward asymmetrical violence.²⁹ The failure of the French population to rise up in support of the Commune and the inability of workers manning barricades to turn

²⁸ Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), 5.

²⁹ Ulrich Linse, "'Propaganda by Deed' and 'Direct Action': Two Concepts of Anarchist Violence," in *Social Protest, Violence, and Terror in Nineteenth and Twentieth Century Europe*, ed. Wolfgang J. Mommsen and Gerhard Hirschfeld (London: Berg, 1982).

Other scholars disagree. Mikkel Thorup, for example, argues that anarchist violence developed when the dominance of the nation-state was still “challenged and porous.” Mikkel Thorup, “The Anarchist and the Partisan - Two Types of Terror in the History of Irregular Warfare,” *Terrorism and Political Violence* 20, no. 3 (2008): 335.

back the French army highlighted the weakness of the revolutionaries' position compared to the forces of the state. Indeed, it is not surprising to find that ardent proponents of propaganda by deed such as Errico Malatesta and Carlo Cafiero had first-hand experiences with the difficulties of fomenting mass insurrection.³⁰ In December 1878 during the Berne Congress of the Anti-Authoritarian International, the two Italian anarchists declared, "insurrectionary deed, designed to promote the principles of socialism by acts, is the most effective means of propaganda... and attracts the living forces of humanity in the struggle that upholds the International."³¹ Mere months after the assassination of Tsar Alexander II, an international congress of anarchists met in London and officially endorsed propaganda by deed and word of this spread quickly.³² In 1883, during a national convention in Pittsburgh, Johann Most joined with Albert Parsons and August Spies, two of the most prominent anarchists in the United States, to draft a statement for their movement. The Pittsburgh

³⁰ See generally Marie Fleming, "Propaganda by the Deed: Terrorism and Anarchist Theory in Late Nineteenth-Century Europe," *Studies in Conflict and Terrorism* 4 (1980); Arthur H. Garrison, "Defining Terrorism: Philosophy of the Bomb, Propaganda by Deed, and Change Through Fear and Violence," *Criminal Violence Studies* 17, no. 3 (September 2004); Jensen, "Daggers, Rifles, and Dynamite: Anarchist Terrorism in Nineteenth Century Europe."; Kassel, "Terrorism and the International Anarchist Movement of the Late Nineteenth and Early Twentieth Centuries."

³¹ George R. Esenwein, *Anarchist Ideology and the Working-Class Movement in Spain, 1868-1898* (Berkeley: University of California Press, 1989), 60-61. It is notable that this was decided in 1876, less than three months after the First International, formally the International Workingmen's Association [IWMA], dissolved. Bakunin and his adherents had been expelled from the First International in 1872 after a series of disagreements over methods and ideology. George Woodcock, *Anarchism: A History of Libertarian Ideas and Movements* (New York: Penguin Books, 1986 [1962]), 137-51.

³² Caroline Cahm, *Kropotkin and the Rise of Revolutionary Anarchism, 1872-1886* (Cambridge: Cambridge University Press, 1989), 152-77; John Merriman, *The Dynamite Club: How a Bombing in Fin-de-siècle Paris Ignited the Age of Modern Terror* (Boston: Houghton Mifflin Harcourt, 2009), 63; Nunzio Pernicone, "Luigi Galleani and Italian Anarchist Terrorism in the United States," in *Terrorism: Critical Concepts in Political Science*, ed. David C. Rapoport (London: Routledge, 2006), 198-99.

Manifesto began with an excerpt from the American Declaration of Independence. After condemning the brutality of the bourgeoisie of all countries—“in America as well as in Europe”—the authors then declared, “It becomes, therefore, self-evident that the struggle of the proletariat with the bourgeoisie must have a violent revolutionary character.”³³

Anarchist terrorism in the last two decades of the nineteenth century fell into two broad categories. First, and most common, were attacks on representative social institutions. In September 1883 two German anarchists, working under the direction of August Reinsdorf attempted to kill Kaiser Wilhelm I, Otto von Bismarck, and a large number of German social elites by detonating a bomb at the inauguration of the Niederwald Monument, which commemorated the founding of the German Empire.³⁴ In Paris, in 1892, the anarchist François-Claudius Ravachol committed a string of bombings, robberies and murders, which he later claimed were inspired by the punishment of workers for their role in a May Day demonstration in 1891. While some contemporaries were dubious about his connections to anarchism, Ravachol’s actions left such an impression that his name was

³³ Timothy Messer-Kruse, *The Haymarket Conspiracy: Transatlantic Anarchist Networks* (Urbana: University of Illinois Press, 2012), 181.

³⁴ The bomb failed because the two tasked with carrying out the plot decided to save money and did not buy a waterproof fuse, which then failed to ignite after heavy rain. They then detonated the explosives outside of a banquet hall in Rüdelsheim instead. Reinsdorf was arrested in 1895, charged with high treason and executed. When the State’s Attorney asked if he had in mind the death of any particular person in his planned *attentat*, Reinsdorf replied: “I didn’t know whether or not the king of Saxony would be there, and it was all one to me. I knew merely that a great many princes would be gathered together, and it was a matter of indifference to me which of them should be struck down. I’m done now. I do not care to say anything more.” After his death, Most published a pamphlet in New York dedicated to Reinsdorf’s life and actions, “August Reinsdorf and the Propaganda by Deed.” Folder 02: “Rocker, Rudolph --- ‘Johann Most,’ Typescript, pp 101-250,” p. 205. Paul Avrich Collection, Series I, Box 25: Rocker, Rudolph to Rudome, Jacques and Helen. Rare Books and Manuscripts Reading Room, Library of Congress, Washington DC.

given to a verb, *ravacholiser*, meaning to blow up.³⁵ In Spain in the 1890s, Barcelona was the site of a series of violent acts and harsh reprisals, a brutal cycle of protest, repression, and revenge. A bombing at the Barcelona opera in 1893 killed thirty people and, in June 1896, another bombing killed numerous women and children during a Corpus Christi procession. In 1886, in the United States, mass strikes for an eight-hour workday climaxed in a series of violent confrontations in Chicago. On May 4, as police tried to break up a demonstration in Haymarket Square, someone threw an explosive into a group of police officers and in the subsequent explosion and confused gunfire, several individuals died.³⁶

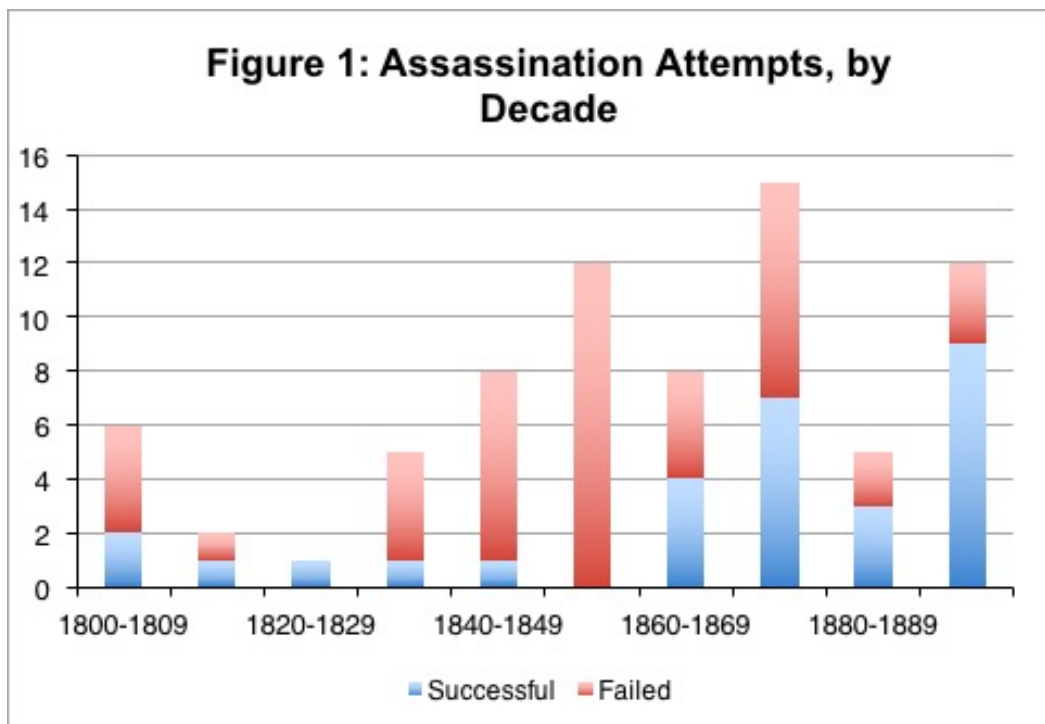
The second category of violence included assassinations of heads of state and prominent public figures—often the living embodiment of state authority—as well as attacks motivated by revenge for actions the state took against fellow anarchists. In the last two decades of the nineteenth century, there was a demonstrable shift in the frequency and success rate of assassinations that helped fuel the contemporary belief that these acts of violence were part of a sustained political crisis rather than a series of traumatic, individual occurrences. For this purpose, Franklin Ford’s definition of assassination is appropriate:

“Assassination is the intentional killing of a specified victim or group of victims, perpetrated for reasons related to his (her, their) public prominence and undertaken with a political

³⁵ Jean Maitron, *Histoire du mouvement anarchiste en France* (Paris: Societe Universitaire, 1951), 195-212; Merriman, *The Dynamite Club: How a Bombing in Fin-de-siècle Paris Ignited the Age of Modern Terror*, 86; Carol Vanderveer Hamilton, *Dynamite: Anarchy as Modernist Aesthetic* (Berkeley: University of California Press, 1993), 79.

³⁶ The Haymarket bombing will be discussed in greater depth in the following section. In June 1883, Illinois Governor John Peter Altgeld pardoned Fielden, Neebe, and Schwab. See Avrich, *The Haymarket Tragedy*; Messer-Kruse, *The Haymarket Conspiracy: Transatlantic Anarchist Networks*; Bruce C. Nelson, *Beyond the martyrs: a social history of Chicago's anarchists, 1870-1900* (New Brunswick: Rutgers University Press, 1988); Timothy Messer-Kruse, *The Trial of the Haymarket Anarchists: Terrorism and Justice in the Gilded Age* (New York: Palgrave Macmillan, 2011); James R. 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).

purpose in view.”³⁷ According to this definition, 76 attempts—successful and unsuccessful—would be a conservative estimate on the attempts on heads of state or similar public figures between 1800 and 1900.³⁸ For this period then, there was at least one such attempt every sixteen months, on average; they occurred on five of the seven continents, against leaders of democracies and autocracies alike, and 36 of the attempts were repeat attacks on individual leaders.



³⁷ Ford, *Political Murder: From Tyrannicide to Terrorism*, 2. Similar definitions can be found in Murray Clark Havens, Carl Leiden, and Karl M. Schmitt, *The Politics of Assassination* (Englewood Cliffs: Prentice-Hall, Inc., 1970), 4; Zaryab Iqbal and Christopher Zorn, “Sic Semper Tyrannis? Power, Repression and Assassination since the Second World War,” *Journal of Politics* 68, no. 3 (August 2006): 490.

³⁸ The estimate is conservative because, in depending on domestic and international reporting on assassinations, this dataset omits attempts that were not verified by multiple sources—Donovan’s account, for example, lists 19 attempts on the life of Louis Philippe and 30 against Napoleon. This is a basic problem of assassination attempts: most go unknown or unreported. Even those that were carried out, as in the case of Nasir Ad-Din, the Shah of Persia, contemporaries frequently knew little. In that instance, “his country did not and does not believe in publicity in matters of this kind.” See “Killing of Rulers,” *The Sun* (Baltimore) 20 November 1900, CXXVIII, no. 3: 8; Donovan, *The Assassins*, 108-110.

Table 1: Assassination Attempts, by Region, 1800-1900				
Region	Successful	Failed	Total	Percent Successful
Africa	2	0	2	100%
Asia	3	0	3	100%
Central	3	1	4	75%
Europe	13	44	57	30%
United States	2	1	3	67%
South America	7	0	7	100%
Total:	30	46	76	39.50%

Table 2: Assassination Attempts, by Region, 1881-1901				
Region	Successful	Failed	Total	Percent Successful
Africa	0	0	0	N/A
Asia	1	0	1	100%
Central	2	1	3	67%
Europe	8	3	11	73%
United States	2	0	2	100%
South America	1	0	1	100%
Total:	14	4	18	78%

Upon first glance, it would appear that the decade between 1870 and 1880 undermines any argument for the distinctiveness of the 1890s, as the total number of attempts was higher. Yet, a closer look at the numbers reveals that the attempts of the earlier decade are skewed upward by multiple failed attempts on the life of one individual, Tsar Alexander II. Moreover, the key indicator, successful assassinations, is nearly doubled in the later decade. The true distinctiveness of the 1890s lies not in the number and frequency of assassinations alone but in correlation with the rate of successes. During the 20-year period between 1881 and 1901, the rates of success jump: 73 percent in Europe and 100 percent in the United States.³⁹ “The record is appalling,” said U.S. Circuit Judge LeBaron Bradford Colt

³⁹ While Europe is far and away the largest sample size, this is partly a reflection of two factors: first, the ease with which assassination attempts were publicly reported; second, the focus on heads of state. As a consequence of the latter, high incidences of assassination in countries where important governmental ministers were the most frequently selected targets,

in an address to the New Hampshire Bar Association in 1902, “In thirty-seven years three Presidents of the United States have been Assassinated, an average of one every twelve years. The history of Europe for a thousand years furnishes no parallel. To find one we must go back to the military usurpers of ancient Rome.”⁴⁰

The shock expressed by Judge Colt emphasizes just how alarmed Americans were about what this wave of violence could imply about society. After all, though they were dramatic incidents, assassinations were not a new or terribly unusual phenomenon, historically.⁴¹ Alexander II had survived five previous attempts while U.S. President James Garfield—assassinated less than six months later—was the third American president targeted by an assassin.⁴² Alexander II’s death prompted an outpouring of sympathy toward the Russian government because Americans associated the Tsar with President Lincoln—the Tsar Liberator and the Great Emancipator, each murdered by assassins. Amidst the public grief surrounding Garfield’s struggle for life—he was shot on July 2 and died on September 19—was a crisis of confidence as people wondered what a second successful attack on an American president could mean about the country’s political system.

Japan for example, can lead to an overemphasis on assassination as a European phenomenon.

⁴⁰ Quoted in Robert J. Donovan, *The Assassins* (New York: Harper & Brothers, 1952), 108.

⁴¹ In the United States, for example, 34 political officials at the state and federal level were attacked between 1867 and 1877. Of the 34, 24 attacks were fatal and those targeted included a U.S. Senator, two congressional representatives, three state governors, ten state legislators, eight judges, and ten other office holders. See S. Mintz, *Political Assassination: The Violent Side of American Political Life* (2007 [cited 19 April 2011]); <http://www.digitalhistory.uh.edu/historyonline/assassinations.cfm>.

⁴² In addition to the well-known attacks on Presidents Andrew Jackson and Abraham Lincoln, there were also rumors that Presidents William Harrison and Zachary Taylor, both of whom died of natural causes, were also assassinated. See John M. Potter, *Plots Against Presidents* (New York: Astor-Honor, 1968), 6.

Anarchist violence intensified in the 1890s, a period that became known as the “Decade of Regicide.” In June 1894, the Italian anarchist Sante Caserio assassinated French President Sadi Carnot after the latter gave a speech in Lyons. Caserio, who denied having any accomplices, was inspired by Carnot’s refusal to pardon the anarchist Auguste Vaillant, who threw a bomb in the French Chamber of Deputies in December 1893 and was subsequently executed in February 1894.⁴³ Three years later, in August 1897, the Italian anarchist Michele Angiolillo shot the six-time Spanish Prime Minister, Antonio Cánovas del Castillo, at a thermal bath resort in northern Spain. Angiolillo, who also denied having any accomplices, had traveled to Spain via London and Paris under a false identity. He was motivated by Cánovas del Castillo’s role in ordering the arrest, detention, and torture of political radicals at the Montjuïc fortress outside Barcelona.⁴⁴ Thirteen months later, in September 1898, the French-born Italian anarchist Luigi Lucheni stabbed Empress Elisabeth of Austria as she was traveling to a steam ship on the shores of Lake Geneva, Switzerland. Lucheni had initially wanted to kill the Duke of Orléans, the pretender to the French throne, who had already left Geneva for the canton of Valais. “I am an anarchist by conviction,” Lucheni later declared. “I came to Geneva to kill a sovereign, with the object of giving an example to those who suffer and those who do nothing to improve their social position; it did not matter to me who the sovereign was whom I should kill.... It was not a woman I

⁴³ Emma Goldman, *Living my life* (New York: Dover Publications, 1970), 152; Henri Carennes, *De Ravachol à Caserio: Notes et documents* (Paris: Garnier Frères, 1895).

⁴⁴ Esenwein, *Anarchist Ideology and the Working-Class Movement in Spain, 1868-1898*; Emma Goldman, “The Psychology of Political Violence,” in *Anarchism and Other Essays*, ed. Emma Goldman (New York: Mother Earth Publishing Association, 1917); J. Romero Maura, “Terrorism in Barcelona and Its Impact on Spanish Politics, 1904-1909,” *Past & Present* 41 (1968).

struck, but an Empress; it was a crown that I had in view.”⁴⁵ Less than two years later, in July 1900, the Italian anarchist Gaetano Bresci traveled from the United States and assassinated King Umberto I in Monza, Italy. Bresci, who worked as a silk weaver in Paterson, New Jersey, shot Umberto as an act of revenge for the king awarding General Fiorenzo Bava-Beccaris the medal of Great Officer of Savoy Military Order for the general’s role in brutally suppressing a series of bread riots in Milan in 1898.⁴⁶ Finally, fourteen months later, the American-born anarchist Leon Czolgosz shot U.S. President William McKinley at the Pan American Exposition in Buffalo, New York.

To contemporary observers, the similarities made it seem like each of these tragic events were part of a larger anarchist attack on the social order, even if there was no “deep-seated international movement among the anarchists.”⁴⁷ First, with the exception of Czolgosz, each assassin crossed international borders to execute their attacks. Anarchists rejected the authority of the state and were often hounded from state to state due to repressive measures passed by authorities. Relatedly, while each of the anarchist assassins mentioned went to great pains to deny that they acted as part of a larger conspiracy, anarchists often explicitly linked their acts to acts committed elsewhere.⁴⁸ Èmile Henry who, like Caserio, committed a series of anarchist outrages in retaliation for Vaillant’s execution,

⁴⁵ Lucheni’s statement during his examination. Quoted in Edward Morgan Alborough De Burgh, *Elisabeth, Empress of Austria: A Memoir* (London: Hutchinson & Co., 1899), 326-27.

⁴⁶ Christopher Duggan, *The Force of Destiny: A History of Italy since 1796* (New York: Houghton Mifflin, 2007), 349.

⁴⁷ “Anarchist Activity: Appears to be Widespread and Planned by Persons of Means,” *The Daily Picayune* (New Orleans) 16 September 1900: 20. For similar sentiments, see “To Kill All of Europe’s Sovereigns?” *Boston Morning Journal*, 1 August 1900: 2

⁴⁸ For denials of their actions being part of a larger conspiracy, see, for example: “Caserio at the Guillotine,” *New York Times* 16 August 1894; “The Guillotine’s Sure Work,” *New York Times*, 6 February 1894; “Anarchy and Dynamite,” *New York Times*, 27 September 1893; “Angiolillo Died Bravely,” *New York Times* 22 August 1897.

explicitly stated this at his trial. “You have hung men in Chicago, cut off their heads in Germany, strangled them in Jerez, shot them in Barcelona, guillotined them in Montbrison and Paris,” he declared. “But what you will never destroy is anarchism. Its roots are too deep: it is born at the heart of a corrupt society which is falling to pieces; it is a violent reaction against the established order.”⁴⁹ By referencing violent actions elsewhere as justification for their own action, anarchists fed into the notion that their actions were a directed reaction to state-driven violence.

Press reports, official actions, and rumored undercover operatives also nourished notions of widespread conspiracies. The idea of a shadowy conspiracy where anarchists chose lots to assassinate various public figures was a common element in newspaper reports.⁵⁰ The press reported, for example, that New York City police prepared a report alleging that Bresci volunteered his services to assassinate Umberto I four months prior to his action during a meeting, presided over by Malatesta. The published account went on to say that in other meetings in cities around the United States, Malatesta preached murder and laid plans for not only the assassination of the King of Italy but the heads of other foreign

⁴⁹ Maitron, *Histoire du mouvement anarchiste en France*, 529-34. James Joll rightly argues that Henry’s speech is “the clearest and most uncompromising statement of the terrorist position.” Joll, *The Anarchists*, 118.

⁵⁰ In the case of Bresci, the first rumors can be traced to a supposed letter found on the body of Carboni Sperandio, an Italian anarchist from the same group as Bresci, who committed suicide after he shot and killed Giuseppe Persina, foreman of the Wildman Dye Company of Paterson on 22 July 1900. Sperandio’s note claimed that during an anarchist meeting in Milan on 2 February lots were drawn to determine who would be responsible for killing King Umberto I. “That lot fell to me,” Sperandio claimed, but since he was in America, “the society has left it to my full liberty to choose as a substitute whomsoever I wish.” See “A Confirmatory Letter,” *New York Times* 31 July 1900: 1. See also “The Anarchists of Paterson,” *The Independent* 9 August 1900, 52, no. 2697: 1888-89; “Woman Plotter Holds Clue,” *Philadelphia Inquirer* 1 August 1900, 143, no. 32: 1. See also “Assassin’s Comrade Nicola Quintavelli,” *New York Times* 2 August 1900: 3; “Plot to Kill Rulers,” *Washington Post* 4 August 1900: 1; “Searching Among Paterson Anarchists,” *New York Times* 1 August 1900: 1; “The Anarchist Investigation,” *New York Times* 13 October 1900: 7.

governments as well.⁵¹ Press reports and public authorities also blamed anarchists for inspiring violence they knew nothing about or may not have supported.⁵² Johann Most was jailed in England for *Freiheit*'s vocal approval of the Tsar's assassination in 1881—an act not committed by anarchists—and for an article published in the wake of Cavendish's assassination by Irish nationalists—an action that, as an anarchist, he would not have approved. He, as well as Emma Goldman, were subsequently jailed in the United States in the wake of Czolgosz's attack on William McKinley. Anarchists also suspected—and scholars have subsequently demonstrated—that authorities in the United States as well as across Europe used undercover agents and *agents provocateurs* to uncover and, in some notorious cases, instigate anarchist conspiracies.⁵³ It is hardly surprising then that, when set against the backdrop of a very real spike in the frequency and rate of success of assassinations, the American public was ready to accept that there was a broad, directed anarchist conspiracy against the social order driving this violence.

Anarchists too had a role—sometimes deliberate, sometimes unintended—in perpetuating the idea that these attacks were all part of a larger assault on the social order.

⁵¹ “King Humbert Conspiracy,” *Washington Post* 12 February 1902: 1. See also “The Plot Details,” *Trenton Evening Times* 14 August 1900: 7.

⁵² Jensen, “Daggers, Rifles, and Dynamite: Anarchist Terrorism in Nineteenth Century Europe,” 136-42; Hsi-Huey Liang, *The Rise of Modern Police and the European State System from Metternich to the Second World War* (Cambridge: Cambridge University Press, 1992), 156; Maitron, *Histoire du mouvement anarchiste en France*, 215-16.

⁵³ See, for example, “A Letter Relating to the Case of the Walsall Anarchists, Reprinted from “Freedom” of Dec 1892.” Paul Avarich Collection, Series IV: Pamphlets, Box 120: Cardan, Paul to De Cleyre, Voltairine, Folder 03: “Carpenter, Edward.” Library of Congress, Washington D.C; Lindsay Clutterbuck, “An Accident of History? The Evolution of Counter Terrorism Methodology in the Metropolitan Police from 1829 to 1901, With Particular Reference to the Influence of Extreme Irish Nationalist Activity” (University of Portsmouth, June 2002); Thai Jones, *More Powerful than Dynamite: Radicals, Plutocrats, Progressives, and New York's Year of Anarchy* (New York: Walker, 2012); Bernard Porter, *Plots and Paranoia: A History of Political Espionage in Britain, 1790-1988* (London: Routledge, 2016).

Although they would come to disavow violence later in their lives, Malatesta, Kropotkin, and other prominent anarchist theoreticians initially called for propaganda by deed as a way of instigating a wider rebellion. Emma Goldman, speaking in December 1900 said that at a recent conference in Paris anarchists decided, “not to kill any more kings or crowned heads.” “The killing of King Humbert,” she went on, “was not done through the instigation of anarchists as a body... We do not justify the killing and do not look upon it as an act to be applauded.”⁵⁴ Even in denying it though, Goldman’s statement reminded an anxious public of previous anarchist endorsements of this kind of violence. Her denial that this specific attack was ordered by some nebulous anarchist “body” did nothing to diminish—and possibly strengthened—popular fear and suspicion that such a body did exist and had in the past, or would in the future, order such attacks. Second, while transnational anarchist networks were very real, individual anarchists often emphasized their connections to others as a way of magnifying their reach and influence. For example, while Bresci lived and worked in Paterson, he was active in the leading anarchist organization in the city, the “Right of Existence Group” [*Gruppo diritto di esistenza*]. As such, he was acquainted with some of its most prominent figures: Malatesta and another Italian proponent of propaganda by deed, Giuseppe Ciancabilla. These connections featured prominently in the hysterical newspaper reporting that covered Umberto’s assassination and rumors of anarchist conspiracies. Finally, as Derry Novak recognizes, while there were plenty of examples of anarchists making—typically vague—calls for action, they most often found themselves having to defend violent

⁵⁴ “Decision of Anarchists,” *Dallas Morning News* 25 December 1900: 1. As Martin Miller concludes, “It would have been the height of ideological contradiction to have admitted that an intellectual elite was responsible for these individual or mass acts.” See Miller, “The Intellectual Origins of Modern Terrorism in Europe,” 52.

acts after they had occurred.⁵⁵ Goldman, for example, argued that prior suspicions that Leon Czolgosz was a police spy should be put aside after McKinley's assassination and an infamous falling out between her and Johann Most depended, in part, on Most criticizing Alexander Berkman's attempted assassination of the industrialist Henry Clay Frick.⁵⁶

There is a mistaken tendency to frame anarchism during the last two decades of the nineteenth century as existing on two different planes.⁵⁷ On one, the intellectual giants of the movement reside in a world dominated by their philosophical writings about the struggles of social organization or the dangers of property ownership. Here, the focus is on Kropotkin's life in the London suburbs where he rubbed shoulders socially and intellectually with prominent figures such as William Morris and George Bernard Shaw. This existence was a far cry from his early years during which time he was imprisoned in St. Petersburg's Peter

⁵⁵ Derry Novak, "Anarchism and Individual Terrorism," *The Canadian Journal of Economics and Political Science* 20, no. 2 (May 1954): 176-82. Marie Fleming reiterates the complexities of this dynamic. See Fleming, "Propaganda by the Deed: Terrorism and Anarchist Theory in Late Nineteenth-Century Europe," 15-26.

⁵⁶ Berkman's action was inspired by the Homestead Strike and the subsequent violence in July 1892. It was coincidental that his assassination attempt took place merely two weeks after Ravachol was executed in Paris for his own acts of terror. For a discussion of Berkman's attack, see Paul Avrich and Karen Avrich, *Sasha and Emma: The Anarchist Odyssey of Alexander Berkman and Emma Goldman* (Cambridge: Harvard University Press, 2012), 57-71.

⁵⁷ E.L. Godkin distinguished between "the militant or homicidal anarchists" and the "dreamy persuasive anarchists." Subsequent writers would do the same. E.L. Godkin, "The execution of the Chicago anarchists," *The Nation*, November 10, 1887: 366; "Anarchists: Their Methods and Organization," *New Review*, January 1894: 1; "W. Gladden, "The Philosophy of Anarchism," *Outlook Magazine*, October 19, 1901: 449. Scholars have continued to do this as well. See, for example, Joll, *The Anarchists*, 110-11; Kassel, "Terrorism and the International Anarchist Movement of the Late Nineteenth and Early Twentieth Centuries." By contrast, Nathaniel Hong argues that in doing so, contemporaries perpetuated "a genuine distortion of anarchism." Hong, "Constructing the Anarchist Beast in American Periodical Literature, 1880-1903," 118.

and Paul Fortress or exiled in Siberia.⁵⁸ On the other plane resides those bedeviled psychopaths and demonic mad dogs who brooded and hatched their nefarious plots in secret with a small number of like-minded individuals or sometimes with nothing more than the voices in their heads. This dichotomy is problematic on two levels. First, it minimizes the active role that anarchists such as Bakunin, Malatesta, and Berkman had as both intellectual theorists of anarchism and active practitioners of violence. More importantly, however, it denies that the cranks had legitimate gripes. It is likely that Leon Czolgosz was mentally ill.⁵⁹ It is also true that his disadvantaged position—which mirrored the conditions of millions struggling to adapt to the socio-economic realities of the late-nineteenth century—was a legitimate source of anger at the state of society. A contemporary sociologist quoted the German economist Adolph Wagner arguing that the Social Question of the day revolved around “the consciousness of a contradiction between economic development and the social ideal of liberty and equality.”⁶⁰ Revolutionary violence in the mid-nineteenth century not only failed to achieve its political objectives, but it failed to rectify the ills caused by economic and social dislocation and prompted some to turn to more drastic means.

It was this idea, that the social inequality of the times was the driving force behind the increasing prevalence of assassination, which imparted a sense of urgency to discussions of the anarchist threat. Writing in the *North American Review*, F.L. Oswald drew parallels between ancient Rome and modern Italy. “The suggestive fact that the assassins were natives

⁵⁸ Joll, *The Anarchists*, 110, 28; Peter H. Marshall, *Demanding the Impossible: A History of Anarchism* (Oakland: PM Press, 2010 [1992]), 315.

⁵⁹ This is discussed in greater depth in chapter two. See also Donald W. Hastings, “The Psychiatry of Presidential Assassination, Part II: Garfield and McKinley,” *The Journal-Lancet* 85 (April 1965).

⁶⁰ Ira W. Howerth, “The Social Question of Today,” *American Journal of Sociology* 12, no. 2 (September 1906): 259.

of the country where the contrasts of wealth and poverty have reached their most cruel extreme” was central to Oswald’s argument. “Forests, fun and freedom have now vanished together. Italy has become a treadmill,” he argued, “where hundreds of thousands can by incessant labor just earn enough to toil another day.” The *Colorado Springs Gazette* published an article, entitled “Italy the Home of Assassins,” in which the author not only suggested that high incidents of violent crime in Italy nurtured the assassins but that Italian courts failed to enforce strict enough penalties for these crimes.⁶¹ Another article, in the *Idaho Daily Statesman*, included an interview with a leading member of the Italian community who attributed the threat of Italian assassins to social circumstances as well as ethnic stereotypes. “In the first place, the Italian laborer is the poorest in the world,” he argued, and the cries of the family “drive him to the wrathful despair which welcomes crimes against the social order responsible in his eyes for his poverty.”⁶² Anarchist justifications, lamented the journalist Francis Nichols after the 1898 assassination of King Umberto I of Italy, “made positive converts of doubting Italians, and attracted the attention of hundreds who believed that the ‘times are out of joint’ but had heretofore seen no cure in Anarchy.”⁶³

⁶¹ “It would appear,” the author concluded, “that human life is nowhere held more cheaply than in the Italian peninsula.” See “Italy the Home of Assassins,” *Colorado Springs Gazette* 29 September 1900: 4; Op. Cite in *New Haven Evening Register* 6 October 1900. Oswald disagreed with such an argument, stating: “the ‘age of assassinations’ also suggests a suspicion that the prospect of death has lost its terrors for a large class of criminals... Our latter-day reformers by assassination make no attempt to avoid their doom, and, indeed, they have mostly executed the programme of the Junta under circumstances that precluded the chance of escape.” F.L. Oswald, “The Assassination Mania: Its Social and Ethical Significance,” *North American Review* 171, no. 526 (September 1900): 318.

⁶² See “Why is Italy a Hotbed for Breeding Anarchy?” *Idaho Daily Statesman* (Boise) 31 August 1900: 3; Op. Cite. *Idaho Fall Times* (Idaho City) 20 September 1900: 6; See also “The Anarchist Assassins,” *Duluth News-Tribune* 9 September 1900, 22: 10.

⁶³ Francis H. Nichols, “The Anarchists in America,” *Outlook*, 10 August 1901, 862.

AMERICAN RESPONSES TO ANARCHIST TERRORISM:

Recall the question at the outset of this chapter that asked why, if fear of anarchist terrorism was so pervasive, did societal protections develop in such an uneven fashion. An obvious possible answer is that while individual attacks were sensationalized, the actual fear people felt was not as profound as it seemed. Indeed, leaving aside Russia, the number of actual victims of anarchist terror was quite small.⁶⁴ Richard Jensen estimates the number of victims of anarchist terror was approximately 150 killed and over 460 injured between 1880 and 1914—with roughly half of each of those figures coming in the decade of the 1890s. While those numbers pale in comparison to modern acts of terrorism, such violence was unprecedented in the late nineteenth century.⁶⁵ Newspapers informed an ever-growing audience of each new offense and the fact that many of the most infamous victims were of great social or political significance magnified the horror. Even though popular suspicion that a shadowy anarchist cabal directed this violence was false, such suspicions were not unreasonable. As the contemporary historian Richard Ely lamented, anarchy was “a social

⁶⁴ Anarchist terrorism in Russia did not develop until after the 1905 revolution. According to Anna Geifman, more than four thousand people were victims of political violence between 1906-1907, and anarchists were responsible for at least half. Between 1901 and 1916, Geifman estimates the number of killed and wounded at over 17,000, the majority of whom were victims of anarchist terrorism. Anna Geifman, *Thou Shalt Kill: Revolutionary Terrorism in Russia, 1894-1917* (Princeton: Princeton University Press, 1993), 124-25.

⁶⁵ Jensen, “Daggers, Rifles, and Dynamite: Anarchist Terrorism in Nineteenth Century Europe,” 90; Richard B. Jensen, “The United States, International Policing, and the War Against Anarchist Terrorism, 1900-1914,” *Terrorism and Political Violence* 13, no. 1 (Spring 2001): 16.

Of all the countries, the highest number of victims came from France and Spain. To get an estimate of the number, Jensen relies on Esenwein, *Anarchist Ideology and the Working-Class Movement in Spain, 1868-1898*; Maitron, *Histoire du mouvement anarchiste en France*, 202; Ernest Alfred Vizetelly, *The Anarchists: Their Faith and Their Record, Including Sidelights on the Royal and Other Personages Who Have Been Assassinated* (London: John Lane, 1911); Rafael Núñez Florencio, *El terrorismo anarquista, 1888-1909* (Madrid: Siglo Veintiuno, 1983), 190-97.

disease of a malignant type” and “the most dangerous theory which civilization has ever had to encounter.”⁶⁶ Newspaper reports of anarchist movements, police and government investigations, and rumored conspiracies all gave an ominous weight to what people could readily perceive: anarchist violence was unprecedented in its intensity and many perpetrators explicitly referenced other attacks as inspiring their own.

This necessarily raises two interrelated questions about American attitudes concerning the security threat posed by anarchist terrorism in the last two decades of the nineteenth century. First, it begs the question how did American views of anarchism evolve? Scholars traditionally view popular opinion about anarchists as static. Nathaniel Hong, for example, argues that they were “consistent:” anarchists were foreign, often inhuman, and belonged to a “frightening world of wanton criminality and menacing insanity.”⁶⁷ Not only did Americans have a more nuanced and fluid view of anarchists than has been appreciated, but a static view fails to explain why proposals to address the dangers of anarchism did not receive uniform support over time. The second question asks if Americans believed anarchists’ punishments fit their crimes? “Punishment,” in this sense pertains both to the actual legal punishments individual anarchists received as well as to more general efforts to inhibit their actions. The challenge then is to understand how these sentiments about

⁶⁶ Richard T. Ely, “Anarchy,” *Harper's Weekly* XXXVII, no. 1931 (December 23, 1893): 1226.

⁶⁷ Hong, “Constructing the Anarchist Beast in American Periodical Literature, 1880-1903,” 115-16. Similarly static appraisals of anarchists in American popular opinion can be found in Linda Cobb-Reiley, “Aliens and Alien Ideas: The Suppression of Anarchists and the Anarchist Press in America, 1901-1914,” *Journalism History* 15, no. 2-3 (Summer/Autumn 1988); Sidney Fine, “Anarchism and the Assassination of McKinley,” *American Historical Review* 60, no. 4 (July 1955); Kraut, “Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression.” Kraut agrees that “most members of the American public... would have viewed all anarchists as dangerous assassins and bomb-throwers” and that this view did not change until the early twentieth century when anarchists such as Emma Goldman successfully framed anarchists as defenders of free speech.

anarchists and the methods to suppress them shaped the contours of the public debate over the dangers of anarchism.

In the early 1880s as Americans first became aware of an anarchist threat to the social order, most viewed it as one of many social ills. In the immediate aftermath of James Garfield's assassination, former president Ulysses S Grant jumped the gun in assigning blame for the act and declared, "If the shooting were the work of Nihilism, the would-be assassin and all his followers should be stamped out, and no quarter shown them or their opinions." The article's author helpfully clarified that Grant "did not mean merely the special social and political excrescence [Nihilism]... but he evidently meant to include under the term, all the drastic and revolutionary isms that aim at the destruction of all modern governments."⁶⁸ That same year, a contributor to the *New York Herald* identified three suitors for the hand of the Republic. First was the "all-grasping monster," business monopolies. Next was that which "owns nothing but a knife for universal cutthroater and a nitro-glycerine bomb for universal explosion" and killed both the Tsar of Russia and Abraham Lincoln, Nihilism. Third, the "the monster of monsters" was infidelity, which posed such a moral threat that it "makes the difference... between American civilization and Bornesian cannibalism."⁶⁹ *Zion's Herald*, the venerable Methodist weekly magazine published in Boston, Massachusetts, noted in 1882 that "the comparatively small number of Nihilists, Socialists and the like who seek security among us should not be made the occasion of any undue alarm." More dangerous, in the magazine's view, was the Roman Catholic Church, which "was dangerous to our educational interests," and whose adherents hoped to gain "evil

⁶⁸ "A Danger Ahead," *The Duluth Daily Tribune*, July 6, 1881: 2.

⁶⁹ "Our Nation's Future. Monopoly, Nihilism and Infidelity Arraigned," *New York Herald*, May 16, 1881: 9.

results in political matters.”⁷⁰ In 1883, during what the *Boston Daily Globe* dubbed “The War on Monarchs,” the author noted the advances made by Nihilism, Socialism, and Anarchism around the world.⁷¹ That same year the *San Francisco Chronicle* identified an interviewee as both a “nihilist and one of the head leaders of the Irish dynamite party.”⁷²

These appraisals of anarchism reveal certain themes that run through the early popular discourse. First and foremost, there was a widespread acknowledgement that anarchists represented a violent threat to the existing social order. Indeed leaping to the conclusion that a nihilist may have been involved upon hearing of Garfield’s assassination—a rumor that occurs repeatedly over the two decades under consideration—demonstrates just how aware Americans were of this fairly new political movement. Related to this, implicating anarchists in Lincoln’s assassination was emblematic of the kinds of exaggerated claims that would follow anarchists. Americans were not just aware of anarchists, but they projected them as the cause of a multitude of unrelated traumatic events. By extension, anarchism as a philosophy of political and social order is instead framed as solely a doctrine of violence. Consequentially, most sources use anarchist, nihilist and even socialist or communist as interchangeable, revealing fundamental confusion over—and no interest in discovering—the very significant differences and tensions between adherents of these various radical philosophies.⁷³ Overwhelmingly however, these sources conveyed that while

⁷⁰ H.N. Mudge, “Immigration,” *Zion’s Herald* (Boston), January 11, 1882: 1.

⁷¹ “The War on Monarchs,” *Boston Daily Globe*, April 7, 1883: 2.

⁷² “Death-Dealing Dynamite: How it is to Be Employed Against England,” *San Francisco Chronicle*, April 16, 1883: 3.

⁷³ Arthur Redding argues that American writers, “seldom felt the need to discriminate precisely between varieties of leftist thought. Few concerned themselves with the vexed internal debates between anarchists, the Socialist or Communist Parties, or the various factions in the trade union movement.” Arthur F. Redding, *Raids on Human Consciousness*:

Americans were aware of the potential danger anarchists could pose, they got lost in the shuffle. Most Americans projected an air of cautious hopefulness, believing as Julius Seelye did, “that political problems are not likely to be solved by force and fear alone.” Instead, there was an overriding faith that “the attempted application of anarchical theories, therefore, to the civilized world will find itself hindered quite as much by a popular instinct as by governmental resistance.”⁷⁴



Figure 1.2: “Our Statue of Liberty—she can stand it.”

Writing, Anarchism, and Violence (Columbia: University of South Carolina Press, 1998), 80-81. For a general perspective on these ideological debates, see Michael Schmidt and Lucien van der Walt, *Black Flame: The Revolutionary Class Politics of Anarchism and Syndicalism* (Oakland: AK Press, 2009).

⁷⁴ Julius H. Seelye, “Dynamite as a Factor in Civilization,” *North American Review* CXXXVII, no. 320 (1883): 1, 3.

This view of seeing anarchists as indistinct from other social ills was surprisingly durable. Consider Figures 1.2 and 1.3. The artist Charles Taylor created the lithograph, entitled “Our statue of Liberty—she can stand it,” in 1886 for the satirical magazine, *Puck* [Figure 1.2].⁷⁵ In it, the Statue of Liberty is beset by all manner of “-isms” such as socialism, anarchism, communism, but also by “boycott” and “intolerance” in an image that evokes Gulliver’s encounters with the Lilliputians in Jonathan Swift’s *Gulliver’s Travels*. 1886 was notable for both the formal dedication of the Statue of Liberty—which took place the day after Taylor’s article appeared in print—and for the Haymarket bombing and subsequent trial of eight anarchists that May. Even in a year that saw one of the few anarchist outrages in the United States—and a seminal act of labor-related violence—anarchists were still just one of the many “-isms” that Americans worried about. Figure 1.3 appeared in print five years later in *Puck*’s print rival, *Judge Magazine*. “Where the blame lies,” the cartoon by Grant Hamilton, depicts a man holding a top hat and gesturing toward a racialized depiction of a horde of immigrants, including German socialists, Russian anarchists, Italian brigands, Irish paupers and more. In the caption, the man complains to Uncle Sam, “If Immigration was properly restricted you would no longer be troubled with Anarchy, Socialism, the Mafia, and such kindred evils!”⁷⁶ Here again, anarchists appear alongside other political radicals, but also paupers and other undesirables, all embedded in a highly racialized discourse that preoccupied many Americans at the time—and since.

⁷⁵ Charles Jay Taylor, “Our Statue of Liberty—she can stand it,” *Puck*, Vol. 20 (October 27, 1886: 138-139.

⁷⁶ Hamilton E. Grant, “Where the blame lies,” *Judge* 19, no. 494 (April 4, 1891): 458-459.

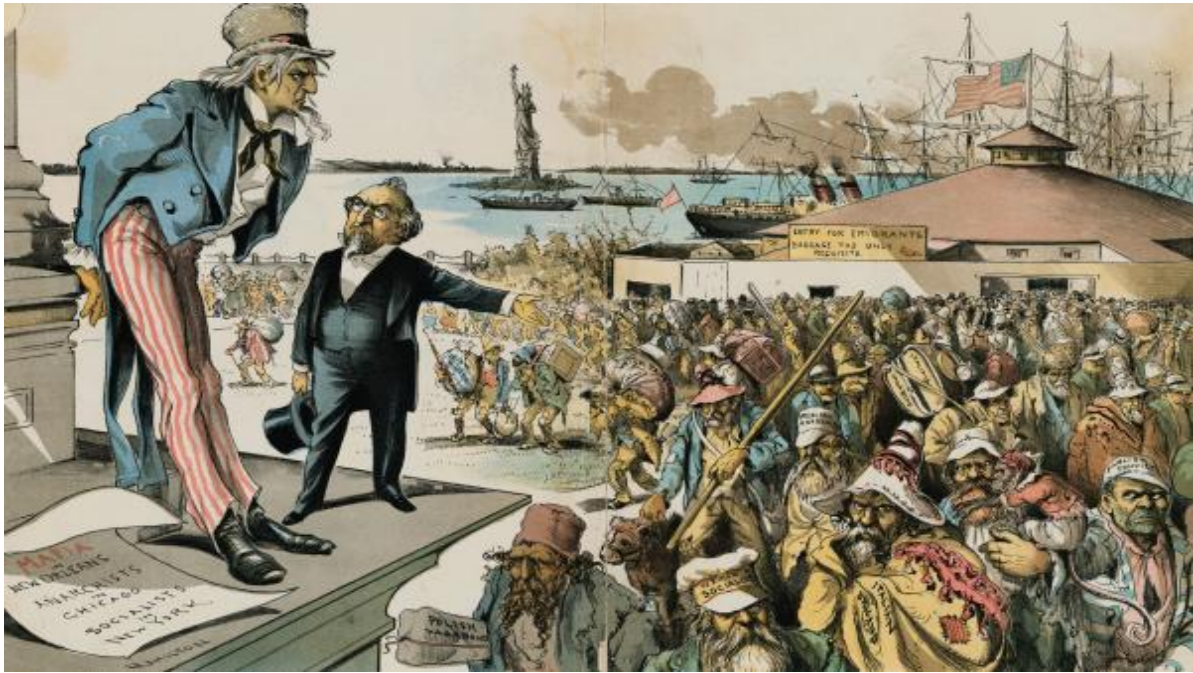


Figure 1.3 "Where the Blame Lies"

Anarchist violence first erupted in the United States in Chicago in 1886.⁷⁷ On May 1, at the instigation of the Federation of Organized Trades and Labor Unions—forerunner to the American Federation of Labor—thousands of workers across the United States went on a general strike in support of the eight-hour workday. Two days later, workers on strike outside the McCormick Harvesting Machine Company plant got into a violent confrontation

⁷⁷ The literature on the Haymarket Affair is extensive. Robert Glenn's annotated bibliography lists more than 1500 entries. Standard treatments include Avrich, *The Haymarket Tragedy*; Henry David, *The History of the Haymarket Affair: A Study in the American Social-Revolutionary and Labor Movements* (New York: Farrar & Rinehart, Inc., 1936); Philip Sheldon Foner, *The Autobiographies of the Haymarket Martyrs* (New York: Humanities Press, 1969); Green, *Death in the Haymarket: A Story of Chicago, the First Labor Movement, and the Bombing that Divided Gilded Age America*; Nelson, *Beyond the martyrs: a social history of Chicago's anarchists, 1870-1900*. In two recent works, Timothy Messer-Kruse takes aim at many of the standard conclusions of the Haymarket affair. He argues that the anarchists received a legally fair trial, by the standards of the day. He places much of the blame for the trial's outcome on the lawyers for the defendants, as well as on the defendants themselves—arguing that the eight anarchists were, in fact, guilty. Messer-Kruse, *The Trial of the Haymarket Anarchists: Terrorism and Justice in the Gilded Age*; Messer-Kruse, *The Haymarket Conspiracy: Transatlantic Anarchist Networks*.

with strikebreakers and police and the altercation left two workers dead. Local anarchists organized a protest rally for May 4 at Haymarket Square. Around 10:30 in the evening, as the anarchist Samuel Fielden ended a speech, local police attempted to disperse the rally. At that point, an unknown assailant threw a bomb at the line of police officers and, in the immediate aftermath of the explosion, an exchange of gunfire erupted between police and demonstrators.⁷⁸ Ultimately, seven police officers died from injuries stemming from the bombing and an unknown number of demonstrators also suffered injuries. In a widely publicized trial that lasted six weeks, prosecutors charged eight prominent anarchists—Albert Parsons, August Spies, Adolph Fischer, George Engel, Louis Lingg, Samuel Fielden, Michael Schwab, and Oscar Neebe—with being accessories before the fact to the murder of Mathias J. Degan, the first officer killed by the bomb. Though prosecutors failed to identify who threw the bomb, they argued that since the defendants had not actively discouraged it, they were equally responsible as co-conspirators.⁷⁹ A jury found all eight guilty and, after their appeals were rejected, Parsons, Spies, Fischer, and Engel were executed by hanging on

⁷⁸ Who fired first—individuals in the crowd or the police—is a matter of intense debate. Contemporary sources blamed the demonstrators and argued that the police returned fire. The historian Timothy Messer-Kruse argues that there was some evidence to support this claim. Paul Avrich, whose account of the whole affair remains one of the standard texts, maintains that the police fired wildly on the demonstrators and other officers alike. See “Rioting and Bloodshed in the Streets of Chicago,” *New York Times*, May 5, 1886; Avrich, *The Haymarket Tragedy*, 209; Messer-Kruse, *The Trial of the Haymarket Anarchists: Terrorism and Justice in the Gilded Age*; Michael J. Schaack, *Anarchy and Anarchists: A History of the Red Terror and the Social Revolution in America and Europe* (Chicago: F.J. Schulte, 1889), 146-48.

⁷⁹ Though it has never been demonstrated conclusively, many have argued that Michael Schwab’s brother-in-law, Rudolph Schnaubelt, was likely the one who threw the bomb. He was indicted along with the other defendants, but disappeared—presumably after fleeing the country. See, for example, Messer-Kruse, *The Trial of the Haymarket Anarchists: Terrorism and Justice in the Gilded Age*, 84; Schaack, *Anarchy and Anarchists: A History of the Red Terror and the Social Revolution in America and Europe*, 170; John D. Lawson, ed., *American State Trials: A Collection of the Important and Interesting Criminal Trials which have taken place in the United States, from the beginning of our Government to the Present Day*, vol. 12 (St. Louis: F.H. Thomas Law Book Co., 1919), 4.

November 11, 1887. Lingg committed suicide the night before the scheduled execution, while Fielden and Schwab had their sentences commuted to life in prison and Neebe was sentenced to fifteen years. Spies, as he was led to the gallows famously shouted, “The time will come when our silence will be more powerful than the voices you strangle today.”⁸⁰

In important ways, the Haymarket bombing had far more to do with the history of labor strife in the United States than it did with the threat anarchism posed to American security. James Green argues that contemporaries saw Haymarket as one of the “domestic battlefields in a growing class war.”⁸¹ Many workers suspected that the bombing was the act of Pinkerton agents or others trying to discredit the labor movement in the United States.⁸² Thure de Thulstrup’s famous illustration, “The Anarchist Riot in Chicago,” depicts a clash between workers and the police, but none of the imagery was uniquely “anarchist” as was the norm in other visual representations of anarchist crimes [See Figure 4].⁸³ As such, Haymarket fits into the narrative history of labor violence in the United States along with the railroad strike of 1877, the Homestead Strike of 1892, and the Pullman Strike of 1894, among others. As Ryan Johnson argues, “Anarchism was seen as an acute instance of the

⁸⁰ Avrich, *The Haymarket Tragedy*, 393.

⁸¹ Green, *Death in the Haymarket: A Story of Chicago, the First Labor Movement, and the Bombing that Divided Gilded Age America*, 207. It also builds on Richard Hofstadter’s argument that the tradition of urban riots in the United States, which dates back to the colonial era, is mostly conservative in nature. As a result, this wave of working-class violence was a dramatic departure from traditions of violence in America.

⁸² Frank Morn, *The Eye that Never Sleeps: A History of the Pinkerton National Detective Agency* (Bloomington: Indiana University Press, 1982), 99; Richard Schneirov, *Labor and Urban Politics: Class Conflict and the Origins of Modern Liberalism in Chicago, 1864-97* (Springfield: University of Illinois Press, 1998), 215. For contemporary examples of this suspicion, see “A Police Plot,” *San Francisco Chronicle*, January 29, 1890: 1; “Excited Anarchists,” *San Francisco Chronicle*, June 20, 1890: 6; “The Red Flag,” *Atlanta Constitution*, April 5, 1887: 1.

⁸³ Thure de Thulstrup, “The Anarchist Riot in Chicago,” *Harper’s Weekly*, May 15, 1886: 313.

imperfect qualities building within the burgeoning nation, not the source of the nation's undoing.”⁸⁴

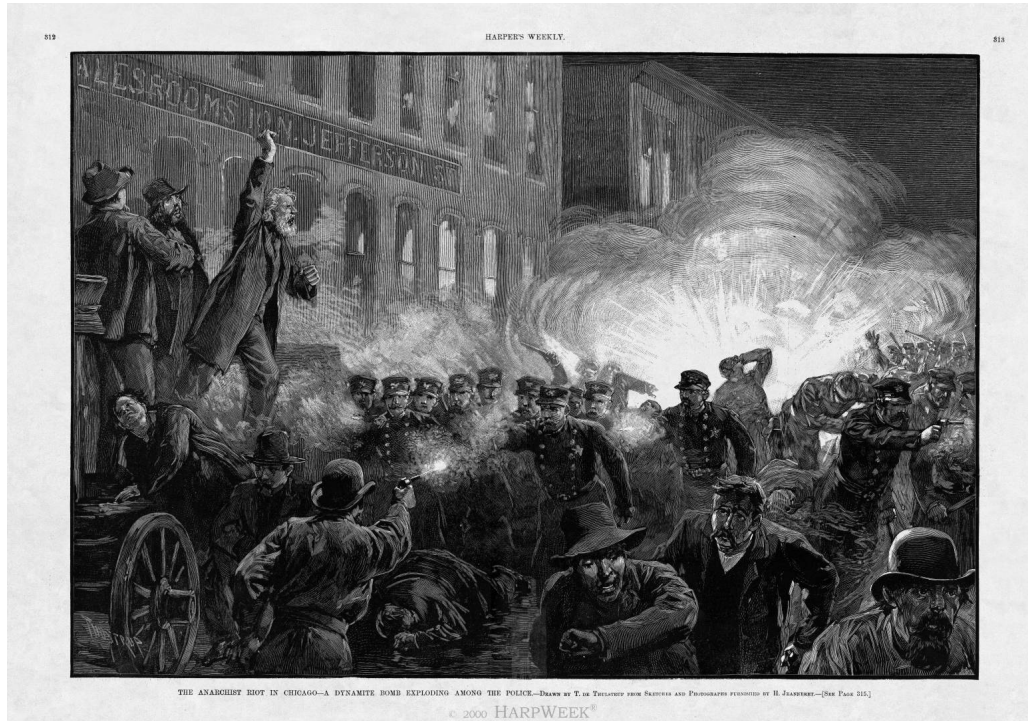


Figure 1.4: “The Anarchist Riot in Chicago”

At the same time, however, the trial of Spies, Parsons, and their co-defendants was inextricably tied into fears of anarchist terrorism and propaganda by deed. Henry David, in his foundational study of the Haymarket bombing, notes that it fixed in the popular imagination the stereotypical image of the anarchist as “a ragged, unwashed, long-haired, wild-eyed fiend, armed with a smoking revolver and a bomb—to say nothing of the dagger

⁸⁴ Johnson, "War is the Health of the State: War, Empire, and Anarchy in the Languages of American National Security", 42. Jentz and Schneirov argue that the ethnic and religious diversity of Chicago posed a serious challenge to how social peace had been maintained in Chicago, in particular. See John B. Jentz and Richard Schneirov, *Chicago in the Age of Capital: Class, Politics, and Democracy during the Civil War and Reconstruction* (Urbana: University of Illinois Press, 2012).

he sometimes carried between his teeth.”⁸⁵ A majority of the exhibits the prosecutors introduced during the trial were excerpts from speeches and articles that contained exhortations to violence published in the *Arbeiter Zeitung*, the German-language radical newspaper edited by Spies, and *The Alarm*, the prominent English-language anarchist periodical edited by Parsons.⁸⁶ Even Johann Most’s influence was felt at the trial: a copy of his infamous pamphlet was taken in one of the police raids of Spies’ office and was introduced as evidence in support of the idea that the accused were acquainted with, and advocated the use of, bombs.⁸⁷ Most, though not in Chicago at the time, was arrested a few days after the bombing because a week before the Haymarket affair he gave a speech in New York during which he grabbed a musket and advised his audience to buy guns and “take what belonged to them.”⁸⁸ Two days after the bombing, the *New York Times* proclaimed, “The villainous teachings of the Anarchists bore bloody fruit in Chicago tonight and before daylight at least a dozen stalwart men will have laid down their lives as a tribute to the doctrine of Herr Johann Most.”⁸⁹ During the trial newspapers across the nation excoriated the defendants as “arch counselors of riot, pillage, incendiarism and murder,” “bloody

⁸⁵ David, *The History of the Haymarket Affair: A Study in the American Social-Revolutionary and Labor Movements*, 528. See also James Joseph Martin, *Men Against the State: the Expositors of Individualist Anarchism in America, 1827-1908* (DeKalb: Adrian Allen Associates, 1953), 3-9.

⁸⁶ Lawson, ed., *American State Trials: A Collection of the Important and Interesting Criminal Trials which have taken place in the United States, from the beginning of our Government to the Present Day*, 5-10.

⁸⁷ “People’s Exhibit, no. 15,” in *Illinois v. August Spies, et. al.* [Trial Transcript]. Haymarket Affair Digital Collection, Chicago Historical Society. Online at: <http://www.chicagohistoryresources.org/hadc/transcript/exhibits/X000-050/X0150.htm> [Date accessed: 5 May 2019].

⁸⁸ “Most in Police Hands,” *New York Times*, May 12, 1886: 2.

⁸⁹ “Anarchy’s Red Hand,” *New York Times*, May 6, 1886.

monsters,” and “fiends.”⁹⁰ In the courtroom, prosecutor George Ingham made clear in his closing argument that anarchism itself was on trial. Responsibility for officer Degan’s death was not “the real issue” the jury would decide upon. “The bomb,” Ingham argued, “was aimed at the law of the State of Illinois, and so it happens... the law of this State attempts to vindicate itself, and so it is that the great question which you are to answer... is whether the law of the State of Illinois is strong enough to protect itself, or whether it must be trampled to the ground at the dictate of half a dozen men, only one of whom was born on our shores.” Bulldozing through the central weakness of the prosecution’s case—that the identity of the bomb-thrower was a mystery—Ingham argued that the defendants were party to a conspiracy of “300 or 400 men” and as prominent anarchists, they should be “tried for the highest crime.”⁹¹

From Haymarket onward, contemporary views of anarchism grew beyond the attitudes discussed earlier. As Margaret Marsh writes, Americans increasingly “viewed anarchists as the harbingers of chaos.”⁹² While anarchism remained a part of the general labor tumult of the period, it was increasingly in the foreground, rather than being relegated to a supporting role. The theme that anarchism was foreign—through the emphasis on

⁹⁰ Avrich, *The Haymarket Tragedy*, 216. The English socialist Edward Aveling later commented, “If these men are ultimately hanged, it will be the *Chicago Tribune* that has done it.” Quoted in Carl Smith, *Act III: The Toils of the Law: From the arrests to the verdict* (Chicago Historical Society, 2000 [cited May 5 2019]); available from <http://www.chicagohistoryresources.org/dramas/act3/act3.htm>.

⁹¹ “George Ingham, for the People,” August 13, 1886, excerpted in Lawson, ed., *American State Trials: A Collection of the Important and Interesting Criminal Trials which have taken place in the United States, from the beginning of our Government to the Present Day*, 175, 78.

⁹² Margaret S. Marsh, *Anarchist women, 1870-1920* (Philadelphia: Temple University Press, 1981), 8. See generally, William Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge: Harvard University Press, 1963); Terrence Kissack, *Free Comrades: Anarchism and Homosexuality in the United States, 1895-1917* (Oakland: AK Press, 2008).

“Herr” Most or identifying all but one of the anarchists on trial as not a native-born American—became increasingly prominent. So too did language that dehumanized anarchists as “bloody monsters.” Contemporaries also introduced a subtle note of religious iconography: anarchist violence was the “bloody fruit.” This subtext would become more obvious as anarchists increasingly became anthropomorphized snakes, emphasizing they were immoral as well as inhuman.⁹³

As Haymarket receded in the popular memory, replaced by other unsettling acts of anarchist violence, these negative representations proliferated and intensified. Contemporaries derided anarchism as “a movement of ignorance, counseled by desperados” rather than a socio-political philosophy. Anarchists were “foreign savages” and “bloodthirsty ruffians” whose “evil is one that will grow if it is not rooted out now.”⁹⁴ In the months after the bombing of the French Chamber of Deputies in 1893, *The Spectator* declared that anarchists “declared war on the human race.”⁹⁵ In August 1897, the month of Cánovas’ assassination, the magazine doubled down and accused anarchists of engaging in “a great conspiracy against society” and conducting “a policy of assassination.”⁹⁶ By the time Leon Czolgosz shot McKinley in 1901, the attitude of the Haymarket prosecutors had become the norm. “It is anarchy,” Murat Halstead declared, “that is the foe of freedom, that is the

⁹³ See, for example, “Thawing out Anarchistic Snakes,” *Chicago Daily Tribune*, February 17, 1889: 4; “It is not God’s Way,” *Cleveland Plain Dealer*, September 23, 1901: 8; Harry Warren, “The American People will Destroy Anarchy and Silence Its Deadly Rattle,” *San Francisco Call*, September 25, 1901.

⁹⁴ See “The Red Flag in America,” *Public Opinion*, 1, no. 5 May 15, 1886: 81-87. *Public Opinion* was a weekly review of articles from newspapers across the country.

⁹⁵ “The Anarchist Wave,” *The Spectator*, September 30, 1893:424.

⁹⁶ “The anarchist blood feud,” *The Spectator*, August 14, 1897: 201.

everlasting enemy of free government.”⁹⁷ In 1902, James Beck quoted other writers who proclaimed that anarchism was a “hydra-headed monster of murderous malevolence... a venomous snake...” that was “in covenant with hell.”⁹⁸ Public portrayals of anarchism became darker and more threatening as the violence associated with anarchists increased in frequency and provoked feelings of dismay.

At the same time, however, many Americans recoiled at calls to meet anarchist violence with more violence and this set an outer boundary to what could be considered an acceptable response to the horrors Americans observed. Very often, this took the form of public expressions of faith in the law. Three days after the Haymarket bombing, the *Chicago Times* declared, “nothing will so effectually wipe out the stain... as a speedy trial of the instigators.” “These deplorable occurrences,” the *St. Paul Pioneer Press* cautioned, “warn the law-abiding majority to purify and strengthen the city government... to restrain lawlessness and punish crime with a strong hand, and to win for the legally constituted authorities the wholesome respect of the disreputable class.” “A Chicago jury,” the *New York Commercial Advertiser* confidently declared, “will doubtless give further expression to the public sentiment when the arrested leaders of the anarchists are put upon their trial for murder.”⁹⁹ Generations of scholars successfully framed the trial of Parsons, Spies, and their associates as “a misguided act of judicial murder” where “the visceral feelings of fear and anger

⁹⁷ Murat Halstead, *The illustrious life of William McKinley, our martyred president. Anarchy, its history, influences and dangers, with a sketch of the life of the assassin. Superbly illustrated with numerous engravings made from original photographs* (Chicago: Kuhlman, 1901), 61.

⁹⁸ James Beck, “The Suppression of Anarchy,” *American Law Review* 36, no. 2 (March-April 1902): 190.

⁹⁹ “The Red Flag in America,” *Public Opinion*, 1, no. 5 May 15, 1886: 81-87.

surrounding the trial ruled out anything but the pretense of justice.”¹⁰⁰ Yet, the trial record revealed a more complex narrative. Empaneling the jury for the Haymarket trial took nearly half of the trial—21 days out of 54—and the presiding judge, prosecutors, and defense attorneys evaluated nearly 1000 men. That is not a show trial. Defense attorneys exhausted their prerogative and disqualified 160 jurors but Judge Gary also dismissed 589 more and denied less than ten percent of the defense team’s objections to jurors. While, as would be the case with nearly any infamous trial, it was difficult to find jurors who had not formed an opinion of the case, Illinois law only forbade those who had a “decided,” “positive,” or “fixed” opinion.¹⁰¹ This faith in the law’s ability to adequately punish violent anarchists continued through the turn of the twentieth century. The *Minneapolis Tribune* argued after McKinley’s assassination, “law is the opposite of anarchy” and, as a consequence, the most effective way to combat it.¹⁰² The *Irish-American* observed that the trial of Czolgosz, “though brief, was dignified, [and] observed all of the orderly forms of law demanded by justice.”¹⁰³ Successful prosecution leading to guilty verdicts for anarchists accused of violent acts—from the Haymarket anarchists, to Alexander Berkman, and Leon Czolgosz—may have been forgone conclusions, but as far as many Americans were concerned, their trials were held in accordance with popular attitudes about justice and the law.

¹⁰⁰ See, respectively, Richard B. Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934* (Cambridge: Cambridge University Press, 2013), 30; Smith, *Act III: The Toils of the Law: From the arrests to the verdict* ([cited]).

¹⁰¹ Messer-Kruse, *The Trial of the Haymarket Anarchists: Terrorism and Justice in the Gilded Age*, 51.

¹⁰² “Law Must Prevail,” *Minneapolis Tribune*, September 8, 1901: 6. Bliss Perry, writing in *Atlantic Monthly*, echoed this point, writing: “The only permanently effective weapon against anarchy, in a self-governing republic, is respect for law.” See Bliss Perry, “The Death of the President,” *Atlantic Monthly*, 88, no. 527 (September 1901): 432.

¹⁰³ “The Assassin Condemned,” *Irish-American*, September 28, 1901: 4.

Where such attitudes proved more complicated was when some proposed punishing anarchists for their writings or speeches alone. The idea that freedom of speech was not a license to say anything emerged as a response to terrorism in the early 1880s and was a prominent feature of the public and governmental debates throughout the period under consideration. Elihu Root, who would go on to serve as Theodore Roosevelt's Secretary of State, expressed this argument while serving as the United States Attorney for the Southern District of New York. Following a series of dynamite attacks in London, Root gave a speech in New York where he declared, "Men may conspire here to commit wholesale assassination upon English soil, and it is no legal offense... The laws ought to be changed... This people has been foremost among the nations of the earth [sic.] in securing to every man liberty of speech and liberty of action; it should not be the last to punish those whose liberty of word and act degenerates into infamous crime."¹⁰⁴ Proponents of this position would justify themselves by arguing that distinguishing liberty from license was "the clear duty of the nation" and a "common sense" approach to securing the nation's safety.¹⁰⁵ Security, for those who adopted this position, was more important than liberty because without the former, there would be no opportunity to have the latter. "This is no time for sentimental concern about 'liberty,'" *Gunton's Magazine* declared in October 1901, "for those who want only the liberty to destroy."¹⁰⁶ Pushing the envelope further, Senator Julius C. Burrows published an article in the *North American Review*, where he lamented the failure to pass legislation that would have inhibited the ability of anarchists to spread their message. The

¹⁰⁴ "Dynamite Crimes," *Harper's Weekly* 7 February 1885: 82.

¹⁰⁵ "What Anarchy Is," *Los Angeles Times*, December 8, 1901: C6.

¹⁰⁶ "Suppression—to What Extent Feasible," *Gunton's Magazine*, 21, no. 4 (October 1901): 305.

danger, to Burrows, was not that such restrictions could go too far but that “we shall not be able to go far enough because of our solicitous regard for the fundamental principles of popular government. Already we hear a cry that we must be careful, lest, in attempting to deal with the anarchists by drastic measures, we deal a blow at the foundations of our republican institutions, free speech and liberty of the press.”¹⁰⁷

A good many Americans were uneasy with where and how such a line could be drawn, however. Even while the Haymarket anarchists awaited their punishment, there was a vocal contingent—including prominent public figures such as the editor of *Atlantic Monthly*, William Dean Howells, and the attorney Clarence Darrow—who viewed the trial as a miscarriage of justice. Albert Parsons published “An Appeal to the People of America” following his conviction where he denounced the idea that his writings and speeches could be tied to a conspiracy that resulted in the bombing at Haymarket. Parsons, like the other defendants and the prosecution, believed that anarchism itself was on trial. As such, he refused to accept a commutation of his punishment that would necessarily entail an admission of guilt and appealed instead “not for mercy, but for justice.”¹⁰⁸ When law enforcement officials attempted to use the “obscene literature” provisions of the Comstock Act to prohibit the distribution of anarchist publications through the mail, anarchists denounced the efforts and became a driving force behind the formation of the Free Speech

¹⁰⁷ Julius C. Burrows, “The Need of National Legislation against Anarchism,” *North American Review* 173, no. 541 (December 1901): 732.

¹⁰⁸ Albert Parsons, “An Appeal to the People of America,” September 21, 1887 [in Prison Cell No. 29], *Haymarket Affair Digital Collection*, Chicago Historical Society, available at: <http://www.chicagohistoryresources.org/hadc/books/b07/B07.htm> [Date accessed: May 15, 2019].

League.¹⁰⁹ Some grounded their opposition to restrictive measures by arguing that they were counterproductive. An editorial in *The Demonstrator* declared that restrictive efforts had “done more to advertise and propagate anarchist doctrines than ten thousand lectures could have done.”¹¹⁰ Rather than anarchist violence attacking the repressive state in an effort to cultivate popular support, the repressive power of the state played into anarchist critiques and could gain them more adherents. Others simply worried that placing restrictions on the ability of anarchists to congregate in public or spread their message in print ran the risk of making “honest speaking and thinking a crime” and asked, “Are we ready to engage in such [a] campaign of suppression?”¹¹¹

CONCLUSION:

The above discussion attempts to demarcate the boundaries within which American discussions of security in the face of the threat posed by anarchist terrorism took place. The political scientist W. Lance Bennett argues, “The underlying structure of public thinking is difficult to demonstrate because people are seldom able to articulate their inventories of social values or the plot outlines of the myths that give values their political application.”¹¹² In the face of an unprecedented wave of bombings and assassinations, Americans made clear that anarchist terrorism was a dual menace. First, the actual threat of violence posed an external security problem that needed to be addressed. However, many Americans believed

¹⁰⁹ Kraut, “Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression,” 177. For a discussion of the effect of the Comstock Laws, see Brigitte Koenig, “Law and Disorder at Home: Free Love, Free Speech, and the Search for an Anarchist Utopia,” *Labor History* 45, no. 2 (May 2004).

¹¹⁰ “Too Official,” *The Demonstrator*, March 23, 1904: 7.

¹¹¹ “Exclusion of Anarchists,” *Washington Post*, January 18, 1904: 9.

¹¹² Bennett, “Myth, Ritual, and Political Control,” 168.

that by overreacting and making acceptable the passage of measures that would erode traditional values in the name of providing security, anarchist terrorism posed a second—greater—threat to American society. The inability to resolve this tension shaped subsequent discussions over how Americans could best protect themselves from anarchist violence, both real and imagined.

CHAPTER 2: DOMESTIC RESPONSES TO ANARCHIST TERRORISM: PUNISHMENT, PROTECTION, AND POLICING

Two days before his fateful run-in with Leon Czolgosz, U.S. President William McKinley had an encounter that demonstrated how aware ordinary Americans were of the scourge of anarchist terrorism. Late in the evening of September 4, 1901, a special train carrying the president pulled into the Terrace Station in Buffalo, New York. Suddenly, an explosion startled the assembled crowd as a planned twenty-one-gun salute went disastrously awry. A Coast Guard officer responsible for the display situated the cannons too close to the tracks and the blast from the volley shattered several windows on the presidential train. In the immediate aftermath, several in the crowd exclaimed, “anarchist!” and, according to one account, attacked a gentleman who had been standing near the cannons.¹ The presidential party escaped, unharmed but unsettled. That the assembled crowd immediately assumed that a pyrotechnic miscalculation was an incident of anarchist terror revealed how the fear and anticipation of this type of violence was ingrained in the popular imagination. Roughly 48 hours later, that fear proved warranted. As the president greeted attendees inside the Temple of Music at the Pan-American Exposition, Czolgosz—the American-born son of Russo-Polish immigrants and a self-professed anarchist—shot McKinley twice. Over the following days, newspapers kept an anxious public informed of McKinley’s condition. Unbeknownst to the presiding physicians, gangrene set in around McKinley’s stomach and pancreas and the president died on September 14, 1901.²

¹ Mark Goldman, *High Hopes: the Rise and Decline of Buffalo, New York* (Albany: State University of New York Press, 1983), 5.

² In his study of McKinley’s medical care, Jack Fisher, M.D. concludes that the president died from severe fluid buildup rather than gangrene. Jack C. Fisher, *Stolen Glory: The McKinley Assassination* (La Jolla: Alamar Books, 2001).

In the hours and days immediately following Czolgosz's attack, Americans demanded justice for McKinley and security from the threat of anarchism. They, however, could not reach a consensus about what either meant. Indeed, as this chapter argues, the simultaneous pursuit of both justice and security was paradoxical and often contradictory. Public officials and civil society worried about possible conspirators. How far, people wondered, did the conspiracy extend? Should the pursuit of justice and security include punishing, not only those who planned or executed an attack, but also those who publicly encouraged the spread of anarchism and preached propaganda by deed? Some, in the heated aftermath of Czolgosz's attack, proposed pursuing justice through mob violence. A majority, however, argued that justice—for McKinley, Czolgosz, and Americans in general—should be found in a court of law. Beyond punishing anarchists who committed violent acts, Americans searched for ways to provide security and suppress anarchism generally. Yet, to many, foundational values like equality before the law or freedom of expression—principles that distinguished the United States from the old world—were the very values that anarchists took advantage of to spread their message. Given that concern, elected representatives and the American public alike questioned whether such ideals should be curtailed in the name of national security. Americans were not alone in grappling with such issues. They frequently looked abroad to other countries victimized by anarchist violence for effective solutions. Ultimately, the pursuit of justice for McKinley and security for society led Americans to debate how much they were willing to sacrifice in the name of security.

American reactions to anarchist violence and debates over how to punish the perpetrators while protecting society were colored by the emotional responses provoked by the violence. During the last two decades of the nineteenth century, citizens bore witness to the growing frequency of violent incidents and learned that other governments passed

restrictive laws that incentivized anarchists to flee to more liberal states. McKinley's assassination, while traumatic, was also not unprecedented. Rather than ignite a new debate about security, it added more evidence to an ongoing argument that society was under siege and something needed to be done.³ Policies that, in more tranquil times, seemed contrary to fundamental American beliefs grew more popular as contemporaries sought greater security.

This chapter analyzes that ongoing argument. The first section examines the legal questions raised by the prosecution of Leon Czolgosz as well as other anarchists arrested in the aftermath of McKinley's assassination. As officials rounded up potential co-conspirators and ultimately tried and executed Czolgosz, they struggled to balance popular notions of free

³ Some scholars see McKinley's death as the genesis of a national security debate in the United States. See, for example, Richard B. Jensen, "The United States, International Policing, and the War Against Anarchist Terrorism, 1900-1914," *Terrorism and Political Violence* 13, no. 1 (Spring 2001); Ryan M. Johnson, "War is the Health of the State: War, Empire, and Anarchy in the Languages of American National Security" (University of Minnesota December 2014); Whitney Kassel, "Terrorism and the International Anarchist Movement of the Late Nineteenth and Early Twentieth Centuries," *Studies in Conflict and Terrorism* 32 (2009); Julia Rose Kraut, "Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression," *Indiana Journal of Global Legal Studies* 19, no. 1 (Winter 2012): 175; Scott Miller, *The President and the Assassin: McKinley, Terror, and Empire at the Dawn of the American Century* (New York: Random House, 2011).

In general, scholars have pointed to the McKinley era as one of transition. McKinley, as Margaret Leech points out, was the fifth and final Civil War veteran to ascend to the nation's highest political office and his passing marked a generational shift. Lewis Gould, Robert Merry and others contend that McKinley was the first modern president and his death is a key marker in the country's modernization. Others point to seminal contemporary events such as the Spanish-American War, the acquisition of the Philippines, the pursuit of a trans-Isthmian canal and the Open Door Notes as marking a major shift in American geopolitical interests. See Lewis L. Gould, *The Presidency of William McKinley* (Lawrence: University Press of Kansas, 1981); Lewis L. Gould, *The Modern American Presidency* (Lawrence: University Press of Kansas, 2003); Lewis L. Gould, *The Republicans: A History of the Gaud Old Party* (Oxford: Oxford University Press, 2014); Jackson Lears, *Rebirth of a Nation: The Making of Modern America, 1877-1920* (New York: Harper Collins, 2009); Margaret Leech, *In the Days of McKinley* (New York: Harper & Brothers, 1959), 573-74; Robert W. Merry, *President McKinley: Architect of the American Century* (New York: Simon & Schuster, 2017); Eric Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America* (New York: Hill and Wang, 2003).

speech and peaceful assembly—rights enshrined in the U.S. Constitution—with public security issues stemming from possible incitements to violence. The second section transitions from questions of justice to security as Americans grappled with how to protect public officials. Policymakers overhauled the manner in which presidents would be protected while civil society debated whether such measures excessively undermined the principle of popular government by elevating the protection of the president above the lives of ordinary citizens. Finally, Americans debated the best way to police anarchists to prevent future attacks. By their very nature, conspiracies are secret and present unique hurdles to those trying to uncover them. While federal and state officials experimented with, and advocated for, greater surveillance of anarchists, they encountered public opposition by groups and individuals who deemed the measures invasive or equally upsetting to social norms as the anarchist crimes they were designed to help prevent. The end result of this struggle to balance the demands of security against traditional values reflected the inability to find a middle ground common to many liberal governments.

PUNISHING ANARCHIST CRIMES: THE PURSUIT OF JUSTICE

By the time McKinley died from his injuries on September 14, Leon Czolgosz had spent several days in jail in Buffalo undergoing questioning by authorities who tried to piece together his motives and uncover any accomplices. Thomas Penney, the District Attorney of Erie County [New York], led the interrogation in the hours following Czolgosz's attack on McKinley. After some initial questions about Czolgosz's own background, Penney spent most of his time asking leading questions designed to uncover the extent to which the assassin was part of a larger conspiracy. Immediately after asking where Czolgosz's parents came from, Penney changed course and inquired whether he was familiar with the work of

the prominent anarchist thinker Peter Kropotkin or if he was a member of any anarchist groups. Underscoring the belief that Czolgosz must have been party to a larger conspiracy, Penney repeatedly belabored him, stating: "Have you ever taken any obligation or sworn any oath to kill anybody; *you have, haven't you; look up and speak; haven't you done that?*"⁴ Czolgosz admitted that he read anarchist publications, including *Free Society*, and listened to anarchist speakers, such as Emma Goldman.⁵ That being said, he stressed repeatedly that he decided on his course of action independently, a mere three to four days before McKinley's arrival in Buffalo, and dismissed any notion that his actions were part of a conspiracy. Czolgosz dictated and signed a statement to that effect, which read: "I killed President McKinley because I done my duty. I didn't [sic.] believe one man should have so much service and another man should have none. I planned this all out for two or three days; I had an idea that there would be a big crowd at the reception; I expected I would be arrested. I did not intend to get away."⁶

Czolgosz's statement ran counter to how most contemporaries believed anarchists planned attacks. Barely a year prior to McKinley's assassination, newspapers widely publicized how American officials worked with foreign powers to investigate a possible

⁴ Czolgosz, as he replied to each question along these lines, simply responded, "No, sir." See "Report No. 153, Investigation Activities of the Department of Justice: A Report on the Activities of the Bureau of Investigation of the Department of Justice Against Persons Advising Anarchy, Sedition, and the Forcible Overthrow of the Government," (Washington D.C.: Government Printing Office, 1919), 66. Author's italics.

⁵ *Free Society*, published by Abraham Isaak and his family, was the pre-eminent English-language anarchist newspaper in the United States. Candace Falk, ed., *Emma Goldman: A Documentay History of the American Years*, vol. Two: Making Speech Free, 1902-1909 (Berkeley: University of California Press, 2004), 533-35, 51.

⁶ "Report No. 153, Investigation Activities of the Department of Justice: A Report on the Activities of the Bureau of Investigation of the Department of Justice Against Persons Advising Anarchy, Sedition, and the Forcible Overthrow of the Government," 70-72.

conspiracy to assassinate the King of Italy that was hatched in Paterson, New Jersey. It was rumored that the assassin, an Italian immigrant to the United States named Gaetano Bresci, volunteered to assassinate King Umberto I during an anarchist meeting presided over by Errico Malatesta, the prominent anarchist editor. The *Washington Post* reported that in other meetings in cities around the United States, Malatesta preached murder and laid plans for not only the assassination of the King of Italy but heads of other foreign governments as well.⁷ The *Trenton Evening Times* [New Jersey] reprinted a letter by C. Luigi Alfieri, a self-proclaimed member of the Paterson group, which he addressed to the editor of the *Il Progresso Italo-Americano* newspaper. The letter first repeated the story that Bresci was selected to kill Umberto I by drawing lots and next alleged that a second individual “was chosen to slay President McKinley. Men were also named to assassinate President Loubet of France, Emperor William of Germany and the Empress of Austria.”⁸ President McKinley’s personal secretary, George B. Cortelyou, was so concerned for the president’s safety during the planned trip to Buffalo that he twice removed the public reception at the Temple of Music from McKinley’s calendar, only to be rebuffed by the president himself.⁹ When Czolgosz shot McKinley, people believed his action was part of “a deep-seated international movement among the anarchists” rather than the impulsive action of a disgruntled individual.¹⁰

⁷ “King Humbert Conspiracy,” *Washington Post* 12 February 1902: 1.

⁸ “The Plot Details,” *Trenton Evening Times* 14 August 1900: 7.

⁹ Miller, *The President and the Assassin: McKinley, Terror, and Empire at the Dawn of the American Century*, 4.

¹⁰ “Anarchist Activity: Appears to be Widespread and Planned by Persons of Means,” *The Daily Picayune* (New Orleans) 16 September 1900: 20; “The London Anarchists: They Haunt the Quarter Where Karl Marx Once Lived,” *Republican Herald* (Phoenix) 30 August 1900 XI,

In matters both weighty and inconsequential, Americans believed that anarchist machinations would involve some degree of sinister conspiracy. Multiple newspapers printed a confession where Czolgosz supposedly revealed that his “craze to kill” was inspired by a lecture by Emma Goldman, whose words “set [him] on fire.” He acknowledged having a wide circle of anarchist friends, though he denied having any accomplices and went so far as to specify: “I am not connected to the Paterson group, or with those anarchists who sent Bresci to Italy to kill Humbert.” In his denial that he was part of an anarchist scheme, which the public would find hard to believe, Czolgosz nonetheless reinforced the idea that Bresci’s actions a year earlier were part of a conspiracy even if his own were not. Multiple newspapers, including major papers of record such as the *Chicago Sunday Tribune* and the *New York Times* perpetuated that narrative.¹¹ The language of this story played right into how Americans perceived anarchism and violent anarchists: it preyed on their fears of a coordinated attack against society and, by describing Czolgosz’s motivations with evocative phrases, spoke to the raw emotions the violence provoked. The salacious details of Czolgosz’s supposed confession were fictional, however. Days after newspapers published this dramatized account, the *Buffalo Evening News*—which also published the trumped up confession—revealed that the statements were “fakes” while the original was “held sacredly as an official secret” and would remain that way until the trial.¹²

no. 15: 2; “Untitled,” *Morning Oregonian* 6 September 1900: pg. 6; “Rise and Fall of Anarchy in World-Famed Paterson,” *Washington Post* 9 December 1906: A8.

¹¹ See “Statement by Assassin,” *Iowa State Register* [Des Moines] 8 September 1901, vol. 46, no. 211: 1, 3. Similar or identical statements also appeared in: “The Assassin Makes a Full Confession,” *New York Times* 8 September 1901: 1, 2; “Confession of the Assassin; His Almost Toy Pistol,” *Chicago Sunday Tribune* 8 September 1901: 4; “Czolgosz Says He Had No Aid,” *Chicago Sunday Tribune* 8 September 1901: 4; “Leon F. Czolgosz, Cowardly Assassin, Makes Statement,” *Buffalo Evening News* 7 September 1901: 9.

¹² “‘Czolgosz’s Confessions’ Manufactured,” *Buffalo Evening News* 9 September 1901: 7.

Likewise, even mundane incidents triggered, and played upon, fears of anarchist machinations. For example, in May 1901, a Joseph Paita committed suicide in a boarding house in Pittsburgh after being “in his usual mood of depression and despondency.” This blossomed into a potential anarchist conspiracy when a newspaper reporter overheard a conversation about the suicide between a mail carrier and telephone operator. The mail carrier revealed that Paita wrote a letter to Emma Goldman, who he had previously gone to see lecture. After some further talk, the mail carrier wondered aloud whether Paita killed himself because he was afraid to perform some act for which he had been selected. This was another example of the standard framing narrative for reports on anarchist conspiracies: newspapers would reveal secret meetings where the drawing of lots was supposedly used to select individuals who would then be charged with assassinating a head of state. The eavesdropping reporter telephoned his paper and the story appeared as a brief mention in the late edition. A Pittsburgh-based correspondent of the *New York Sun* saw the story and subsequently ran it under the heading “DREW THE FATAL BEAD.”¹³ This gave birth to a short-lived and harmless, but illustrative, conspiracy.

The assumption that a widespread anarchist conspiracy was behind the McKinley assassination had immediate and severe consequences for those anarchists accused of complicity in Czolgosz’s crimes. After Czolgosz mentioned in his interrogation that he read *Free Society*, the leading English-language anarchist newspaper, the Secret Service quickly contacted the Chicago police department. Officers proceeded to round up and arrest the paper’s editor, a Russian-born anarchist named Abraham Isaak, and a number of his

¹³ See “Stone to Hill, 15 May 1901” and “Mura to Stone, 10 May 1901” in RG 59, M 179, Roll 1102: Records of the Department of State, Miscellaneous Letters (Received), 1-15 May 1901.

associates. Public accounts of the arrest employed language that explicitly and implicitly played on popular fears of conspiracies. In total, nine individuals were arrested at Isaak's home when police found them "in the midst of an important meeting" and, according to the chief of the detective bureau, "some of the men... served terms in prison in their native countries for attempted crimes inspired by their anarchistic beliefs." Police also confiscated anarchistic literature and pictures of Emma Goldman. Presented in this way, reports of the arrests subtly played on American fears of anarchist conspiracies and connections to criminal networks abroad. Those arrested were charged with "conspiracy to assassinate President McKinley."¹⁴ Goldman, who was in St. Louis at the time, was shocked to find her name associated with the crime. Upon hearing that her friends had been arrested and that the Chicago police wanted to arrest her as well, she returned to the city by train and was arrested on September 10. After a series of delays, the Chicago police released Goldman and her associates who remained in custody on September 23 because the Buffalo police failed to provide any evidence of a conspiracy. In reality, both Isaak and Goldman suspected that Czolgosz may have been a police spy but even this was framed as "the most suspicious thing against them... with singular unanimity they all declare they took Czolgosz for a spy."¹⁵

¹⁴ "Chicago Anarchists Raided," *New York Times* 8 September 1901: 4.

¹⁵ "Deny Bail to Anarchists," *Chicago Daily Tribune* 10 September 1901: 1. Isaak suspected that Czolgosz could be a police spy and, on September 1, 1901, published a warning about Czolgosz in *Free Society*. Goldman distanced herself from his action, but attempted to enlist anarchist support for his legal defense and, in her memoir, recalls being "not willing to swear away the reason, character, or life of a defenseless human being." For discussions of anarchists' suspicions of Czolgosz, see L. Vernon Briggs, *The Manner of Man that Kills* (Boston: The Gorham Press, 1921), 316-19; Emma Goldman, *Living My Life* (New York: Alfred A. Knopf, 1931), 303-11; Miller, *The President and the Assassin: McKinley, Terror, and Empire at the Dawn of the American Century*, 282-88; Jeffrey W. Seibert, *"I Done My Duty:" The Complete Story of the Assassination of President McKinley* (Bowie: Heritage Books, 2002), 109.

While Goldman, Isaak, and his companions escaped significant punishment, the anarchist printer Johann Most was not so lucky. Another associate of Emma Goldman, Most was a well-known anarchist and his *Revolutionary Warfare* pamphlet helped ingrain the image of the anarchist bomb-thrower in the public mind. The day after McKinley's assassination, Most's journal, *Freiheit*, republished Karl Heinzen's "*Mord contra Mord* (Murder against Murder)," which accepted tyrannicide as a means of historical progress. When Most heard of the events in Buffalo, he ordered the edition—which was printed in advance—pulled from circulation. Yet, the damage was already done. Police apprehended Most and charged him with violating Section 675 of New York's penal code, which made it a misdemeanor to commit an action that would offend public decency in a way not addressed by other laws on the books.¹⁶ Most's lawyer, the noted socialist Morris Hillquit, argued at trial that Heinzen's piece was directed against monarchs, had been reprinted numerous times, and was more than fifty years old. Hillquit maintained that Most was being denied his right to freedom of the press and was being charged "not so much because of the fortuitous and ill-timed reprint of the hoary Heinzen article as for his general anarchist propaganda."¹⁷ The presiding judge, Justice Hinsdale, rejected Most's defense, declaring: "it was unnecessary to connect the article's publication to McKinley's assassination since anarchism was "the doctrine that the pistol, the dagger and dynamite may be used to destroy rulers" and merely advocating the

¹⁶ The code in question provided: "a person who willfully and wrongfully commits any act * * which seriously disturbs or endangers the public peace * * * for which no other punishment is expressly prescribed by this Code, is guilty of a misdemeanor." *People v. Most*, 171 N.Y. 423, 427 (N.Y. 1902), asterisks in original.

¹⁷ Morris Hillquit, *Loose Leaves from a Busy Life* (New York: The Macmillan Company, 1934), 127.

crime was a crime in itself.¹⁸ Hinsdale found Most guilty and sentenced him to one-year imprisonment at the infamous Blackwell's Island prison. Both the appellate division of the Supreme Court and the Court of Appeals rejected Most's subsequent appeals. In a unanimous verdict, the justices of the Court of Appeals argued: "The publication of the defendant manifestly tended toward this result, for he held forth murder as a duty and exhorted his readers to practice it upon their rulers."¹⁹ While the judges upheld the importance of the liberty of the press, they found that Most's publications constituted an act that would endanger the public peace and argued that freedom of the press "does not deprive the state of the primary right of self-preservation."²⁰

Most's experiences showed the unique difficulties that authorities in liberal states with strong traditions of free speech had to confront: the line between expressions of approval for a violent action and incitement to violence was narrow and ill defined. Indeed, this was not the first time Most went to prison for something he published. On 19 March 1881, following the assassination of Tsar Alexander II, Most printed an article about it in *Freiheit*, which was then being printed in London. He proclaimed "At last!" and lauded the attack on the tsar as "the most outstanding revolutionary deed in modern history."²¹ On March 21, the German ambassador in London, Count George Münster, sent a confidential note to the Foreign Office about the article "inquiring whether, or to what extent, English

¹⁸ Sidney Fine, "Anarchism and the Assassination of McKinley," *American Historical Review* 60, no. 4 (July 1955): 783-84. See also *People v. John Most*, 16 N.Y. Criminal Reports 1903, 105-111.

¹⁹ *People v. Most*, 171 N.Y. 423, 430 (N.Y. 1902).

²⁰ *People v. Most*, 171 N.Y. 423, 432 (N.Y. 1902).

²¹ Folder 02: "Rocker, Rudolph --- 'Johann Most,' Typescript, pp 101-250," p. 118-119. Paul Avrich Collection, Series I, Box 25: Rocker, Rudolph to Rudome, Jacques and Helen. Rare Books and Manuscripts Reading Room, Library of Congress, Washington DC.

legislation could afford the means of putting a stop here to these criminal proceedings [anarchist violence], which... not only grievously and directly endangered the lives of the European Monarchs, but also unsettled the foundations of all social and political order.”²² While there was no official response, a few days later, six detectives broke into Most’s apartment, arrested him, and confiscated *Freiheit’s* typographical equipment. After appearing before a judge and being charged, Most reportedly declared “there could not be found in all London twelve men who would give their sanction to such a Bismarck-like assault on the freedom of the press in England.”²³ Most’s confidence was misplaced: he was found guilty of libel and sentenced to sixteen months of hard labor. In May of the following year, after the assassinations of Lord Cavendish and Under Secretary of State Burke in Phoenix Park, two typesetters working for *Freiheit* were arrested, charged, and sentenced for laying the print for an article, written by Karl Schmidt that proclaimed the deed, “an inevitable result of English tyranny in Ireland and assured the Irish terrorists of the solidarity of the German revolutionaries.”²⁴ Here, then, was evidence to contemporary observers that those who participated in the preparation or dissemination of such ideas could face consequences as well. The last English edition of *Freiheit* was published on 22 May 1882 and in early December Most boarded a trans-Atlantic steamer in Liverpool and set sail for New York City.

²² “Memorandum on the Remonstrances which have been addressed to this Country by Foreign Governments against Incitements in England to Assassination,” 15 May 1883, p. 8. FO 881-4791.

²³ Folder 02: “Rocker, Rudolph --- ‘Johann Most,’ Typescript, pp 101-250,” p. 120. Paul Avrich Collection, Series I, Box 25: Rocker, Rudolph to Rudome, Jacques and Helen. Rare Books and Manuscripts Reading Room, Library of Congress, Washington DC.

²⁴ Folder 02: “Rocker, Rudolph --- ‘Johann Most,’ Typescript, pp 101-250,” p. 130. Paul Avrich Collection, Series I, Box 25: Rocker, Rudolph to Rudome, Jacques and Helen. Rare Books and Manuscripts Reading Room, Library of Congress, Washington DC.

While the experiences of Isaak, Goldman, and Most stemmed from explicit—if highly dubious—ties to Czolgosz, other anarchists were targeted for abuse, vilification, and in some cases violent retribution simply for adhering to anarchist principles. On the night of McKinley’s assassination, a young man in New York urged a crowd to follow him to Paterson, New Jersey, to “burn up the whole —— place” and lynch anarchists in “the South Carolina method.” “If President McKinley dies,” the young man shouted, “there will be 10,000 anarchists killed in Paterson to avenge his death.” More than 100 men followed him, though no newspapers reported what subsequently happened.²⁵ In Paterson, the authorities were hardly more composed: Detective Henry Titus suggested that “the only proper way for the police to deal with these fellows is to go to their meetings armed with a sawed-off gun and shoot the speakers when they begin to rant.”²⁶

While the desire for security—which spawned out of the fear of a widespread anarchist conspiracy—was the clear priority during the arrests of Isaak, Goldman, and Most, when it came to Czolgosz’s trial, justice was the primary consideration. For Czolgosz, his only request during his interrogation was that his desire for a “fair trial” be written into his

²⁵ “Wanted to Kill Anarchists,” *New York Times* 7 September 1901: 5. Similar exhortations to mob violence were made in cities large and small. In Chicago, one man in a public meeting dared others to follow his lead, imploring his audience, “who will go with me and help drive Anarchists out of Chicago? I will go with drawn revolvers and put down these foes of the nation.” See “Starts a War Against Anarchy,” *Chicago Daily Tribune*, September 22, 1901: 1.

²⁶ “Paterson Police Aroused,” *New York Times* 9 September 1901: 3. It is likely that police authorities in northern New Jersey adopted a more aggressive posture in their discussion of anarchists given the criticism directed at them the previous year when Gaetano Bresci’s assassination of the Italian king shined a light on the thriving anarchist communities of Paterson and West Hoboken. Initially, authorities there adopted a much more conciliatory tone. Following Bresci’s attack, Paterson’s chief of police, Frederick Grawe, refused to undertake an investigation into Bresci’s anarchist group, flatly stating, “I haven’t [sic.] heard of any disturbance in the town. I don’t know that there are any Anarchists here. The Italians are law-abiding citizens, and they have a right to meet and talk together as much as they please.” See “Searching Among Paterson Anarchists,” *New York Times* 1 August 1900: 1.

confession.²⁷ While much scholarly analysis of the Czolgosz prosecution has focused on the injustice of the trial—largely focusing on the growing post mortem consensus that Czolgosz was mentally ill—contemporaries held it up as the purest example of the virtues of American justice. Writing in the *Yale Law Review* after the trial had concluded, LeRoy Parker declared, “It is universally considered that the whole proceedings... were conducted with the utmost dignity, order and decency.”²⁸ Before standing trial, two noted physicians examined Czolgosz to ascertain his mental state at the request of the Bar Association of Erie County.²⁹ One of the physicians, Dr. Carlos F. MacDonald, had a far more liberal interpretation of legal insanity than was the norm, having previously written that a killer would not only need to know right from wrong, but would also need “the power to choose the right and avoid the

²⁷ "Report No. 153, Investigation Activities of the Department of Justice: A Report on the Activities of the Bureau of Investigation of the Department of Justice Against Persons Advising Anarchy, Sedition, and the Forcible Overthrow of the Government," 73.

²⁸ LeRoy Parker, "The Trial of th Anarchist Murderer Czolgosz," *Yale Law Journal* 11, no. 2 (December 1901): 93.

In criticizing the prosecution of Czolgosz, Dr. Donald Hastings diagnoses Czolgosz as most likely suffering from schizophrenia and argues, “that he was psychotic is certain, but so eager was the public for his scalp that no matter what happened at the trial, the outcome would have been the same. The trial is a conspicuous blot on the record of American justice.” Donald W. Hastings, “The Psychiatry of Presidential Assassination, Part II: Garfield and McKinley,” *The Journal-Lancet* 85 (April 1965): 161. For a greater discussion of Czolgosz’s mental illness, see Briggs, *The Manner of Man that Kills*; Walter Channing, “The Mental Status of Czolgosz, the Assassin of President McKinley,” *American Journal of Insanity* 59, no. 2 (October 1902); Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America*, 20-24; Don Sneed, “Newspapers Call for Swift Justice: A Study of the McKinley Assassination,” *Journalism & Mass Communication Quarterly* 65, no. 2 (June 1988).

²⁹ The two physicians were Dr. Carlos F. MacDonald, a widely regarded expert and a Professor of Mental Diseases and Medical Jurisprudence at Bellevue Hospital Medical College, and Arthur W. Hurd, superintendent of the Buffalo State Hospital.

wrong.”³⁰ MacDonald concluded, nonetheless, that Czolgosz “was in all respects a sane man—both legally and medically—and fully responsible for his act.”³¹

Czolgosz’s trial was as much about the public appearance of justice as it was about its pursuit. He was first indicted on Monday, September 16 and the trial scheduled for the following Monday, though it was moved from the County Court to the Supreme Court because the lower court could not preside over the trial of someone accused of a capital offense. Those high stakes similarly affected the outset of the trial on September 23. At his arraignment, Czolgosz answered the District Attorney’s charge with a plea of “Guilty.” The presiding judge, Truman White, immediately interjected, “That plea can not [sic.] be accepted in this Court. The Clerk will enter a plea of ‘not guilty’ and we will proceed with the trial.”³² It was, as Eric Rauchway notes, the only thing Czolgosz would say during the trial

³⁰ Carlos F. MacDonald, “The Legal Versus the Scientific Test of Insanity in Criminal Cases,” *Proceedings of the American Medico-Psychological Association* 55 (1899): 240. This idea is the subject of continued debate. See Rebecca K. Helm, Stephen J. Ceci, and Kayla A. Burd, “Unpacking Insanity Defence Standards: An Experimental Study of Rationality and Control Tests in Criminal Law,” *European Journal of Psychology Applied to Legal Context* 8, no. 2 (July 2016).

³¹ 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* 58, no. 3 (January 1902): 386. MacDonald also cited the work of the noted alienist, Edward Spitzka, who argued that not only did Czolgosz have “no indications of mental disease” and “were the absurdity of his statements and acts to be a criterion of mental unsoundness we should have to establish a new category of insanity for the reception of the various groups of anarchists—not to mention other terrorists.” Spitzka also gave expert testimony at the trial of Charles Guiteau, who had assassinated President James Garfield in 1881. Spitzka testified that Guiteau was insane. Edward Charles Spitzka, “The Mental State of Czolgosz and of Assassins Generally,” *Milwaukee Medical Journal* 10, no. 3 (1902): 85; Edward Charles Spitzka, “Political Assassins: Are they all insane?,” *Journal of Mental Pathology* 2, no. 2 (March 1902).

³² “The People of the State of New York against Leon F. Czolgosz,” 23-24, 26 September 1901, 4. Unpublished trial transcript. MAI Online: <http://mckinleydeath.com/documents/govdocs/transcript.htm#1> [Date Accessed: 15 January 2019]

and it was ignored.³³ Given the high profile of the trial, the Erie County Bar Association was deeply concerned that Czolgosz have adequate representation. This was in part, because Czolgosz did not have the means—or apparent interest—to secure his own representation. But, perhaps more importantly, the Bar wanted to avoid a spectacle similar to the trial of Charles Guiteau, the last man to assassinate a president.³⁴ Judge Emery, who presided over Czolgosz’s first indictment heeded the suggestions of the Bar and assigned two eminent, if long out of practice, lawyers: Loran Lewis and Robert Titus, both former judges and state senators, the former a Republican and the latter a Democrat.³⁵ Neither was pleased with the assignment. Indeed, the first thing Titus did when the trial opened on September 23 was explained why they acted as defense counsel. “It was a duty,” he lamented, “which we owe alike to our profession, to the public and to the Court that we accept this assignment, unpleasant though the task is for us.”³⁶ Jury selection was also difficult given that “each juror on qualifying said... that he had formed an opinion as to the guilt of the prisoner,” though they indicated that their positions could be changed by “reasonable evidence.”³⁷

³³ Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America*, 44.

³⁴ Candice Millard, *Destiny of the Republic: A Tale of Madness, Medicine and the Murder of a President* (New York: Anchor, 2011), 237-42.

³⁵ Guiteau’s trial was not only a spectacle due to his inadequate legal representation, but also because of the persistent rumors of it being part of a larger political rivalry. With both major parties represented at Czolgosz’s trial, the Bar was clearly trying to avoid criticisms of impropriety or political favoritism. On the memory of the Guiteau trial, see Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America*, 39.

³⁶ “The People of the State of New York against Leon F. Czolgosz,” 23-24, 26 September 1901, 4-5. For more on the reluctance of Czolgosz’s counsel, see: “Czolgosz to have Three Lawyers,” *Buffalo Courier* 22 September 1901; A. Wesley Johns, *The Man Who Shot McKinley* (South Brunswick: A.S. Barnes and Company, Inc., 1970), 198; Seibert, *"I Done My Duty:" The Complete Story of the Assassination of President McKinley*, 254.

³⁷ MacDonald, “The Trial, Execution, Autopsy and Mental Status of Leon F. Czolgosz, Alias Fred Nieman, the Assassin of President McKinley,” 373.

The prosecution's case was strong. Authorities had the murder weapon. The government's expert witnesses testified that the gunshots, rather than any subsequent infection, caused McKinley's death.³⁸ Prosecutors had Czolgosz's confession, which made clear his motive for the crime. Czolgosz himself professed his guilt at every opportunity and the alienists who had examined Czolgosz before the trial determined that he was sane. The district attorney did not raise Czolgosz's mental fitness and Czolgosz's lawyers called no witnesses on his behalf.

Despite the obvious weakness of the defense's position, Loran Lewis offered a masterful defense of Czolgosz in his closing statement. "It is shown beyond any peradventure of doubt that it was at the defendant's hand that he [McKinley] was stricken down, and the only question that can be discussed or considered in this case is the question whether the act was that of a sane person." After eschewing the opportunity to call witnesses who might present evidence of Czolgosz's unsettled mental state, Lewis made a purely rhetorical insanity defense. "Every human being," Lewis stated, "has a strong desire to live. Death is a spectre that we all dislike to meet, and here this defendant, without having any animosity against our President... we find him going into this building, in the presence of these hundreds of people, and committing an act which, if he was sane, must cause his death. How, could a man, with some mind, perform such an act?" He did not stop there. Surprisingly, Lewis went so far as to ask the jury if they would not be happier if they found Czolgosz to be insane. Such a finding would "aid in uplifting a great cloud off from our

³⁸ This entire line of questioning seemed to be an explicit reaction to Guiteau's trial in 1881. In what was to be his opening statement, Guiteau declared, "General Garfield died from malpractice." He would later admit to the shooting, but continued to express that Garfield's true murderers were his doctors. See James C. Clark, *The Murder of James A. Garfield: the President's Last Days and the Trial and Execution of his Assassin* (Jefferson: McFarland, 1993), 122.

hearts and minds” because “If our beloved President had met with a railroad accident... we should all regret very much... but our grief would not begin to compare with the grief that we have now, that he should be stricken down by an assassin, if such were the case.” “If you could find that he met his fate by the act of an insane man,” Lewis concluded, “it would amount to the same as though he met it accidentally.”³⁹ Lewis’ defense of Czolgosz was so brilliantly articulated that Titus scrapped his own remarks.

Lewis’ last-ditch defense of Czolgosz played on American fears about what it meant that someone might try to assassinate a president. Americans had long distinguished between the arbitrary power wielded by monarchs and a president elected by a popular vote and firmly believed that insulated them from this manner of crime. Following Guiteau’s assassination of President Garfield in 1881, William Smith summarized the views of his contemporaries when he declared, “it is not supposable by our people that a sane man would seek to destroy a President.” Admitting American assassins were motivated by the same impulses as assassins of monarchs “would be admitting that the President of the United States *might* become a tyrant.”⁴⁰ Morris Hillquit’s defense of Johann Most’s freedom to republish “*Mord contra Mord*” centered on pointing out that the article was targeted at monarchs, not presidents. Further, in the 1890s when anarchists assassinated largely ceremonial figures such as King Umberto of Italy and Empress Elisabeth of Austria, public attention gravitated to the often desperate economic conditions of Europe’s poorest classes. Americans saw socialism and anarchism as having their origins in the miserable conditions of

³⁹ “The People of the State of New York against Leon F. Czolgosz,” 23-24, 26 September 1901, 112-118.

⁴⁰ William R. Smith, *Assassination and Insanity: Guiteau's Case Examined and Compared with Analogous Cases from the Earlier to the Present Times* (Washington D.C.: William R. Smith, 1881), 4. Italics in original text.

Europe's working poor and strenuously rejected any notion that industrial conditions in the United States were little better and could be an equally fertile breeding ground of discontent.⁴¹ Would it not be more satisfying, Lewis reasoned, that Czolgosz's attack on McKinley was a historical accident rather than a symbolic rejection of the principles of American institutions and economic virtues? The beliefs of anarchists, he tried to prevail upon the jury in his defense, were less a threat to the orderly operation of the United States than if, in the thirst for vengeance, "our institutions will be set aside and overthrown."⁴²

Following Loran's closing, the rest of the trial proceeded swiftly. Despite the clever defense, the jury would not be swayed and returned a guilty verdict in less than twenty-five minutes of deliberation. The court adjourned until sentencing on September 26. There, before the court, Czolgosz reiterated the main points of his confession: that he committed the crime of his own accord, without the planning and input of others. Czolgosz's sentence was death, which would take place by electrocution one month after being sentenced, in

⁴¹ See, for example, a debate in Congress over the relative merits of free trade versus protectionism. *Congressional Record*, 53 Cong., Second Session, Vol. 26, Appendix II: 1342.

In 1900, *Harper's Weekly* attacked William Jennings Bryan—rumored to be a target for anarchist assassins himself—as “a contributing factor to the forces of anarchy” because he and politicians like him “preach the gospel of discontent,” which “contributes in some proportion, slight or considerable, to the anarchistic cause.” See “The Assassination of King Humbert,” *Harper's Weekly* 11 August 1900: 740. For similar expressions, see: “The Attempt on the President,” *Scientific American* 85, no. 11 (14 September 1901): 162; “The Assault upon the President,” *Outlook* 69, no. 2 (14 September 1901): 106-108; “The Genesis of the Crank,” *Medical News* 79, no. 11 (14 September 1901): 423; “Put Down Mob Law,” *Afro-American Ledger* [Baltimore] 10, no. 6 (14 September 1901): 4; “President McKinley,” *Ohio Farmer* [Cleveland] 100, no. 11 (12 September 1901): 186; “The Buffalo Tragedy,” *Irish-American* [New York] 53, no. 36 (7 September 1901): 4; F.L. Oswald, “The Assassination Mania: Its Social and Ethical Significance,” *North American Review* 171, no. 526 (September 1900).

⁴² That extra-legal mob was, Lewis argued, “a more dangerous class of community than the anarchists about [which] we read so much.” “The People of the State of New York against Leon F. Czolgosz,” 23-24, 26 September 1901, 113-115.

accordance with the laws of the state of New York. On October 29, 1901, Czolgosz was escorted from his cell at Auburn Prison, where he had resided since his sentencing, to meet his end in the electric chair, the fiftieth person executed in such a way in New York. Accounts of his final moments varied, but what happened after his death was clear.⁴³ Following an autopsy, Czolgosz's remains were buried and then dissolved with sulfuric acid, in an effort to remove the last physical traces of McKinley's assassin.⁴⁴

Disposing of Czolgosz's remains in this manner was an attempt to prevent his grave from becoming a memorial for future anarchists who could point to his grave as a monument to heroic action and possibly inspire others to commit similar acts. This was not a unique challenge. The way officials handled Czolgosz's body following his execution paralleled how British officials handled an infamous, though unsuccessful, anarchist bomber a few years before. On 15 February 1894, some schoolboys were walking through Greenwich Park in south London when they heard a loud explosion. Rushing to the sound, the boys and a keeper from the Royal Observatory found a man, doubled over and severely wounded. The victim, a French anarchist named Martial Bourdin, had been carrying an explosive device that detonated and left him with severe abdominal injuries and missing his left hand. He was transported to a nearby hospital where he died shortly after and became the first and only victim of anarchist bombings in Great Britain during this period. Bourdin's

⁴³ "Assassin Czolgosz is Executed at Auburn," *New York Times* 30 October 1901; "Humane, Decent, Orderly," *Auburn Weekly Bulletin* 20, no. 88 (1 Nov 1901): 5; Cary Fedman, "The Life of an Unknown Assassin: Leon Czolgosz and the Death of William McKinley," *Crime, Histoire & Sociétés* 14, no. 2 (2010); Murat Halstead, *The illustrious life of William McKinley, our martyred president. Anarchy, its history, influences and dangers, with a sketch of the life of the assassin. Superbly illustrated with numerous engravings made from original photographs* (Chicago: Kuhlman, 1901).

⁴⁴ Charles Hamilton Hughes, "Medical Aspects of the Czolgosz Case," *Alienist and Neurologist* 23 (Januay 1903).

target was unclear: some suspected that he was going to send the bomb to a comrade in France where, three days earlier Émile Henry had set off a bomb in the Parisian café, *Café Terminus*; the anarchist paper, *The Commonweal*, claimed Bourdin was going to test the bomb in a deserted location when it detonated prematurely; and Col. Vivian Majendie, Her Majesty's Chief Inspector of Explosives, told the inquest that he believed the target was the Observatory—the location of the prime meridian and, consequently, “the longitudinal center of the world.”⁴⁵

The legal issue in that instance, given Bourdin died of his injuries and failed in his intentions, was a deeply symbolic one: whether the coroner's inquest would find a verdict of *felo de se* or not. *Felo de se*, which in Bourdin's case would mean that he was killed while committing a felony, would allow the authorities greater leeway when it came to Bourdin's burial. In the House of Commons on 20 February 1894, Charles Darling raised the very issue to the Home Secretary, Herbert Asquith. Darling was concerned “that the Anarchists of London propose to make it the occasion of a public funeral” but a finding of *felo de se* would provide the authorities with the cover to dispose of the body. Darling invoked events on the continent to justify official involvement in Bourdin's burial. Preventing a public memorial was, he argued, an “action which the French Government found it necessary to

⁴⁵ For the “longitudinal center,” see Maya Jasanoff, “The First Global Terrorists were Anarchists in the 1890s,” *The International New York Times*, 29 April 2016 [Online: www.nytimes.com/2016/04/03/opinion/the-first-global-terrorists-were-anarchists-in-the-1890s.html]; Date accessed: 15 May 2018]. For the other theories on Bourdin's target, see “Explosion in Greenwich Park,” *The Times* [London], 16 February 1894 and “Extract” from *The Times* [London], 20 February 1894. Both filed in HO 144/257/A55660/2. See also Bernard Porter, *The Origins of the Vigilant State: The London Metropolitan Police Special Branch before the First World War* (London: Weidenfeld & Nicolson, 1987), 126-27; John Quail, *The Slow Burning Fuse: The Lost History of the British Anarchists* (London: Granada Publishing, 1978), 163-68; Norman Sherry, “The Greenwich Bomb Outrage and *The Secret Agent*,” *The Review of English Studies* 18, no. 72 (November 1967).

take in the case of the Anarchist Vaillant,” whose execution prompted Émile Henry’s attack in Paris.⁴⁶ Though Asquith dismissed Darling’s question as premature, the coroner ultimately came to the same finding and, on February 23, Bourdin’s body was buried in an unmarked grave in an unconsecrated part of St. Pancras cemetery. Along the procession, the police followed Asquith’s specific instructions and separated anarchists from an angry mob “protesting against Anarchy,” prevented an anarchist memorial by a man named Quinn at the graveside, and quickly dispersed the crowd following the burial in a manner befitting the French government’s handling of Vaillant’s funeral.⁴⁷ Authorities on both sides of the Atlantic were keenly aware of the propensity of anarchists to make martyrs out of fallen comrades such as Bourdin, Valliant, and Czolgosz. Consequently, when possible, authorities employed burial methods—whether anonymous graves or, as in Czolgosz’s case, destroying the body entirely—to deprive anarchists of memorials that could subsequently be used to drum up support for their causes and, potentially, lead to more violent acts.

PUNITIVE LEGISLATION: THE PURSUIT OF SECURITY

While Americans saw Czolgosz’s execution as justified, his death did not allay fears of anarchist violence nor did it satisfy the growing demand for security. Anarchist violence presented a challenge to the development of the American state by throwing its security into question. While there was broad public consensus that definitive action was needed, there was little consensus on what that action should be. While fear of anarchist violence drove

⁴⁶ HC Deb 20 February 1894, vol 21, 850-851.

⁴⁷ See “The Anarchist Funeral,” *The Times* [London], 24 February 1894: 11; “The Inquest on Bourdin,” *The Times* [London], 27 February 1894: 13; “The Anarchists,” *The Times* [London], 27 February 1894: 8. For Asquith’s instructions to the police, see “Asquith to Sir E. Bradford,” 22 February 1894, HO 144/257/A55660/5. For the details of the precautions taken before Vaillant’s execution, see “The Guillotine’s Sure Work: Details of the Execution of Vaillant, the Anarchist,” *New York Times*, 6 February 1894: 5.

extended discussions of how to protect public officials and suppress or expel anarchists, there were powerful voices that argued such an expansive role for the state was itself a threat to cherished principles such as freedom of speech.

Artistic representations of how best to deal with the anarchist menace after McKinley's death were emblematic of the desire for security supplanting demands for justice.⁴⁸ The cartoons below, which were drawn by Leon Barritt and appeared in the *New York Tribune* a mere two days apart, demonstrate the divergence. Barritt's "Put 'Em Out and Keep 'Em Out" appeared in print on September 10, 1901—a few days after McKinley was shot. In it, Columbia is dressed in the robes of "justice" and wielding a sword of "Law and Order." She stands at the gates of "Civilization," blocking the way of a disheveled anarchist armed with a dagger and a smoking bomb [See Figure 2.1]. For much of the nineteenth century, Columbia personified the United States. Frequently clad in classical white garments, she was a symbol of liberty, justice, and national unity.⁴⁹ The anarchist represents an external threat that Columbia is keeping out. This stands in stark contrast with Barritt's "In the Cradle of Liberty," which the *New York Tribune* printed two days later [See Figure 2.2]. Here, many of the same ideals from the first image—Columbia, liberty, "law and order"—are depicted in a dramatically different fashion. No longer is Columbia the center of the image as guardian of justice. Instead, she is in the background, cowering in fear and clutching an infant, "Liberty." Occupying the center is Uncle Sam, carrying a club emblazoned with the same "law and order" slogan as on Columbia's sword. Yet his stance is aggressive, the raised club threatening the anarchist serpent that made its nest in the "Cradle of Liberty." Though

⁴⁸ The preceding chapter examines in greater depth how the figure of the dangerous anarchist, as represented in political cartoons, changed over time.

⁴⁹ Winifred Morgan, *An American icon: Brother Jonathan and American Identity* (Cranbury: Associated University Presses, 1988), 28.

both images underscored the notion of a strong state, the state's role as a provider of security was different. In the first image, the state keeps anarchism—a foreign threat—out. In this second image, the anarchist is already inside and must be punished as a consequence. Though Uncle Sam never fully displaced Columbia in artistic depictions of state efforts to suppress anarchism, that the two ideas increasingly occupied the same public space offered a visual representation of evolving debates over security and the role of the state in protecting society from violent anarchists.⁵⁰



Figure 2.1: “Put ‘Em Out and Keep ‘Em Out.”

⁵⁰ Coming on the heels of the successful Spanish-American War, scholars have also explored how gender factors into similar imagery. Masculine imagery, according to Kristin Hoganson, reinforced the notion that “war would forge a new generation of manly, civic-minded veterans” whose values “would return the nation to a political order in which strong men governed and homebound women proved their patriotism by raising heroic sons.” See Kristin L. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven: Yale University Press, 2000), 11. On the relationship between martial rhetoric about the Philippines and the domestic sphere, see Alfred W. McCoy, *Policing America's Empire: The United States, the Philippines, and the Rise of the Surveillance State* (Madison: University of Wisconsin Press, 1999).



Figure 2.2: “In the Cradle of Liberty.”

The rallying cry in Figure 2.2—“Liberty is Not License”—was significant to those Americans who advocated for a strong state response. The anarchist in Figure 2.1 was outside of civilization and, as stated in the caption, “Unworthy to enter within the pale.” In contrast, the anarchist snake in Figure 2.2 was already in the home; indeed it was in the “Cradle of Liberty” itself. Americans increasingly believed that anarchists took advantage of the liberty they found in the United States to subvert that for which the country—indeed, the civilized world—stood. As McKinley’s assassination demonstrated, violent anarchists did not just threaten foreign states and that added urgency to the growing calls for security domestically. In a petition to the House Judiciary Committee, the Suburban Press Association of New England argued, “While liberty of the press and free speech is ‘essential to the security of freedom,’ that liberty should not degenerate into license.”⁵¹ Echoing this,

⁵¹ “Resolution passed by the Suburban Press Association of New England in Massachusetts,” unknown date. Records of the United States House of Representatives [RG 233], 57th Congress, Committee on the Judiciary, Box No. 104, Folder HR 57A H14.1, Committee on the Judiciary. Washington, D.C.: National Archives.

the citizens of Plymouth, Pennsylvania petitioned their senators and urged, “that in our opinion the time has now arrived when the sacred and precious name of liberty, should no longer be permitted to be used as the synonym, of license for lawlessness, nor, a mawkish sentiment of sympathy for malefactors or their deeds.”⁵² Individuals and organizations used mass media as well as direct contact with their elected representatives to convey their belief that while they were supportive of foundational rights such as freedom of speech, the right of assembly, and equality before the law, an increasingly vocal contingent argued that these values were not the only ones at stake. The republic’s very survival was under threat. “All governments necessarily possess the inherent power of self-defence [sic.],” Edgar Aldrich, a U.S. District Judge in New Hampshire, wrote in December 1901. “The cry of the American people is not for vengeance,” he concluded, “but for clear and resolute repressive measures against violence and threatened violence.”⁵³ Supporters of the “Liberty is Not License” position argued that a strong state and a government willing to sacrifice in the name of security was necessary to curb the threat of anarchist violence.

While it would make sense if McKinley’s assassination served as the starting point for a national discussion of how to provide security against the anarchist threat, efforts to craft legislation had been made since the early 1880s. Between the 47th and 60th Congresses [1881-1909], elected officials introduced at least 124 individual legislative measures—

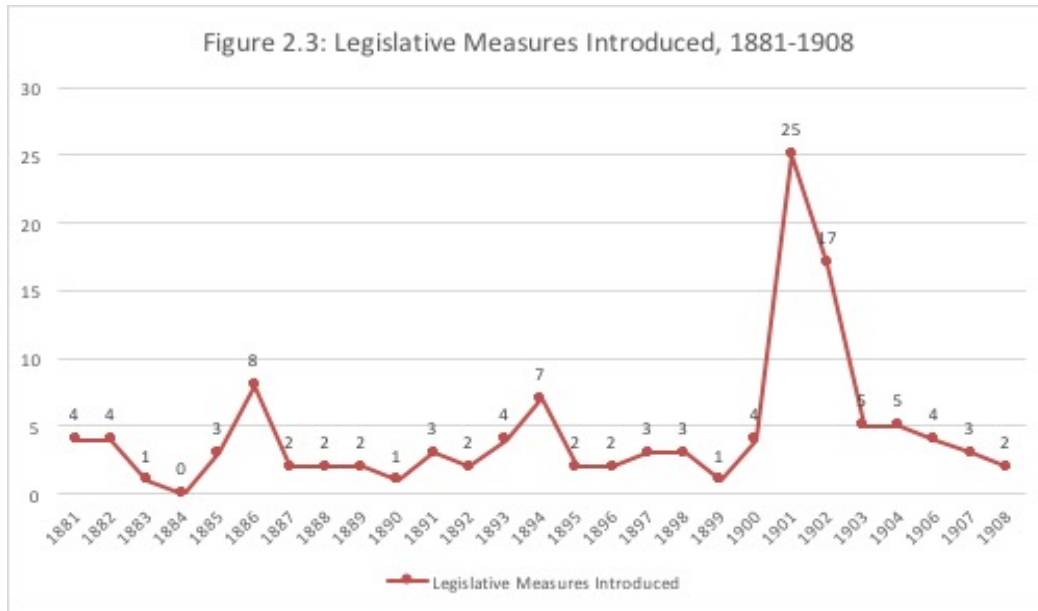
⁵² Petition of the citizens of Plymouth, PA praying for the enactment of legislation defining an attempt against the life of the President, Vice President, any member of the Cabinet or Judges of the Supreme Court of the United States, to be treason and punishable by death; Dated 7 Jan 1902. Records of the United States Senate [RG 46], 57th Congress, Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, SEN 57A-J39, Box 150, “1/7/1902 to 3/10/1902.” Washington, D.C.: National Archives.

⁵³ Edgar Aldrich, “The Power and Duty of the Federal Government to Protect Its Agents,” *North American Review* 173, no. 541 (December 1901): 747, 57.

including bills, resolutions, and joint resolutions—in an attempt to craft laws to deal, to some extent, with security issues stemming from anarchist violence [See Figure 2.3]. In broad terms, the measures can be grouped into four categories: protective and punitive measures relating to attacks on officials, the order of presidential succession, immigration restriction and exclusion, and the study of criminals, paupers, and “defective” classes.⁵⁴ While Republican members of Congress overwhelmingly authored these bills, members of each party played central roles in the most important, hotly debated pieces of legislation. Demonstrating how widespread this concern over the anarchist threat was, the various authors came from ten different states and represented every region of the country, not just those states with sizeable anarchist populations.⁵⁵ A desire for security from the anarchist threat cut across sectional divides and party differences.

⁵⁴ Bills falling under this last category, “Criminological Study,” began to be introduced during the 57th Congress and they included anarchists as subjects of observation by a potential laboratory to study “the criminal, pauper and defective classes.” While some iterations of the legislation omit anarchists, all bills pertaining to this issue have been included in this tally of legislative measures.

⁵⁵ The authors of the various pieces of legislation introduced into Congress came from the following states, in alphabetical order: Alabama, Georgia, Illinois, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, and Pennsylvania.



The high peak of anti-anarchist legislative measures from 1901 to 1902 obscures the underlying fear of anarchist violence that had been present for two decades. In the early 1880s, anarchists were typically lumped in with other political radicals—chiefly nihilists and Communists. In 1881, a contributor to the *Chicago Tribune* prophesized that, “When Europe has emptied her discontents... in sufficient numbers upon our shores, there may be an explosion similar to that of the Communists in Paris.”⁵⁶ Concern grew that more restrictive states were, by virtue of anti-anarchist legislation, pushing anarchists to move to states less able to surveil, punish, or expel them. In 1889, during the 50th Congress, representatives debating a bill to regulate immigration drew a connection between a German antisocialist law implemented in 1878 and the Haymarket bombing of 1886. Anarchists, according to the Congressional report, “principally lived in Germany” until the government “determined to get rid of them” by targeting their newspapers, limiting their freedom to gather, and prosecuting them. To escape, “they immigrated to England” where the cycle repeated—the

⁵⁶ “The Immigration of Nihilists and Communists,” *Chicago Daily Tribune*, 29 April 1881: 4.

report's authors eventually discussed Johann Most's experiences. Due to laws limiting their freedom of action, "they came to the United States" where they proved to be "a lawless, turbulent class, and the whole country is familiar with their recent acts of violence."⁵⁷ While the number of migrating anarchists was miniscule compared to contract laborers or "undesirables" like paupers and the illiterate, press attention to restrictive laws passed as a response to anarchist violence abroad drew greater attention as incidents of violence grew both in number and frequency. In 1894, following the assassination of President Carnot, the French government passed a law targeting anarchist groups and newspapers. Between 1893 and 1894, England, Germany, and Austria enacted laws targeting plots that used dynamite; France, Italy, Spain and Portugal subsequently passed similar acts.⁵⁸ Francis Nichols, a contributor to the popular magazine, *Outlook*, gave voice to the sentiment that to be an anarchist in Europe was "equivalent to being a criminal punishable with imprisonment or exile. For a man who has been known to actually advocate law destruction there is really but one escape, and that is America."⁵⁹ At the turn of the twentieth century, when anarchists felled sympathetic figures such as Empress Elisabeth of Austria, Umberto I of Italy, and William McKinley in quick succession, the idea of the anarchist as a dangerous, inhuman

⁵⁷ States United, "Report No. 3792: Report of the Select Committee of the House of Representatives to Inquire into the Alleged Violation of the Laws Prohibiting the Importation of Contract Laborers, Paupers, Convicts, and Other Classes," ed. House of Representatives (Washington, DC: Government Printing Office, 1889), 5.

⁵⁸ "Untitled," *Morning Oregonian*, 6 September 1900: 6. Shortly after Bresci's assassination, statements made by the Italian government regarding the rumor that twenty anarchists left the United States to assassinate European sovereigns, the French and Hungarian governments each took steps to exchange information regarding perceived anarchist threats. See "A Move Against Anarchists," *Dallas Morning News* 27 August 1900: 2.

⁵⁹ Francis H. Nichols, "The Anarchists in America," *Outlook*, 10 August 1901, 859.

beast was ingrained in the American psyche.⁶⁰ Reasoned voices trying to differentiate between philosophical and violent anarchists were overwhelmed by a growing chorus who exclaimed that “all anarchists are guilty of treason” and justified calls for action by appealing to “a higher law—that of self-preservation.”⁶¹

As with Barritt’s political cartoons, Americans were united in calling for something to be done, but were divided on what measures should be implemented. Organizations with a strong nativist leaning, such as the Junior Order of United American Mechanics [JrOUAM] undertook a nationwide campaign in which they petitioned for Congress to pass legislation. While the JrOUAM had long pushed for immigration restriction, their petitions now also called for laws “making it treasonable for anarchists to hold meetings... or circulating any literature relating to anarchy; also that it be deemed treasonable to make any attempt on the life” of a number of federal officials.⁶² By contrast, a petition from the citizens of Centerville, Pennsylvania, instead felt that “all self confessed [sic.] or proven anarchists be exiled. That not citizen of a foreign nation who is in sympathy with anarchism be admitted to our

⁶⁰ See, for example, “Attempt to Assassinate the President,” *Lafayette Gazette* [Louisiana], September 14, 1901: 2; “War on the Reds,” *Los Angeles Times*, June 21, 1902.

⁶¹ See, respectively “Letter from Charles. S. Sminck to Jas. M. Beck, 8 Sept 1901,” RG 60, A1 72-B, Box 8, Folder 2: Year Files (Folded), 1884-1903, D.J. Central Files, 1901 – McKinley Assassination (Vault); “Letter from Charles S. Sminck to the Atty. General, 17 Sept 1901,” RG 60, A1 72-B, Box 8, Folder 4.

⁶² Petition from citizens and organizations of New Jersey favoring enactment of stringent laws against anarchists (dated: 7 Jan 1902). RG 46, SEN 57A-J39, Box 150, “1/7/1902 to 3/10/1902”: Records of the United States Senate, 57th Congress, Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, Box 150, “1/7/1902 to 3/10/1902.” Washington DC: National Archive. The Jr. OUAM had a national reach and a membership close to 200,000 at the turn of the century. See Edward S. Deemer, *Official History of the Junior Order United American Mechanics and American Landmarks or Our Country's Patriotic Shrines* (Boston: Fraternty Publishing Company, 1897), 59-63.

shores.”⁶³ As with Barritt’s images, there was a clear split between those who wanted a federal government actively suppressing anarchists in the name of security and those who preferred measures designed to keep foreign anarchists out, but leave the question of domestic anarchists unexamined.⁶⁴ Others believed the U.S. government should both suppress anarchists and keep them out of the country. Petitioners in California called for the government to “keep strict surveillance over all revolutionary and criminal anarchists of the country” while simultaneously endeavoring to find “an island in the Pacific Ocean” on which anarchists could be imprisoned.⁶⁵

Legislative efforts to craft punitive measures regularly mandated that attacks on the president—and sometimes other prominent public officials—be punished as treason.⁶⁶ The

⁶³ Petition from citizens of Centerville, PA, dated 19 Sept 1901. RG 46, SEN 57A-J39, Box 150, “1/7/1902 to 3/10/1902.” Washington DC: National Archive.

⁶⁴ Kenyon Zimmer argues, “It was American conditions that usually forged migrants into anarchists, rather than European ones.” Kenyon Zimmer, “‘The Whole World is Our Country:’ Immigration and Anarchism in the United States, 1885-1940” (University of Pittsburgh, 2010), 25. On the history and evolution of anarchism in the United States, see Paul Avrich, *Anarchist Voices: an Oral History of Anarchism in America* (Princeton: Princeton University Press, 1995); Andrew Cornell, “‘For a World Without Oppressors!’ U.S. Anarchism from the Palmer Raids to the Sixties” (New York University, 2011); James Joseph Martin, *Men Against the State: the Expositors of Individualist Anarchism in America, 1827-1908* (DeKalb: Adrian Allen Associates, 1953).

⁶⁵ “Petition from citizens and organizations of California favoring enactment of stringent laws against anarchists,” January 9, 1902. Underlining in original. RG 46, SEN 57A-J39, Box 150, “1/7/1902 to 3/10/1902.” Washington DC: National Archive.

The idea to imprison anarchists on an island off the coast was pursued at different times by the Spanish and Italian governments. Senator George F. Hoar (MA-R) suggested a similar solution in a speech in Congress and in correspondence with Secretary of State John Hay. See “Hoar to Hay, 9 May 1902,” RG 46, SEN 57A-F17, Box 103, “Undated, Folder 1 of 6”: Records of the United States Senate, 57th Congress, Committee of the Judiciary, Committee Papers including Hearings, Box 103, “Undated, Folder 1 of 6.” Washington DC: National Archive.

⁶⁶ In discussing security imperatives, many Americans employed metaphors and imagery of war. The presence of an external threat has been essential to discussions of national security, but most scholarly attention has been to World War II, the Cold War, and the War on

great majority of petitioners pointed to Article 3, Section 3 of the U.S. Constitution, which defined treason as levying war against the United States or giving aid and comfort to those who did. As one petitioner to the Attorney General argued, “Generous and noble Wm McKinley was shot not as a citizen or an individual but because he was President of the United States and the assassin was levying war... to the extent of his ability.”⁶⁷ Such an argument served twin purposes. First, it underscored the view that the president personified federal authority. Second, there was also an element of concern that if determining the legal punishment for such an attack was left up to individual states, an anarchist assassin “may get

Terror. Security is an ongoing, permanent concern in an era defined by “war without end” and metaphors for war are used to justify permanent expansions of federal authority. “War excites great fear, patriotism and anxiety,” Geoffrey Stone writes, and makes possible dramatic expansions of state power and the circumscription of civil liberties that are possible “*only during wartime.*” Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime: From the Sedition Act of 1798 to the War on Terrorism* (New York: W.W. Norton, 2005), 5, italics in original.

For discussions of the rhetoric of war in discussions of security and the limiting impact of national security, see Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006); Geoffrey R. Stone, *War and Liberty: An American Dilemma: 1790 to Present* (New York: W.W. Norton, 2007); Melani McAlister, “A Cultural History of the War Without End,” *Journal of American History* 89, no. 2 (September 2002); Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860* (Middletown: Wesleyan University Press, 1973); Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (Norman: University of Oklahoma Press, 1992); Andrew Bacevich, *The New American Militarism: How Americans are Seduced by War* (Oxford: Oxford University Press, 2005); Andrea Friedman, *Citizenship in Cold War America: The National Security State and the Possibilities of Dissent* (Amherst: University of Massachusetts Press, 2014); William H. Rehnquist, *All the Laws but One: Civil Liberties in Wartime* (New York: Alfred A. Knopf, 1998); Mary L. Dudziak, *War Time: An Idea, Its History, Its Consequence* (Oxford: Oxford University Press, 2012).

⁶⁷ “Letter from Charles S. Sminck to J.M. Beck [Acting Attorney General],” September 8, 1901. Underlining in the original. RG 60, A1 72-B, Box 8, Folder 2: Year Files (Folded), 1884-1903; D.J. Central Files, 1901. Sminck was at a later date the private secretary to the president of the state senate in New Jersey. Nearly every petition and letter written in the wake of McKinley’s assassination made this exact argument to members of Congress or officials in the Justice Department.

off... with a small fine or a trifling jail sentence.”⁶⁸ In a Congressional report evaluating the merits of one bill to protect the president and punish anarchist crimes, the authors warned, “Had the murder of President McKinley been committed in Wisconsin the assassin would have been imprisoned for life. Had the president lived his assailant [murderer redacted] could have been imprisoned in New York for ten years only.”⁶⁹ The majority of Americans held the view that Czolgosz’s death was a triumph of the law—and by extension, the virtues of American society—over mob violence, but they expected Czolgosz to die for his crime nonetheless.⁷⁰ On that point, there was practically no disagreement. Some argued that laws should go even further. The Western Association of California Pioneers was one of a number of petitioners to Congress who argued that anarchy was “wholly inconsistent with our advanced civilization” and that laws should punish not just the perpetrators of violence but “all persons, expressing by speech or influence the hellish doctrines of Herr Most and Miss Goldman, and all who accept their principles, deeming it better to muzzle a made [sic.] dog than to wait for its bite.”⁷¹

⁶⁸ “Anti-Anarchist Legislation,” *Chicago Daily Tribune*, February 22, 1903: 18.

⁶⁹ Supporters of this position also cited precedent such as *United States v. Cruikshank* (92 U.S. 542-550) and *Cross v. North Carolina* (132 U.S. 131-139) to argue that such a federal statute would not preclude states from also punishing the offense. Rather it would guarantee a degree of uniformity of punishment. See “H. Rpt. 433: Protection of the President and the Suppression of Crime Against Government [To accompany H.R. 10386],” 6. RG 233, HR 57A-E1, Volume, Original House Reports, Nos. 416-550: Records of the United States House of Representatives, 57th Congress, Original House Reports, Nos. 416-550 (Volume)

⁷⁰ See, for example, “Punishing the Assassin,” *Chicago Daily Tribune*, September 8, 1901: 8; “Czolgosz Guilty: Jury Takes 35 Minutes to Find its Verdict,” *New York Times*, September 25, 1901: 1.

⁷¹ Petition from the Annual Meeting of the Western Association of California Pioneers, December 9, 1901. RG 46, SEN 57A-J39, Box 150, “12/10/1901 to 12/12/1901”: Records of the United States Senate, 57th Congress, Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, Box 150, “12/10/1901 to 12/12/1901.”

Legislators debated passing protective laws against the backdrop of a national discussion over whether security was worth sacrificing American values, such as the freedom of expression and equality before the law. During the 57th Congress, the “Hoar Bill” [S. 3653] mandated the death penalty for those who killed or attempted to kill the president, vice-president, and those in line to assume such duties. It extended the same punishment for attacks against foreign sovereigns and proscribed other punishments for conspirators. Though it passed the Senate, the “Hoar Bill” was heavily criticized by Senators Bacon and Burrows as tantamount to enacting class legislation because it allowed for greater punishments for attacks on high-ranking federal officials than it did for ordinary persons.⁷² Others, such as Rep. Samuel Willis Tucker Lanham (TX-D), objected on the grounds that if you “surround our public officials with anything like royalty and you magnify the incentive of the anarchist to destroy them.”⁷³ George Ray (NY-R) went even further with the parallel to European aristocracies. “This is in exact line with what was done in France. It is in exact line with the establishment of the old Swiss Guard. It is in exact line, and is indeed copied after the laws of Rome.”⁷⁴ General Lew Wallace summed up the sentiment in his contribution to a roundtable on the threat of anarchism published in the *North American Review*, writing “The ways of the great and good Emperor William are for Germany; our American skies are not favorable to them. We are satisfied to patronize his beet sugar, without imitating his style of mustache or borrowing his idea of a nickel-helmeted

⁷² *Congressional Record*, 57 Cong., First Session, Vol. 35, Part 3, 2995-3007; Fine, “Anarchism and the Assassination of McKinley,” 791.

⁷³ *Congressional Record*, 57 Cong., First Session, Vol 35, Part 6, 6250.

⁷⁴ *Congressional Record*, 57 Cong., First Session, Vol 35, Part 6, 6243.

bodyguard.”⁷⁵ Even after making substantial revisions to the Hoar Bill, efforts to find compromise failed and the measure was quietly tabled in March 1903.

One of the primary hurdles to passing legislation that would suppress anarchist ideology and punish violent attacks associated with it was rhetorical in nature. The American public as well as their Congressional representatives struggled to define anarchy in a way that would not overtly—and indefensibly, from a legal perspective—limit freedom of expression. “We believe in the personal liberty, and in the freedom of speech, and of the press,” a petition from the Fort. Wayne, Indiana branch of the Grand Army of the Republic professed, “but we do not believe that those principles should be constructed to protect and license brutality, anarchy, and assassination.”⁷⁶ The tension between these two ideas was a longstanding problem. An 1894 bill that would provide for the exclusion and deportation of alien anarchists died in the House of Representatives in August of that year after a heated debate in which a representative from New York, John Warner, denounced it as “a bad bill” that was “more likely to make anarchists than punish them” because in drafting the bill no suitable definition of anarchism had been put forward.⁷⁷ Even those who supported

⁷⁵ General Lew Wallace, “Prevention of Presidential Assassinations,” *North American Review* 173, no. 541 (December 1901): 723.

⁷⁶ Petition by two Grand Army of the Republic posts in Ft. Wayne, Indiana relating to anarchy. RG 46, SEN 57A-J39, Box 150, “12/4/1901, Folder 1 of 3”: Records of the United States Senate, 57th Congress, Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, Box 150, “12/4/1901, Folder 1 of 3.”

⁷⁷ *Congressional Record*, 53 Cong., Second Session, Vol. 26, Part 8, 8628. On 25 June 1894, Representative William Stone attempted to introduce a bill (H.R. 7564) which awkwardly defined anarchists as “any person or persons who shall belong to, or who shall be appointed, designated or employed by any society or organization existing in this or in any foreign country which provides in writing or by verbal agreement, understanding or countenance for the taking of human life unlawfully or for the unlawful destruction of buildings or other property where the loss of life would be the probable result...” See *Congressional Record*, 53

legislation, like those Congressional representatives who argued in favor of legislation mandating that attacks on the president be considered treason struggled with the larger implications of suppressing anarchist publications. “We are, to some extent, treading on unknown and untried ground,” they cautioned, “and it is wise to keep within constitutional limits.”⁷⁸

At the same time, there were also practical issues to consider. Passing legislation that imposed harsher punishment for attacks on public officials had no deterrent quality for an anarchist—or any political radical—who believed their action was worth any punishment. Czolgosz, after all, admitted to his interrogators that he did not intend to get away, nor did he really try. Further, he assumed that he would be killed as punishment for his crime. The same was often true of other anarchist assassins.⁷⁹ As the Spanish Minister Plenipotentiary to the United States lamented, the death penalty in Spain did not significantly deter other individuals from committing similar outrages.⁸⁰

Cong., Second Session, Vol. 26, Part 7, 6800; Julius C. Burrows, “The Need of National Legislation against Anarchism,” *North American Review* 173, no. 541 (December 1901): 742.

⁷⁸ “H. Rpt. 433: Protection of the President and the Suppression of Crime Against Government [To accompany H.R. 10386],” 9. RG 233, HR 57A-E1, Volume, Original House Reports, Nos. 416-550: Records of the United States House of Representatives, 57th Congress, Original House Reports, Nos. 416-550 (Volume).

⁷⁹ Vera Zasulich, the Russian radical who was well acquainted with the anarchist thinkers Sergei Nechaev and Mikhail Bakunin, is one of the earliest examples of this. In January 1878 she attempted to assassinate Colonel Fyodor Trepov, Governor of the City of St. Petersburg and infamous for his suppression of the Polish rebellions of 1830 and 1863. Zasulich believed that shooting him and surrendering, rather than trying to evade arrest, was what separated revolutionaries from ordinary criminals. The anarchist assassins who attacked Carnot, Canovas, and Umberto all fit this pattern as well. See Ana Siljak, *Angel of Vengeance: The “Girl Assassin,” the Governor of St. Petersburg, and Russia’s Revolutionary World* (London: St. Martin’s Press, 2008); Richard Pipes, “The Trial of Vera Z.,” *Russian History* 37, no. 1 (2010); Samuel Kuchеров, “The Case of Vera Zasulich,” *The Russian Review* 11, no. 2 (April 1952).

⁸⁰ Duke of Arcos, “International Control of Anarchists,” *North American Review* 173, no. 541 (December 1901): 763-64. Nor was this view of the ineffectiveness of anti-anarchist laws

The effort to pass protective legislation was fraught with, and ultimately undermined by, deeply held emotional concerns. Senator George Frisbie Hoar [MA-R], whose legislation failed to appease the concerns of his colleagues, confessed to “a terrible feeling of insecurity and danger to the Republic, nobody knowing how far the anarchists’ schemes might spread.”⁸¹ Other legislators who supported passing legislation, like Representative Dudley G. Wooten [TX-D], nonetheless worried that such legislation would only exacerbate the anarchist threat. “Body guards, police vigilance, the mightiest efforts of organized authority, which he [the anarchist] regards as organized despotism,” Wooten warned, “only serve to whet his appetite for official gore and nerve his courage to do and die in the most spectacular... manner possible.”⁸² Ignoring the specific subject of the legislation momentarily, there is nothing inherently surprising about legislative efforts coming to naught.⁸³ But anti-anarchist legislation introduced during the last two decades of the nineteenth century was typically brought to the floor by individuals who were “always among the most influential in their respective houses... Hale, Hoar, Lodge, Milliken,

limited to Spain. Italian Prime Minister Francesco Crispi survived an assassination attempt by the anarchist Paolo Lega in June 1894—the same month that another Italian anarchist assassinated French President Carnot. Crispi used the heightened fear of anarchism to introduce a series of anti-radical laws in July of that year. The American ambassador to Italy, Wayne MacVeagh, reported back to the Department of State that, “there is less evidence of violent agitations” but he expressed caution that “it is much too soon to inform an opinion of real value.” See “No. 64: MacVeagh to Gresham,” 24 August 1894. Records of Foreign Service Posts [RG 84], Diplomatic Posts, Italy, Dispatches to the Secretary of State from the United States Embassy at Rome, Serial No. 80, Volume 16. College Park: National Archives.

⁸¹ *Congressional Record*, 57 Cong., First Session, Vol. 35, Part 3, 3123.

⁸² *Congressional Record*, 57 Cong., First Session, Vol. 35, Part 6, 6343.

⁸³ GovTrack, a legislative tracking tool, has a breakdown of the final status of each bill and resolution introduced from the 93rd [1973-1974] to the 116th Congress [2019-]. Over that time, the average percentages of enacted laws is 4.26%. In that time the 100th Congress had the highest percentage, at 7%. See <https://www.govtrack.us/congress/bills/statistics> [Date accessed: 21 February 2019].

McMillan, McCreary, Owen, Washburn, Quay and others.” Yet their efforts continued to fail. In noting this, Senator Burrows postulated, “when the legislative efforts of such men as I have mentioned, made perseveringly, invariably meet with failure, there is almost room for believing that there is something besides mere accident to account for the disastrous result attending every attempt to pass preventive legislation against anarchists.”⁸⁴ Legislators tacitly felt that none of the proposed legislation bolstered the country’s security enough to warrant the dramatic curtailing of civil liberties and all the complexities that entailed. While some outspoken Americans rejected potential limits on civil liberties in the name of security, most simply lamented the failure to find an acceptable balance between the two. McKinley’s traumatic death provoked a significant increase in the number of legislative efforts to address violent anarchism, but the feelings aroused did not sufficiently quiet the long-standing concerns that had scuttled earlier Congressional measures. Despite numerous efforts and despite the example of restrictive legislation passed in foreign states, Americans failed to reconcile that essential tension.

POLICING ANARCHISTS: IMPLEMENTING DOMESTIC SECURITY MEASURES

With Congress reluctant to pass sweeping punitive legislation, those looking for security from anarchists increasingly pinned their hopes on policing.⁸⁵ On this subject, scholars have mostly focused on the weaknesses of the United States. Richard Jensen and Mathieu Deflem pin American inability and unwillingness to participate in international efforts to suppress anarchism on the absence of a large, centralized police organization. “The

⁸⁴ Burrows, “The Need of National Legislation against Anarchism,” 740.

⁸⁵ Ultimately, Congress passed the Anarchist Exclusion Act of 1903 [32 Stat. 1214]. As a means of addressing the anarchist threat, immigration reform and restriction is dealt with in Chapter 4.

only federal agency,” Jensen writes, “that had a nationwide network and was available to carry out some kind of surveillance of the anarchists within the United States was the Post Office.” Elsewhere, he argues that Americans were “complacent” because they believed themselves “immune to anarchist ‘propaganda by the deed’.”⁸⁶ It is indeed true that the U.S. government lacked the national—and transnational—investigative network of many of its European peers, although the presence of a national police agency did not, on its own, eliminate the problem posed by dangerous anarchists. Indeed some of the states with the most robust investigative infrastructures—for example, Italy, Spain, Germany, and Russia—were hardly less susceptible to anarchist violence than those countries that lacked a national police force, such as the United States or Great Britain. Rather than focusing on the relative weakness of America’s federal law enforcement infrastructure, we need to understand how the threat of anarchism provided an impetus to develop the institutional capacity of American investigative agencies. At the same time, discussions about the merits of such an approach reveal how civil society and federal officials alike worried about the implications of employing undercover agents or using repressive police measures in the name of security.

⁸⁶ Beginning in 1910, Jensen argues, fear of the white slave trade and the passage of the Mann Act laid the institutional foundation for the fledgling Bureau of Investigation began to join the international fight to suppress anarchism. See respectively, Richard B. Jensen, “The International Anti-Anarchist Conference of 1898 and the Origins of Interpol,” *Journal of Contemporary History* 16, no. 2 (1981): 337; Jensen, “The United States, International Policing, and the War Against Anarchist Terrorism, 1900-1914,” 15, 31-39.

On the weakness of police institutions in the United States generally, see Mathieu Deflem, “Bureaucratization and Social Control: Historical Foundations of International Policing,” *Law & Society Review* 34, no. 3 (2000); Mathieu Deflem, *Policing World Society: Historical Foundations of International Police Cooperation* (Oxford: Oxford University Press, 2002); Mathieu Deflem, “‘Wild Beasts Without Nationality:’ The Uncertain Origins of Interpol, 1898-1910,” in *Handbook of Transnational Crime and Justice*, ed. Philip Reichel (Thousand Oaks, CA: Sage Publications, 2005).

During the last two decades of the nineteenth century, concerns over the growing threat of anarchist terrorism overlapped with a movement to establish a federal police agency and promote greater cooperation between the country's municipal police departments. While the events that ultimately led to the creation, in 1908, of the Bureau of Investigation go far beyond debates over the need to protect society from the anarchist menace, that those two things happened in close temporal proximity demonstrated several overlapping concerns.⁸⁷ First, the transportation revolution of the late nineteenth century, during which time the means of travel became more affordable and dense networks of railroads and steamships proliferated, had a profound effect on crime. Members of civil society and government officials alike expressed their worries that the increasingly rapid nature of transportation would be a boon to criminals attempting to escape from justice by crossing jurisdictional, even international, boundaries.⁸⁸ Secondly, most of the country's municipal police departments lacked the manpower, mandate, and resources to conduct criminal investigations across borders. While banks and corporations could employ private policing options, such as the Pinkerton Detective Agency, the federal government prohibited

⁸⁷ In 1935, the Bureau became an independent service under the umbrella of the Department of Justice and was renamed the Federal Bureau of Investigation [FBI]. For general histories its founding, see: William Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge: Harvard University Press, 1963); Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919-1943* (Copenhagen: Museum Tusculanum Press, 2000); Timothy Weiner, *Enemies: A History of the FBI* (New York: Random House, 2012); David Williams, *Without Understanding: The FBI and Political Surveillance, 1908-1941* (Durham: University of New Hampshire Press, 1981).

⁸⁸ For discussions of these concerns, see John Bassett Moore, *A Treatise on Extradition and Interstate Rendition*, vol. 1 (Boston: Boston Book Company, 1891); Ethan Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park: The Pennsylvania State University Press, 1993); Jessica R. Pliley, *Policing Sexuality: The Mann Act and the Making of the FBI* (Cambridge: Harvard University Press, 2014); Katherine Unterman, *Uncle Sam's Policemen: The Pursuit of Fugitives Across Borders* (Cambridge: Harvard University Press, 2015).

itself from employing private detective agencies after the fallout from the Homestead Strike of 1892 left three Pinkerton agents and five striking workers dead.⁸⁹ Thirdly, efforts to promote greater police cooperation have been grounded in scholarly understandings of Progressives' drive to bureaucratize, leading to what Regin Schmidt and others call the "administrative state."⁹⁰

Police departments played an important role in this bureaucratizing effort. In 1893, 47 police chiefs from around the country met in Chicago and formed the National Chiefs of Police Union. By their second annual meeting in 1895, the organization's membership had

⁸⁹ As a consequence of the strike, the anarchist Alexander Berkman attempted to assassinate Henry Clay Frick, chairman of the Carnegie Steel Company, in 1892. Though badly injured in the attempt, Frick survived and Berkman was sentenced to 22 years in prison. News of the attack also helped turn public sympathy against the works and the strike eventually collapsed. See Weiner, *Enemies: A History of the FBI*; Paul Krause, *The Battle for Homestead, 1890-1892: Politics, Culture, and Steel* (Pittsburgh: University of Pittsburgh Press, 1992).

⁹⁰ Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919-1943*, 40-50. See also John Whiteclay Chambers, *The Tyranny of Change: America in the Progressive Era, 1890-1920* (New Brunswick: Rutgers University Press, 2000 [1992]); Richard Hofstadter, ed., *The Progressive Movement, 1900-1915* (Englewood Cliffs: Prentice-Hall, Inc., 1963); Johnson, "War is the Health of the State: War, Empire, and Anarchy in the Languages of American National Security", 224-77; Martin J. Sklar, *The United States as a Developing Country: Studies in U.S. History in the Progressive Era and the 1920s*. (Cambridge: Cambridge University Press, 1992); Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1966).

David Rabban frames the seeming contradiction between Progressive support of free speech with ongoing efforts to suppress ideologies such as anarchism through bureaucratic tools. "Progressives often appreciated free speech, and even dissent, as qualities that a democratic society should nurture," he argued, "but many reacted against dissent that was not directed toward positive social reconstruction," which was how a majority of Americans viewed anarchism. David M. Rabban, *Free Speech in its Forgotten Years* (New York: Cambridge University Press, 1997), 3. See generally: Kraut, "Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression."; Michael Kent Curtis, *Free Speech, 'The People's Darling Privilege': Struggles for Freedom of Expression in American History* (Durham: Duke University Press, 2000); Linda Cobb-Reiley, "Aliens and Alien Ideas: The Suppression of Anarchists and the Anarchist Press in America, 1901-1914," *Journalism History* 15, no. 2-3 (Summer/Autumn 1988); Robert J. Goldstein, "The Anarchist Scare of 1908: A Sign of Tensions in the Progressive Era," *American Studies* 15, no. 2 (Fall 1974); Nathaniel Hong, "Constructing the Anarchist Beast in American Periodical Literature, 1880-1903," *Critical Studies in Mass Communication* 9, no. 1 (1992).

more than doubled and it changed its name to the International Association of Chiefs of Police.⁹¹ Largely, though not exclusively, through their efforts, Congress considered 28 different attempts to pass legislation aimed at creating a national police agency under the federal government. As with protective legislation, however, these efforts met with criticism from elected representatives. Representative George E. Waldo [NY-R], as Timothy Weiner demonstrates, argued that such a police force would be “a great blow to freedom and to free institutions if there should arise in this country any such great central secret-service bureau as there is in Russia.”⁹² Ultimately the Bureau of Investigation, as Weiner points out, did not happen until Congress adjourned in June 1908 and the Attorney General did not notify Congress of its existence until December of that year.⁹³

Despite this opposition, powerful voices contributed to an ongoing discourse about the utility of surveillance and monitoring as a way to extend security to as much of the public as possible. In the aftermath of Czolgosz’s attack on McKinley, Herman Schuettler, who would eventually rise to become the Chief of the Chicago Police Department, addressed the problem of anarchy in an article in the *Chicago Daily Tribune*, “How,” he asked, “can anarchists in their secret societies be watched so that the authorities can know in advance when they are plotting such crimes and so prevent them?” His solution was a professional

⁹¹ See the annual reports for the 1893 and 1895 meetings in International Association of Chiefs of Police, *Proceedings of the Annual Conventions of the International Association of Chiefs of Police*, 2 vols., vol. I (1893-1905) (New York: Arno Press & the New York Times, 1971), 3-48.

⁹² Quoted in Weiner, *Enemies: A History of the FBI*, 11.

⁹³ Weiner, *Enemies: A History of the FBI*, 12. Schmidt and Preston both describe the Bureau’s formation as shrouded in bureaucratic, rather than legislative, maneuvering. See Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919-1943*; Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*.

police force, one that could keep “eternal” watch.⁹⁴ In another contribution to the December roundtable on anarchism published in the *North American Review*, Robert Pinkerton of the Pinkerton Detective Agency, argued that anarchists were like the “Mollie Maguires [sic].”⁹⁵ “They have their outer and inner circles,” Pinkerton maintained. To break them up, “the right sort of person” was required: one that could blend into the group and be sufficiently motivated to undertake the work. Pinkerton believed that Bresci’s assassination of King Umberto in 1901 was a conspiracy and, he insisted, “Competent emissaries in the camp of the ‘Reds’ would have been informed of the plot... and the whole nest of murderers could have been nabbed before they had a chance to carry out their design.” While Pinkerton did not believe that Czolgosz was a part of a conspiracy, “A man on the inside could have landed information years ago that would have put Goldman, and the other preachers of anarchy who inspired Czolgosz, within the hands of the law.”⁹⁶ Rather than wait for national legislation, Pinkerton advocated for using violations of local ordinances as the pretext for arresting intellectual advocates of anarchism, such as Goldman and Most.

An editorial exchange in the *Washington Post* in January 1904 showcased the two sides of the security debate. The *Post*’s editor compared the spreading of anarchist doctrines to a

⁹⁴ Herman Schuettler, “How Anarchy Should be Watched,” *Chicago Daily Tribune*, September 15, 1901: 13. Schuettler had been active in the investigations following the Haymarket bombing in 1886 and rose to become the head of the Chicago Police in 1917.

⁹⁵ The Molly Maguires were an Irish secret society, best known for their activism amongst the Irish-American coal mining community in Pennsylvania. More than twenty suspected members were convicted of murder and executed between 1877 and 1878. See Allan Pinkerton, *The Mollie Maguires and the Detectives* (New York: G.W. Dillingham Co. Publishers, 1877); Kevin Kenny, *Making Sense of the Molly Maguires* (New York: Oxford University Press, 1998); Cleveland Moffett, “The Overthrow of the Molly Maguires: Stories from the Archives of the Pinkerton Detective Agency,” *McClure’s Magazine* 1894; Kevin Kenny, “The Molly Maguires in Popular Culture,” *Journal of American Ethnic History* 14, no. 4 (1995).

⁹⁶ Robert A. Pinkerton, “Detective Surveillance of Anarchists,” *North American Review* 173, no. 540 (November 1901): 611-12.

“leprous taint” and argued that authorities had the right to censor the anarchist press because “the danger... lies in the effects of his teachings upon the minds of those less logical than his own.”⁹⁷ For individuals like this editor, Pinkerton, and a vocal contingent of ordinary Americans, anarchists exploited the liberty they found in the United States and disseminated their poisonous ideology until weak individuals, like Czolgosz, took what they preached and acted on it. “In time of war,” Pinkerton argued, “the government does not hesitate to protect itself.” Anarchism, in his eyes, was “a condition that is more dangerous... because of the insidiousness of its character” and it only made sense to take the same kinds of precautions.⁹⁸ The Reverend Alexander Kent, adopted the opposite position in his contributions to the *Washington Post*. Attempts to suppress the circulation of anarchist papers and opinions would make “honest speaking and thinking a crime” and he asked, “Are we ready to engage in such [a] campaign of suppression?”⁹⁹

The answers to that question were mixed. In the two years following McKinley’s assassination, three states—New York, New Jersey, and Wisconsin—passed laws that addressed “criminal anarchy.” Advocating anarchist doctrines was a felony and defining anarchy as “the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head,” these states ignored anarchist commentary on social conditions by defining it solely in terms of the ideology’s violent outliers.¹⁰⁰ Yet no other states adopted similar legislation.

⁹⁷ “The Line of Common Sense,” *Washington Post*, January 12, 1904: 6.

⁹⁸ Pinkerton, “Detective Surveillance of Anarchists,” 615.

⁹⁹ “Exclusion of Anarchists: Lack of Justification for the Law and Its Lack of Efficiency,” *Washington Post*, January 18, 1904: 9.

¹⁰⁰ Fine, “Anarchism and the Assassination of McKinley,” 793.

Czolgosz's assassination of McKinley also shined a light on the role of the Secret Service Division of the Treasury Department because three agents stood within arm's reach of the president and failed to stop the assassination.¹⁰¹ Beginning with its formation in the 1860s, the Division's primary objective was to "detect, arrest, and prosecute counterfeiters of the coins of the United States." Over subsequent decades, the agency's role expanded and agents for the service undertook investigations into sabotage, espionage, and intelligence investigations as circumstances required.¹⁰² Beginning during the second administration of President Grover Cleveland and at the president's request, agents occasionally served in a protective capacity. This continued during the Spanish-American War when agents were stationed at the White House. Though the Service was not permanently assigned to

¹⁰¹ The Secret Service Division [SSD] of the Treasury Department began with an appropriation in 1860 and the service's first chief was appointed in 1865 though it was only recognized as an official division of the Treasury Department in 1882 [22 U.S. Stat. L. 230]. During the Civil War, a National Detective Bureau, under the State Department also went by the name, "Secret Service." It ceased operating after the war ended, however. During the time it was active, members were concerned with the possible assassination of President Abraham Lincoln and they were heavily involved in the pursuit and capture of Booth and his co-conspirators. See Lafayette Charles [General] Baker, *History of the United States Secret Service* (Philadelphia: L.C. Baker, 1867); James L. Swanson, *Manhunt: The 12-Day Chase for Lincoln's Killer* (New York: William Morrow, 2006).

¹⁰² From a Senate Report to the Seventy-fifth Congress, cited in Norman Ansley, "The United States Secret Service--An Administrative History," *Journal of Criminal Law and Criminology* 47, no. 1 (1956): 93. The Division's annual reports to the Secretary of the Treasury for the last two decades of the nineteenth century almost exclusively focus on the counterfeiting aspects of the agency's mission. The 1898 report states, "From time to time agents of the division have been detailed to make special investigations for other Departments of the Government, the pay and expenses of the agents in every case being defrayed by the Department requesting the service." In that year, on behalf of the War Department, agents investigated a rumored spy ring established by the Spanish during the Spanish-American War. See Doc. No. 2040, "Report of the Chief of the Secret Service Division, U.S. Treasury Department, to the Secretary of the Treasury, for the Year Ended June 30, 1898," 6 (Washington: Government Printing Office, 1898). Records of the U.S. Secret Service [RG 87], Series A1 298, Annual Reports, 1883-1916, Box 1, Folder 02, "Annual Reports, 1894-1903." National Archives, College Park, MD. For the investigation of the spy ring, see RG 87, A1 16, Box 1, Folder "Agents Reports and Correspondence RE Spanish American War, April-October 1898," National Archives, College Park, MD.

McKinley's protection, they were intimately involved in his trip to Buffalo, largely because of persistent rumors that a cabal of anarchists was planning his assassination. In May 1901, a letter from the Acting Secretary O.L. Spaulding revealed that the Service had been in communication with postal inspectors, the Department of Justice, and Italian secret police interested in the goings-on of the anarchists in Paterson, New Jersey.¹⁰³ In August, McKinley's personal secretary, George Cortelyou, asked Chief John E. Wilkie whether there was any suspicious activity in Paterson and Wilkie assured him that nothing sinister was afoot.¹⁰⁴ Nonetheless, the Service took additional precautions in advance of McKinley's planned trip to Buffalo: on August 14, Wilkie dispatched agent Albert Gallagher to join George Foster in Canton, so they could accompany the president on the trip.¹⁰⁵ Two days later, Wilkie directed another agent, Samuel Ireland, to travel to Buffalo directly. There, he, Gallagher, and Foster were directed to "promote the safety and comfort of the President and his party."¹⁰⁶ Two days before the presidential entourage would arrive in the city, the Acting Chief wrote to the city's Superintendent of Police to remind him of the agents' imminent arrival and reiterate their promise to cooperate with the local authorities.¹⁰⁷

In the aftermath of the McKinley assassination, officials as well as the American public dissected the manner in which the president had been protected. Czolgosz managed to approach McKinley while concealing his revolver by wrapping his right hand in a

¹⁰³ "No. 9490: O.L. Spaulding to the Attorney General," May 24, 1901. RG 87, "Letters Sent, 1899-1914 [Series A1 20], Box 10, Volume 10, National Archives, College Park, MD.

¹⁰⁴ "No. 10196: Wilkie to Cortelyou," August 6, 1901. RG 87, A1 20, Box 11, Volume 11.

¹⁰⁵ "No. 10282: Wilkie to Gallaher [sic.]," August 14, 1901. RG 87, A1 20, Box 11, Volume 11.

¹⁰⁶ "No. 10311: Wilkie to Ireland," August 16, 1901. RG 87, A1 20, Box 11, Volume 11.

¹⁰⁷ "No. 10488: Moran to Bull," September 3, 1901. RG 87, A1 20, Box 11, Volume 11.

handkerchief like a bandage. This would have been suspicious except the day was quite hot and as Wilkie explained, “Handkerchiefs were much in evidence.” Even though Cortelyou and the agents present recognized that “conditions were exceptionally favorable for an attack,” Wilkie continued, “It was agreed that to attempt to force the crowd to approach the President empty-handed would produce a riot, and the President himself would not stand for it.”¹⁰⁸ Press accounts also led to criticism of how the three agents positioned themselves around McKinley.¹⁰⁹ The earliest reports explicitly acknowledged that James Benjamin “Big Jim” Parker, an African American waiter working at the exposition, was the first to strike Czolgosz, preventing him from shooting McKinley a third time.¹¹⁰ Parker’s role, however, was eventually minimized as the white secret service agents played up and explained their role in subduing Czolgosz both to the press and at Czolgosz’s trial.¹¹¹ Lastly, the rush to escape blame for not protecting McKinley led to a breakdown in communication and cooperation between the Service and the Buffalo police. Buffalo police officers, according to

¹⁰⁸ “No. 10905: Wilkie to W.J. Burns,” October 1, 1901. RG 87, A1 20, Box 11, Volume 11.

¹⁰⁹ See, for example, “Secret Service Men Blamed for Carelessness,” *Evening Telegram* [Providence], September 9, 1901: 5; “Detectives Who Do Not Detect,” *Clarksburg Telegram* [West Virginia], September 13, 1901: 4. Some went so far as to call for the immediate discharge of all Secret Service Agents. See “No. 10846: Wilkie to Murphy,” September 26, 1901. RG 87, A1 20, Box 11, Volume 11.

¹¹⁰ Parker was sometimes incorrectly identified as “George” Parker. For accounts of Parker’s actions, including acknowledgement of his role by the secret service agents, see: “An Eyewitness’s Story,” *Indianapolis Journal*, September 7, 1901: 3; “New York Negro Aided President,” *New York Herald*, September 8, 1901: 5; Daryl Rasuli, “James B. Parker Revisited,” *Illuminations: Revisiting the Buffalo Pan-American Exposition of 1901*, Online at: <http://digital.lib.buffalo.edu/items/show/91880> (Date accessed: January 29, 2019).

¹¹¹ “Sad Breakdown of Best Precautions,” *Pittsburgh Commercial Gazette*, September 7, 1901: 3; “Exonerates Secret Service,” *Omaha Sunday Bee*, September 8, 1901: 2; “The People of the State of New York against Leon F. Czolgosz,” 23-24, 26 September 1901, 55-58, 70-80; Mitch Kachun, “‘Big Jim’ Parker and the Assassination of William McKinley: Patriotism, Nativism, Anarchism, and the Struggle for African American Citizenship,” *Journal of the Gilded Age and Progressive Era* 9, no. 1 (January 2010).

newspaper reports, refused to share information with the Secret Service agents in Buffalo; in response, Wilkie ordered the agents to “make no further attempts to hold any communication with the police. Keep away from them entirely.”¹¹²

Chief Wilkie made clear in testimony to Congress in 1910, “the origin of this whole business” of presidential protection was “the Buffalo tragedy.” “Previously,” he explained, “on occasions of public functions a detail was made of men to do guard duty, but Congress was not asked for legislation or an appropriation.”¹¹³ The Secret Service began providing full-time protection for the President beginning in 1902, though it received neither the funds nor the authorization for this until Congress passed the Sundry Civil Expenses Act for 1907 [34 Stat. 708, 1906]. While this undoubtedly represented a significant expansion of the Division’s duties, there was no corresponding enlargement of the Secret Service’s budget or manpower. The budget in the years following McKinley’s death held fairly steadily around \$125,000 per year. While Wilkie received a number of letters from individuals motivated by McKinley’s death to apply to work for the Secret Service, he continually rejected them, citing the long waiting list—though he often expressed a vague hope that it would be possible to “materially increase the force” in the future.¹¹⁴

¹¹² “No. 10623: Wilkie to Foster, care of G.B. Cortelyou [Telegram],” September 11, 1901. RG 87, A1 20, Box 11, Volume 11.

¹¹³ “Hearings before Subcommittee of House Committee on Appropriations... in charge of Sundry Civil Appropriation Bill for 1910,” 226 (Washington: Government Printing Office, 1909). In the modern Secret Service, the Protective Research Section is responsible for investigating and evaluating threats against the president. While the letters themselves do not appear to have survived, between 1863 and 1873, the Secret Service maintained an index of “Crank Letters,” which included threats against the president. See RG 87, A122, Index to Crank Letters and Register of Counterfeiters, 1863 to 1873, Volume 1 (of 1), National Archives, College Park, MD.

¹¹⁴ See, for example, “No. 10991: Wilkie to Senator W.B. Allison,” October 12, 1901. RG 87, A1 20, Box 11, Volume 11; “No. 11034: Wilkie to Senator W.E. Mason,” October 12, 1901. RG 87, A1 20, Box 12, Volume 12.

Not only did the McKinley assassination motivate the government to fund the Secret Service's protective functions, the attack also fundamentally influenced how the Service would protect future presidents. The ways in which the Service adapted were clear three years later. In 1904, as President Theodore Roosevelt prepared to visit the St. Louis World's Fair there were rumors that anarchists were targeting him for assassination. Recalling the criticism heaped on the Service for the agents' positioning around McKinley, Wilkie gave explicit instructions about how agents should arrange themselves: it was "absolute" that a secret service agent occupy the seat alongside the driver in any carriage used by the President; in addition to the presidential carriage, another with agents would follow "immediately behind," and both carriages would be within a protective square formed by a cavalry escort. Whereas three agents accompanied McKinley during his time in Buffalo, six agents would comprise Roosevelt's detail and an additional agent was dispatched to "take up a special investigation among the anarchists."¹¹⁵ McKinley eschewed concerns for his safety and relished his contact with the public. The most popular American president since Lincoln, he was known for his grip and willingness to shake hands, and once said, "They bring no problems with them; only good will. I feel better after the contact."¹¹⁶ With Roosevelt, such direct contact with crowds would be limited. "It is not now contemplated," Wilkie explained, "that there shall be any promiscuous handshaking." Further, while the agents in the Temple of Music kept a close eye on McKinley's person, Wilkie mandated, "the absolute necessity of

¹¹⁵ "No. 22470: Wilkie to John E. Murphy," November 14, 1904. RG 87, A1 20, Box 23, Volume 23.

¹¹⁶ Henry Luther Stoddard, *As I Knew Them: Presidents and Politics from Grant to Coolidge* (New York: Harper, 1927), 231. On McKinley's grip and affinity for embracing citizens who desired to meet him, see Halstead, *The illustrious life of William McKinley, our martyred president. Anarchy, its history, influences and dangers, with a sketch of the life of the assassin. Superbly illustrated with numerous engravings made from original photographs*, 427-30.

watching the crowd rather than the President.”¹¹⁷ This essential shift in focus—away from the President and toward the crowd where possible threats may lie—is a hallmark of the modern protective functions of the Secret Service, but it began after McKinley’s death. Wilkie also took covert steps to protect Roosevelt, which was a clear change from how the Service operated before.¹¹⁸ At a dinner that Roosevelt would attend during the Fair, Wilkie arranged that an agent be disguised as a waiter and stationed near Roosevelt. “The President,” Wilkie explained, “does not know him and will never suspect that we have a man there.”¹¹⁹

Wilkie’s letter detailing the Service’s plan to protect President Roosevelt in 1904 also revealed one of the primary ways investigative agencies endeavored to protect society as a whole—through the use of secret informers and undercover agents. By tasking an agent with infiltrating the anarchist community in St. Louis—as was done earlier with the leading anarchist group in Paterson, New Jersey—the Service attempted to solve the greatest challenge to stopping clandestine activity. Plots, by their essential nature, are secretive. If an investigative agency such as the Secret Service or a municipal police department is going to uncover possibly nefarious planning, it is invaluable to have insight into the activities and discussions of the suspected group or individuals. Law enforcement certainly relied on tips

¹¹⁷ “No. 22470: Wilkie to John E. Murphy,” November 14, 1904. RG 87, A1 20, Box 23, Volume 23.

¹¹⁸ George Foster, the primary agent in charge during McKinley’s trip to Buffalo, was a personal friend of the president, having been doorkeeper in the state house of representatives while McKinley had been governor of Ohio. See “Hearings before Subcommittee of House Committee on Appropriations... in charge of Sundry Civil Appropriation Bill for 1910,” 226 (Washington: Government Printing Office, 1909).

¹¹⁹ “No. 22599: Wilkie to Murphy [Telegram sent in cipher],” November 25, 1904. RG 87, A1 20, Box 23, Volume 23.

and warnings about potential anarchist plots, but this approach relied on waiting for independent sources to volunteer information.¹²⁰

In the last decade of the nineteenth century, the federal government gradually assembled such a network of informers and undercover agents and used them to become more knowledgeable about the anarchist movement in the United States. Chief Wilkie cooperated with the Department of Justice to identify individuals suitable to undertake special investigations.¹²¹ Between 1901 and 1902, the Secret Service compiled lists of anarchists in the United States and some abroad, organized by city of residence and occasionally included a few words about them like “very dangerous” or “coward.”¹²² In the wake of McKinley’s assassination, Assistant Attorney General Henry Hoyt drafted a letter with a list of known anarchists that was to be circulated to the various U.S. Attorneys offices around the country. “It is likely that the vague hints and reports of conspiracy to destroy life and property are greatly exaggerated,” Hoyt admitted in the letter, “but it is important to know whether the bond of union between these people is permissible in the eyes of the law, or should be dissolved because the connection in its nature and purposes transcends all civil

¹²⁰ In the wake of McKinley’s assassination, for example, the Secret Service received tips about and followed up on rumored connections between Czolgosz and other possible anarchist co-conspirators. See, for example: “No. 10573: Moran to T.R. McManus,” September 7, 1901; “No. 10574: Moran to Foster,” September 7, 1901; “No. 10620: Wilkie to Foraker,” September 11, 1901. RG 87, A1 20, Box 11, Volume 11.

¹²¹ “No. 22121: Wilkie to Henry L. Burnett, U.S. Attorney, New York City,” October 15, 1904. RG 87, A1 20, Box 23, Volume 23. One such agent, Maurits Hymans, was long in the employ of the U.S. government and worked with different branches to track the movement of anarchists across the United States, Caribbean, and Europe.

¹²² “List of Suspected Anarchists,” RG 87, A1 39, Boxes 1 and 2.

rights of free speech and action.”¹²³ When the need arose, such as in the aftermath of Bresci’s assassination of Umberto or a rumored plot to blackmail the Hungarian premier, the Secret Service and State Department worked with their foreign counterparts as well as foreign undercover investigators to investigate subjects of mutual interest.¹²⁴

Expanding the Secret Service’s responsibilities and their protective operations without a corresponding increase in the Division’s financial resources or manpower paralleled the failed efforts to pass punitive legislation in the last two decades of the nineteenth century. As much as Americans feared anarchist violence, there was also a deep unease over too closely emulating European responses to anarchism and leading to the president “seeking to crown himself as an imperial ruler.”¹²⁵ The position of civil society, Senator Julius C. Burrows lamented in December 1901, was that “the President is simply a man... and entitled to no greater protection than the humblest citizen.”¹²⁶ McKinley himself, despite numerous purported conspiracies against his life, maintained: “No one would wish to hurt me.”¹²⁷ Czolgosz’s attack on McKinley forced Americans to reckon with the idea that individuals might attack a president without a personal grievance—attacking them for what

¹²³ “Draft of letter to various U.S. Attorneys in reference to alleged anarchists and their correspondents,” no date. Department of Justice [RG 60], A1 72-B, Box 8, Folder 3: Year Files (Folded), 1884-1903; Central Files, 1901 – McKinley Assassination.

¹²⁴ See, for example, “Assistant Secretary of State Alvin Adee to the Secretary of the Treasury,” March 16, 1905. RG 87, A1 18 [General Correspondence], 1894-1918, Box 3 [67914-68199], Folder 2 [67939-67960, 1904-1905].

The U.S. government was not alone in taking advantage of the services of foreign intelligence agents. In the 1880s and 1890s, even the British government debated hiring the Pinkerton’s to spy on Clan na Gael and other Irish organizations in the United States. PRO 30/60/13/2, National Archives, United Kingdom.

¹²⁵ Rep. Eugene F. Loud (CA-R) in *Congressional Record*, 57 Cong, First Session, Vol. 35, Part 6, 6338.

¹²⁶ Burrows, “The Need of National Legislation against Anarchism,” 740.

¹²⁷ See Leech, *In the Days of McKinley*, 584.

they represented rather than for something they had done personally. Consequently, Americans grudgingly acquiesced to the reality that greater protective measures were necessary while still expressing concern about the visible aspects of that protective infrastructure. President Roosevelt, like his predecessor, disliked an overbearing security presence, which he felt interfered with presidential business. Invoking Lincoln's words, he wrote to Henry Cabot Lodge in 1906, "Though it would be safer for a President to live in a cage, it would interfere with his business." Yet he admitted, given the "multitude of cranks," the Secret Service was a "very necessary thorn in the flesh."¹²⁸

CONCLUSION:

The excoriations of anarchy made by Grover Cleveland, William McKinley's predecessor, demonstrated the contradictory cultural milieu in which debates took place over how best to achieve justice and security from the dangers of anarchy. In memorializing McKinley, Cleveland depicted anarchy as a "monster" and argued, "Nothing can guarantee us against its [anarchy's] menace except the teachings and practice of the best citizenship, the exposure of the ends and aims of the gospel of discontent and hatred of social order, and the brave enactment and execution of repressive laws."¹²⁹ For two decades, Americans bore witness to numerous incidents of anarchist terror. They grew increasingly alarmed as other states passed restrictive laws, forcing anarchists to move further to the west until they finally arrived on the welcoming shores of the United States. Yet, even after the shock of McKinley's death, Americans struggled to balance Cleveland's "teachings and practice of the

¹²⁸ *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918*. 2 vols., vol. 2 (New York: Charles Scribner's Sons, 1925), 224.

¹²⁹ "Address by Hon. Grover Cleveland," in Charles E. Benedict, ed., *William McKinley: Character Sketches of America's Martyred Chieftain* (New York: Blanchard Press, 1901), 191.

best citizenship,” which by definition included notions of political toleration, freedom of speech, and equality before the law, against his exhortation for the “enactment and execution of repressive laws.” Those solutions struck many as an insufficient remedy to the dangers that plagued American society—weakening, in the name of security, the very principles new security measures were designed to protect.

CHAPTER 3: THE CHALLENGES OF INTERNATIONAL COOPERATION

In his first annual message to Congress following the assassination of his predecessor, President Theodore Roosevelt not only issued a fiery condemnation of anarchists, but he also called for an international effort to aid in their suppression. In issuing this call, Roosevelt gave hope to governments trying to engage the United States in a multilateral effort to suppress anarchist violence. President William McKinley's assassination in September 1901 shattered the illusion that America's geographic position and political institutions insulated it from the scourge of anarchy. Leon Czolgosz's attack on McKinley was, Roosevelt argued, "aimed not at this President, but at all Presidents; at every symbol of government.... The Anarchist is everywhere not merely the enemy of the system and of progress, but the deadly foe of liberty." Roosevelt followed this condemnation of anarchists and their beliefs with a series of domestic recommendations and a call for international cooperation. "Anarchy is a crime against the whole human race; and all mankind should band together against the anarchist," he began before declaring that anarchist crimes should, like piracy and the slave trade, be "made an offense against the law of nations... so declared by treaties among all civilized powers."¹

Why then did the Roosevelt administration decline when representatives of Russia and Germany approached the American government about participating in a multilateral discussion to suppress anarchism? As the last two decades of the nineteenth century demonstrated, anarchist violence threatened liberal and conservative states alike. Yet international cooperation remained frustratingly elusive despite the shared danger, a common interest in its suppression, and the demonstrated failure of domestic legislation

¹ Theodore Roosevelt, "First Annual Message to the Senate and House of Representatives," 3 December 1901.

alone to curtail it. Just as efforts to suppress anarchism domestically were stymied by the belief in freedom of speech and free assembly, attempts at international cooperation had to clear similar hurdles. In this case, strong support of the tradition of asylum as well as reservations about how other states might frame “political” offenses acted as a check on the push to cooperate internationally to suppress anarchist violence. The failure to arrive at an acceptable compromise—for government officials as well as private citizens who debated the merits of such efforts—led to the uneven implementation of international efforts: the U.S. government was at the forefront of adopting the political offense exemption and *attentat* clause in extradition treaties, yet it also rejected foreign invitations to participate in an international conference to suppress anarchism.

This chapter analyzes how the American and British governments participated in the halting efforts to construct an international regime designed to counter anarchist terrorism and how civil society in each country reacted to these developments during the last decades of the late nineteenth century. I argue that in liberal states, such as Britain and the United States, suspicions over the motives of foreign powers played a critical role in determining how those governments responded to pressure to cooperate with international initiatives and how civil society responded to the resultant measures. Fear of anarchist violence drove sustained calls for international cooperation. When international security efforts focused on the prevention and punishment of crimes committed by anarchists, contemporaries largely supported these measures. Yet, the public and government officials also expressed fear that cooperation could threaten fundamental societal values.² Those who rejected legislation to

² Scholars studying counter terror link concern over the right of the government to counter terrorism to a larger debate over the idea that the state’s use of violence is unjust and can only be countered by violence. See, for example, Donatella Della Porta, *Social Movements*,

repress anarchist publications or punish individuals for holding anarchist opinions argued that such measures undermined fundamental societal principles, such as asylum and free speech. Dealing with specific crimes involved deliberating concrete responses while dealing with the threat of anarchism, as an ideology, proved more troublesome. This struggle to differentiate between the ideology of anarchism and the crimes committed by individuals claiming its mantle helps explain why comprehensive international cooperation was difficult to achieve.

Over the years, scholars have significantly revised their positions regarding international efforts to suppress anarchism. The two major international conferences—the International Conference of Rome for the Social Defense Against Anarchists [1898] and the secret St. Petersburg Conference [1904]—were once forgotten, dismissed, or ignored.³ Even the head of the French delegation to the Rome Conference, Camille Barrère, famously dismissed the resolutions as not being worth “the paper they were written on.”⁴ Recent scholarship, however, argues that these conferences laid the foundation for modern international police cooperation, including Interpol.⁵ In this vein, most attention has been

Political Violence, and the State (Cambridge: Cambridge University Press, 1995), 191-95; Leslie J. Macfarlane, *Violence and the State* (London: Nelson, 1974), 55-129; Geoffrey Pridham, "Terrorism and the State in West Germany During the 1970s: A Threat to Stability or a Case of Political Over-Reaction?," in *Terrorism: A Challenge to the State*, ed. Juliet Lodge (Oxford: Martin Robertson, 1981), 50-52.

³ See, for example, Christopher Seton-Watson, *Italy from Liberalism to Fascism, 1870-1925* (London: Methuen, 1967), 189; Ernest Alfred Vizetelly, *The Anarchists: Their Faith and Their Record, Including Sidelights on the Royal and Other Personages Who Have Been Assassinated* (London: John Lane, 1911), 238.

⁴ “Barrère to Foreign Minister Delcassé,” 30 December 1898 in Jean Maitron, *Histoire du mouvement anarchiste en France* (Paris: Societe Universitaire, 1951), 433, n. 8.

⁵ Mathieu Deflem, *Policing World Society: Historical Foundations of International Police Cooperation* (Oxford: Oxford University Press, 2002); Mathieu Deflem, "'Wild Beasts Without Nationality:' The Uncertain Origins of Interpol, 1898-1910," in *Handbook of Transnational*

paid to the provisions of the Rome Conference that addressed matters of practical policing, such as the adoption of the *portrait parlé* system of identification and the exchange of information between police bureaus.⁶ Scholars, including Mary Barton and Mathieu Deflem, could trace and assess these policies because they built on established patterns and could be implemented through administrative decrees.⁷ The significance of the various legislative measures debated in these meetings has been harder to determine, given that many of the proposals encountered domestic hurdles to their implementation. Understanding why these efforts failed to gain traction despite widespread support for international cooperation generally reveals important insights into how tensions between security imperatives and core values of social and political liberalism shape collective security measures. This is all the more important in light of our greater understanding of the role these anti-anarchist efforts played in the development of core elements of international law and international organizations devoted to collective security.

Crime and Justice, ed. Philip Reichel (Thousand Oaks, CA: Sage Publications, 2005); Richard B. Jensen, "The International Anti-Anarchist Conference of 1898 and the Origins of Interpol," *Journal of Contemporary History* 16, no. 2 (1981); Richard B. Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934* (Cambridge: Cambridge University Press, 2013); Hsi-Huey Liang, *The Rise of Modern Police and the European State System from Metternich to the Second World War* (Cambridge: Cambridge University Press, 1992); Peter Romaniuk, *Multilateral Counter-Terrorism: The Global Politics of Cooperation and Contestation* (New York: Routledge, 2010).

⁶ *Portrait parlé*—"spoken picture"—was a method of criminal identification based on the anthropometry system developed by the French police officer Alphonse Bertillon. Bertillonage classified the size of various parts of the body and head, the color of hair, eyes, skin, as well as other identifying marks in a numerical system that law enforcement officials could easily transmit. It was a leading method of criminal identification before the use of fingerprint classification.

⁷ Mary S. Barton, "The Global War on Anarchism: The United States and International Anarchist Terrorism, 1898-1904," *Diplomatic History* 39, no. 2 (2015): 309-11; Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, 67-72; Liang, *The Rise of Modern Police and the European State System from Metternich to the Second World War*, 163-65.

How the American and British governments as well as civil society in each country debated anarchism and its relationship to violence fundamentally shaped how those governments participated in efforts to suppress anarchist terrorism in the last decades of the twentieth century. The first section of this chapter examines how states adapted extradition treaties to address the problems posed by attacks on heads of state and of political offenders, more generally. In the United States, strong public criticisms of extradition treaties with Great Britain [1890] and Russia [1893] demonstrated that people seized on the broader implications of suppressive measures themselves, regardless of whether the treaty partner enjoyed close diplomatic relations with the country.⁸ People objected to otherwise standard articles in these agreements because they suspected that such provisions could be used against political refugees in the United States. The second section examines how states struggled to find common ground on what, exactly, qualified as an anarchist crime. It situates the Rome Conference in the context of anarchist violence and argues that arriving at a definition of anarchist offenses that could be acceptable to a diverse group of states was critical to getting governments to agree to attend and participate in multilateral efforts. While continental powers blamed Great Britain for the failure to arrive at a comprehensive effort, the British government itself did not stand in simple isolation from, or in strict opposition to, those states proposing cooperative solutions. Rather, British officials examined avenues of participation against the backdrop of popular support for the country's traditional role as "a haven of refuge to victims of tyranny and persecution," which an ex-attaché

⁸ For purposes of identification, this chapter uses the years that treaties entered into force, rather than the years in which they were signed. The 1890 treaty with Britain was a supplemental treaty that greatly expanded on the provisions laid out in the Webster-Ashburton Treaty [1842]. The Russian treaty was a new agreement.

acknowledged was “part and parcel of their national principles.”⁹ Finally, the third section examines how the British and American governments responded to a Russo-German initiative to suppress anarchism following the attempted assassination of the Prince of Wales in 1900 and the successful attack on President McKinley in 1901. This initiative, which resulted in the secret St. Petersburg Conference [1904], explicitly referred to those two attacks to justify greater international cooperation. Yet, even though a British delegation participated in the Rome Conference and despite Roosevelt’s call for an international response to anarchist crime, neither government participated. Popular opinion in each country did not reject outright the need for collective security. But popular concerns about the nature of repressive measures were central to whether and in what ways the governments of Britain and the United States would engage with international anti-anarchist initiatives.

EXTRADITION AGREEMENTS: BILATERAL COOPERATION AGAINST ANARCHISTS

In early August 1881, newspapers around the United States published a notable exchange of letters between Henry Wehle, a lawyer in New York City, and U.S. Secretary of State James G. Blaine. On August 5, Wehle petitioned the State Department for a clarification on the possibility that his client, Leo Hartmann, could be extradited back to Russia upon the request of the Russian government, “when there is neither treaty nor statute in existence to authorize such arrest or extradition.”¹⁰ Hartmann was concerned about possibly being extradited because of his purported actions in Russia in the late 1870s. There, with the assistance of several members of the revolutionary *Narodnaya Volya* [the “People’s Will”], he claimed to have set off the bomb that derailed Tsar Alexander II’s train as it

⁹ “England and Aliens,” *New York Tribune*, 22 May 1904: A1.

¹⁰ “Leo Hartman. The Extradition Question,” *The Philadelphia Inquirer*, 10 August 1881: 1.

approached Moscow on November 19, 1879.¹¹ Following this failed assassination attempt, Hartmann fled to France, where he was arrested in Paris in 1880, although the French government refused to extradite him back to Russia. He subsequently traveled to Great Britain before continuing on to the United States in order to, as he stated, “gain the sympathy of the American people for those struggling for liberty in Russia.”¹² Blaine’s response to Wehle’s inquiry, however, was curt: Hartmann was merely one of “A half million immigrants from Europe” likely to arrive that year and “no citizen of the United States... has the right to demand from any national tribunal its opinion in a hypothetical case.” “It may, perhaps be unnecessary to advise you,” Blaine scolded Wehle, “that the conclusions and decisions of the Department of State on important legal and diplomatic questions are not made prematurely public through the medium of newspaper interviews, nor in response to the attorneys of interested parties.”¹³

The public debate over whether the American government could or should extradite Hartmann back to Russia presaged the struggle that would preoccupy governments in the late nineteenth century. Was his attempted assassination of the Tsar a crime or an act that “rid the world of a monster and brought one step nearer the liberty of the people,” wondered the author of an article in the newspaper, *Truth* [New York]? If it were the latter, as Hartmann and his supporters argued, then would he not deserve the protection given to other failed revolutionaries? The Italian revolutionary Giuseppe Mazzini, the same author

¹¹ See Edvard Radzinsky, *Alexander II: The Last Great Tsar*, trans. Antonina W. Bouis (New York: Free Press, 2005), 320-26; Avraham Yarmolinsky, *Road to Revolution: A Century of Russian Radicalism* (New York: Macmillan, 1955), 252-57.

¹² “Hartmann, the Nihilist,” *The Daily Inter Ocean* [Chicago], 1 August 1881: 1.

¹³ Underscoring his point, Blaine’s referred to the issue as “hypothetical” in three different places in the letter. “Leo Hartman. The Extradition Question,” *The Philadelphia Inquirer*, 10 August 1881: 1.

pointed out, “has a bust in Central Park” despite his “justification of the murder of sovereigns for the good of the people.”¹⁴ In an interview with a reporter from the *Chicago Tribune*, Hartmann asked rhetorically, “Where have we recourse in crushing out the tyranny and oppression which overwhelm and keep down our people.” The public in liberal states such as the United States had the luxury of recoiling in horror at these attacks. Theirs was “a government of the people ostensibly,” but in Russia, Hartmann argued, “We are slaves to an absolute monarch.... Let us whisper Constitution? Let us ask for a constitutional government... and we are spotted and hastened to Siberia or hanged.”¹⁵ Hartmann cast himself as one more in a line of failed revolutionaries deserving protection from the repressive machinations of an autocratic government.

Like its British counterpart did earlier in Hartmann’s odyssey, the U.S. government had to grapple with strong public support for traditions of political toleration and asylum and weigh it against the considerable attention given to the plight of the victimized Russian government. Hartmann’s arrival in the United States came during President James Garfield’s ultimately unsuccessful struggle to survive the injuries inflicted by his own assassin. How would Americans react, one contributor to the *New York Herald* asked, “if the wretch [Charles] Guiteau, who under the plea of a political necessity attempted to kill our President, had escaped to England or France or Russia, and they had refused to extradite him on the specious ground that it was a “political” crime?”¹⁶ In Chicago, the same city in which Hartmann found a receptive audience, people also pushed back. As a contributor to the

¹⁴ “A Hero Assassin,” *Truth* [New York City], 11 April 1881: 2.

¹⁵ “Leo Hartmann: His Opinion of the American Republic – Eternal Hostility to Despots – His Travels Around,” *Plain Dealer* [Cleveland], 20 August 1881: 3.

¹⁶ “The Right of Asylum,” *New York Herald*, 3 August 1881: 9.

Daily Inter Ocean [Chicago] lamented, “With the President [Garfield] still suffering from an assassin’s bullet, it was an impertinence for Hartmann to come to this country. It was offensive beyond endurance.”¹⁷ Contemporaries also recalled John Surratt’s flight in the wake of President Abraham Lincoln’s assassination and his subsequent arrest and extradition from Egypt as another example of the perils of recognizing such attacks as “political.”¹⁸ Though he was an autocrat, Alexander II was popular in the United States and his assassination in March 1881 meant that the tsar was hardly a distant, anonymous figure upon Hartmann’s arrival. Public commentary following Alexander II’s assassination focused on his emancipation of the serfs and his supposedly “liberal instincts.” These tributes reinforced a pervasive, powerful myth about the similarities and shared sympathies between the Tsar and President Lincoln, the Tsar Liberator and the Great Emancipator.¹⁹ That both were the victims of assassins further reinforced this myth. Consequently, public discussion was torn between sympathy for the murdered Tsar and the country’s obligations to a friendly nation on one hand and a strong desire to preserve the traditional freedom political exiles found in the United States on the other. Asylum was necessary to protect “exiles who have been hounded out of their own countries by police or soldiery for upholding the rights of citizenship or engaging in revolutionary movements,” a contributor to the *New York Tribune*

¹⁷ See “Hartmann and Public Opinion,” *Daily Inter Ocean* [Chicago], 12 August 1881: 4.

¹⁸ “Aspects of the Hartmann Case,” *New York Tribune*, 5 August 1881: 4.

¹⁹ See “What the Nihilists Have Done,” *New York Times* 14 March 1881: 4; “Expressions of Sympathy,” *New York Times* 15 March 1881: 2; “In Memory of the Czar,” *New York Times* 21 March 1881; and more generally on the popular myth of shared interests between Lincoln and Alexander II, see Albert A. Woldman, *Lincoln and the Russians* (Cleveland: World Publishing Company, 1952); Alexander P. Noonan, “A new expression of that *entente cordiale*! Russian-American Relations and the Fleet Episode of 1863,” in *The Civil War as Global Conflict: Transnational Meanings of the American Civil War*, ed. Simon Lewis and David Gleason (Columbia: University of South Carolina Press, 2014).

argued, “But it may be only prudent to draw a line somewhere between the political revolutionist and the political assassin.”²⁰

During the nineteenth century, the U.S. government joined its peers by turning increasingly to extradition treaties in their attempts to draw such a line. A revolution in transportation made it easier for criminals to avoid capture. Governments, in turn, had to cooperate to counter the increased mobility of criminals since laws ordinarily stopped at the border.²¹ Extradition, as defined by Marjorie Whitman, is “the process by which persons charged with or convicted of crime against the law of a State and found in a foreign State are returned by the latter to the former for trial or punishment.”²² The Jay Treaty [1795], a treaty of amity, commerce, and navigation between the United States and Great Britain contained the first modern extradition agreement for each country.²³ Though it lacked many of the defining features in subsequent agreements, Article 27 of the treaty contained the seed principles that future extradition treaties would develop: the expectation that a *prima facie* case be made before extradition would be granted, that requests would be handled through diplomatic channels, and that costs would be affixed in specific ways. Though the earliest extradition treaties were brief in length and fleeting in duration, a sustained increase in the

²⁰ “A Correspondent,” *New York Tribune*, 6 August 1881: 4.

²¹ See, generally, Katherine Unterman, *Uncle Sam's Policemen: The Pursuit of Fugitives Across Borders* (Cambridge: Harvard University Press, 2015). For a discussion of the emergence of international law in the nineteenth century and how it developed in conjunction with the expansion of European power, see Benjamin Allen Coates, *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century* (Oxford: Oxford University Press, 2016), 16-38.

²² Marjorie M. Whiteman, *Digest of International Law*, vol. 6 (Washington D.C.: Department of State, 1968), 727.

²³ “Treaty of Amity, Commerce and Navigation, Between His Britannic Majesty and the United States of America,” Great Britain and the United States, Article 27, November 19, 1794, Yale University: The Avalon Project [http://avalon.law.yale.edu/18th_century/jay.asp]; Date accessed: 27 February 2018].

signing and ratification of extradition treaties began in the 1840s and continued through the end of the century.²⁴ These treaties were a remarkable diplomatic achievement: treaties were signed between the United States and countries on every continent and with countries with vastly different legal systems.²⁵ American extradition treaties often built upon one another, as Daniel Margolies notes, with “new terms... overlaid.... The structure and language in each varied in small but very significant ways.”²⁶

Though the principle of extradition dates to ancient times, the political offense exception arose from the political tumult and violence of the nineteenth century.²⁷ It was to the protection offered through this principle that Hartmann implicitly appealed. In the United States, the proliferation of modern extradition treaties coincided with increased provisions

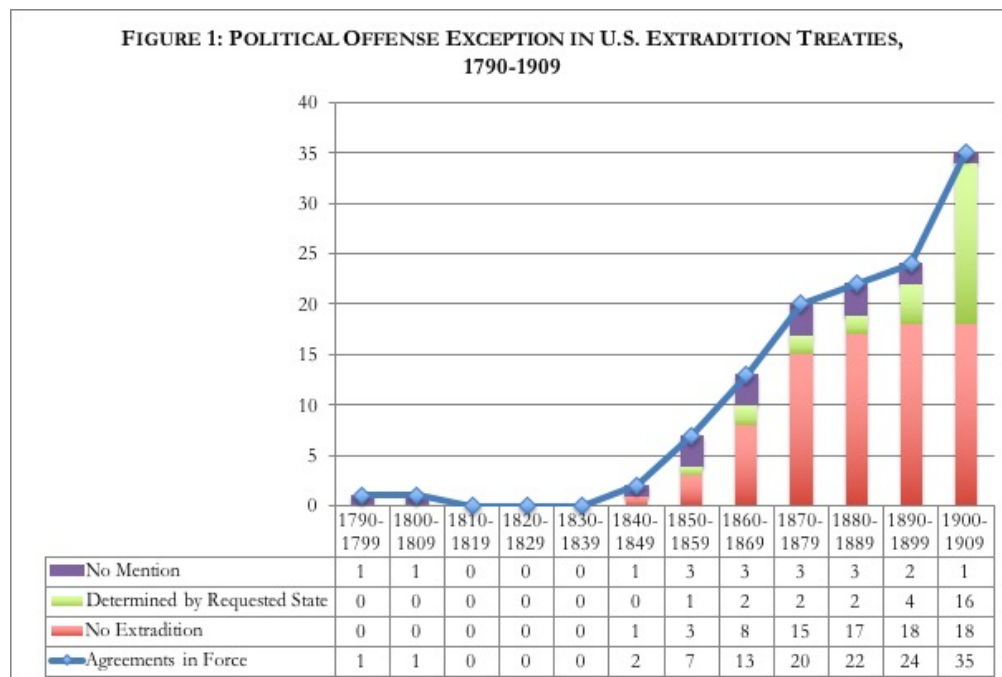
²⁴ As time passed, certain other principles supplemented those first laid down in the Jay Treaty. These included: extradition only for crimes enumerated in a treaty; double criminality, where the offense alleged by the requesting state is also a crime in the requested state; and the doctrine of speciality, which “reflects a fundamental concern of governments that persons who are surrendered should not be subject to indiscriminate prosecution by the receiving government.” *Fiocconi v. Attorney General of the United States* [2d Cir. 1972] as quoted in John J. Barrett III, “The Doctrine of Speciality: A Traditional Approach to the Issue of Standing,” *Case Western Reserve Journal of International Law* 29, no. 2 (1997): 307. On the general principles of extradition, see M. Cherif Bassiouni, *International Extradition: United States Law and Practice*, Third ed. (New York City: Oceana Publications, 1996), 383-493.

²⁵ For example, the United States government concluded treaties with the governments of France [1843, 1845, 1858], Mexico [1861], the Orange Free State [1871], the Ottoman Empire [1874], and Japan [1886] to name a few.

²⁶ Daniel S. Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877-1898* (Athens: University of Georgia Press, 2011), 183.

²⁷ Indeed, though a debate raged in the nineteenth century, most modern studies of extradition point to a provision for the reciprocal rendition of fugitives in the peace treaty between Ramses II of Egypt and the Hittite prince Hattusili III as the first example of what would become the principle of extradition. See M. Cherif Bassiouni, *International Extradition and World Public Order* (Leiden: A.W. Sijthoff, 1984), 3-4; Christopher L. Blakesley, “The Practice of Extradition from Antiquity to Modern France and the United States: A Brief History,” *Boston College International and Comparative Law Review* 4, no. 1 (1981): 41-47; Ivan A. Shearer, *Extradition in International Law* (Manchester: Manchester University Press, 1971), 5.

for the protection of political offenders [See Figure 3.1]. Uprisings such as those in 1848 reinforced the belief that political offenders opposed autocratic regimes in the name of nationalism or self-determination. The political offense exception, therefore, reflected increasing support for individual and collective freedom as well as popular sovereignty.²⁸ Consequently, proponents of liberal republicanism argued that political offenders deserved protection. First introduced in an extradition treaty between France and Belgium signed on November 22, 1834, the political offense exception represented a notable departure from tradition as, through the Early Modern period, extradition was typically geared toward the return of political enemies to a desiring sovereign.²⁹



²⁸ Barton L. Ingraham, *Political Crime in Europe: A Comparative Study of France, Germany, and England* (Berkeley: University of California Press, 1979), 219. See also Charles Cheney Hyde, “Notes on the Extradition Treaties of the United States,” *American Journal of International Law* 8, no. 3 (July 1914): 489-95.

²⁹ Lora L. Deere, “Political Offenses in the Law and Practice of Extradition,” *American Journal of International Law* 27, no. 2 (April 1933): 250-51; Blakesley, “The Practice of Extradition from Antiquity to Modern France and the United States: A Brief History,” 48-49; Shearer, *Extradition in International Law*, 8, 166-67.

The political offense exception is remarkable in that, from the mid-nineteenth century onward, it was widely adopted by countries across the political spectrum, yet it remained essentially undefined.³⁰ Definitions, as the leading American jurist John Bassett Moore wrote in 1891, “are of little practical value, since the question whether a particular act comes within that category [of a political offense] is pre-eminently circumstantial.”³¹ Over time, however, the political offense exception in practice came to encompass two different categories: first was the “pure political offense,” which covered sedition, treason, and espionage;³² second, the “relative political offense” included elements of a common crime

³⁰ James. J. Kinneally, III, “The Political Offense Exception: Is the United States-United Kingdom Supplementary Extradition Treaty the Beginning of the End?,” *American University Journal of International Law and Policy* 2, no. 1 (1987): 207-09; Manuel R. García-Mora, “The Nature of Political Offenses: A Knotty Problem of Extradition Law,” *Virginia Law Review* 48, no. 7 (November 1962): 1227; Christine Van den Wijngaert, *The Political Offense Exception to Extradition: The Delicate Problem of Balancing the Rights of the Individual and the International Public Order* (Antwerp: Kluwer, 1980), 95-102.

There are two notable exceptions. The first was the German Extradition Law of December 23, 1929, which stated that “Political acts are those punishable offenses (*Angriffe*) which are directed immediately against the existence of the security of the State, against the head or a member of the government of the State, as such, against a body provided for by the constitution, against the rights of citizens in electing or voting, or against the good relations with foreign States.” The second was the Harvard Law School commissioned study *Research in International Law*, whose Draft Extradition Convention defined “political offense” as including “treason, sedition, and espionage... any offense connected with the activities of an organized group directed against the security or governmental system of the requesting state; and it does not exclude other offenses having a political objective.” See, respectively, Harvard Research in International Law, “Appendix VI: Selected Extradition Treaties,” *American Journal of International Law* 29, no. Supplement: Research in International Law (1935): 385; Harvard Research in International Law, “Draft Convention on Extradition,” *American Journal of International Law* 29, no. Supplement: Research in International Law (1935): 22.

³¹ John Bassett Moore, *A Treatise on Extradition and Interstate Rendition*, vol. 1 (Boston: Boston Book Company, 1891), 308.

³² Deere, “Political Offenses in the Law and Practice of Extradition,” 247.

but committed with a political purpose.³³ According to the legal scholar Lassa Oppenheim, the key question, particularly as it related to anarchist offenses, was “how to sift the chaff from the wheat, how to distinguish between such political criminals as deserve an asylum, and such as do not.”³⁴

The process of refining the political offense exception accelerated after the 1850s and, as Moore alluded, small linguistic shifts in the treaties dramatically shaped how governments could apply the exception. Article V of the Treaty of Extradition between the United States and France [1844] introduced the notion of the “pure political offense” to American extradition treaties. “The provisions of the present Convention shall not be applied... to any crime or offense of a purely political character.”³⁵ Twelve years later, the Convention of Amity, Commerce, Navigation, and Extradition between the United States and the Kingdom of the Two Sicilies [1856] introduced relative political offenses. Article XXIV of the convention qualified the political offense exception: fugitive criminals would not be surrendered for an offense of a political character, “unless the political offender shall have also been guilty of some one of the crimes enumerated” in an earlier article and included offenses such as murder, forgery, or robbery.³⁶ This raised the prospect, however, that political offenders *could* be extradited given that their crimes often fell under the category of crimes covered.

³³ Charles L. Cantrell, “The Political Offense Exemption in International Extradition: A Comparison of the United States, Great Britain and the Republic of Ireland,” *Marquette Law Review* 60, no. 3 (Spring 1977): 780; Van den Wijngaert, *The Political Offense Exception to Extradition: The Delicate Problem of Balancing the Rights of the Individual and the International Public Order*, 105-08.

³⁴ Lassa F.L. Oppenheim, *International Law: A Treatise*, vol. 1: Peace (London: Longmans, Green, and Co., 1920), 521.

³⁵ 7 Bevans 830 1968.

³⁶ 2 Malloy 1814 1910.

The idea that a requested state should have the discretion to determine what crimes were or were not protected as political offenses was a reflection that a political crime was rarely clear cut and governments could have conflicting reasons for pursuing or sheltering political offenders. Implicit in this were concerns over the possible erosion of sovereignty. Most individuals affected by these treaties were émigrés to the countries where they were detained. Yet the requested country may have radically different views on whether the act was a criminal offense or, for example, the exercise of what in the requested country would be free speech. Extradition treaties also depended, in part, on the notion that foreign states made requests for fugitive criminals in good faith: that a government making a request would prosecute the fugitive criminal for the crimes indicated in the request and not, if said criminal was surrendered, for crimes exempt or absent from the extradition treaty under which the requested state delivered them.³⁷ Treaties between the United States and Belgium [1882] and Luxembourg [1884] reveal how this evolving consideration appeared in extradition treaties. Surrender, in these two treaties, would not take place “If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character.”³⁸ As the nineteenth century progressed, the determination of whether or not a fugitive would be extradited or if their claim to the protections of the political offense exception would be upheld increasingly devolved to the requested state, as Figure 3.1 demonstrates.

³⁷ J. Reuben Clark Jr., "The Nature and Definition of Political Offense in International Extradition" (paper presented at the Proceedings of the American Society of International Law, Third Annual Meeting, Washington, D.C., 23 April 1909), 111.

³⁸ Article IV, Treaty of Extradition between the United States and Belgium [1886], 9 Bevans 383 1968. See also Article IV, Treaty of Extradition between the United States and Luxembourg [1884], 9 Bevans 694.

The updated extradition treaty signed between the United States and France [1911] demonstrated the full significance of the shift in how governments framed the political offense exception. Article VI of the treaty not only held that a fugitive criminal would not be extradited “if he proves that the requisition for his surrender has... been made with a view to punish him for an offense of apolitical character” but also provided that “If any question shall arise... the decision of the authorities of the Government on which the demand for surrender is made shall be final.”³⁹ Language like this was increasingly standardized in extradition treaties, regardless of the governments involved—whether republics, constitutional monarchies, even autocratic regimes. In less than seventy years, the political offense exception evolved from a clear, defined set of circumstances to something that mirrored the inherent fuzziness of political revolutionaries in the late nineteenth century.

From the 1880s onward, as anarchist violence entered and increasingly occupied public consciousness, government officials and the civil society increasingly worried about the ambiguous nature of crimes committed for political reasons. Was someone who robbed a bank to finance their still nascent uprising a political criminal or a simple bank robber? What of someone who kills a government official hoping that their act sparks an open rebellion and no such uprising occurs? Anarchists presented a unique challenge to how governments would implement the political offense exemption. Political radicals sought to alter society whereas anarchists – popular opinion alleged – simply sought to destroy it. This set anarchists apart from Social Democrats, Socialists, trade unions and other groups who suffered formal and informal repression in the late nineteenth century. Before anarchist

³⁹ “Arbitration Treaty between the United States of America and France,” signed at Paris, January 6, 1909, U.S. Treaty Series, no. 561. *American Journal of International Law* 5, no. 4 (October 1911): 243-249.

violence peaked in the 1890s, even those not won over to a revolutionary or anarchist's cause could nonetheless argue for their protection based on the strong tradition of asylum in the United States. In the Hartmann case, even if an element in the government and in popular opinion would favor a Russian request for his extradition, an editorial from the newspaper *Truth* [New York] made clear, "Compliance will raise a popular storm that nothing will allay. Americans do not propose to have the machinery of our government used to catch or harass political refugees from tyrannical governments, whether the refugees are accused of killing one tyrant... or ten thousand soldiers in the carnage of revolutionary conflict."⁴⁰ Anarchists, however, did not limit their attacks to autocratic states. In November 1900, *The Daily Picayune* [New Orleans] observed that despite "the general betterment" of people globally, "the almost complete extinction of arbitrary power wielded by monarchs" did not diminish the number of assassinations. "As a matter of fact, attempts upon the lives of monarchs and rulers seem to have increased, rather than to have diminished in recent times."⁴¹

The universal undesirability of anarchists meant that governments had incentives to find ways to exempt them from the protection offered by the political offense exception rather than risk losing in the court of public opinion. To do this, American and British interpretations of the clause developed what became known as the incidence test.⁴² In October 1890, the Swiss government requested that the United Kingdom arrest and return Angelo Castioni to stand trial for the murder of a certain Luigi Rossi. In September 1890,

⁴⁰ "The Right of Asylum," *Truth* [New York], 28 July 1881: 2.

⁴¹ "Attacks Upon Rulers," *The Daily Picayune* (New Orleans) 18 November 1900: 4.

⁴² García-Mora, "The Nature of Political Offenses: A Knotty Problem of Extradition Law," 1244; Shearer, *Extradition in International Law*, 178-79.

Castioni had participated in a successful uprising against the government of Ticino, a Swiss canton, and during an attack on the municipal palace, he shot Rossi, who had been a member of the canton's government. Sir Charles Russell, the counsel for Castioni, brought up two competing definitions of "offenses of a political character" made by members during an 1886 debate in the House of Commons over what would ultimately become the Extradition Act of 1870. On one hand, Russell offered John Stewart Mill's proposed version of an uprising test, which stated that "Any offense committed in the course of or furthering of civil war, insurrection, or political commotion" could be interpreted as possessing a political character; on the other hand, Russell also raised the definition by Justice James F. Stephens, who argued "fugitive criminals are not to be surrendered for extradition crimes if those crimes were incidental to and formed part of political disturbances."⁴³ The judges on the bench for Castioni's trial, including Justice Stephens, agreed with Russell and argued that "the reasonable presumption is that he [Castioni], at the moment knowing nothing about Rossi, having no spite or ill-will against Rossi, as far as we know, fired that shot – that he fired it thinking it would advance, and that it was an act which was in furtherance of... the very object which the rising had taken place in order to promote, and to get rid of the government;" hence the crime was a political offense.⁴⁴ The justices narrowed future interpretations of offenses of a political character when they argued that a broad

⁴³ *In re Castioni* [1891], 1 Q.B. 153.

⁴⁴ *In re Castioni* [1891], 1 Q.B. 159. Judge Hawkins went on to explain, "I cannot help thinking that everybody knows there are many acts of a political character done without reason, done against all reason; but at the same time one cannot look too hardly and weigh in golden scales the acts of men hot in their political excitement. We know that in heat and in heated blood men often do things which are against and contrary to reason; but none the less an act of this description may be done for the purpose of furthering... a political rising, even though it is an act which may be deplored and lamented, as even cruel and against all reason, by those who can calmly reflect upon it after the battle is over." *Ibid*, 167.

“commotion” test would “introduce a dangerous doctrine; for it would give immunity from extradition to persons who, without any political object in view, joined in a rising for the sole purpose of gratifying personal malice, or for the sake of plunder.”⁴⁵

Three years after *In Re Castioni* introduced the incidence test, Judge William W. Morrow introduced it into the American legal tradition from the U.S. District Court for the Northern District of California. In 1890, General Antonio Ezeta and his brother Carlos helped to overthrow the government of El Salvador. In 1894, during a revolution against their rule, Ezeta and his co-defendants summarily executed soldiers for refusing to defend the government, committed public executions, mutilated the corpses of suspected rebels, and robbed the International Bank of Salvador and Nicaragua – calling it a “forced loan.” They subsequently fled the country on a U.S. naval ship that took them to San Francisco.⁴⁶ Under the terms of the Salvadoran-American Extradition Treaty [1874], the new government of General Rafael Antonio Gutierrez requested their surrender citing the crimes committed during the two revolutions. Before Judge Morrow, the lawyers for Ezeta argued that with one exception, all the acts charged stemmed from “acting against revolutionary forces in the field; that the crimes or offenses were therefore of a political character and, under the treaty, not subject to extradition.” The counsel for the Salvadoran government countered that it was not Morrow’s duty to “determine this question.” Instead, the counsel argued that Judge Morrow’s role was “limited to the examination of the criminality of the

⁴⁵ *Ibid.*, 154.

⁴⁶ Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877-1898*, 297-303; Ethan Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park: The Pennsylvania State University Press, 1993), 420-21; Christopher H. Pyle, *Extradition, Politics, and Human Rights* (Philadelphia: Temple University Press, 2001), 109-10; Unterman, *Uncle Sam's Policemen: The Pursuit of Fugitives Across Borders*, 168-69.

accused.” It was, in the view of those lawyers, up to the executive branch of the American government to “properly determine whether the offenses were of a political character or not.”⁴⁷ After considering the arguments, and going into a detailed discussion of *In re Castioni*, Morrow ruled on behalf of the defendants, declaring: “The testimony shows that they [the offenses Ezeta and his co-defendants were charged with committing] were all committed during the progress of actual hostilities between contending forces... against the active operations of a revolutionary uprising. With the merits of this strife I have nothing to do.” The crimes, Morrow lamented, may have been of “the most atrocious and inhuman character, and still the perpetrators of such crimes escape punishment as fugitives beyond the reach of extradition. I have no authority, in this examination, to determine what acts are with the rules of civilized warfare, and what are not.”⁴⁸

The same year of Morrow’s decision, British judges refined the incidence test in their ruling in the case *In re Meunier*. The French government requested the arrest Théodule Meunier, a self-professed anarchist, for detonating two bombs: one in an attempt to destroy the Loban barracks in March 1892 and another at the Café Véry on April 25, 1892. In the second bombing, which he timed to coincide with the trial of the infamous anarchist, Ravachol, the blast killed two people and injured many others.⁴⁹ In this case, the presiding judges agreed with the prosecution in denying that Meunier’s crime was a political offense. The British government extradited Meunier back to France where he was found guilty and

⁴⁷ *In re Ezeta* [1894], 62 F. 995, District Court, N.D. California.

⁴⁸ *In re Ezeta* [1894], 62 F. 997.

⁴⁹ Meunier intended for the bomb to kill a waiter who worked at the Café, but the attempt failed. Anarchists blamed the waiter for playing a role in Ravachol’s capture after the latter set off bombs at the same location. Meunier’s bomb did, however, kill the café’s owner. On Ravachol’s attacks and the “épilogue” of Meunier, see Maitron, *Histoire du mouvement anarchiste en France*, 189-230, especially 09-10, n 1.

sentenced to a lifetime of hard labor. In dismissing the defense's claim that the bombing of the barracks should be considered a political offense, Judge Cave further revised the precedent of *In re Castioni*. Cave argued: "in order to constitute an offence of a political character, there must be two or more parties in the State, each seeking to impose the Government of their own choice on the other.... In the present case there are not two parties in the State, each seeking to impose the Government of their own choice on the other; for the party with whom the accused is identified by the evidence, and by his own voluntary statement, namely, the party of anarchy, is the enemy of all Governments." Anarchists, in Cave's view, directed their efforts "primarily against the general body of citizens. They may, secondarily and incidentally, commit offences against some particular Government; but anarchist offences are mainly directed against private citizens."⁵⁰ The *Meunier* decision then denied the benefit of the political offense exception to terrorists—people who deliberately kill or injure innocent people for symbolic reasons.⁵¹

While these cases had far-reaching effects on how the political offense exception would be applied to anarchist crimes, their importance also stems from what they reveal about popular attitudes toward violence. This was debated in visceral, emotional terms. Dynamite was an imprecise weapon and infamous anarchist attacks on heads of state, James Angell argued, were "in all civilized lands... considered utterly unjustifiable, even in time of

⁵⁰ *In re Meunier* [1894], 2 Q.B. 419.

⁵¹ Cantrell, "The Political Offense Exemption in International Extradition: A Comparison of the United States, Great Britain and the Republic of Ireland," 786; Pyle, *Extradition, Politics, and Human Rights*, 107; Caroline Emily Shaw, "Recall to Life: Imperial Britain, Foreign Refugees and the Development of Modern Refuge, 1789-1905" (University of California, Berkeley, 2010), 151; S. Prakash Sinha, *Asylum and International Law* (The Hague: Martinus Nijhoff, 1971), 180-81.

open war.” Offenders of this sort were *hostes humani generis* [sic.], enemies of mankind.⁵²

“Among enlightened nations,” Thomas M. Cooley declared in the same issue of *The North American Review*, “the fact has come to be recognized that all offenses that are evil in themselves and do not derive their criminal quality from local policy and statutes, are so far injurious to the world at large that all are concerned in their punishment.”⁵³ Contemporary writing was loaded with these emotive, extreme descriptions: civilization needed to unite against the evil threat of “bloody-handed assassins, and bomb-throwing conspirators, and the worst type of revolutionary fanatics.”⁵⁴ The illustrious lawyer Frederic Coudert, in a paper presented at the third annual meeting of the American Society of International Law, argued that this was the “distinction” that separated a George Washington or a Lajos Kossuth from “objects of universal execration like Wilkes-Booth, Guiteau, Czolgoz [sic.]... whose monstrosities shocked the civilized world.”⁵⁵ Julian Mack, who was named a federal judge in 1910, echoed this sentiment, arguing that anarchistic crimes were “not directed against one country alone and its political conditions, but directed against human society in

⁵² James B. Angell, George Ticknor Curtis, and Thomas M. Cooley, “The Extradition of Dynamite Criminals,” *North American Review* 141, no. 344 (July 1885): 48-49, 50.

Hostes humani generis, as a legal term, originated in admiralty law and was first used to justify action against pirates and slavers. Roosevelt, in his first message to Congress, repeated this idea and the popular press made similar comparisons. See “Anarchists and Asylums,” *New York Times*, 20 December 1893: 4. On the history of the term and its modern application to terrorist crimes, see Douglas R. Burgess Jr., “Hostis Humani Generi: Piracy, Terrorism and a New International Law,” *University of Miami International and Comparative Law Review* 13 (Spring 2006).

⁵³ Angell, Ticknor Curtis, and Cooley, “The Extradition of Dynamite Criminals,” 53-54.

⁵⁴ “The Russian Treaty,” *Washington Post*, 8 June 1893: 4.

⁵⁵ J. Reuben Clark Jr., Frederic R. Coudert, and Julian W. Mack, “The Nature and Definition of Political Offense in International Extradition” (paper presented at the Proceedings of the American Society of International Law, Third Annual Meeting, Washington D.C., 23 April 1909), 126.

general.”⁵⁶ The public in the United States and Great Britain recoiled in horror at the indiscriminate use of terror by anarchists like Meunier; lawyers, government officials and judges agreed.⁵⁷ Cave’s ruling in the *Meunier* decision merely codified what was already widely accepted: because anarchists denied the validity of any and all government, they were not engaged in a struggle to impose their own kind of rule. Consequently, governments would not protect their criminal offenses as political ones.

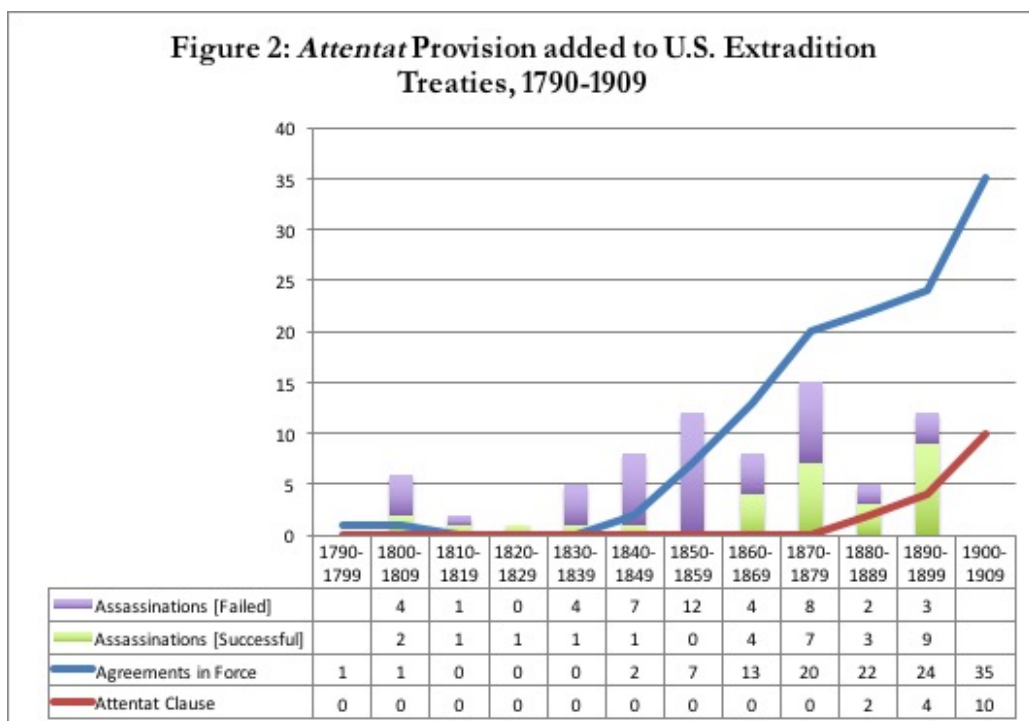
After 1856, governments increasingly incorporated the *attentat* or Belgian clause into extradition treaties alongside the political offense exception. The *attentat* clause stipulated that “An attempt against the life of the head of a foreign government, or against that of any member of his family when such an attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offence or an act connected with such an offence.”⁵⁸ While it similarly arose out of the milieu that spawned the political offense exception, the *attentat* clause was developed as a way to limit it. The origins of the clause date to September 1854, when two Frenchmen named Célestin and Jules Jacquin attempted to assassinate Emperor Napoleon III by detonating a bomb under a rail line as his train traveled between Lille and Calais. They later escaped to Belgium where the Belgian

⁵⁶ Clark Jr., Coudert, and Mack, "The Nature and Definition of Political Offense in International Extradition", 156.

⁵⁷ At the 1892 meeting of the *Institut de Droit International*, Albéric Rolin introduced a resolution defining anarchist crimes as non-political offenses because they were not “directed against a particular State, or against a certain form of government, but against the basis of all social organization. The crimes of anarchists, such as Ravachol, were “sinister and absurd.” *Annuaire de L’Institut de Droit International*, vol. 12 (Paris: G. Pedone-Lauriel, September 1892), 167. Author’s translation. See also, Gustavo Tosti, “Anarchistic Crimes,” *Political Science Quarterly* 14, no. 3 (September 1899).

⁵⁸ “Extradition Convention” between the United States and Belgium, signed 13 June 1882. William M. Malloy, "Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, 1776-1909", (Washington, DC: Government Printing Office, 1910).

Court of Appeal denied the French government's extradition request, ruling that the crime fell under the political offense clause of the Belgian Law of 1 October 1833 and the Franco-Belgian extradition treaty of 1834. Reaction to this was swift and governments began to insert language into their extradition treaties to prevent repeat situations in the future. While the U.S. government was slow to incorporate the provision into its extradition treaties, it first appeared in a U.S. treaty in 1882 and quickly became a standard feature of American agreements [See Figure 3.2].



The *attentat* clause was designed to reassure a wary public – and equally wary heads of state – that an assassin would not be able to escape justice purely by arguing that their crime was political because they attacked a head of state or member of their family. Inserting the clause into extradition treaties had the effect of allaying concerns such as those raised by Hartmann during his time in the United States: what if the assassin targeted a sympathetic figure? What if Guiteau had escaped and claimed that his attack on President Garfield was

political? In Great Britain, Sir Kenelm Digby, the Under Secretary of State at the Home Office, referenced *In re Castioni* to support his argument that, “The fact that the object of the crime was a foreign Sovereign might indeed be an element in proving the political character of the crime, but if it were the sole evidence it seems to me very improbable that any English Court would on that ground alone refuse extradition.”⁵⁹ Context here was as important as it was for Hartmann’s critics in 1881. In this case, an Italian anarchist assassinated Elisabeth, Empress of Austria in Geneva in mid-1898. Like Alexander II in 1881, Elisabeth was a popular and sympathetic figure and her murder, unlike the tsar’s, lacked the pretense that the crime had a larger political purpose behind it. Digby, then, assured those who believed the *attentat* clause would ensure justice for attacks on such public figures. Public officials in the United States echoed this idea as well. In 1885, following an attack in London by members of the Irish opposition, Elihu Root, then serving as a United States District Attorney, gave a speech in New York, stating: “Men may conspire here to commit wholesale assassination upon English soil, and it is no legal offense... The laws ought to be changed... This people has been foremost among the nations of the earth [sic.] in securing to every man liberty of speech and liberty of action; it should not be the last to punish those whose liberty of word and act degenerates into infamous crime.”⁶⁰

Yet not all heads of state were created equal and that reality was a potentially significant problem for liberal governments, such as those in Britain and the United States. “It is impossible to suppose that the murder of the Empress of Austria would have been regarded as a political offence,” Digby continued while also cautioning, “It is, of course, a

⁵⁹ Sir Kenelm E. Digby, “No. 12: Memorandum on Sir P. Currie’s Telegram of December 5, 1898,” 7 December 1898. FO 881/7179, p. 18, National Archives, Kew Gardens, UK.

⁶⁰ “Dynamite Crimes,” *Harper’s Weekly* 7 February 1885: 82.

different question whether an English Court would have regarded the murder of the Emperor of Russia as a political offence.”⁶¹ The crux of the issue was the clause’s universality; “protecting,” as Christopher Pyle laments, “all heads of state, no matter how richly they deserved to be shot.”⁶² This was Hartmann’s argument in 1881 about the revolutionaries who preceded him and for those who would come after him. Hartmann and his defenders argued against the machinery of government being used to punish an attack that, they claimed, was made in an attempt to liberate the oppressed Russian people. The same issue remained in 1893 when the public debate over a proposed extradition treaty with Russia centered on not depriving Russians who used non-lethal attacks on the Tsar of asylum while acknowledging that Americans, by virtue of their laws, were “bound not to be accessories to designs on the Czar’s life.”⁶³

While Figures 3.1 and 3.2 demonstrate how quickly and extensively the U.S. government incorporated the political offense exception and *attentat* clause into its extradition treaties, it did not always occur unopposed. In the 1880s and 1890s notable conflicts over these provisions erupted over treaty negotiations between the United States and Great Britain [1890] and Russia [1893]. The treaty with Britain was a supplement to the Webster-Ashbuton Treaty [1842] and representatives of both countries sought to modernize the treaty by expanding on the relatively short list of crimes eligible for extradition in the original treaty. Negotiations on a new treaty were arduous – taking over twenty years of

⁶¹ Sir Kenelm E. Digby, “No. 12: Memorandum on Sir P. Currie’s Telegram of December 5, 1898,” 7 December 1898. FO 881/7179, p. 18, National Archives, Kew Gardens, UK.

⁶² Pyle, *Extradition, Politics, and Human Rights*, 108. For other criticisms of the clause, see Shearer, *Extradition in International Law*, 185; Clark Jr., Coudert, and Mack, “The Nature and Definition of Political Offense in International Extradition”, 158; Sinha, *Asylum and International Law*, 178-83.

⁶³ “This Busy World,” *Harper’s Weekly* 6 May 1893: 423.

intermittent diplomacy – and centered on the issue of speciality, as it pertained to both ordinary and political crimes.⁶⁴ While the British government denied that Irish terrorism was a political issue, many Americans had a hard time separating the motivations of Irish terrorists from their acts of violence, which they often attributed to British misrule.⁶⁵ The new treaty with Russia followed a similar path to development. U.S. Secretary of State Hamilton Fish first proposed a treaty in 1873 but it was quickly shelved because, as Thomas Bayard wrote, the “Russian government desired to introduce into the treaty various minor offenses, which were unacceptable to this Government.”⁶⁶ Russian representatives resumed negotiations on extradition treaties with both the United States and Britain in the 1880s in the wake of Alexander II’s assassination, which aroused sympathy in both countries, and the Haymarket bombings and trial in the United States, which coincided with what the Russian government described as an increase in Russian criminals finding refuge in the United States.⁶⁷

⁶⁴ Daniel Margolies calls the negotiations “an enormously significant and numbingly long crisis” and even contemporary sources agreed. In Britain, *The Spectator* called the dispute “tiresome” and “evident that neither our Government nor the Government of the United States had understood the Treaty of 1842.” In the United States, *The Nation* described it as “a quarrel of dignity” and declared, “Nobody will gain by any failure to agree or loss of temper by the criminal population.” See “The Winslow Extradition Case,” *The Spectator* 17 June 1876: 3; “Lord Granville brought,” *The Spectator* 29 July 1876: 2; “The Extradition Treaty,” *The Nation* 22: 332 (23 May 1876); Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877-1898*, 222.

⁶⁵ Jonathan Gantt, *Irish Terrorism in the Atlantic Community, 1865-1922* (New York: Palgrave MacMillan, 2010), 67-72, 92-113; Kenneth R.M. Short, *The Dynamite War: Irish-American Bombers in Victorian Britain* (Dublin: Gill and Macmillan, 1979), 19-20.

⁶⁶ “Preliminary Negotiations,” *Free Russia* [New York] 3, no. 11 (June 1893): 6.

⁶⁷ “Rosen to Bayard,” 15 September 1886. Quoted in Frederic C. Griffin, “Protesting Despotism: American Opposition to the U.S.-Russian Extradition Treaty of 1887,” *Mid-American: An Historical Review* 70 (April-July 1988): 92.

The governments of Great Britain and Russia in the late nineteenth century may not have had much in common, but popular opposition to extradition treaties negotiated with them focused on many of the same issues. While both treaties were based on the extradition treaty with Belgium [1882], which had entered into force practically unnoticed, contemporaries reacted with alarm when identical terms were applied to Britain and Russia. Article 2 (11) of the Belgian treaty declared “wilful [sic.] and unlawful destruction or obstruction of railroads which endangers human life” a crime subject to extradition. While this became increasingly standard in American treaties after 1882, it provoked alarm in the Irish-American community in the United States. While Americans had interest in an extradition treaty that would make it easier to pursue financial criminals who escaped across the border into Canada, the British wanted to prevent the United States from remaining a safe-haven for Irish terrorists. Daniel Margolis argues that the failure to pass a treaty in 1886 and the subsequent passage of one in 1890 was due to “changes in extradition relations that were quite apart from any concerns over terrorism or the definition of crime,” it is notable that this clause, which excited so much opposition in 1886, was removed from the 1890 version of the treaty and was not added into an extradition treaty with Britain until 1931.⁶⁸

Regarding the treaty with Russia, which was signed in 1887 and contained the same list of

⁶⁸ For the terms of the extradition treaty, see 26 Stat 1508-1509; Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877-1898*, 203. See generally, Nicholas Adams, "British Extradition Policy and the Problem of the Political Offender, 1842-1914" (University of Hull, June 1989), 182-206; Bradley Miller, "Emptying the Den of Thieves: International Fugitives and the Law in British North America/Canada, 1819-1910" (University of Toronto, 2012), 109-49; Gantt, *Irish Terrorism in the Atlantic Community, 1865-1922*, 180-82; Jonathan Gantt, "Irish-American Terrorism and Anglo-American Relations, 1881-1885," *The Journal of the Gilded Age and Progressive Era* 5, no. 4 (October 2006); Joseph P. O'Grady, *Irish Americans and Anglo-American Relations, 1881-1888* (New York: Arno Press, 1976), 156-67, 211-68; Unterman, *Uncle Sam's Policemen: The Pursuit of Fugitives Across Borders*, 165-68; Alan J. Ward, *Ireland and Anglo-American Relations, 1899-1921* (Toronto: University of Toronto Press, 1969).

crimes as the Belgian treaty, outrage was directed at the *attentat* clause contained in Article III.⁶⁹ The agreement sparked a firestorm of resistance from immigrant groups to the social and literary elite. A mass meeting in Chicago to protest the treaty in 1893 drew a crowd of five thousand Polish immigrants and Polish-Americans. One speaker decried the Tsar as “a self-willed despotic monster” that had “extended his bloody hand to America,” while another declared the treaty as “entirely opposed to American ideals.”⁷⁰ Protests and opposition also came from prominent figures like Elizabeth Cady Stanton, Charles F. Adams, William Dudley Foulke, and George Kennan, cousin to the American diplomat George F. Kennan as well as from organizations, such as the Society of American Friends of Russian Freedom and the Society for the Abrogation of the Russian Extradition Treaty.⁷¹

Despite the failure of opponents of these treaties to prevent their entry into force, the opposition to these agreements revealed a great deal about American efforts to draw a line between protecting and punishing political offenders. For the Anglo-American Extradition Treaty [1890], opposition to listing dynamite offenses was significant enough that the treaty was revised to remove what was increasingly a standard feature of American

⁶⁹ “Text of the Russian Extradition Treaty,” *American Advocate of Peace* 55, no. 7 (July 1893): 148. The treaty was first obtained and published by the *New York World* on 26 March 1887, two days before it was signed.

⁷⁰ “Protest against the American Extradition Treaty with Russia; 5000 Poles Attend Mass Meeting,” *Dziennik Chicagoski* [Chicago], 20 March 1893. Online at: http://flps.newberry.org/article/5423968_8_0800/ [Date accessed: 30 June 2018]. For similar sentiments, see “Extradition with Russia,” *New York Times*, 8 March 1893: 4; “Anarchy and Dynamite,” *New York Times*, 27 September 1893: 4.

⁷¹ See *Free Russia* 3, no. 8 (March 1893); Griffin, “Protesting Despotism: American Opposition to the U.S.-Russian Extradition Treaty of 1887.”; George Kennan, “The Russian Extradition Treaty,” *Forum* May 1893; Aurele J. Violet, “William Dudley Foulke and Russia,” *Indiana Magazine of History* 82, no. 1 (1986).

agreements with other countries.⁷² Conflicting opinions about Irish terrorism endured and fundamentally shaped extradition matters between the two countries for a century: into the 1980s the United States would resort to deportation, rather than extradition when it came to cases of Irish Republican Army members.⁷³ The Russian-American Extradition Treaty endured an even more peculiar fate. Though the attempts to pressure the U.S. government to nullify the treaty failed, the treaty itself disappeared. Unlike other lapsed treaties, it is unclear that it was ever abrogated as provided for in Article 11. The State Department's *Treaties in Force* series simply lists it as "Obsolete" and the treaty was removed from the series in 1941.

Over the last two decades of the nineteenth century, American officials and civil society wrestled with how to draw a line between political crimes that deserved protection and crimes of terror, which did not. Despite widespread sympathy for the plight of Irish Republicans or Russian émigrés and exiles, most Americans recoiled in horror at the acts of violence committed by anarchists and other terrorists. In attempting to devise protections for political radicals while rejecting safe haven to violent criminals, government officials and the public at large began to articulate their views on international terrorism. Yet they never spoke with one voice. An editorial published in the *San Francisco Chronicle* captured the dilemma: Most Americans would not mind if a Russian nihilist killed the Tsar but, he asked,

⁷² Even contemporary British observers had their doubts about the clause's importance. As *The Graphic* [London] reported, "Moreover, as political crimes are expressly excluded from the Convention; as the American-Irish Invincibles claim that their exploits are part of a regular war which they are levying against England; and as the Irish vote is a very important element in the calculation of American politicians; it seems doubtful whether, under the new Convention, this country will be any better off as regards dynamite conspiracies than she was before." "Anglo-American Extradition," *The Graphic* [London], 24 July 1886: 74.

⁷³ Karen McElrath, *Unsafe Haven: The United States, the IRA, and Political Prisoners* (London: Pluto, 2000), 45-64.

“as a matter of simple justice what is the difference” between that, a Fenian assassinating Queen Victoria, or an American anarchist assassinating the president?⁷⁴ The growing body of extradition law demonstrated that, from the government’s position, there was no difference. If some, such as the contributor to the *San Francisco Chronicle*, focused on the victims of assassination, others emphasized the extreme violence and ease with which it could spread. “Murders committed in France or Germany,” Thomas Cooley wrote to increasingly wary readers, “do not merely shock the public mind” in those countries. They also affect “the public of Great Britain and America, and do something toward rendering life less secure the world over.”⁷⁵ Bilateral efforts, like purely domestic legal reforms, would not be sufficient to address the transnational threat of anarchistic terrorism.

THE ROME CONFERENCE: MULTILATERAL COOPERATION AGAINST ANARCHISTS

Beginning in the 1880s, anarchist violence quickly exploded in a cycle of terrorism, reaction, and revenge throughout the 1890s, years often described as “the decade of the bomb” or the “decade of regicide.” In March 1892, the infamous French anarchist François Ravachol set off several bombs around Paris that targeted the police, prosecutors, and judges in response to what he and other sympathizers viewed as the harsh treatment of anarchists who had participated in a May Day demonstration. In December 1893, the anarchist Auguste Vaillant detonated a bomb in the French Chamber of Deputies as an act of revenge against the government, which had recently guillotined Ravachol. Vaillant’s own subsequent execution inspired Émile Henry’s bombing of the *Café Terminus* in Paris as well as the Spanish anarchist Sante Caserio’s assassination of French President Sadi Carnot in June

⁷⁴ “Political Crimes,” *San Francisco Chronicle*, 4, September 1892: 6.

⁷⁵ Angell, Ticknor Curtis, and Cooley, “The Extradition of Dynamite Criminals,” 55.

1894.⁷⁶ In November 1893, a Spanish anarchist set off two bombs in the Liceu Opera House in Barcelona in retaliation for the earlier execution of anarchists blamed for an insurrection in Jerez in southern Spain. In June 1896, a bombing during a religious procession in Barcelona prompted the government to declare martial law and police arrested, imprisoned, and tortured numerous anarchists in the Montjuïc fortress in the city. In August 1897, the Italian anarchist Michele Angiolillo assassinated Prime Minister Antonio Cánovas del Castillo at a resort in northern Spain in an act of revenge. In September 1898, in Geneva, the Italian anarchist Luigi Lucheni used a sharpened file to stab Empress Elisabeth of Austria, who succumbed to her injuries the same day.⁷⁷ In Italy itself, in 1894, the press blamed anarchists for bombings near the parliament in Rome as well as for explosions near the Ministries of Justice and War. In July 1900, following the harsh suppression of bread riots in Milan in 1898, the anarchist Gaetano Bresci returned to Italy from the United States and assassinated King Umberto I in Monza. Three months prior to the attack on Umberto I, a young Belgian anarchist tried unsuccessfully to kill the Prince of Wales, the future Edward VII, while the prince waited for his train in Brussels. In Britain, police arrested a group of anarchists in Walsall and charged them with making explosives in 1892 and, in February 1894, the French anarchist Martial Bourdin died when an explosive device he was carrying detonated outside the Royal Observatory in Greenwich Park, London. Finally, in September 1901, the self-

⁷⁶ Whitney Kassel, "Terrorism and the International Anarchist Movement of the Late Nineteenth and Early Twentieth Centuries," *Studies in Conflict and Terrorism* 32 (2009): 242; John Merriman, *The Dynamite Club: How a Bombing in Fin-de-siècle Paris Ignited the Age of Modern Terror* (Boston: Houghton Mifflin Harcourt, 2009); Martin A. Miller, *The Foundations of Modern Terrorism: State, Society, and the Dynamics of Political Violence* (Cambridge: Cambridge University Press, 2013), 112-17.

⁷⁷ Some authors spell Lucheni's name, incorrectly, as Luccheni. For the origins of this confusion, see Santo Cappon, "L'histoire de l'assassin d'Élisabeth, dite Sissi, impératrice d'Autriche et reine de Hongrie," in *Mémoires de l'assassin d Sissi* (Paris: Le cherche midi, 1998), 43.

professed anarchist Leon Czolgosz assassinated U.S. President William McKinley at the Pan-American Exposition in Buffalo, New York.⁷⁸

When confronted by such acts of violence, vulnerable governments enacted repressive laws that targeted anarchists. In the 1880s and early 1890s several European states passed laws against the criminal use of explosives, including: Britain [1883], Germany [1884], Austria [1885], Belgium [1886], and Switzerland [1894]. England and Switzerland, whose respective dynamite laws made it a crime to plot a murder or explosion either domestically or internationally, are notable because those countries were widely seen as havens for European anarchists.⁷⁹ Germany, in 1878, passed a series of restrictive Anti-Socialist laws, due in part to two failed attempts to assassinate Kaiser Wilhelm I, and the Reichstag subsequently renewed those laws four times before they expired in 1890.⁸⁰ Similarly, the French government passed the *Lois scélérates* between 1892 and 1894, which overturned freedom of the press laws passed by the Third Republic. The laws repressed most anarchist

⁷⁸ See, generally, Matthew Carr, *The Infernal Machine: A History of Terrorism from the Assassination of Tsar Alexander II to Al-Qaeda* (New York: The New Press, 2006); Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934*; Richard B. Jensen, "Daggers, Rifles, and Dynamite: Anarchist Terrorism in Nineteenth Century Europe," *Terrorism and Political Violence* 16, no. 1 (Spring 2004); Richard B. Jensen, "The International Campaign Against Anarchist Terrorism, 1880-1930s," *Terrorism and Political Violence* 21, no. 1 (Spring 2009); James Joll, *The Anarchists* (Cambridge: Harvard University Press, 1980); Walter Laqueur, *A History of Terrorism* (New Brunswick: Transaction Publishers, 2007 [1977]); Maitron, *Histoire du mouvement anarchiste en France*; Merriman, *The Dynamite Club: How a Bombing in Fin-de-siècle Paris Ignited the Age of Modern Terror*; Vizetelly, *The Anarchists: Their Faith and Their Record, Including Sidelights on the Royal and Other Personages Who Have Been Assassinated*.

⁷⁹ "Untitled," *Morning Oregonian*, 6 September 1900: 6. See also National Archives, Kew Gardens, HO 45/9605/A2239; National Archives, College Park, RG 287, Boxes Y1-553-347, 360, 490, 504, 512, 687, 708; Jensen, "The International Campaign Against Anarchist Terrorism, 1880-1930s," 91-92; Loubat (Procureur de la République à Saint-Etienne), "De la législation contre les anarchistes au point de vue international (fin)," *Journal du Droit International Privé et de la Jurisprudence Comparée* 23 (1896).

⁸⁰ Vernon L. Lidtke, *The Outlawed Party: Social Democracy in Germany, 1878-1890* (Princeton: Princeton University Press, 1966), 339.

publications, punished those who discussed propaganda by deed even if no crime occurred, and placed limits on publishing the proceedings of anarchist trials. Spain, Italy, Denmark, Bulgaria, Sweden, and Argentina all similarly passed laws to curb propaganda by deed.⁸¹ While the U.S. Congress passed no anti-anarchist statutes, New York, New Jersey [both 1902], and Wisconsin [1903] passed laws punishing “criminal anarchy.”⁸² In acts that contributed to the diffusion of anarchists and their ideas, governments often paired restrictive laws with expulsions of troublesome anarchists. Though it was an exaggeration, the journalist Francis Nichols captured the spirit of the age when he argued that to be an anarchist – particularly in Europe – was “equivalent to being a criminal punishable with imprisonment or exile. For a man who has been known to actually advocate law destruction there is really but one escape, and that is America.”⁸³

Contemporaries were acutely aware of the transnational nature of many of the most egregious crimes. A Spanish anarchist stabbed Carnot to death; an Italian anarchist, who traveled to Spain via London and Paris, shot Cánovas; an Italian anarchist stabbed the Austrian Empress to death in Switzerland; an Italian, who had immigrated to the United States, returned home to shoot Umberto I; a Belgian anarchist attempted to assassinate the heir to the English throne before fleeing, first to France and then to Switzerland; indeed of all the assassinations in the “decade of regicide,” only an American anarchist shooting the

⁸¹ The measures themselves varied. Some targeted the abuse of explosive materials, others banned membership in anarchist organizations, and others placed limits on anarchist publications with a specific eye to their incitements to violence.

⁸² Criminal anarchy was defined as “the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head.” Sidney Fine, “Anarchism and the Assassination of McKinley,” *American Historical Review* 60, no. 4 (July 1955): 793.

⁸³ Francis H. Nichols, “The Anarchists in America,” *Outlook*, 10 August 1901, 859.

U.S. president was devoid of any immediate transnational connection. More troubling to many, anarchists did not just direct their attacks against reactionary regimes. In his comparative study of assassins published in 1881, William Smith lamented the recent assassination of U.S. President James Garfield and expressed concern that the same impulses that drove the assassins of monarchs might also motivate American assassins. “The royal world abroad,” he stated, “whose peoples have their own assassins to contend with, must not be furnished reason to conclude, that, in America the assassin is moved by the same impulses.... This would be admitting that the President of the United States *might* become a tyrant” – or be indistinguishable from one.⁸⁴

To confront the transnational anarchist threat, governments had to find common ground and respond collectively in a way that would satisfy both the security concerns and domestic conditions of countries across the political spectrum. Counterterrorist literature, which typically focuses on the post-1970 period, highlights a number of collective action problems.⁸⁵ Defensive measures taken by a government can shift attacks to less-protected areas, leading nations to work at cross-purposes. Preemptive measures, such as infiltrating a terrorist group, provides a public good to all threatened countries, but the burden can often

⁸⁴ William R. Smith, *Assassination and Insanity: Guiteau's Case Examined and Compared with Analogous Cases from the Earlier to the Present Times* (Washington D.C.: William R. Smith, 1881), 4. This continued to be a subject of discussion well into the twentieth century, see Gottfried Dietze, “Will the Presidency Incite Assassination?,” *Ethics* 76, no. 1 (October 1965).

⁸⁵ On general collective action problems, see Ethan Bueno de Mesquita, “Politics and the Suboptimal Provision of Counterterror,” *International organization* 61, no. 1 (Winter 2007); Eric Neumayer, Thomas Plümper, and Mariaelisa Epifanio, “The “Peer-Effect” in Counterterrorist Policies,” *International organization* 68, no. 1 (January 2014): 211-15; Todd Sandler, “Collective versus Unilateral Responses to Terrorism,” *Public Choice* 124, no. 1/2 (July 2005): 76; Todd Sandler, “Terrorism and Counterterrorism: An Overview,” *Oxford Economic Papers* (2015): 13-14.

fall on a prime-target nation to shoulder the burden.⁸⁶ Multilateral cooperation, to be effective, should involve the largest number of interested parties as possible, but that magnifies collective action problems while also increasing potential hurdles due to domestic cultural differences, constitutional constraints, and more.⁸⁷ These same issues plagued the international community a century earlier. Examining how domestic, cultural norms shaped international anti-anarchist efforts sheds light on the attempts of the international community to explicitly define terrorism, devise measures to counter it, and link concern over terrorism with a general call to improve collective security.⁸⁸

Governments most aggrieved by terrorism—and by attacks on their political elites, more specifically—made the most strident calls for international cooperation. In the wake of Alexander II's assassination, the Russian government joined with the governments of Germany and Austria-Hungary to call for a conference in 1881 to promote cooperation

⁸⁶ Subhayu Bandyopadhyay and Todd Sandler, "The Interplay Between Preemptive and Defensive Counterterrorism Measures: A Two-Stage Game," *Economica* 78, no. 311 (2011); Todd Sandler, Daniel G. Arce, and Walter Enders, "An Evaluation of Interpol's Cooperative-Based Counterterrorism Linkage," *Journal of Law and Economics* 54, no. 1 (2011); Todd Sandler and Kevin Siqueira, "Global Terrorism: Deterrence Versus Pre-Emption," *Canadian Journal of Economics* 39, no. 4 (2006).

⁸⁷ Peter J. Katzenstein, "Same War -- Different Views: Germany, Japan, and Counterterrorism," *International organization* 57, no. 4 (2003); Jean-Paul Laborde and Michael DeFeo, "Problems and Prospects of Implementing UN Action Against Terrorism," *Journal of International Criminal Justice* 4, no. 5 (2006); Daniel Nohrstedt and Dan Hansén, "Converging Under Pressure? Counterterrorism Policy Developments in the European Union Member States," *Public Administration* 88, no. 1 (2010); Kimmo Nuotio, "Terrorism as a Catalyst for the Emergence, Harmonization, and Reform of Criminal Law," *Journal of International Criminal Justice* 4, no. 5 (2006); Todd Sandler, "Collective Action and Transnational Terrorism," *World Economy* 26, no. 6 (2003): 797; Wolfgang Wagner, "Building an Internal Security Community: The Democratic Peace and the Politics of Extradition in Western Europe," *Journal of Peace Research* 40, no. 6 (November 2003).

⁸⁸ See, for example, Didier Bigo, "The Emergence of a Consensus: Global Terrorism, Global Insecurity, and Global Security," in *Immigration, Integration, and Security*, ed. Ariane Chebel d'Appollonia and Simon Reich (Pittsburgh: University of Pittsburgh Press, 2008).

against assassins and exclude assassination or attempted assassination from the list of crimes exempted from extradition due to their political nature.⁸⁹ In November 1893, mere days after the bombing of the Liceu Opera House in Barcelona, the Spanish ambassador in London inquired as to whether “England would be disposed to enter into arrangements for common international action against anarchists.”⁹⁰ Similar calls also came from the governments of France [1892], Belgium [1893] and Austria-Hungary [1894].⁹¹ While none of these efforts came to fruition, some countries negotiated bilateral agreements to share intelligence regarding the movements of anarchists or to explicitly allow for the extradition of those individuals who attempted to assassinate heads of state.⁹²

Critics and proponents of international cooperation alike focused on the British government’s reluctance to engage in such efforts as an essential reason for their failure to

⁸⁹ “Anarchists and Socialists: A Russian Circular Asking an International Conference,” *The Globe and Mail* [Toronto], 25 April 1881: 2; “News in Brief,” *Plain Dealer* [Cleveland, OH], 22 April 1881: 2.

⁹⁰ “Draft: Sir H. Wolff, N. 164,” 22 November 1893, HO 45/10254/X36450, National Archives, Kew Gardens, United Kingdom.

⁹¹ Bernard Porter, *The Origins of the Vigilant State: The London Metropolitan Police Special Branch before the First World War* (London: Weidenfeld & Nicolson, 1987), 40, 111. See also, “The European Powers and Political Refugees,” *The Manchester Guardian*, 30 December 1890: 8; “Agreement Against Anarchists: Russia Initiates a Movement to Have them Extradited as Criminals,” *Washington Post*, 27 September 1896: 5.

⁹² For example, Russia reached agreements with Germany, Austria-Hungary, and Romania to share information on suspected persons whose movements could pose a security threat. The French government, for its part, periodically forwarded police bulletins and other notifications of the movement of dangerous anarchists. Russia also negotiated extradition agreements with Prussia and Bavaria, which allowed for the extradition of “all individuals who had made an attack on the life, the body, or the honour of a monarch or a member of his family, or who had committed any kind of murder or attempt to murder” and Russia’s extradition treaty with Spain [1888] did not prevent the extradition of political criminals at all. See, respectively, Fredric S. Zuckerman, *The Tsarist Secret Police Abroad: Policing Europe in a Modernising World* (New York: Palgrave MacMillan, 2003), 58; Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934*, 79; Oppenheim, *International Law: A Treatise*, 522-23.

occur as proposed. In May 1881, the British ambassador in Berlin wrote to Foreign Secretary Granville, "As regards the Nihilist Conference, you have successfully nipped it in the bud. France and Italy will hold with us, and Bismarck will advise [*sic.*] Russia to make the most of the French offer to negotiate new extradition Treaties."⁹³ British refusal of the Spanish government's request in 1893 was, in diplomatic and legal circles, believed to torpedo that initiative, though Richard Jensen demonstrates that other European governments were also reluctant to participate. "The Spaniards," he quotes the Austrian Foreign Minister as saying, "made a mess of it" because their proposal for a general conference to discuss anarchists was too vague.⁹⁴ Jensen concluded that European states' failure to take concerted action "lay in the fact that here, as in so many other fields, national self-interests and rivalries edged out international concerns" while Hsi-Huey Liang answered his question of whether Europe, by the 1890s, "had already reached the point where the sovereign states had become so closely linked... that their defense was now a collective necessity" with an emphatic "no."⁹⁵

Defenders of Britain's reluctance to participate in these initiatives frequently pointed out that the country would not be pushed to participate by foreign pressure and claimed that popular opinion, which was deeply preoccupied with maintaining the country's reputation as

⁹³ Bernard Porter, "The *Freiheit* Prosecutions, 1881-1882," *The Historical Journal* 23, no. 4 (December 1980): 848, n. 87. See also Adams, "British Extradition Policy and the Problem of the Political Offender, 1842-1914", 171-73.

⁹⁴ See respectively, Anon., "Chronique des faits internationaux," *Revue Générale de Droit International Public*, no. 1 (1894): 58; Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934*, 83-84.

⁹⁵ See Richard B. Jensen, "The United States, International Policing, and the War Against Anarchist Terrorism, 1900-1914," *Terrorism and Political Violence* 13, no. 1 (Spring 2001): 16; Liang, *The Rise of Modern Police and the European State System from Metternich to the Second World War*, 158, 71-73.

an asylum for political offenders, limited what could be done cooperatively.⁹⁶ There was “no doubt” that an anti-anarchist conference would be convened at the behest of the Russian government in 1881, yet in the *Globe and Mail*’s estimation, the English government would decline to attend because “public feeling is decidedly opposed to the subversion of the right of asylum at the demand of a second holy alliance.”⁹⁷ The Foreign Office similarly made its reservations to Spain clear following the Spanish government’s 1893 proposal for an anti-anarchist conference: “In the first place, it was not easy to draw a clear line between anarchism and other forms of more or less extreme opinion. In the next place, legislation would be required, and all legislation of this kind was regarded with the most jealous suspicion.”⁹⁸ A year earlier, in a series of minutes exchanged between the Home and Foreign Offices regarding the French reaction to a series of bombings around Paris, one writer offered that the French experience was similar to that which the English experienced

⁹⁶ Some anarchists took great pains to emphasize that while they may have planned their attacks in England, the targets were foreign. They partially hoped that this would mitigate the English government’s desire to crack down on their activities. For example, in arguing for a reduced sentence for one of the Walsall anarchists, a Mr. Henderson wrote that the defendant Frederick Charles was “not in favor of revolution by violence.” Furthermore, the bombing plot was “not against any person or any system in this country [England].... It was against the barbarous system of government in Russia.” See “Henderson to the Secretary of State,” 18 October 1892, HO 144/243/A53582E/1.

Other anarchists, however, threatened violence as a response to any actions that might undermine the principle of asylum in Britain. In an interview, the anarchist Louise Michel observed, “if the right of asylum is denied to the Anarchists in England, the Anarchists will in retaliation cease to make an exception of their explosive practices in favor of England.” See “Anarchists and Asylums,” *New York Times* 20 December 1893: 4. Similar examples of this happened in the United States following William McKinley’s assassination. See “Assassin’s Lot Fell Upon Anarchist Here,” *New York Times* 31 July 1900: 1.

⁹⁷ “Anarchists and Socialists: A Russian Circular Asking an International Conference; the Feeling in England,” *The Globe and Mail* [London], 25 April 1881: 2.

⁹⁸ “Draft: Sir H. Wolff, N. 164,” 22 November 1893, HO 45/10254/X36450, National Archives, Kew Gardens, United Kingdom. The same sentiment was communicated to the Spanish ambassador on December 13, 1893. FO 881/6427.

between 1882 and 1884 and that “this class of crime will never [be] satisfactorily dealt with until some international agreement” was made. “The difficulty,” according to the respondent, “is as to the exception of political offenses.”⁹⁹ And in 1904, in a commentary on a Parliamentary debate over an immigration bill, an “ex-attaché” argued that it was “part and parcel of their national principles” that the United Kingdom was a “haven of refuge to victims of tyranny.”¹⁰⁰ The British government, contrary to popular perception, did not stand in simple isolation from its continental peers, simply shunning cooperation in the name of protecting national self-interest or outright rejecting the need for collective security. Rather than ascribe to the simplistic equivalence that anarchism was a crime, the British public and policymakers grappled with a sophisticated differentiation between anarchism as an ideology, regardless of the distaste many held for it, and crimes committed by individuals claiming the mantle of anarchism – or those who had such a mantle thrust upon them.

The debate over whether to cooperate with continental efforts to suppress anarchism centered, understandably, on domestic differences of opinion on the ideology of anarchism and its complex relationship to violence. In observing the goings on in Britain in the wake two anarchist plots in 1894, the *New York Times* greatly oversimplified and miscast the debate as: “The plain question for the English is whether the right of asylum... for political offenders against foreign governments is or is not to include Anarchists. There can be no doubt what the answer would be to the question stated in this form.”¹⁰¹ This was an incorrect assessment because it assumed there was a consensus that anarchism was

⁹⁹ “Minutes on Dynamite Outrages in Paris,” 23 March 1892. HO 45/10254/X36450/1. Underlining in the original.

¹⁰⁰ “England and Aliens: She No Longer Offers an Asylum to Foreign Fugitives,” *New York Tribune*, 22 May 1904: A1.

¹⁰¹ “Anarchism in England,” *New York Times*, 21 July 1894: 6.

inextricably linked to violence, which was not true. For example, in discussing how to respond to the Uruguayan Chargé d' Affaires' inquiry as to Britain's dynamite laws, the Foreign Office stressed that "to be an Anarchist is not an offence against English law, any more than it is to hold any other theory with regard to social or political questions." The laws were concerned with punishing those who "attempt to enforce their views by crime."¹⁰² The Foreign Office explicitly maintained a position that the crime and ideology were separate, and the latter was not punished as the former; the Home Office echoed this position and so did newspapers, such as *The Chronicle*.¹⁰³

Others rejected out of hand the idea that adopting anarchist beliefs was not a crime. Lord Salisbury concisely expressed this position in a July 1894 debate in the House of Lords. "My whole case," he declared, "is that everything has changed since the days of Kossuth, Mazzini, and Garibaldi. It is no longer a case of liberty against despotism. It is no longer a question of giving a harbour of safety to those who, in the vicissitudes of politics, have failed to carry their own ideals into effect."¹⁰⁴ Social Democrats, Socialists, trade unions and other groups who, as a writer in *The Guardian* [Manchester] tried to make clear in a contrast with anarchism, "at least aim at a reconstruction, partial or entire, of society; the anarchists alone seek simply to destroy it." For people who subscribed to the view that anarchism was antithetical to society, rather than that it was adopting a different view of society, "It may be

¹⁰² "Minutes," 21 January 1897. HO 144/545/A55176/31.

¹⁰³ See, for example the discussion in the minutes regarding whether visitors to the Walsall anarchists would be prohibited from visiting them in prison if they shared their views. "Minutes," 14 December 1895. HO 144/243/A53582E/5. On *The Chronicle's* position echoing other papers on the question of whether anarchists were deserving of the asylum granted to other political offenders, see "Anarchism in England," *New York Times*, 21 July 1894: 6.

¹⁰⁴ HL Deb, 17 July 1894, Vol. 27, cc 142.

necessary for our own defence, and for our justification in the sight of Europe, to suffer some abridgement” of liberties like asylum.¹⁰⁵ Whether or not Britain should cooperate in a continental congress that would devise ways to suppress anarchism, or what shape Britain’s cooperation would take, floundered on the division over whether anarchism was an ideology offering a different view of social or political orientation, or if it was inextricably linked to a violent threat to society, broadly conceived. It was impossible for British representatives to participate in an international congress on anarchism and find common agreement with reactionary governments like Russia, Germany and Austria-Hungary when domestic consensus was so elusive.

While calls for an international gathering to suppress anarchism had quieted by the mid-1890s, Luigi Lucheni’s assassination of Elisabeth, Empress of Austria and Queen of Hungary, on 10 September 1898 gave a renewed push to those advocating such a conference. That an Italian who was born in France committed the attack against an Austrian in Switzerland demonstrated forcefully that an international response was necessary. Elisabeth herself was also a uniquely sympathetic target, which also played a role in garnering support for an international congress: she was a woman, widely hailed for her beauty, highly regarded for her charity and kindheartedness, uninterested in the pomp of courtly life, and beset by personal tragedies such as the suicide of her only son, Crown Prince Rudolph.¹⁰⁶ Further underscoring the urgency was the recognition that Elisabeth—

¹⁰⁵ “Anarchy,” *The Guardian* [Manchester], 29 November 1893: 9. For similar sentiments, see “The Second Reading of Lord Salisbury’s Alien Bill,” *The Times* [London], 18 July 1894: 10.

¹⁰⁶ For compilations of public expressions of sympathy from around Europe, see “Assassination of the Empress of Austria” and “Worldwide Sorrow,” *The Times* [London], 12 September 1898: 3; “The Late Empress of Austria,” *The Times* [London], 13 September 1898: 3; “The Murdered Empress” and “Editorial,” *New York Times*, 11 September 1898: 1 and 16,

and indeed Lucheni's intended target, Henri of Orléans, claimant to the French throne—did not exercise any political power of their own. As Lucheni emphasized in court, Elisabeth was a symbolic target. “If it had been the Empress I wished to kill, I should have gone to Montreux, not to Geneva,” he declared in response to the prosecutor's inquiry whether “You had then, no grudge against the Empress of Austria?” Responding to another of Lucheni's interjections, the public prosecutor commented that “the prisoner's doctrine appeared to be that which no one who did not work should be allowed to live;” Lucheni simply responded, “that's right.”¹⁰⁷ Prior assassinations may not have evoked such wide sympathy because they could be tied, directly and indirectly, to the political positions of and actions taken in the name of those murdered. There was nothing like that with the attack on Elisabeth. It was, as the historian Alex Butterworth writes, “envious retribution; the last resort of the hopeless, the damaged and the dispossessed.”¹⁰⁸

Consequently, the reaction from continental governments was swift. Five days after Elisabeth's assassination, the Italian Minister of Foreign Affairs Admiral Felice Napoleone Canevaro sent a circular dispatch to the foreign diplomatic missions in Rome that condemned the lax punishment of anarchists in Switzerland – which one Italian paper dismissed as “that Liliputian Republic [sic.]” – and gauged the interest of other European powers in an international congress.¹⁰⁹ By September 29, little more than two weeks after

respectively; Brigitte Hamann, *The Reluctant Empress*, trans. Ruth Hein (New York: Knopf, 1986).

¹⁰⁷ “The Murder of the Empress of Austria,” *The Times* [London], 11 November 1898: 3.

¹⁰⁸ Alex Butterworth, *The World that Never Was: A True Story of Dreamers, Schemers, Anarchists and Secret Agents* (New York: Pantheon Books, 2010), 369.

¹⁰⁹ “The Repression of Anarchism,” *The Times* [London], 19 September 1898: 4; “The Repression of Anarchism (through Reuter's Agency),” *The Times* [London], 22 September 1898: 3.

Elisabeth's assassination and with the support of the Austro-Hungarian foreign minister, Canevaro sent a formal proposal for an anti-anarchist conference to every Italian embassy and legation in Europe. The expressed purpose of the conference was to draft "international measures as may appear best calculated for the suppression of anarchist associations and the prevention of anarchist outrages."¹¹⁰ Every European government accepted the Italian invitation.

Even representatives from Britain, whose government had always resisted prior calls to cooperate in an international conference, indicated that they would accept the Italian invitation. In part, this was due to the geopolitical situation in which Britain found itself. That same September and October, a war scare broke out when British and French forces met in a standoff over the headwaters of the Nile River, known as the Fashoda Crisis. At the same time, tensions with the Boers were rising over the British influence in South Africa. Given these geopolitical realities, the government in Rome, which enjoyed cordial relations with its British counterpart and with its ties to Germany and Austria in the Triple Alliance, was simply far more likely to get an affirmative reply from the British Foreign Ministry than the governments behind previous efforts. Of additional concern was that the weight of opinion toward the freedom anarchists and other political exiles had in Switzerland shifted significantly in the wake of Elisabeth's assassination. While Britain was far more influential a European power, contemporary observers noted that Britain and Switzerland were seen as the havens for displaced anarchists. Given that all the other invited powers declared their intention to attend, it was in the British government's interests to attend. Under the

¹¹⁰ "Proposed European Congress," *The Times* [London], 1 October 1898: 5. For a summary of the discussions evolving from a condemnation of Switzerland to a broader call for international cooperation, see Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934*, 143-47.

circumstances, the British minister to Belgium warned the Home Office that any British delegation should expect an “*attaque à fond*,” “a determined attack from the great majority of the Continental Powers in regard to the freedom, which was allowed in England, to foreign refugees.”¹¹¹ In that climate, as Lord Salisbury stated frankly in an exchange with the British minister to Switzerland, Sir Frederick St. John, “if the Powers generally determined to assemble in Conference to consider the subject, we could not refuse to take part in their deliberations.”¹¹² Another critical factor was the position of Queen Victoria and her relationship with Salisbury, the conservative Prime Minister who had been in the opposition when the government had received and spurned the previous continental overtures. While in 1881 the Queen expressed horror at the state of the law and the limits on extraditing someone who assassinated a fellow sovereign, the death of Elisabeth in 1898 was an acutely personal blow.¹¹³ Consequently, after Lord Salisbury replied affirmatively to the Italian

¹¹¹ “No. 247: Plunkett to Salisbury,” 17 November 1898. HO 45/10254/X36450/31, PRO. For similar public sentiments, see “The Repression of Anarchism,” *The Times* [London], 19 September 1898: 4.

¹¹² “No. 19: Salisbury to St. John,” 12 October 1898. HO 45/10254/X36450/31, PRO.

¹¹³ In 1881, Victoria’s horror was at the idea that the murderer of a sovereign might be spared the extradition that would assuredly occur if the murdered individual had instead been of the ordinary sort. Both the liberal Foreign and Home secretaries, Lord Granville and Sir William Harcourt respectively, assured her that it was not the case. However, the only test case had been following the Orsini’s attempt on Louis Napoleon in 1858 and it was unclear, based on that single case, whether the courts would uphold the principle that “the murderer of a sovereign would stand under the same rule as the murderer of an individual.” See Adams, “British Extradition Policy and the Problem of the Political Offender, 1842-1914”, 174-77.

On the personal shock felt by Victoria after Elisabeth’s murder and lingering influence it had, see respectively *The Times* [London], 12 September 1898: 7; George Earle Buckle, ed., *The Letters of Queen Victoria*, vol. 3, *A Selection from Her Majesty's Correspondence and Journal between the Years 1886 and 1901 [Third Series]* (New York: Longmans, Green and Company, 1932), 327.

invitation on October 27, he informed Victoria of the decision and noted that it was “in accordance with the view Your Majesty expressed.”¹¹⁴

Yet, while these factors may have been sufficient to get the British to agree to send a delegation, Salisbury as well as the popular press were both quick to point out that attendance did not guarantee acceptance of any resolutions arising from the conference. In his exchange with Minister St. John, Salisbury revealed that while Britain may have to attend, he was not anticipating anything of significance being agreed upon. “But we should do so with no very sanguine hope of arriving at any important result” given that, he went on, “great objection would be felt to any attempt to meet the dangers of the anarchist conspiracy by restraining or encroaching upon the liberty of the rest of the community.”¹¹⁵ In a dispatch for Minister Canevaro, Salisbury sounded a similar note. The sympathies of Her Majesty’s government, he assured Canevaro, lay fully “with the general feeling of condemnation and abhorrence... excited throughout the civilized world.” Salisbury, however, was quick to return the line of argument that had defined the British government’s attitude for almost two decades. British laws, as the prosecutions of the 1890s demonstrated, were “adequate.” He further continued to differentiate between anarchist ideology and the crimes committed by those claiming its mantle. “The subversive tenets which are professed as the motives for these crimes do not in any way tend to mitigate their atrocity,” Salisbury assured before reminding Canevaro that “The Italian Government are no doubt well aware of the principles traditionally accepted here with regard to the individual freedom of all persons... whatever opinions they may hold, so long as no substantial evidence of crime or criminal intention can

¹¹⁴ “Lord Salisbury to Queen Victoria,” 27 October 1898. CAB 41/24/43, PRO.

¹¹⁵ “No. 19: Salisbury to St. John,” 12 October 1898. HO 45/10254/X36450/31, PRO.

be produced against them.”¹¹⁶ *The Times* [London] echoed that caution. “Among the people of the United Kingdom,” the paper declared, “there is no feeling of tolerance for the wickedness of wretches” like Lucheni. Yet, as the editorial continued, “British justice must proceed on its own lines;” While every country had the obligation, the paper maintained, “to punish unsparingly the crimes of revolutionary conspirators, and to keep a careful watch... upon suspected Anarchists, but to proscribe a whole class as such, without proof of their guilt, would be neither fair nor practicable.”¹¹⁷

On 24 November 1898, Foreign Minister Canevaro convened the opening session of the International Conference of Rome for the Defense of Society Against the Anarchists. Whereas prior calls resulted in minimal interest, this time every country in Europe participated in the conference: fifty-four delegates representing twenty-one states.¹¹⁸ As was widely reported, the programme’s objectives included: defining anarchist crime and determining whether it was a common or political offense, finding consensus on issues regarding extradition, deciding on possible measures against the anarchist press, and formalizing international police cooperation.¹¹⁹ To accomplish these objectives, the

¹¹⁶ Salisbury did not anticipate “that Parliament would be disposed to sanction any legislation involving a material departure from those principles and they feel it their duty to make a reservation on this point at the outset in order to avoid all cause for subsequent disappointment or misconception.” See “No. 144: Salisbury to Currie,” 27 October 1898. HO 45/10254/X36450/40, PRO.

¹¹⁷ “Editorial,” *The Times* [London], 11 November 1898: 7.

¹¹⁸ Montenegro sent no representatives but was represented by the Russian delegation. The countries attending, with the sizes of their delegations, included: Germany [5], Austria-Hungary [6], Belgium [2], Bulgaria [1], Denmark [2], Spain [2], France [4], Great Britain [3], Greece [2], Italy, [4], Luxembourg [1], Monaco [2], Netherlands [2], Portugal [2], Romania [2], Russia [3], Serbia [2], Sweden and Norway [3], Switzerland [3], and Turkey [3].

¹¹⁹ “Powers and the Anarchists,” *Manchester Guardian*, 25 October 1898: 8. Similar reports on the Conference’s agenda appeared in the *New York Times*, *Washington Post*, and *The Times* [London].

conference broke up into two committees, one tasked with legislative issues and the other with administrative matters. A sub-committee, formed out of the representatives of both committees, set out to address the problems of expulsion and extradition. Though all of these issues had bedeviled states affected by anarchist violence since the first attempts to convene a congress in 1881, Canevaro in his opening message expressed hope that “wisdom and the spirit of conciliation” in the face of “the danger which threatens the whole society” would be sufficient to overcome the “numerous and serious difficulties” that were up for discussion.¹²⁰

Everything about the delegations attending the conference pointed to challenges that had thwarted earlier efforts at cooperation. Though anarchism was a global problem, Canevaro deemed it necessary to limit the invitations to European states to increase the chances of arriving at a consensus. As he explained to William Draper, the American ambassador to Italy, it was “because of the difficulties which might be encountered under our form of government if repressive legislation should be agreed upon. The line of

This reporting was accurate. The first plenary session laid out the major points of discussion: first, to establish the character of anarchist acts; second, to suggest the most appropriate ways to suppress anarchist propaganda; third, to decide whether to include anarchist acts in extradition treaties; and fourth, to consider ways of conducting police surveillance and, if necessary, the expulsion or extradition of anarchists. See *Conférence Internationale de Rome pour la défense sociale contre les anarchistes*, Exemplaire N. 41 [Confidentiel], (Rome: Imprimerie du Ministère des Affaires Étrangères, 1898), 7-9, 23. HO 45/10254/X36450/98.

¹²⁰ “Nous ne nous dissimulons pas les nombreux et graves difficultés de la tâche qu'un pénible devoir impose désormais aux Gouvernements. Il est pourtant d'un bon augure de pouvoir constater que, quant à la nécessité d'une entente commune, en présence du danger qui menace la société tout entière, l'accord s'est immédiatement établi. La haute sagesse et l'esprit de conciliation que vous apporterez à nos discussions, permettent de compter sur une heureuse issue de nos débats.” See “Inclosure 2: *Première Séance, Jeudi, 24 Novembre, 1898*” in “No. 233 [Confidential] Sir P. Currie to the Marquess of Salisbury, 25 November 1898,” pg. 4. HO 45/10254/X36450/69.

invitation was, therefore, drawn so as to include only European powers.”¹²¹ Not only did assumed divisions over concluding a secret treaty and fears that “anarchist” might be defined to include political offenders influence Canevaro’s decision to exclude the United States, but it also caused some contemporaries to state incorrectly that Britain declined to attend the conference out of similar concerns.¹²² The makeup of the delegations themselves hinted at how past failures loomed over the conference. The sensitivity and weight of the deliberations necessitated the attendance of some of Europe’s most highly regarded diplomats and legal scholars, including: Camille Barrère of France, Monaco’s Hector de Rolland, and Sir Philip Currie of Britain. In addition to diplomats and representatives from various ministries of justice or the interior, high-ranking police officers from Germany, Austria-Hungary, Belgium, France, Britain, Russia, and Sweden and Norway also attended. Further, some of the police officials, such as François Charles de Latour of Belgium and M. Sloutchevsky of Russia, had established working relationships from prior international conferences, such as the recently concluded Fifth International Prison Congress [1896]. The clear hope, then, was that prior relationships and skilled diplomacy could smooth over enough of the differences that existed between the conference’s liberal and conservative participants that the attendees could put past failures behind them and unite to confront the pressing anarchist threat.

¹²¹ “No. 308: William Draper to John Hay,” 20 October 1898, United States Department of State, Foreign Service Posts [hereafter RG 84], Diplomatic Posts, Italy, Vol. 0025: Despatches to the Secretary of State, 2 February 1898 to 31 October 1898, Vol. 18, National Archives II, College Park, MD.

¹²² See James Beck, “The Suppression of Anarchy,” *American Law Review* 36, no. 2 (March-April 1902): 200; Samuel H. Jeyes and Frederick D. How, *The Life of Sir Howard Vincent* (London: George Allen & Company, Ltd., 1912), 307; Duke of Arcos, “International Control of Anarchists,” *North American Review* 173, no. 541 (December 1901): 764.

At the outset of the Conference, the delegates devoted much of their energies to the most obvious challenge: crafting a definition of anarchism that would be acceptable to the range of states participating in the meeting. Aleksandr Nélidov, the Russian ambassador to Italy, pushed for the Conference to adopt the position that “anarchism cannot be considered as a political doctrine.”¹²³ This was in line with the belief of conservative states that extradition treaties should not protect anarchists because of any political implications in their crimes. States such as Russia, Germany and Austria-Hungary sought to define anarchism itself as a crime, rather than an ideology. As Baron Marius Pastti-Angeli, the Austro-Hungarian ambassador to Italy, expressed to his British counterpart in a confidential note: “The passage from ‘the theoretical Anarchist’ to ‘the Anarchist of deed’ is a natural evolution that most often depends only on the temperament of the individual.” In memorializing and making martyrs of the Haymarket anarchists, Ravachol, Caserio, and others, Socialists or other groups approve of anarchistic crimes, “which they attribute to modern society,” even if they do not actively adopt similar measures.¹²⁴ Yet such a position was untenable domestically in more liberal states and many of the delegates from those countries favored a definition authored by the *Advocat Général* of Monaco, Hector de Rolland, and supported by the French and Swiss. The definition ignored the political aspects of anarchism in favor of a focus on the act of violence itself. Anarchism was “every act having for its object the destruction by violent means of any social organization [*toute organisation sociale*]” and an

¹²³ *Conférence Internationale de Rome pour la défense sociale contre les anarchistes*, Exemple N. 41 [Confidentiel], (Rome: Imprimerie du Ministère des Affaires Étrangères, 1898), 26. HO 45/10254/X36450/98.

¹²⁴ “Statement given to Sir P. Currie by Baron Pastti, Confidential,” undated [but communicated to the Foreign Office on 3 December 1898], 9. HO 45/10254/X36450/79.

anarchist as anyone who commits such an act.¹²⁵ The definition, which carried by a vote of ten to eight, deliberately ignored the question of political intent yet was broad enough that attacks against any form of social organization could fall under the “anarchist” umbrella. As such, Lord Salisbury advised Currie that it would be “exposed to grave criticism” as “the term ‘social organization’ equally applies to either a Monarchy or a Republic.”¹²⁶

The mobility of anarchists and the ease with which they could circulate their ideology made devising a workable definition of anarchist crime essential. Were anarchist violence localized, it would be irrelevant to the Spanish or Russian governments, whose countries suffered numerous acts of terror, what the British government thought of “theoretical anarchism.” Anarchists and their ideas, however, were highly mobile. Britain could suffer very few incidents of anarchist violence, while being a hub from which anarchists could disseminate their work, which could then inspire an attack elsewhere. Other countries, such as the United States, could be places where disaffected immigrants found in anarchism a way to channel their social frustrations into violent crimes elsewhere, whether after returning to their home country or during their travels to a third-party destination. It was to this problem of anarchist mobility that the delegates then turned.

The administrative committee at the Conference, which convened its first meeting on December 1, tackled the pressing issue of expulsion. First, anarchists were not evenly distributed. Governments loathed admitting dangerous anarchists expelled from other countries and they were equally opposed to harboring more of them. Only Great Britain

¹²⁵ “No. 74 (Telegraphic): Sir P. Currie to the Marquis of Salisbury,” 30 November 1890. Foreign Office [hereafter FO] 881/7179, National Archives, Kew Gardens, UK.

¹²⁶ The crux of the issue was the translation of “toute” in de Rolland’s definition as it could mean, in context, “any social organization.” The British, however, understood it to mean “all social organization. See “No. 192 Marquess of Salisbury to Sir P. Currie [Telegraphic],” 2 December 1898. FO 881/7179.

lacked the power to expel. Sir Howard Vincent, the British delegate to the committee, expressed concern that formalizing expulsion procedures could mean that, more than ever, London would be a place “in whose dark corners the discontented, the exiled, the outcast... may assemble for revolutionary and criminal plotting... which result in the hypnotizing of weak and ill-balanced minds.”¹²⁷ In examining the expulsion procedures of Continental states, Vincent, expressed that “the law and practice of expulsion as now enforced are in direct opposition to international comity” because states had an interest in expelling anarchists but were dis-incentivized from promptly sharing that information, lest the receiving country protest or return the expellees.¹²⁸ States, then, had powerful incentives to want other states to promptly notify them regarding the expulsion of dangerous anarchists, but they had equally powerful incentives not to do so if they were the expelling state.

The second concern related to the struggle to differentiate between “theoretical anarchists” and other political dissenters from “anarchists of deed” who committed crimes deserving of punishment. Leopold Viguié, the Director of General Security for the French Minister of the Interior, revealed that expellees were given the chance to choose a destination, should their own country subject them to military laws upon their return, and the usual reply of such individuals was “En Angleterre,” to England.¹²⁹ A Russian proposal,

¹²⁷ In this he was quoting the rapporteur of the Legislative Commission. “Report by Sir Howard Vincent on Meetings held by the Chiefs of Police attending Anti-Anarchist Conference [Confidential],” 17 December 1898. FO 881/7179, pg. 70.

¹²⁸ “Report by Sir Howard Vincent on Meetings held by the Chiefs of Police attending Anti-Anarchist Conference [Confidential],” 17 December 1898. FO 881/7179, pg. 68. The committee discussed the expulsion procedures of: France, Belgium, the Netherlands, Germany, Austria-Hungary, Switzerland, Italy, and Spain.

¹²⁹ “Report by Sir Howard Vincent on Meetings held by the Chiefs of Police attending Anti-Anarchist Conference [Confidential],” 17 December 1898. FO 881/7179, pg. 68, 67 respectively. The committee discussed the expulsion procedures of: France, Belgium, the Netherlands, Germany, Austria-Hungary, Switzerland, Italy, and Spain.

which potentially undermined this kind of policy, caused a great deal of resistance in the committee. The amendment, which ultimately passed in a close vote, called for negotiations between governments prior to an expulsion so police officials could then arrest the expellee when they arrived. Viguié argued that expulsions could not cover for the improper extradition of political offenders.¹³⁰ The Russian proposal did little to assure the representatives of more liberal governments that the real target was dangerous anarchists and not that the whole proceeding was simply a cover for conservative states to more fully clamp down on all political dissenters. Ultimately, the committee agreed on a series of measures: states were to create central bureaus with the authority to surveil the anarchists in their territory; authority should be given to those bureaus to disseminate useful information to the equivalent agencies in other states; and the bureaus should adopt *portrait parlé* as the uniform means of criminal identification.¹³¹ While these measures did build on established relationships, the pledge to share timely information regarding dangerous anarchists – particularly ones who might be in transit between states or expelled from one and sent to another – did little to meaningfully address the troubling realities of expulsion.

The issue of extraditing anarchists to prosecute or punish them for crimes they committed was the other major agenda item of the conference. On December 13, the

¹³⁰ Viguié argued, “Il est enfin et surtout à remarquer que les négociations prévus dans la proposition qui vient d’être adoptée vont droit à l’encontre du principe proclamé par la grande majorité des membres de la Commission, à savoir qu’il ne doit être, en aucun cas, possible de procéder sous prétexte et sous le masque d’une simple expulsion à une véritable extradition.”

See *Conférence Internationale de Rome pour la défense sociale contre les anarchistes*, Exemplaire N. 41 [Confidentiel], (Rome: Imprimerie du Ministère des Affaires Étrangères, 1898), 104. HO 45/10254/X36450/98.

¹³¹ *Conférence Internationale de Rome pour la défense sociale contre les anarchistes*, Exemplaire N. 41 [Confidentiel], (Rome: Imprimerie du Ministère des Affaires Étrangères, 1898), 61-62. HO 45/10254/X36450/98.

Russian Ambassador Nélidov pushed for an amendment declaring, “Assaults on life or liberty of Sovereigns and Chiefs of State or their families shall be in every case included among the acts giving rise to extradition.”¹³² This was an attempt to enshrine the *attentat* clause from bilateral extradition treaties into an international accord. The Russian proposal came in tandem with a German resolution brought up to the same sub-committee that asserted, “anarchist acts shall not be regarded as political” and that acts, which were crimes in both concerned countries, would make the offender vulnerable to extradition.¹³³ In an attempt to secure the acceptance of these principles by liberal governments, the Russian ambassador pressed Lord Salisbury to have the British delegation at the Conference accept the proposals by revealing that even the Swiss government was prepared to accept them.¹³⁴ Currie, in a telegram to the Foreign Office, argued that the Russian and German delegations misunderstood the British position. “It is argued by some foreign authorities, though we believe incorrectly,” he wrote, “that according to our law the murder of a Sovereign is necessarily a political act, and that the assassins of the Emperor of Russia or Empress of Austria could not have been given up if they had fled to England.”¹³⁵ While the Conference approved these resolutions, the British maintained their objection that all attacks on a head

¹³² “No. 84: Currie to the Marquess of Salisbury [Telegraphic],” 14 December 1898. FO 881/7197, pg. 26.

¹³³ “No. 244: Currie to the Marquess of Salisbury,” 13 December 1898. FO 881/7197, pg. 59.

¹³⁴ “No. 265: Marquess of Salisbury to Sir C. Scott [Secret],” 19 December 1898. FO 881/7197, pg. 62.

¹³⁵ See “No. 78: Currie to the Marquess of Salisbury [Telegraphic],” 5 December 1898. FO 881/7197, pg. 17.

of state were apolitical, “without reference to the circumstances attending the commission of the offence.”¹³⁶

Though Britain was the only invited party not to sign the Final Protocol, Sir Philip Currie gave a speech before the close of the conference in which he pledged British support for much of what delegates discussed over the preceding month. He announced that the cabinet was preparing an extension of the Law of Explosives to cover cases in which criminal explosions were to take place in a foreign country and to add offenses connected to the criminal use of explosives to those covered by extradition treaties. The government, Currie assured the delegates, would also incorporate clauses regarding assassination into British extradition treaties, “making it clear that the exemption therein in favour of crimes of a political character should not apply... to the crime of willful murder, whether of a Sovereign, a Chief of State, or any other individual.” Finally, Currie also added that, as recommended by the legislative committee of the conference, the British government would study ways in which existing laws could better impede the distribution of documents inciting people to commit crimes of violence.¹³⁷ These concessions, Currie relayed in a message to the Foreign Office, had the approval of the Russian, German, and Austrian ambassadors who viewed Currie’s statement as “the most important result obtained by the Conference.”¹³⁸

¹³⁶ “No. 217: Marquess of Salisbury to Currie [Telegraphic],” 17 December 1898. FO 881/7197, pg. 61.

¹³⁷ Sir Howard Vincent, “Précis of the Proceedings at the Anti-Anarchist Conference Convened at Rome by the Italian Government, November 1898,” 6 July 1906. HO 144/757/118516, pg. 6-8.

¹³⁸ “No. 253: Currie to the Marquess of Salisbury,” 22 December 1898. FO 881/7179, pg. 91.

Ultimately, while the Rome Conference achieved some notable results, its broader conclusions highlighted the challenges of cooperation. Administratively, Richard Jensen argues that the adoption of *portrait parlé* and the push for greater police cooperation were the foundation of future efforts of inter-European cooperation.¹³⁹ In other fundamental ways, however, the Conference's broader goals failed. The delegations from Germany, Russia, and Austria hoped that more liberal states would accept their view that anarchism itself was the crime to be dealt with, but this remained out of reach. While the *Acte Finale* of the Conference expressed this idea, the British deemed it inconsequential.¹⁴⁰ While some, such as Sir Howard Vincent, argued that the greatest successes came from secret proceedings, their very secrecy prevented governments from trying to build a domestic consensus that would support propositions that might increase security at the expense of cherished principles.¹⁴¹ Finally, rather than construct a consensus, the Conference exacerbated tensions between allies with divergent political views and the fact that the vote of each delegation was given equal weight gave a false impression of consensus.¹⁴² None of these issues were truly settled.

¹³⁹ Jensen, "The International Anti-Anarchist Conference of 1898 and the Origins of Interpol," 332-34; Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934*, 169.

¹⁴⁰ "No. 236: Currie to the Marquess of Salisbury," 30 November 1898. FO 881/7179, pg. 11.

¹⁴¹ On secrecy, Vincent opined, "I am not of the opinion that a Diplomatic Conference, meeting with much publicity, and responsible to Governments and Parliaments, can do much to repress violent anarchism. But, on the other hand, nothing but good can come out of International Police Conferences. Their very mystery inspires criminal conspirators with fear." Sir Howard Vincent, "Précis of the Proceedings at the Anti-Anarchist Conference Convened at Rome by the Italian Government, November 1898," 6 July 1906. HO 144/757/118516, pg. 8.

¹⁴² As Currie revealed, "In the Commission on Legislative Measures it was understood that France... in order not to take a prominent part, which would have brought her into direct opposition to Russia, was content to use the Delegate from Monaco [de Rolland] as her

Instead, they reemerged in the wake of the assassinations of King Umberto I of Italy and U.S. President William McKinley and the resulting efforts to call a new international congress.

THE ST. PETERSBURG PROPOSALS AND THE FAILURE OF MULTILATERAL COOPERATION:

Encouraged by President Roosevelt's address to Congress after McKinley's assassination, the representatives of Russia and Germany forwarded a proposal to the U.S. State Department that outlined measures that sympathetic states could jointly adopt to contain the anarchist threat. Sent nine days after Roosevelt's message to Congress, the confidential promemoria from the German minister plenipotentiary, Baron Theodor von Holleben, repeatedly emphasized the theme of shared risks and responsibilities. Given the recent attacks on McKinley as well as other chief magistrates, the promemoria stated, it was "terribly evident that a struggle against the menace of anarchy is an urgent necessity for all governments and a duty whose performance cannot be postponed." At the same time, the ease with which anarchists could move across borders made it "evident that concerted action ... cannot be really successful unless the uniform and strict enforcement of the measures that may be adopted ... can be secured by an international understanding." The proposal then laid out a number of suggested measures, including: rigorous surveillance conducted by central bureaus in the various countries, the exchange of information on the movement of anarchists, regulations on expulsion of non-native anarchists, strengthened penal code provisions against anarchists and the subversive press, and finally legislation offering a

spokesman." See "No. 255: Currie to the Marquess of Salisbury," 22 December 1898. FO 881/7179, pg. 100.

“more complete and precise definition of anarchistic crime in all its aspects.”¹⁴³ In many ways, then, the Russo-German proposal echoed Roosevelt’s message, which called anarchistic speeches “essentially seditious and treasonable,” suggested deportation and provisions for “punishment of those [anarchists] who stay,” and most importantly, argued that “treaties would give to the Federal Government the power of dealing with the crime.”¹⁴⁴

The timing and contextual examples in the Russo-German proposal reflected a perception from conservative European statesmen that more liberal governments like the United States or United Kingdom would only join these kinds of international efforts when those countries also fell victim to the same kinds of anarchist violence that had wracked the continent. A proposal similar to the one delivered to the State Department was first circulated to European governments in 1900 after the attempted assassinations of the Prince of Wales, the future Edward VII, and Mozaffar ad-Din Shah Qajar, the Shah of Persia. Indeed, Kaiser Wilhelm II of Germany was so moved by the attack on the Prince of Wales that in a bedside meeting with the British ambassador, Sir Frank Lascelles, the Kaiser emphasized his hope, “that this attempt would convince Her Majesty’s Government that those countries which had passed severe laws against the anarchists were in the right, and which, however, were rendered almost nugatory by the asylum which these desperate characters found in England.” “It would be a good thing,” Lascelles recorded Wilhelm II as

¹⁴³ “Promemoria – Confidential,” 12 December 1901, United States Department of State, M58: Notes from the Legations of the German States and Germany in the United States, Roll T31 (2 October 1901 to 29 September 1902), National Archives II, College Park, MD (hereafter RG 59).

¹⁴⁴ Theodore Roosevelt, “First Annual Message to the Senate and House of Representatives,” 3 December 1901.

saying, “if this incident induced Her Majesty’s Government to take some serious measures against the anarchists.”¹⁴⁵

The version of the promemoria circulated to the governments of Europe in October 1900 reflected this concern: it explicitly referenced the two attempted assassinations as well as the successful attack on King Umberto I of Italy, also in 1900, and the document’s authors maintained that “the experience of many years has proved that the isolated efforts of governments are not sufficient to extirpate the evil; this would require joint efforts, based on international conventions.” While the Russian and German governments recognized the potential difficulty of making the advocacy of anarchistic doctrines a penal offense, one could not “remain an indifferent spectator of the revolting events that have recently disrupted the civilized world.”¹⁴⁶ Though the UK government declined the overture, the Russian and German representatives in the country re-sent the proposal in November 1901 after the death of President McKinley in September. In this second attempt, the representatives reframed the proposal as an invitation to join “a discussion of the measures which might be taken to counteract the designs of the Anarchist Societies which now infested so many communities,” and explicitly invoked the attack on McKinley as the impetus behind this new push.¹⁴⁷

¹⁴⁵ “No. 92: Sir F. Lascelles to Marquess of Salisbury,” 6 April 1900. FO 10/744, National Archives, Kew Gardens, UK.

¹⁴⁶ “Baron Eckardstein to Foreign Office (Confidential), Enclosure No. 1.” 9 October 1900. FO 412/67, National Archives, Kew Gardens, UK. Author’s translation.

¹⁴⁷ “No. 373: The Marquess of Lansdowne to Mr. Buchanan [Confidential],” 27 November 1901. FO 412/67, National Archives, Kew Gardens, UK. For McKinley’s assassination as the impetus of this renewed push, see “Count Lamsdorff to M. de Staal, Very Confidential [Communicated by Baron Grævenitz, November 27],” 10 (23) November 1901 and “No. 108: Sir E. Egerton to the Marquess of Lansdowne,” 6 December 1901. FO 412/67, National Archives, Kew Gardens, UK.

The principle difficulties the American and British governments had with the Russo-German proposal centered on the part that called for a strengthening of the penal code with regard to anarchistic doctrines and publications. In the United Kingdom, both the Home and Foreign Offices agreed that such “proposed legislation is impossible in this country” and communicated that to Baron Hermann von Eckardstein, the First Secretary of the German Embassy in London.¹⁴⁸ The American response to the Russo-German proposal was similar. While the Department of State’s memorandum on December 16, 1901, relayed the President’s “cordial sympathy with the views and the purposes therein set forth” and repeated extracts from Roosevelt’s address to “assure all governments of civilized peoples of the President’s earnest desire to adopt every practicable means to eradicate this deadly growth from our body politic,” the key word was “practicable.” After all, the memorandum stated, the President could only adopt “such administrative measures as are within his constitutional power to cooperate with other governments to this end” and could only “urge upon Congress the adoption of such measures for the suppression of anarchy as may be found acceptable to the national legislature.”¹⁴⁹ As was the case in matters of extradition or multilateral conferences, the British and American governments rejected—however politely—initiatives that targeted the ideology of anarchism as the crime rather than specific criminal acts.

¹⁴⁸ “Home Office to Foreign Office [Confidential],” 29 October 1900 and “Foreign Office to Baron Eckhardstein [sic.] [Private],” 3 November 1900. FO 412/67, National Archives, Kew Gardens, UK.

¹⁴⁹ “Memorandum: Department of State,” 16 September 1901. Records of the United States Senate [hereafter RG 46], 57th Congress, Committee of the Judiciary, Committee Papers and Hearings, SEN 57A-F17, Box 103, Undated Folder 1 of 6, National Archives I, Washington, DC.

Though their initial efforts were stymied, the Russian and German governments recast and softened the language of their proposal. On April 9, 1902, representatives of these governments delivered a revised proposal to the Foreign Office and the U.S. State Department received the same draft agreement on May 1. Notably absent from this revised proposal were the most problematic items: legislation targeting the subversive press, changes to the penal code, and a push to define anarchism legally were all abandoned. This was a significant concession as those legal recommendations formed the core of conservative governments' anti-anarchist program. It was, in many ways, an admission by those two conservative powers that despite two decades of efforts and first-hand experiences with anarchist attacks on heads of state, the governments of the United States and Britain would continue to adhere to their strict focus on punishing crimes, rather than the ideology that underpinned the offense. Instead, the proposal suggested interested powers agree on regulations for the expulsion of non-native anarchists, for their transfer back to their home countries, for the establishment of central bureaus whose mission would be to collect information about anarchists and their whereabouts, and finally that for reciprocal obligations to share intelligence on the movement and plans made by anarchists.¹⁵⁰

Though states like Switzerland and Greece indicated their support for this revised proposal, the United Kingdom and United States governments did not. The Foreign Office, after repeated consultation with the Home Office and Metropolitan Police, declined on June 16 in a memorandum sent to the German Ambassador, Count Paul Metternich, and copied to his Russian counterpart, Baron Egor Egorovich Staal. The memorandum began by

¹⁵⁰ See respectively, "Memorandum communicated by Baron Eckardstein," 9 April 1902, FO 412/86, National Archives, Kew Gardens, UK; "Promemoria and Draft [to Secretary of State John Hay]," 1 May 1902, RG 46, SEN 57A-F17, Box 103, Folder 1 of 6, National Archives I, Washington DC.

making clear that “His Majesty’s Government are sincerely desirous of co-operating... in so far as the institutions and circumstances of the country will permit, and within the limits thus imposed upon them, they will be ready to give their assistance towards the arrangements proposed.” Even though the second proposal omitted troublesome issues like press restrictions or penal consequences for anarchist beliefs, British authorities were still concerned about the potential impingements on freedom of speech, the “circumstances of the country.” While there was no such national bureau, the Metropolitan Police and other local constabularies were both capable and willing to render reciprocal assistance and investigate anarchist plottings, “in view of the limitations of their powers imposed by the laws of this country.” These reservations were in addition to British frustration, also expressed by the memorandum’s authors that in the past the courtesies proposed in the draft had not been forthcoming from other governments toward the British. “His Majesty’s Government,” the memorandum concluded, “desire to lay stress upon the importance of keeping these arrangements as secret as possible, and would, for this reason, prefer not to enter into formal or publicly-avowed arrangements on the subject.”¹⁵¹

The response of the United States government was, likely, even less satisfying: on May 5, 1902, John Hay forwarded to the Senate Committee on the Judiciary the initial promemoria from December 1901, the State Department’s response to that overture, and “an identical memorandum submitted... on the 1st of May.”¹⁵² In acknowledging the receipt of the documents, Senator George Hoar (R-MA) responded on behalf of the subcommittee charged with overseeing anti-anarchist measures, did not substantially respond to any of the

¹⁵¹ “No. 13: The Marquess of Lansdowne to Count Metternich [with enclosure],” 16 June 1902, FO 412/86, National Archives, Kew Gardens, UK.

¹⁵² “John Hay to George F. Hoar, Chairman, Committee on the Judiciary,” 5 May 1902. RG 46, SEN 57A-F17, Box 103, Folder 1 of 6, National Archives I, Washington DC.

issues raised. He instead seized upon the second proposal's comment that "measures to be taken for the prevention of anarchical crimes had received but inadequate consideration" and pointed out his prior suggestion that "some convenient island should be set apart by the agreement of all civilized nations to which anarchists should be deported." Whether intentional or accidental, the State Department's attitude demonstrated a deliberate misreading of the second Russo-German proposal. Removing the penal component from the first proposal was an attempt to make cooperation more palatable to states like the United States, where concern for any possible restriction on political speech triggered public resistance. In refusing to acknowledge that the Russo-German position had softened, the government sent a signal that it would continue to pursue its own course.

CONCLUSION:

Critics of the American and British position on suppressing anarchist crimes made numerous charges. Some argued that the principles that were readily adopted such as the *attentat* clause or the inclusion of dynamite offenses in extradition treaties were "not much comfort" because they punished, rather than prevented, anarchist crimes.¹⁵³ Others alleged that reluctance to suppress anarchism was due to individuals "being governed more or less by their international prejudices and hatreds" which led them to "regard with greater leniency crimes committed in other lands in whose defense political reasons are alleged."¹⁵⁴ Still others contended that the issue at stake was not one government or another, "but of protecting human society and civilization itself against a new form of assault."¹⁵⁵ Even

¹⁵³ "Anglo-American Extradition," *The Graphic* [London], 24 July 1886: 74.

¹⁵⁴ "Political Crimes," *San Francisco Chronicle*, 4 September 1892: 6.

¹⁵⁵ "Anarchy and Dynamite," *New York Times*, 27 September 1893: 4.

suggesting that anarchists might deserve the same protections extended to other political refugees was “an absurdity and a monstrosity when it is extended so as to include rabid animals.”¹⁵⁶ Britain and America erred by rejecting international measures, the critics alleged. “Anarchists will be found as long as England and America agree to shelter and protect them. Let those two doors be closed upon them and they will disappear from the face of the earth.”¹⁵⁷

During the last two decades of the nineteenth century, the governments of Britain and the United States, along with civil society in both states, grappled with the threat posed by adherents to anarchism who committed acts of terror around the world. Rather than buy into the position adopted by conservative European states that anarchism itself was the crime and cooperation was required to suppress it, the public and policymakers alike struggled to maintain a sophisticated differentiation between the ideology of anarchism and any crimes committed by anarchists. In each country, government officials and private citizens weighed the need to protect political offenders and preserve cherished national principles against their desire to punish those who committed attacks against public officials and threatened society as a whole with acts of terror. In failing to fully embrace the position championed by their conservative peers, neither government nor their populations rejected calls for international cooperation. What they did do was weigh the need for greater security against the concern that such measures might pose a greater threat to society than the violent acts they were supposed to protect against. This debate was central to whether and in what ways the governments of Britain and the United States would cooperate with international

¹⁵⁶ “Editorial Article, No. 1,” *New York Times*, 7 January 1894: 4.

¹⁵⁷ “Why Anarchism Flourishes,” *St. Louis Post Dispatch*, 8 October 1901: 3. For similar sentiments, see also “Anarchists and Asylums,” *New York Times*, 20 December 1893: 4.

anti-anarchist initiatives. In the search for common ground, contemporaries struggled to come to an agreement on what made an anarchist's political offenses apolitical. This struggle to differentiate between the ideology of anarchism and the crimes committed by individuals claiming its mantle helps explain why comprehensive international cooperation was difficult to achieve.

CHAPTER 4: ANARCHIST EXCLUSION IN THE UNITED STATES, 1887-1903

On 7 August 1900, barely a week after Gaetano Bresci assassinated King Umberto I of Italy, the American Consul at Naples, A. Hower Byington, dispatched a telegram warning the U.S. Department of State that two anarchists were traveling from Italy and one of them was supposedly plotting to assassinate President William McKinley. Over subsequent days, Baron Saverio de Fava, the Italian minister to the United States, shared information about the suspected assassin's identity and criminal background forwarded from the Italian prefect in Naples. According to an anonymous letter received by the Neapolitan police, the anarchist Natale Maresca was crossing the Atlantic to "do a fine stroke" and, the letter advised, should be arrested immediately upon his arrival in the United States.¹ Officials in both countries treated the plot with appropriate concern given the recent action by Bresci, who had immigrated to the United States roughly five years earlier only to return home to murder the king, and the breathless coverage in American newspapers of purported secret anarchist meetings where members drew lots to assassinate prominent heads of state.² Consequently, when the trans-Atlantic steamer *Kaiser Wilhelm II* arrived in New York on 18 August, secret service agents detained Maresca and his traveling companion, Michele Guida, until the two

¹ "No. 8773: Prefect of Naples (Cavasola) to the Royal Ministry of the Interior, 8 August 1900," Record Group 59: United States Department of State, M202: Notes from the Italian legation in the United States, Roll 15 (1 March 1900 to 31 July 1901), National Archives II, College Park, MD (hereafter RG 59).

² "To Kill All of Europe's Sovereigns?" *Boston Morning Journal*, 1 August 1900: 2; "Other Countries' Boxers," *Daily Herald* (Biloxi, MS) 11 September 1900, 3, no. 21: 3; "The Plot Details," *Trenton Evening Times* 14 August 1900: 7; "Another Anarchist Plot to Assassinate Monarch," *Philadelphia Inquirer* 13 September 1900, 143, no. 75: 2; "Gigantic Anarchistic Plot," *New Haven Evening Register* 20 September 1900, LVII, no. 222: 12; "Plot to Assassinate Loubet," *New Haven Evening Register* 27 October 1900, LVII, no. 254: 1; "Another Plot," *Daily Herald* (Biloxi) 28 November 1900, 3, no. 85: 1. For coverage of the specific plot supposedly involving Maresca and Guida, see: "A Plot to Kill President McKinley," *Wilkes-Barre Times* 25 August 1900: 2.

could appear before local immigration officials. In a hearing, a Board of Special Inquiry determined that Maresca should be returned to Italy while Guida, who was initially excluded as a person likely to become a public charge, was admitted.³

Using the experiences of Maresca and Guida as an opening to examine how anarchist exclusion emerged over time fits into a growing trend aimed at bridging the divide between scholars of immigration and of diplomacy.⁴ William Preston, Jr., whose research on the suppression of radicals remains critical to studies of anarchist exclusion, dismisses the significance of the anarchist movement in America after the Haymarket bombing of 1886 and argues that the Immigration Act of 1903—colloquially known as the Anarchist Exclusion Act—was a consequence of “nativism lying latent during the good times of McKinley [that] responded quickly to the fears awakened by his death.”⁵ More recent studies of the 1903 Act build on Preston Jr.’s work and emphasize domestic issues of free speech or

³ This information was personally shared with Baron Fava, per his original request, on September 27. See “23,391-I: Acting Secretary of the Treasury to Sec. of State, 26 Sept 1900,” RG 59, M179: Records of the Department of State, Miscellaneous Letters (Received), Roll 1083 (19-30 September 1900).

⁴ Donna Gabbaccia, in her 2010 keynote at the Society for Historians of American Foreign Relations’ annual meeting, issued a call to increase the dialogue between these two sub-disciplines. Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective* (Princeton: Princeton University Press, 2012); Donna R. Gabaccia, “Foreign Relations: Immigration History as International History,” in *Society for Historians of American Foreign Relations, 2010 Annual Meeting* (University of Wisconsin, Madison: 25 June 2010).

For examples of work that tie together issues of human movement, security, and foreign relations, see Elaine Carey and Andrae M. Marak, eds., *Smugglers, Brothels, and Twine: Historical Perspectives on Contraband and Vice in North America's Borderlands* (Tucson: University of Arizona Press, 2011); Jonathan Ganttt, *Irish Terrorism in the Atlantic Community, 1865-1922* (New York: Palgrave MacMillan, 2010); Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003); Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008).

⁵ William Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge: Harvard University Press, 1963), 21, 34.

frame anarchist exclusion as a unilateral measure in contrast with multilateral efforts employed elsewhere.⁶ Critically, however, as Mae Ngai states, “Immigration policy not only speaks to the nation’s vision of itself, it also signals its position in the world and its relationships with other nation-states.”⁷ Discussions of transnational immigration control became important features of both scholarly discourse and popular debate in the wake of the terrorist attacks of 2001, and, as Erika Lee notes, “reflect the new global era of migration and migration policy.” While the current effort to internationalize immigration policy may indeed exemplify, as Lee argues, “the latest development in immigration law,” it is not unprecedented.⁸ Similar discussions about immigration policy, security, and civil liberties also shaped debates between the mid-1880s and early 1900s when an unprecedented wave of attacks against heads of state fed rumors of wide-ranging conspiracies and reports of anarchist outrages in cities far and wide spread fear.

This chapter examines the debates around anarchist restriction that eventually resulted in the passage of the Immigration Act of 1903 [32 Stat. 1213] and argues that

⁶ See Mary S. Barton, “The Global War on Anarchism: The United States and International Anarchist Terrorism, 1898-1904,” *Diplomatic History* 0, no. 0 (Online, March 2014); Nathaniel Hong, “The Origins of American Legislation to Exclude and Deport Aliens for Their Political Beliefs and its Initial Review by the Courts,” *Journal of Ethnic Studies* 18, no. 2 (Summer 1990); Julia Rose Kraut, “Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression,” *Indiana Journal of Global Legal Studies* 19, no. 1 (Winter 2012).

⁷ Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 9.

⁸ Erika Lee, “A Nation of Immigrants and a Gatekeeping Nation: American Immigration Law and Policy,” in *A Companion to American Immigration*, ed. Reed Ueda (Malden, MA: Blackwell Publishing, 2006), 28, 29. For discussions of the relationship between immigration, civil liberties and security since September 11, 2001, see also Ariane Chebel d'Appollonia, *Migrant Mobilization and Securitization in the US and Europe: How Does It Feel to Be a Threat?* (New York: Palgrave Macmillan, 2015), 2-3; Deirdre M. Moloney, *National Insecurities: Immigrants and U.S. Deportation Policy since 1882* (Chapel Hill: University of North Carolina Press, 2012), 1-3.

domestically oriented conceptions of national security are both challenged and constituted by transnational and international processes and currents. Over the last two decades of the nineteenth century, individuals in public forums, state governments, and the offices of the federal government considered immigration control as part of an interdependent web of other measures aimed at curtailing what they perceived to be the anarchist threat to society. As such, anarchist exclusion was more than a sudden nativist eruption sparked by Leon Czolgosz's assassination of President McKinley in 1901 and, further, it was intricately tied into the country's foreign relations. Anarchists, like any other group of immigrants, were fully enmeshed in a vibrant transnational network and those individuals advocating measures to restrain—and, ultimately, restrict—their activities were cognizant of how that reality complicated their efforts. Contemporaries understood that successfully restricting anarchists at the gates required cooperation beyond the country's borders, and exclusion, when it finally took shape, was the result of nearly twenty years of evolving debate. If the “master theme of immigration politics,” according to Roxanne Lynn Doty, is “the fear that we are losing control of our way of life,” then understanding how the fear of anarchist violence helped shape the contours of the domestic and diplomatic debates over anarchist restriction is critical as these old questions of transnational immigration control reemerge.⁹

⁹ Roxanne Lynn Doty, “The Double-Writing of Statecraft: Exploring State Responses to Illegal Immigration,” *Alternatives: Global, Local, Political* 21, no. 2 (April-June 1996): 180. Fear as a critical element in immigration policy is widely present in scholarly studies of the issue. See, for example, Philippe Bourbeau, *The Securitization of Immigration: A Study of Movement and Order* (New York: Routledge, 2011); Ariane Chebel d'Appollonia, *Frontiers of Fear: Immigration and Insecurity in the United States and Europe* (Ithaca: Cornell University Press, 2012); Charles Jaret, “Troubled by Newcomers: Anti-Immigrant Attitudes and Action during Two Eras of Mass Immigration to the United States,” *Journal of American Ethnic History* 18, no. 3 (Spring 1999); Michael S. Teitelbaum, “Immigration, Refugees, and Foreign Policy,” *International Organization* 38, no. 3 (Summer 1984).

Broadening our understanding of security in the late nineteenth and early twentieth centuries expands the scholarly discussion of national security beyond the predominant, post-1945 emphasis on formal institutional mechanisms used to coordinate military and political affairs.¹⁰ In their recent examinations of the intellectual genealogy of national security, Andrew Preston points to Franklin D. Roosevelt's physical and normative framing of "home defense" as the birth of modern national security complex while Eli Jelly-Schapiro takes a broader view, writing, "Despite the reciprocal emergence of security thinking and the modern state, the absolute saturation of social and political discourse within security rhetoric is a twentieth-century phenomenon."¹¹ These views are rooted in an understanding of the institutional weakness of nineteenth century governments compared to their modern successors. As Michael Sherry notes in his magisterial study of American militarization, "A

A ban on anarchist immigration persisted through the Internal Security Act of 1950 (64 Stat. 987), which included anarchists along with alien Communists and Communist sympathizers as excluded classes of subversives. Edward P. Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia: University of Pennsylvania Press, 1981), 423-27.

¹⁰ For studies that take this approach, see Andrew Bacevich, ed., *The Long War: A New History of U.S. National Security Policy since World War II* (New York: Columbia University Press, 2007); Melvyn P. Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Stanford: Stanford University Press, 1992); Michael S. Sherry, *In the Shadow of War: The United States Since the 1930s* (New Haven: Yale University Press, 1995), 4, 8; Garry Wills, *Bomb Power: The Modern Presidency and the National Security State* (New York: Penguin Press, 2010); Julian E. Zelizer, *Arsenal of Democracy: The Politics of National Security from World War II to the War on Terrorism* (New York: Basic Books, 2010).

¹¹ Eli Jelly-Schapiro, "Security: The Long History," *Journal of American Studies* (May 2013): 2; Andrew Preston, "Monsters Everywhere: A Genealogy of National Security," *Diplomatic History* 38, no. 3 (2014): 492.

In the post-Cold War and 9/11 world, national security has become even more of a presentist concern. As one scholar, in a chapter entitled "The Old Days: Cold War, 1947-1989," writes, "For those who will always recall where they were on the morning of September 11, 2001, the outlandish, remote idea that the United States could be attacked by outsiders seeking to injure the national psyche was suddenly no longer distant, infeasible, or unthinkable." Cynthia A. Watson, *U.S. National Security: A Reference Handbook, Contemporary World Issues* (Santa Barbara: ABC-CLIO, 2002), 2.

term like ‘national security,’ implying broad and continuous efforts to defend a country, as yet had no place” in the years prior to the lead-up to World War II, but this widely accepted position presumes a view of national security built on formal institutions and continuity, rather than a more fluid debate over what constitutes a security threat.¹² Yet Melvyn Leffler’s widely accepted definition of national security as encompassing “the decisions and actions deemed imperative to protect domestic core values from external threats” has no such institutional constraints; indeed, Leffler argues that national security has “been an enduring element of the American diplomatic experience,” not just the result of the security realities of the atomic era.¹³ In debating how to address the anarchist threat, public figures and

¹² Sherry, *In the Shadow of War: The United States Since the 1930s*, 4. Charles Maier cautions, “For all the recent histories that suggest the state became exponentially more ambitious and powerful in controlling its citizens, nineteenth-century governments still hardly ‘penetrated’ society.” Charles Maier, “Leviathan 2.0,” in *A World Connecting, 1870-1945*, ed. Emily Rosenberg (Cambridge: Harvard University Press, 2013), 163-64.

Julian Zelizer ascribes the desire to create a robust national security agenda to Theodore Roosevelt who was, nevertheless, “unable to break through nineteenth-century resistance to internationalism and a national security state.” See Zelizer, *Arsenal of Democracy: The Politics of National Security from World War II to the War on Terrorism*, 18.

¹³ Melvyn P. Leffler, “National Security,” in *Explaining the History of American Foreign Relations*, ed. Michael J. Hogan and Thomas G. Paterson (Cambridge: Cambridge University Press, 2004), 123, 36.

There are a small but growing number of studies that expand the temporal focus on security. See, for example, Barton, “The Global War on Anarchism: The United States and International Anarchist Terrorism, 1898-1904.”; Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (Oxford: Oxford University Press, 2008); James Chace and Caleb Carr, *America Invulnerable: The Quest for Absolute Security from 1812 to Star Wars* (New York: Simon & Schuster, 1988); Robbie Totten, “National Security and U.S. Immigration Policy, 1776-1790,” *Journal of Interdisciplinary History* 39 (2008).

Some studies, traditionally done by political theorists, focus on general theories of security and situate it in the *longue durée*—tracing the roots back to Enlightenment thinkers like John Locke and Thomas Hobbes and the protection of property rights. These works examine how security is socially constructed at different moments rather than accept security as a given. See, for example, Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Pub., 1998); Mark Neocleous, *Critique of Security* (Montreal: McGill-Queen's University Press, 2008); Mark Neocleous, “Security,

private individuals weighed responses such as employing undercover agents, expanding federal power to punish attacks on officials, or restricting press freedoms—all hallmarks of modern national security policies—while others challenged such solutions on the grounds that they undermined perceived core values like freedom of speech, the right to judicial review, or equality before the law. Examining the emergence of anarchist restriction in this context highlights the fluid nature of “core values” and how shifting assessments of “threats”—both internal and external—can shape policy outcomes.

Superficially, the detention and subsequent exclusion of Maresca stands as a testament to what could be accomplished by the cooperation of governments dedicated to countering the threat posed by supposedly violent anarchists. Detaining Maresca and Guida depended on successfully sharing information across three countries – the United States, Italy, and France, where the American consul was when he first received word of the threat—in a mere eleven days, from 7 August to their arrival in New York on the eighteenth. The relevant information also had to cross several different branches of government: in Italy, the Ministries of the Interior and Foreign Affairs; in the United States, the departments of State, Justice, and the Treasury, which oversaw both the Secret Service Division and the Office of the Commissioner of Immigration. For the prompt dissemination of information about Maresca, the Italian ministries relied upon the Neapolitan police and officials in the Department of State relayed important intelligence to the offices of the governor of New York as well as the chiefs of police in both New York City and Washington, DC.¹⁴ Once

Liberty and the Myth of Balance: Towards a Critique of Security Politics,” *Contemporary Political Theory* 6 (2007).

¹⁴ “Youngs to Hill, 6 September 1900,” RG 59, M179, Roll 1081; “Adee to Secretary of the Treasury, 11 August 1900”; “Adee to Sylvester, 22 August 1900”; and “Adee to Secretary of the Treasury, 22 August 1900,” RG 59, M40: Domestic Letters (Sent) of the Department of

immigration officials detained Maresca and Guida, they convened a board of inquiry that had the power to determine whether or not the two would be permitted to enter the country or be returned to Italy. While the detection, detention, and eventual deportation of Maresca appears at first glance to be a remarkable success, closer examination reveals the myriad ways in which the movements of anarchists posed serious challenges to the mechanisms of immigration control and the relationships between governments struggling to curtail the threat of violence.

By the time of Maresca's arrival at New York in August 1900, the U.S. government had been working diligently for nearly two decades to establish the mechanisms to keep people like him out. The legislation passed since the 1880s, in addition to increasing the number of excluded classes, accelerated the process of consolidating power over immigration in the hands of the federal government, what Keith Fitzgerald referred to as a "national policy network for front-gate immigration."¹⁵ The Immigration Act of 1891 established the Office of the Superintendent of Immigration under the office to the Treasury Department and funded it through the collection of immigrants' head tax.¹⁶ The Act also provided for the opening of federal immigration stations, with the first opened at Ellis Island

State, Roll 148 (20 June – 14 September 1900); "No. 6744: Vanderlip to Commissioner General of Immigration, 5 September 1900," U.S. Secret Service, Correspondence, 1863-1950. A1 20: Letters Sent, 1899-1914, Box 7, Vol. 7 (Nos. 6,001-7,000), National Archives II, College Park, MD (hereafter RG 87); confirmations of letters received in Department of Justice, A1 72D: Year Files (Folded), 1900, Box 1226 (11569 – 11754), National Archives II, College Park, MD.

¹⁵ Keith Fitzgerald, *The Face of the Nation: Immigration, the State, and National Identity* (Stanford: Stanford University Press, 1996), 145.

¹⁶ The Act, as Lucy Salyer points out, left the enforcement of the Chinese Exclusion Laws under the control of the Customs Service—a policy that remained until the Act of June 6, 1900. See Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995), 1-2.

in New York Harbor on 2 January 1892. At these stations, Immigrant Inspectors collected arrival manifests from incoming ships and also served on Boards of Special Inquiry that oversaw exclusion cases. Reflecting a concern with the protection of American workers and wages, the Act of 14 February 1903 transferred the Bureau to the newly created Department of Commerce and Labor.

The general intent of the legislation enacted over this period of time was to centralize control of immigration and to increase the amount of information about potential immigrants and travelers at the disposal of the new immigrant inspectors. Abroad, consular agents interviewed those who claimed American citizenship to ascertain the accuracy of their claims before providing passports for travel. The burden of determining the suitability of immigrants was shifted to the transport agencies, the shipping and railroad lines. Masters of vessels were required to deliver their manifests, which provided extensive details about the individuals on board: their full names and ages, marital status, occupation, literacy, and nationality, as well as information about who paid for their passage, how much money was in their possession, and more details about their intended destinations.¹⁷ The collection of such information, done at penalty to the transport agency if they brought immigrants who would be ineligible or if they failed to supply the appropriate information, was essential to the processing of immigrants by the immigration agents.

Maresca's experience, however, reveals some of the many flaws inherent in such mechanisms. He was detained and ultimately deported not because he was a violent anarchist plotting to assassinate the president of the United States, but because he had a

¹⁷ Prescott F. Hall, *Immigration and Its Effects upon the United States*, ed. Ralph C. Ringwalt, *American Public Problems* (New York: Henry Holt and Company, 1907), 223-24.

criminal record and was therefore excluded under the existing immigration laws.¹⁸ The letter revealing his designs on McKinley's life was actually the *second* letter written in an attempt to stop his emigration from Italy. The person behind the warnings, a former newspaper reporter named Pedretti, had written an initial letter declaring that Maresca, a recent parolee with a history of violent assaults, was going abroad armed. When this failed to have the desired result, Pedretti wrote the second letter detailing Maresca's supposed intentions.¹⁹ As the Commissioner of Immigration at New York, Thomas Fitchie, bitterly concluded when reporting a similar episode in 1901, "the Italian Government is anxious to be rid of an undesirable character and relies on our inability to ascertain the real facts, which, under ordinary circumstances we would be unable to do, being dependent on the immigrant's own admission."²⁰ More than a decade earlier, Edmund Stephenson, who was also then serving in the same post, advanced a similar argument when asked about an 1891 bill [H.R. 13175] to exclude anarchists: "Now, how can you tell, when there are three or four hundred people landing here, of their previous history in their own country?"²¹ As numerous observers of immigration were quick to note, even the information supplied by a ship's master could be highly questionable, as "Frequently, immigrants are thoroughly coached as to what answers they shall give to the questions before leaving the port of embarkation; and in other cases

¹⁸ "No. 6516: Wilkie to William P. Hazen, Post Office Building, New York," 15 August 1900, RG 87, A1 20, Box 7; "No. 6669: Gage to Secretary of State," 28 August 1900, RG 87, A1 20, Box 7.

¹⁹ "No. 8773: Prefect of Naples (Cavasola) to the Royal Ministry of the Interior, 8 August 1900," RG 59, M202, Roll 15.

²⁰ "Fitchie to Commissioner-General of Immigration, 25 February 1901," RG 59, M179, Roll 1095.

²¹ H. Rpt. 3472: "Immigration Investigation," House of Representatives, 51st Congress, Second Session: 2: 150.

they are coached during the voyage.”²² Ultimately then, detecting and determining that Maresca’s immigration to the United States was a potential threat entirely depended upon the receipt, by the Neapolitan police, of two anonymous letters or his own admission.

When the United States did exclude anarchists through the Immigration Act of 1903, the effort to determine whether or not someone was an anarchist continued to depend on the admission of the individual being questioned. Three years after the initial passage of the Act, the editors of *The Nation* highlighted the continuing problem, writing, “If anarchists were all of one race; if they looked alike and had a distinctive dress or loudly proclaimed their tenets and their plots, it would be easy enough to hold them in check. But murder in the heart cannot be read on the face.”²³ Unless contradictory evidence was brought forward all potential immigrants had to do to avoid being debarred as anarchists was to deny that they held those beliefs and did not believe in the violent overthrow of the government of the United States, or of any and all government.²⁴

The responsibility for detecting and, it was hoped, preventing the immigration of undesirable aliens to the United States often fell upon consular officers who had to negotiate both the official bureaucracy and the vagaries of interviewing individual applicants. In the case of Italy, Maresca’s identification and the timely transmittal of the relevant information

²² Hall, *Immigration and Its Effects upon the United States*, 224. H. Rpt. 3472: “Immigration Investigation,” House of Representatives, 51st Congress, Second Session: 150-51.

²³ “For Control of Anarchists,” *The Nation* 82, no. 2136 (7 June 1906): 464. See also, “The Week,” *The Nation* 45, no. 1168 (17 November 1887): 383; “The Bill Against Anarchists,” *The Nation* 74, no. 1912 (20 February 1902): 145-146.

²⁴ Defining anarchists solely in terms of violence—and the intractable problem of crafting a more suitable definition—played a role in torpedoing the passage of all earlier legislative efforts. See *Congressional Record*, 53 Cong., Second Session, Vol. 26, 8231; Sidney Fine, “Anarchism and the Assassination of McKinley,” *American Historical Review* 60, no. 4 (July 1955): 777-80; Kraut, “Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression,” 173.

was unusual; far more common were issues of mistaken identity, concerns over fraudulent naturalization papers, and the challenge of balancing thorough investigations with the realities of limited time and financial means.²⁵ A great deal was known about Maresca's movements in time to effectively locate and identify him. The State Department sent word to the Secret Service of Maresca's probable departure locations and had the exact date, August 3. By August 11, the head of the Service, John Wilkie, was able to forward to William Hazen, the agent in New York, that Maresca was a steward on the *Kaiser Wilhelm II* and, two days before his arrival, they had his physical description forwarded by Ambassador Fava.²⁶ Without that, all authorities would have had with was a physical description: "twenty-nine years old; dark; heavily built; dark brown hair and eyes; height, one meter sixty-four centimeters; scar near ear."²⁷

The experience of Joseph Centanni, an Italian immigrant who was naturalized as an American in 1888, sheds light on the perils of mistaken identity. After living and working in Marseille for nearly two years, he was arrested in October 1896 by the French police, on behalf of Italian authorities, for the murder of an architect in Naples, Italy. By January,

²⁵ It was largely for these reasons that attempts to include provisions for extensive "consular inspections" were generally shelved. For a thorough accounting and detailed analysis of the debates from the Congressional Record, see Hall, *Immigration and Its Effects upon the United States*, 280-88.

²⁶ See, respectively, "No. 6428 [Telegram]: Wilkie to W.P. Hazen, Post office building, New York," 8 August 1900; "No. 6473 [Telegram]: Wilkie to W.P. Hazen, Post office building, New York," 11 August 1900. U.S. Secret Service [hereafter RG 87]: Correspondence, 1863-1950; Letters Sent, 1899-1914, Box 7, Volume 7 (Letter Nos. 6,001 – 7,000; June 26 – Sept. 28, 1900), National Archives II, College Park, MD.

²⁷ "No. 6516 [Telegram]: Wilkie to W.P. Hazen, Post office building, New York," 15 August 1900. RG 87: Correspondence, 1863-1950; Letters Sent, 1899-1914, Box 7, Volume 7. The problems of such an imprecise physical description easily lent themselves to numerous cases of mistaken identity or intentional fraud. The latter was a pressing concern of the consulate in Naples in the late 1890s.

though Centanni had been brought to Italy and the issue of mistaken identity was cleared up, he was still confined because an Italian inspector refused to release him on the principle that Centanni was a “socialist.” By 1898, in response to Centanni’s continued efforts to get an indemnity from the Italian government, the American consul at Naples, A. Hower Byington, reported back to the State Department on his efforts and detailed the limitations he faced: the consulate had no diplomatic status, so everything would have to go up the chain of authority to the ambassador before being sent to the Italian Minister of Justice; such cases were “a very common occurrence”; proof was difficult to acquire outside of hiring, at great cost, a private detective agency; and just in forwarding all the relevant materials to the local Italian prefect, the consulate had incurred expenditures totaling \$50, a significant expense.²⁸

Ultimately, the results highlight the poor performance of the mechanisms of front-gate immigration with regard to keeping out anarchists and criminals more generally. As the 1904 report of the Commissioner-General of Immigration revealed, of the 7,994 immigrants excluded at the seaports of the United States that year, only one was an anarchist and only 35 were classified as convicts – a microscopic percentage of the 812,870 alien arrivals that year.²⁹ Even after the provisions against anarchists were strengthened by the Immigration

²⁸ “No. 12: Byington to the Assistant Secretary of State,” 10 February 1898. Records of the Foreign Service Posts to the Department of State [hereafter RG 84]: Diplomatic Posts, Italy, Volume 57: Serial No. 112: Instructions from the Department of State, Draper, January 1, 1898 to May 5, 1898, Volume 24, National Archives II, College Park, MD.

²⁹ Frank P. Sargent, “Annual Report of the Commissioner-General of Immigration to the Secretary of Commerce and Labor for the Fiscal Year ended June 30, 1904,” (Washington, DC: Government Printing Office, 1904), 6-8. The English anarchist John Turner was deported in 1904 while on a public lecture tour in the United States. It is unclear, however, that the anarchist listed in the 1904 Annual Report is he: the individual was classified as “French” and Turner was not debarred at port. Rather he was detained after his arrival and in the legal proceedings that followed, Turner never confirmed or denied his method of entry into the United States. The Supreme Court, which ultimately ruled on *Turner v. Williams*, 194 U.S. 279 (1904), was asked to weigh in on whether the 1903 act violated the First

Act of 1907 [34 Stat. 898], the results scarcely improved. Between 1904 and 1910, a mere ten anarchists had been debarred and deported, never more than five in a single year. The number of criminals, though it generally increased, was also relatively insignificant.³⁰ Due to the fundamental challenges associated with identifying potential anarchists, the editors of *The Nation* were some of the many voices that anticipated the difficulties and dismissed the suggestion of their exclusion as “impossible,” “rubbish,” and “a pious wish.” “But how to find out if he [a potential immigrant] has those principles,” they asked, “By the very hypothesis, [an anarchist] is a man who will stop at no crime. He would kill every Government official cheerfully, and lay whole cities to ashes without the quiver of an eyelid; yet it is supposed that he will have scruples about lying or perjury!”³¹

That Maresca, a “known” anarchist with a violent history, was even allowed to emigrate from Italy, a friendly government, highlights the fundamental challenge involved with excluding such “undesirable” persons. In a letter to Attorney General Philander Knox, Doctor N.G. Burnham identified what to do with anarchists as “the engrossing problem of modern time” and argued that the solution lay “with well organized concerted action at

Amendment or if, as future Supreme Court Justice James Clark McReynolds argued, Turner had no First Amendment rights as a foreigner and the deportation was strictly an immigration issue. See Kraut, “Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression,” 182-86. William Williams, the other named party, was the United States Commissioner of Immigration for the Port of New York.

³⁰ Daniel Keefe and A. Warner Parker, “Annual Report of the Commissioner-General of Immigration to the Secretary of Commerce and Labor for the Fiscal Year ended June 30, 1910,” (Washington, DC: Government Printing Office, 1910), 80.

³¹ “The Bill Against Anarchists,” *The Nation* 74, no. 1912 (20 February 1902): 146. These public views echoed the frustration of the immigration officials directly confronting the challenge of identifying such individuals. See, for example, “Fitchie to Commissioner-General of Immigration, 25 February 1901,” RG 59, M179, Roll 1095.

home and abroad,” because “the responsibility rests upon all nations and people alike.”³² Yet the frequent newspaper notes of the deportations of anarchists from Europe were a near constant reminder that cooperation was elusive. Congressional inquiries and public commentary often highlighted the 1878 German antisocialist law, which aimed to curb the growth of the Social Democratic Party through various restrictive measures, because this law and others like it were often passed in the wake of violent incidents involving anarchists or other political radicals, who would then cross borders in an attempt to escape police pursuit or political persecution.³³ In 1894, following the assassination of President Carnot, the French government passed a law targeting anarchist groups and newspapers. Between 1896 and 1898, 190 anarchists were expelled from France. Between 1893 and 1894, England, Germany, and Austria enacted laws targeting the criminal use of dynamite; France, Italy, Spain and Portugal subsequently passed similar acts. In Switzerland, previously a haven for European anarchists, a law was written that made it a crime to plot a murder or explosion either domestically or internationally.³⁴ As the journalist Francis Nichols noted, to be an anarchist – particularly in Europe – was “equivalent to being a criminal punishable with

³² “Would Have an Anarchist Island,” *Denver Republican* 11 September 1901 and “N.G. Burnham to Knox,” 12 September 1901, RG 60, A1 72-B, Box 8, Folder 1.

³³ The German law was passed on 19 October 1878 after two attempts by political radicals to assassinate Kaiser Wilhelm I failed earlier that same year.

³⁴ For an extensive discussion of European anti-anarchist laws, see Loubat (Procureur de la Republique a Saint-Etienne), “De la legislation contre les anarchists au point de vue international (fin),” *Journal du Droit International Prive et de la Jurisprudence Comparee* 23 (1896): 294-320. In the American press, telegraphic notices of anarchists being deported were a frequent feature in the “International/Telegraph” sections. For typical coverage of anti-anarchist legislation, see “Untitled,” *Morning Oregonian*, 6 September 1900: 6.

imprisonment or exile. For a man who has been known to actually advocate law destruction there is really but one escape, and that is America.”³⁵

The problem was an obvious one: anarchists were not evenly distributed and governments of countries that suffered a disproportionate number of bombings or attacks were understandably reluctant to keep those individuals at home or take them back after they had departed. For example, in 1892, having received word that the French government was preparing to expel suspect foreigners in the wake of a dynamite outrage in Paris, the Belgian government requested that only their own subjects be conducted to the Franco-Belgian border and that, in each case, the local authorities should receive timely notice. In spite of the request, however, two Italians and an Austrian had been sent across the border after French police provided them with third class rail tickets. In response, the Belgian government returned the two Italians to France, but the Austrian was expelled to Luxembourg. In reporting these events back to the Marquis of Salisbury, the British representative in Brussels, Martin Gosselin, wrote, “My informant admitted that in the latter case, if it was necessary to get rid of the man, it could not be expected that the French govt. charter a ship for the purpose of conveying him to an Austrian Port; and that the Belgian auths. had been in some embarrassment as to what to do with him, but he considered that with regard to the 2 Italians ... the action of the French auths. was absolutely inexcusable.”³⁶

The Foreign Ministries of multiple European countries would occasionally send – or were asked to send – the State Department lists of anarchists being deported to the United States,

³⁵ Francis H. Nichols, “The Anarchists in America,” *Outlook*, 10 August 1901, 859.

³⁶ “No. 55, Confidential: Mr. Gosselin to the Marquis of Salisbury,” 12 April 1892. Home Office [hereafter HO]: Registered Papers, Supplementary, 144/587/B2840C, National Archives, Kew, England. The file highlights a number of similar occurrences.

but as was also the case with information shared with the British Home and Foreign Offices, the information was frequently late and often incomplete.³⁷

When it came to the issue of anarchist migration, there was often a deep disconnect between official offers of cooperation and how governments actually conducted their affairs. The U.S. Consul General in Vienna, Edmund Jüssen, reported back to Washington in the wake of the Haymarket bombings that he was “in a position to give your department the specific and particular assurance that the police authorities of Austria-Hungary have promised expressly to co-operate most willingly ... and will give American consuls all the information required with reference to the character and antecedents of any subject of the monarchy.”³⁸ Yet that same year, Jüssen also reported back to the Department of State, “It is quite natural that it [the Austrian government] feels no regret to get rid of the ultra-socialists and anarchists.”³⁹ Richard Bartholdt, the editor of the *St. Louis Tribune*, testified before Congress three years later and confessed his own doubts about the feasibility of consular investigation into the anarchistic beliefs of migrants because “European governments will give certificates much more readily to men they want to get rid of than to those who are

³⁷ See “Ministère de l’Intérieur, Direction de la Sûreté générale, État Signalétique des Anarchistes Étrangers Expulsés de France, No. 4 – Juin 1894 [Filed by Dept. of State 28 August 1894],” RG 59, M53: Notes from the French Legation in the United States to the Department of State, 1789-1906, Roll 26: 5 January 1893 – 18 December 1895; “Unnumbered: Draper to Sherman,” 9 September 1897, RG 84: Records of Foreign Service Posts, Diplomatic Posts, Italy, Vol. 0024: Serial No. 81: Despatches to Secretary of State, Mac Veagh and Draper, November 17, 1896 to February 1, 1898, Volume 17; HO 144/587/B2840C.

³⁸ “Reports of Diplomatic and Consular Officers” in H. Rpt. 3792, 50th Congress, Second Session: 100.

³⁹ S. Rpt. 13: “Foreign Immigration.” 55th Congress, First Session. Washington, D.C.: Government Printing Office, 1897: 4.

valuable to the country abroad.”⁴⁰ Though he was opposed to anarchist restriction, Herman Raster, as part of that same testimony before Congress on H.R. 13175, had a telling response to Herman Stump’s [D – Maryland] question if it would be “a friendly act” to send a convicted anarchist to some other country. “Why ought we to be so over-generous and assume duties for other nations that they do not for us?” Raster asked. “Take Vienna, for instance, or take Germany, France, Italy, and those other nations; they are friendly allies, but that does not prevent them from sending back the people they do not want. The papers publish the list, sometime fifty, sometimes ten or twenty, giving the names of people who have been expelled out of Austria. The nations take no offense at that. They all act in the same manner.”⁴¹

With regard to immigration from Italy, the continued flow of excluded classes of immigrants was a larger problem than the occasional anarchist. The Italian Foreign Ministry and Baron Fava were deeply concerned with alleviating the immigration issues that were a persistent point of contention in otherwise tranquil relations with the United States.⁴² In 1896, Stump, then serving as the Commissioner-General of Immigration, went on a specific mission to Italy where he met with the Prime Minister, Minister of the Interior, and Foreign Minister in an effort to provide what Treasury Secretary John Carlisle called “the fullest possible explanation relating to the interpretation of the immigration laws of the United States.” The major point of the visit was to come to an explicit understanding that Carlisle’s successor, Lyman Gage, summarized as explaining, “that among others, persons who had

⁴⁰ H. Rpt. 3472, 51st Congress, Second Session: 778.

⁴¹ *Ibid.*, 646-57.

⁴² See “Fava to Stump, 10 September 1896” and “Kingdom of Italy, Minister of the Interior, General Direction of Public Security, 8 November 1896” in S. Doc. 9: Mission to Italian Government, 54th Congress, Second Session, RG 59, M179, Roll 1095.

been convicted of murder or other grave offenses should not be provided with passports to enable them to emigrate to the United States.”⁴³

Despite such intentions, each country had grievances against the other for sending inadmissible immigrants. In the months after Maresca’s arrival, Pellegrino Lepore, another Italian immigrant with a violent criminal background, went through the same immigration station at Ellis Island. Detained due to a case of pneumonia, he later gave “unsatisfactory” answers and was subsequently taken before the Board of Special Inquiry where it came up that he had served eight years in prison for murder, was granted a passport by Italian authorities who were fully aware of his past, and was sufficiently destitute that the passport charge of two lire—equivalent, at the time, to 35 cents—was remitted.⁴⁴ Nor were U.S. officials innocent of this practice. That same year, the Italian government inquired into the background of Alfredo Cabrino who, when in Paterson, New Jersey, had been investigated as a possible murder suspect. In another, unrelated matter, Cabrino had been arrested, brought to court for assault and battery and, after being released on bail, fled the country. By way of finally informing both the Governor of New Jersey and the Department of State as to Cabrino’s past, Eugene Emley, the Prosecutor of Pleas for Passaic County, concluded by stating, “I have no official knowledge of the case after that. I did not call [bail]. ... I did not consider the crime of sufficient importance to put the County to the expense of detective

⁴³ See, respectively, “Carlisle to Stump, 6 October 1896” in S. Doc. 9: Mission to Italian Government, 54th Congress, Second Session and “No. 25,732: Gage (Treasury) to Secretary of State, 27 February 1901,” RG 59, M179, Roll 1095.

⁴⁴ See “Fitchie to Commissioner-General of Immigration, 25 February 1901,” RG 59, M179, Roll 1095; “Transcript of meeting of the Board of Special Inquiry, held at the U.S. Immigration Station, Ellis Island, New York --- in the matter of Pellegrino Lepore,” 23 February 1901; “Gage to the Secretary of State,” 27 February 1901, RG 84: Records of Foreign Service Posts, Diplomatic Posts, Italy, Vol. 62: Serial No. 117: Instructions from the Department of State, Meyer, December 28, 1900 to December 31, 1901, Vol. 29.

work and extradition proceedings. I really think our community and the ends of justice here are best served in Cabrino's continued absence." The last sentence was subsequently bracketed with a note saying, "omit."⁴⁵

Little more than a year after Bresci's assassination of Umberto, American fears of anarchist assassination were realized when the self-professed anarchist Leon Czolgosz fatally shot President William McKinley at the Pan-American Exposition in Buffalo, New York on 6 September 1901.⁴⁶ In December of that year, newly installed President Theodore Roosevelt used part of his first annual message to Congress to outline an approach to counter the anarchist threat. Equating anarchism with "picking pockets or wife-beating" while also drawing a direct connection between the assassinations of Umberto and McKinley, Roosevelt forcefully suggested that Congress should "take into consideration the coming to this country of anarchists. ... They and those like them should be kept out of this country."⁴⁷

⁴⁵ "Emley to Voorhees, 2 December 1901," RG 59, M179, Roll 1119.

⁴⁶ Unlike Bresci, who was an Italian immigrant to the United States, Czolgosz was a first generation American citizen of Polish background. Following the assassination, Czolgosz's statement to the police, which was widely published, brought Bresci back into national news. Though the sincerity of Czolgosz's anarchistic beliefs was widely doubted, he acknowledged a wide circle of anarchist associates but flatly denied any conspiracy: "I am an anarchist. I am a disciple of Emma Goldman. ... I am not connected with the Patterson [sic] group, or with those anarchists to kill Humbert." See "Career of Assassin," *Washington Post* 8 September 1901: 1.

A little more than a year later, a new rumor that connected the Paterson group to a possible attempt on President Theodore Roosevelt circulated, but was quickly discredited. See "Mrs. Dexheimer Guarded," *New York Times* 20 November 1902: 6. For a discussion of doubts about Czolgosz's anarchistic sympathies, see L. Vernon Briggs, *The Manner of Man that Kills* (New York: Da Capo Press, 1983 [1921]), 316-31; Eric Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America* (New York: Hill and Wang, 2003), 83-111; Alice Wexler, *Emma Goldman: An Intimate Life* (New York: Pantheon Books, 1984), 103-12.

⁴⁷ Though Roosevelt would acknowledge that the process of industrial development and the growth of cities and corporations "aroused much antagonism," an anarchist was "not the victim of social or political injustice. There are no wrongs to remedy in his case. The cause of his criminality is to be found in his own evil passions and in the evil conduct of those

The President went on to lay out a multifaceted approach that incorporated the range of measures debated over the preceding two decades: immigration reforms should be exclusionary and also contain provisions to allow for deportation; federal rather than state courts should have jurisdiction over any individual who made an attempt, successful or not, on anyone in line of succession to the presidency and the punishments for such attacks should be correspondingly harsh; lastly, anarchy “should be made an offense against the law of nations. ... It should be so declared by treaties among all civilized powers.”⁴⁸ That same month, the Spanish Minister to the United States, a retired general, and a U.S. District Judge wrote a series of articles investigating these issues for the *North American Review*, the country’s oldest literary magazine.⁴⁹ Despite presidential endorsement of all of these measures, and an implicit understanding that they were complementary initiatives, only immigration restriction and deportation became codified into federal law.

When eventually signed into law, the Anarchist Exclusion Act represented the first federal law since the Alien and Sedition Acts [1798] to authorize the exclusion or deportation of foreigners based on ideological beliefs and associations.⁵⁰ Yet as part of a

who urge him on, not in any failure by others or by the State to do justice to him or his. He is a malefactor and nothing else.” Theodore Roosevelt, “First Annual Message to the Senate and House of Representatives,” 3 December 1901.

⁴⁸ Theodore Roosevelt, “First Annual Message to the Senate and House of Representatives,” 3 December 1901.

⁴⁹ Edgar Aldrich, “The Power and Duty of the Federal Government to Protect Its Agents,” *North American Review* 173, no. 541 (December 1901); Duke of Arcos, “International Control of Anarchists,” *North American Review* 173, no. 541 (December 1901); General Lew Wallace, “Prevention of Presidential Assassinations,” *North American Review* 173, no. 541 (December 1901).

⁵⁰ Technically, as William Preston, Jr. points out, anarchists were the second because of the prior exclusion of polygamists. However, he goes on to argue, “the anarchists were the first to be restricted for beliefs and associations that supposedly made them a threat to the security and welfare of the country. The anarchists were the first radical group to come

long-standing effort to address the problem of anarchist violence generally, and assassination in particular, the Act was one of 122 individual legislative measures—including bills, resolutions, and joint resolutions—put forward between the 47th and 60th Congresses [1881-1909]. These measures can be grouped into four broad categories of legislation: protective and punitive measures relating to attacks on officials, the order of presidential succession, immigration restriction and exclusion, and the study of criminals, paupers, and “defective” classes.⁵¹ Though immigration legislation was one of the last kinds of measures to appear, the category represented nearly 24 percent of all legislation [See Figure 4.1].⁵² While Republican members of Congress overwhelmingly authored these bills, members of each party played central roles in the most important, hotly debated pieces of legislation. Further, the various authors came from ten different states and represented every region of the country.⁵³ From the first mention of anarchists to the 1903 Act, only the 56th Congress did not introduce any legislation to specifically address the anarchist threat, either from the standpoint of immigration restriction or suppression and punishment. During the 57th

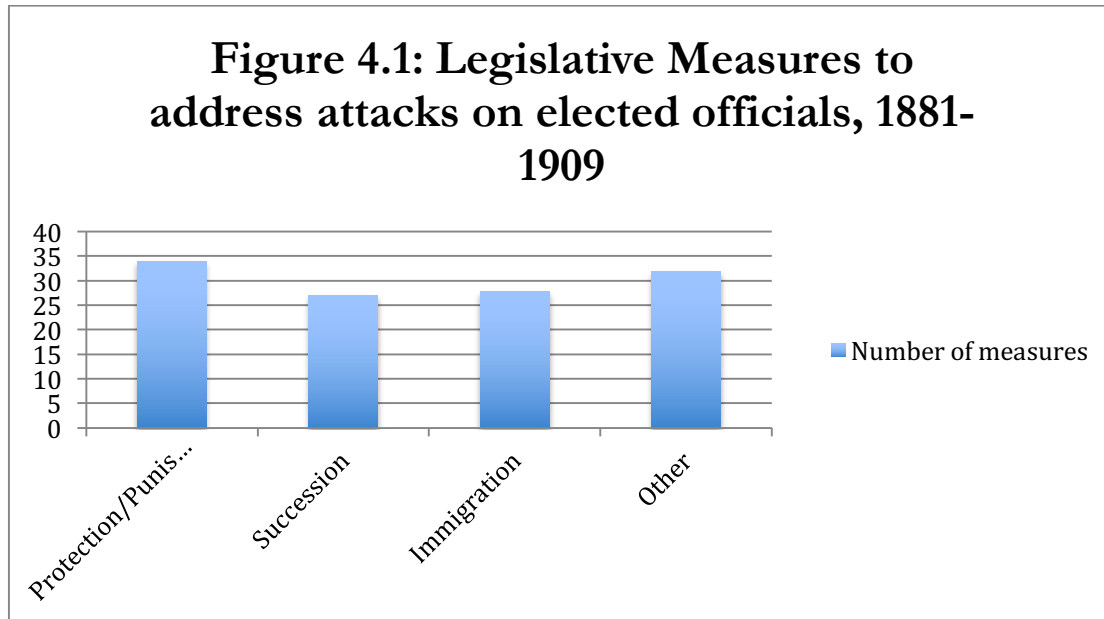
under fire.” Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, 309, n. 67.

⁵¹ Bills falling under this last category, “Criminological Study,” began to be introduced during the 57th Congress and they included anarchists as subjects of observation by a potential laboratory to study “the criminal, pauper and defective classes.” While some iterations of the legislation omit anarchists, all bills pertaining to this issue have been included.

⁵² The percentage jumps to 45 percent when strictly limited to the sixty-four bills and resolutions that explicitly touch on anarchism or anarchists. These records were culled from the indices of the *Congressional Record* and then cross referenced using the printed versions located in RG 287 (Records of the Government Printing Office) and the Committee records from the Center for Legislative Archives at the National Archive, Washington, DC. Bills that underwent significant revision—for example, some bills were substituted whole—count as only one entry.

⁵³ The authors of the various pieces of legislation introduced into Congress came from the following states, in alphabetical order: Alabama, Georgia, Illinois, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, and Pennsylvania.

Congress [1901-1903] alone, there were nearly twenty individual bills that addressed the anarchist threat explicitly and a host of others that were implicitly connected to anarchist violence.⁵⁴



That restriction emerged as a possible solution to the anarchist threat was not surprising given how popular attitudes toward immigration and the government’s role in protecting or limiting it evolved as the nineteenth century drew to a close. The diplomatic tradition of the United States, enshrined in treaties of amity and commerce, emphasized the free movement of peoples and goods. For example, the Burlingame Treaty of 1868 [16 Stat. 739], which formalized friendly relations with China, proved a serious impediment to those advocating for Chinese exclusion because the contracting Chinese and American parties “recognize the inherent and inalienable right of man to change his home and allegiance, and

⁵⁴ Of the bills and resolutions introduced, the most significant, in chronological order, were H.R. 176, 177, 221, S. 290, H. Res. 35, H.J. Res 65, H.R. 4360, and S. 4610.

also the mutual advantage of free migration and migration.”⁵⁵ As proponents of increased restriction gained a following in the latter part of the century, they typically framed their arguments in the context of security and shifted the focus away from this older model of treaties and toward unilateral action. In endorsing the Scott Act of 1888, which imposed restrictions on the movements of Chinese laborers, President Grover Cleveland invoked “the admitted and paramount right and duty of every government” to protect “prosperity.” Other proponents of Chinese restriction stressed that the Chinese immigrants were “unassimilable” and represented a threat to the economic and, consequently, social wellbeing of American laborers – an argument later extended to other immigrant groups.⁵⁶

While the 1882 Chinese Exclusion Act was, as Roger Daniels stated, “the hinge upon which the ‘golden door’ of immigration began its swing to a nearly closed position,”

⁵⁵ Article V, 16 Stat. 740. Whether Congress had a right to restrict Chinese immigration, in light of this agreement, was critical in debates over the “Chinese Exclusion Act” of 1882 and the 1888 Exclusion Act [the Scott Act]. See *Congressional Record*, 47th Congress, First Session, Vol. 13, Part 2, 1517-1519, 1702-1707; *Congressional Record*, 47th Congress, First Session, Vol. 13, Part 3, 2040-2044; *Congressional Record*, 50th Congress, First Session, Vol. 19, Part 9, 9052-9053.

⁵⁶ Quoted in Beth Lew-Williams, “Before Restriction Became Exclusion: America's Experiment in Diplomatic Immigration Control,” *Pacific Historical Review* 83, no. 1 (February 2014): 49. Arguments along these lines can be traced back to Emer de Vattel's *Law of Nations* [1758]: It was the “natural liberty” of a state to justify admission of foreigners and “every nation has a right to refuse admitting a foreigner ... when he cannot enter it without exposing the nation to evident danger.” Emer de Vattel, *The Law of Nations; or Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*, trans. Joseph Chitty (Philadelphia: T. & J.W. Johnson & Co., Law Booksellers, 1883 [1758]), 107.

On the issue of immigration control as a sovereign right, see Doty, “The Double-Writing of Statecraft: Exploring State Responses to Illegal Immigration,” 180-82; Erika Lee, “Immigrants and Immigration Law: A State of the Field Assessment,” *Journal of American Ethnic History* 18, no. 4 (Summer 1999): 89-90; Lew-Williams, “Before Restriction Became Exclusion: America's Experiment in Diplomatic Immigration Control,” 27-28, 47-50; Charles J. McClain, *In Search of Equality: The Chinese Struggle against Discrimination in Nineteenth-Century America* (Berkeley: University of California Press, 1996), 197; McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders*, 177.

restriction quickly grew to encompass other groups: criminals, paupers, and contract laborers soon followed.⁵⁷ By the early 1890s, those suffering from a “loathsome or contagious disease,” the mentally disturbed, prostitutes, and polygamists were also among those groups who found themselves on the outside.⁵⁸ At this point the established trend was to keep out those deemed deficient and socially threatening: “not to restrict immigration,” as one House Committee report read in 1891, “but to sift it, to separate the desirable from the undesirable immigrants and to permit only those to land on our shores who have certain physical and moral qualities.”⁵⁹ Though it was contested by opponents of restriction and by those concerned about potential diplomatic, economic, and reputational consequences, the Supreme Court affirmed the right of the Federal government to exclude potential immigrants in the cases *Chae Chan Ping v. United States* [130 US 581] in 1889 and *Nashimura Ekin v. United States* [142 US 651] in 1892. As the decision in the *Ping* case read, “The power of the government to exclude foreigners from the country whenever in its judgment the public interests require such exclusion has been asserted in repeated instances, and never denied by the executive or legislative departments.”⁶⁰

⁵⁷ Roger Daniels and Otis L. Graham, *Debating American Immigration, 1882-Present*, ed. James T. Patterson, *Debating Twentieth-Century America* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2001), 8.

⁵⁸ Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, 66, 80-81.

⁵⁹ H. Rpt. 3472: “Report of the Select Committee of the House of Representatives to Inquire into the alleged violation of the laws prohibiting the importation of contract laborers, paupers, convicts, and other classes together with the testimony, documents, and consular reports submitted to the Committee.” 50th Congress, Second Session. Washington, D.C.: Government Printing Office, 1889: 2.

⁶⁰ *Chae Chan Ping v. United States*, 130 US 606, 607 [1889]. In *Nashimura Ekin v. United States* [142 US 651], the Justices wrote, “It is an accepted maxim of international law that every sovereign nation has the power, as inherent in sovereignty and essential to self-preservation, to forbid the entrance of foreigners within its dominions or to admit them only in such cases

The national debate over anarchist exclusion was grounded, in part, on an insistence that anarchists were “foreign.” An April 1881 article in the *Chicago Daily Tribune* discussing the “alliance against Nihilists and Communists” proposed by the Russian government highlighted the broad contours of the national debate. In the last decades of the nineteenth century, people argued that anarchists were being driven to the United States as a consequence of restrictive measures increasingly being passed across Europe. “Looking into the future,” the article’s author posited, “when Europe has emptied her discontents ... in sufficient numbers upon our shores, there may be an explosion similar to that of the Communists in Paris.” Until that point arrived, however, the author argued that while anarchists could “poison the minds of foreigners,” the native born citizens and property owners formed a solid bulwark against unrest and, should an explosion of violence happen in the United States, the conservative population would rise and “put it down in blood.”⁶¹ This article, and others like it, ignored the long-established tradition of individualist anarchism in the United States – which drew upon the writings and speeches of William Lloyd Garrison, Henry David Thoreau, Josiah Warren, and Benjamin Tucker, among others – and instead focused on social anarchism more closely tied into the arrival of German radicals escaping the 1878 antisocialist law introduced by Otto von Bismarck.⁶²

and upon such conditions as it may see fit to prescribe.” 142 US 659 [1892]. The landmark *Fong Yue Ting v. United States*, 149 US 698 [1893] affirmed the right to deport in similar terms.

⁶¹ “The Immigration of Nihilists and Communists,” *Chicago Daily Tribune*, 29 April 1881: 4.

⁶² Kenyon Zimmer argues, “It was American conditions that usually forged migrants into anarchists, rather than European ones.” Kenyon Zimmer, “‘The Whole World is Our Country’: Immigration and Anarchism in the United States, 1885-1940” (University of Pittsburgh, 2010), 25. On the history and evolution of anarchism in the United States, see Paul Avrich, *Anarchist Voices: an Oral History of Anarchism in America* (Princeton: Princeton University Press, 1995); Andrew Cornell, “‘For a World Without Oppressors’: U.S. Anarchism from the Palmer Raids to the Sixties” (New York University, 2011); James Joseph

Though the ardent belief that anarchists were foreign went largely uncontested, there was more ambiguity when contemporaries debated the degree to which anarchists could do substantive harm to American society and institutions. Anarchists were a relatively minor subset of the new immigrants and many public commentators had more faith in what the author of an article in a religious journal identified as “our institutions, and the opportunities of such a country.”⁶³ While many lamented the social threat posed by anarchists, others countered with the argument that the process of coming to America and becoming steeped in its values had a potentially transformative effect on anarchists and other social malcontents. Though never the uncontested narrative, this logic could nonetheless be easily, and consistently, traced back to the early 1880s. “There is patriotism, conservatism, and vitality enough in this country to take good care of its Government and its institutions,” the *Chicago Daily Tribune* declared in that 1881 article. Moreover, the author maintained that equally fundamental principles were at stake by admitting such potential discontents: “it is a chance that must be taken because the right of asylum for political offenses cannot be denied.”⁶⁴ As Paul Wolff, the correspondent for the *New York Staats-Zeitung*, later discussed in his observations to Congress, the key was “good institutions,” noting: “I know that a good many socialists have become very good citizens here, and have entirely given up their ideas. ... A good many anarchists ... have done the same; in fact, if you go down to the very foundation, ... an anarchist is only a Democrat who went to the extreme. ... But these

Martin, *Men Against the State: the Expositors of Individualist Anarchism in America, 1827-1908* (DeKalb: Adrian Allen Associates, 1953).

⁶³ “Article No. 6 – No Title,” *Friends’ Review*, Vol. 35, no. 45 (17 June 1882): 712.

⁶⁴ “The Immigration of Nihilists and Communists,” *Chicago Daily Tribune*, 29 April 1881: 4.

people, when they come here, change their theoretical ideas to something more practical.”⁶⁵

In 1894, the same year that Gaetano Bresci came to the United States, a congressional debate over free trade concluded that anarchism would not gain a foothold in the United States because “socialism and anarchism had their origin in the industrial parts of Europe and the cause of it can easily be traced to the miserable condition of the working people.”⁶⁶

The same kinds of arguments over the potential danger of anarchists weighed against traditional American values and institutions that played out in newspapers, sermons, and other forums also appeared in Congressional investigations on the subject. In 1889, a bill “to provide for the removal of dangerous aliens” was the focus of an extensive series of hearings by a select committee from the House of Representatives.⁶⁷ At the outset, the authors of the Congressional report cited the German anti-socialist law as well as the Haymarket bombing to identify anarchists as principally Germans who had fled to England to avoid prosecution until “officials there made it so uncomfortable for them that they came to the United States.

⁶⁵ The same logic was used by Herman Raster, the chief editor of *Illinois Staats-Zeitung*—one of the most successful German language newspapers in the Midwest. See, respectively, H. Rpt. 3792, 50th Congress, Second Session: 929-30; 646.

⁶⁶ *Congressional Record*, 53 Cong., Second Session, Vol. 26, Appendix II: 1342. For earlier expressions of the same sentiment, see “American Influence Abroad,” *New York Times*, 3 August 1881: 4; “Migma,” *The Continent* 4, no. 94 (28 November 1883): 700.

⁶⁷ George Adams [R – Illinois] introduced the original bill, H.R. 1291, on 4 January 1888. Initially written to address “dangerous aliens” and the “intent to overthrow the laws of the United States,” the bill was fully replaced with a bill on immigration by the Select Committee, chaired by Melbourne Ford [D – Michigan]. See H.R. 1291 in Publications of the United States Government, Series Y1, Box 532-360: Publications of the United States Government, Senate Bills, 50th Congress, Volume 451-740, National Archives II, College Park, MD (hereafter RG 287).

Nathaniel Hong, using J.C. Burrows as his source, erroneously cites this as the first anti-anarchist legislation. However, in addition to being the third such bill introduced that year, the bill was strictly concerned with deportation and did not explicitly refer to anarchists or nihilists. See Hong, “The Origins of American Legislation to Exclude and Deport Aliens for Their Political Beliefs and its Initial Review by the Courts,” 6.

Here they have proven a lawless, turbulent class, and the whole country is familiar with their recent acts of violence.”⁶⁸ As part of the proceedings, the committee heard the testimony of Johann Most, the noted German anarchist printer, to whom they directed pointed questions about the relationship between legal restrictions and anarchist migration, the size of the anarchist and socialist populations around the world, and his definition of anarchism.⁶⁹ Yet the bill gained little traction. Two years later another Select Committee held similar hearings pertaining to a bill [H.R. 13175], introduced by William Owen [R – Indiana], to restrict immigration and the prospect of exclusion was criticized for how it included anarchists. In addition to highlighting the problems of identifying someone who was an anarchist, opponents dismissed the bill on grounds that recalled the *Chicago Daily Tribune*’s commentary nearly a decade earlier. While some individuals brought before the committee approved of the exclusion of anarchists and socialists because they represented a “permanent danger,” others dismissed the notion that any man should be “debarred on account of his opinions” as un-American.⁷⁰ Richard Michaelis, a German-American writer from Chicago, testified against restriction, despite knowing that he had been the target of a bomb plot. “Don’t ask them if they are anarchists, or socialists, or republicans, ... but as soon as they commit an act against the laws of the United States, that is a different thing,” he argued. When asked if “an

⁶⁸ H. Rpt. 3792: “Report of the Select Committee of the House of Representatives.” 50th Congress, Second Session: 5.

⁶⁹ Most, though making exaggerated claims about the size of the anarchist and socialist populations around the world, minimized the numbers immigrating to the United States – he said twelve in 1888-89. On the question of citizenship, he said that most socialists did become citizens, though he acknowledged that he did not obtain citizenship, recalling that when asked in court whether he would obey the laws, he had responded, “I could not say that I liked a law which I regard as bad.” *Ibid.*: 251.

⁷⁰ H. Rpt. 3472, 51st Congress, Second Session: 644, 618.

ounce of prevention” was “worth a pound of cure,” he responded “where would you draw the line?”⁷¹

As the spate of anarchist violence increased between 1894 and 1901 and blossomed into what contemporaries perceived to be a social crisis, people began to focus more on security over the power of American institutions to assimilate dangerous anarchists. Observers were quick to note that four of the six self-professed anarchists who made assassination attempts over that period were Italian – a fact that drew national attention to the social and economic plight of this new wave of immigrants and imparted a sense of urgency to discussions of the anarchist threat.⁷² A frequent contributor to the *North American Review*, Felix L. Oswald, wrote, “The suggestive fact that the assassins were natives of the country where contrasts of wealth and poverty had reached their most cruel extreme” was central; Umberto I, Carnot, Cánovas and Elizabeth, were “representative”; their only crime was that they had “contrived to accumulate a little bric-a-brac, while so many of [their] countrymen had to sell their furniture for bread.”⁷³ Francis Nichols, writing in *Outlook*, echoed the sentiment, arguing that the danger was that anarchist justifications for Umberto I’s death “made positive converts of doubting Italians, and attracted the attention of

⁷¹ *Ibid.*, 705; See also the testimony of Emil Praetorius, editor of the *Westliche Post* in St. Louis in *Ibid.*, 811-12.

⁷² In addition to President Carnot and King Umberto I, Italian anarchists were responsible for the assassinations of President Antonio Cánovas del Castillo of Spain and Empress Elizabeth of Austria. The other two assassination attempts were by Jean-Baptiste Sipido on the Prince of Wales, the future Edward VII, in 1900 and Czolgosz’s attack on McKinley. Of the six, only the attempt on the Prince of Wales failed.

⁷³ F.L. Oswald, “The Assassination Mania: Its Social and Ethical Significance,” *North American Review* 171, no. 526 (September 1900): 314-15, 17. The trend to see these assassinations as part of a trend, rather than isolated incidents, was also a defining quality of this period—explicit parallels were made in forums as different as the House of Lords in England and the *New York Times* in the United States.

hundreds who believed that the ‘times are out of joint’ but had heretofore seen no cure in Anarchy.”⁷⁴ Government officials echoed these concerns when, in the wake of McKinley’s assassination, the U.S. Attorney General’s office drafted a letter to various U.S. Attorneys in reference to alleged anarchists and their correspondence. The letter, seventeen pages in total, contained lists of Italians in the various districts “said to be correspondents of the ‘Communist’ and ‘Individualist’ groups of so-called anarchists of Paterson, New Jersey” and asked the recipients of these letters to investigate “the antecedents and character of these men.” The letter also called particular attention to the non-Italian names on the list, indicated by checkmarks, and concluded “the reasons for the association of this man with the Italians may be especially important to learn.”⁷⁵ Whereas for much of the preceding twenty years, the risk undesirable immigrants posed to society was counterbalanced by arguments about the stabilizing and ameliorating effects of American values and traditions, the seemingly escalating violence intensified the rhetoric expressing the need for greater security.

The tendency is to see the 1903 act as the culmination of earlier efforts to restrict and exclude anarchists. In particular, it is compared to the “Hill Bill [S. 2314]” of 1894—one of the bills on anarchism that came the closest to passing. Sponsored by Senator David Hill [D – New York], then chairman of the Senate Committee on Immigration, the bill came up for debate in the wake of President Carnot’s assassination. Explicitly raising the issue of security, the bill justified the exclusion of anarchists on the grounds that their presence

⁷⁴ Nichols, "The Anarchists in America," 862.

⁷⁵ “Draft of letter to various U.S. Attorneys in reference to alleged anarchists and their correspondents.” RG 60, A1 72-B, Box 8, Folder 3: Year Files (Folded), 1884-1903; D.J. Central Files, 1901 – McKinley Assassination (Vault), National Archives II, College Park, MD.

would “be a menace to the Government or to the peace and well-being of society in general.”⁷⁶ Senator John Sherman [R – Ohio] offered a mild objection after the bill was introduced that the proposed legislation did not go far enough and suggested that anarchists should be deported even after they had become citizens. However, the bill died in the House of Representatives on August 21 after a heated debate in which John Warner – who, like Senator Hill, was a Democrat from New York – denounced it as “a bad bill” that was “more likely to make anarchists than punish them” because in drafting the bill no suitable definition of anarchism had been put forward.⁷⁷ In the wake of McKinley’s death in 1901, Senator J.C. Burrows played up the notion that an opportunity had been lost, bitterly lamenting, “The anarchist nests at Paterson, New Jersey, at Chicago and elsewhere would have been broken up, and we would not find ourselves to-day in the position of locking the stable door after the horse is stolen.”⁷⁸

When passed by Congress, the 1903 Immigration Act inserted anarchists “or persons who believe in or advocate the overthrow by force or violence of the Government of the

⁷⁶ *Congressional Record*, 53 Cong., Second Session, Vol. 26, Part 8, 8627.

⁷⁷ *Congressional Record*, 53 Cong., Second Session, Vol. 26, Part 8, 8628.

On 25 June 1894, Representative William Stone attempted to introduce a bill [H.R. 7564] that awkwardly defined anarchists as “any person or persons who shall belong to, or who shall be appointed, designated or employed by any society or organization existing in this or in any foreign country which provides in writing or by verbal agreement, understanding or countenance for the taking of human life unlawfully or for the unlawful destruction of buildings or other property where the loss of life would be the probable result.” See *Congressional Record*, 53 Cong., Second Session, Vol. 26, Part 7, 6800.

⁷⁸ Julius C. Burrows, “The Need of National Legislation against Anarchism,” *North American Review* 173, no. 541 (December 1901): 733. This in itself is a problematic assessment as Leon Czolgosz was not an immigrant. Instead, defenders of this position—in keeping with the belief that anarchism was foreign—maintained that Czolgosz would have been denied the intellectual inspiration for his actions because the advocates of such tactics like Emma Goldman, Alexander Berkman, and Johann Most would have been unable to immigrate to the United States.

United States or of all government or of all forms of law, or the assassination of public officials” between polygamists and prostitutes as excluded classes.⁷⁹ In addition to defining [Sec. 38] and excluding anarchists, the bill also prevented their naturalization [Sec. 39] and fined those who aided such individuals to enter, or be naturalized in, the United States.⁸⁰ By defining anarchists solely in terms of their advocacy of violence and anti-governmental stance, the 1903 bill’s supporters disregarded years of discussion on the merits and adverse consequences of exclusion based on ideological beliefs. A decade earlier, at the same time the Hill Bill was under consideration, a completely revised version of the Stone Bill [H.R. 5246] also failed to sway enough members of Congress. Originally written to provide for the consular inspection of immigrants in an attempt to prevent the continued emigration of criminals and paupers, the original text was completely replaced by a detailed anarchist exclusion law written by the Secretary of the Treasury. In voicing his opposition to the amended bill, Senator William Pepper [P – Kansas] clearly articulated a familiar problem, stating, “I understand that when an educated anarchist is permitted himself to define what he believes or what he understands to be meant by the word anarchist in his definition he will describe about the highest type of human development. There is nothing destructive, nothing violent, nothing denunciatory or derogatory to human happiness or human government in such a definition as a man of that kind would give, and yet he calls himself an

⁷⁹ 32 Stat. 1214; Bill Ong Hing, *Defining America Through Immigration Policy* (Philadelphia: Temple University Press, 2004), 210.

⁸⁰ 32 Stat. 1221-1222. As Kraut and Fine have noted, the definition of anarchists failed to differentiate between those who advocated or committed acts of violence from philosophical anarchists (in broad terms) who advocated for the abolition of organized government. See Fine, “Anarchism and the Assassination of McKinley,” 777-80; Kraut, “Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression,” 173.

anarchist.”⁸¹ Senator George Hoar ventured even further, questioning the objectivity and legality of the method proposed, arguing, “The pending bill says that when a majority of the board ... determine, not that a man has done anything, not even that he has said anything, but that he is a character defined by the vague, indeterminate word ‘anarchist[,]’ ... he shall be excluded and sent back to the country whence he came.”⁸² In voicing their objections, Peffer, Hoar, and others reiterated the argument that exclusion based on ideological beliefs—and poorly defined ones at that—was just as potentially threatening to society as the belief being excluded.⁸³

A further departure from other anti-anarchist legislation is evident when examining the deportation provisions of the 1903 Immigration Act in light of Congressional reluctance to include such measures in other bills pertaining to anarchists.⁸⁴ In their report evaluating a bill introduced for the protection of the president, Congressman George Ray [R – New

⁸¹ *Congressional Record*, 53 Cong., Second Session, Vol. 26, 8231.

⁸² *Congressional Record*, 53 Cong., Second Session, Vol. 26, 8241.

Advocates for anarchist restriction like William Stone and Senator Henry Cabot Lodge [R – Massachusetts] would repeatedly counter that a definition of “anarchist” was either not necessary, attached to individuals of “common notoriety,” or was widely understood to mean “the reform of society to be brought about by blowing up their fellow beings.” S. Rpt. 1333: “Investigation by the Committee on Immigration of the United States Senate on the Proposition for the Suspension of Immigration for One Year.” 52nd Congress, Second Session. Washington, D.C.: Government Printing Office, 1893: 147, 155; See also H. Rpt. 1460: “Exclusion and Deportation of Alien Anarchists.” 53rd Congress, Second Session. Washington, D.C.: Government Printing Office, 1894: 2; H. Rpt. 3472: “Immigration Investigation,” House of Representatives, 51st Congress, Second Session: 646.

⁸³ Though the Stone Bill passed the House of Representatives in July 1894, the Senate held it up and the bill ultimately died in a joint committee.

⁸⁴ Section 20 of the act specified that “any alien who shall come into the United States in violation of the law ... shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival.” Subsequent legislation in 1907 and 1910 pushed this out to 3 years. 32 Stat. 1218; Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, 32.

York] wrote on behalf of the Judiciary Committee that “If permitted to land and they offend against our laws and we return them to the country whence they came[,] ... it might, and probably would, be difficult to get the government of the country from which they came to receive them. ... Clearly we could not compel such country to receive them except at the point of a bayonet.” Acts that contained such provisions, such as the Ray Bill of 1903, rejected any articles that dealt with the deportation of aliens who had been permitted to land in the country. “What,” Ray and his co-authors asked, “must be the answer of the United States to such a proposition coming from some other country? Better make no law than an ineffective one or one that might lead to unnecessary foreign complications.”⁸⁵ Prioritizing security and including such major policy departures signified a dramatic shift in the nature of the debate over anarchist exclusion. The Anarchist Exclusion Act trumped the diplomatic and social concerns that were central to the discussions concerning prior legislative attempts to address the issue of anarchist violence, siding instead with the counterargument that the immigration of such undesirables was a social threat necessitating a strong response.

CONCLUSION:

Anarchist exclusion was far more than an example of a rising nativist tide raising all boats and excluding a widening spectrum of undesirable aliens. The measures most commonly introduced to curtail undesirable immigration – bans on contract labor, as well as proposals for quotas and literacy tests – were not well suited to restricting anarchists. Quotas might eventually limit the number of immigrants coming from various nations in a given year, but they could do nothing to directly restrict anarchists who came from a host of different countries and, except for those who attained some wider notoriety, had nothing to

⁸⁵ H. Rpt. 433, House of Representatives, 57th Congress, 1st Session: 7-8.

distinguish them from any other prospective immigrants. A literacy test could possibly keep out some individual adherents but would have failed to prevent the immigration of the literate, intellectual progenitors of the ideology. Groups that frequently petitioned Congress on matters of Immigration saw anarchist exclusion as both part of and separate from general immigration restriction. The 94 members of the Molly Pitcher Council of Manasquan, New Jersey were in favor of: “1. Re-enactment of the Chinese Exclusion Law[;] 2. A more General Restrictive Immigration Law[;] ... 4. Law to prohibit landing and for the deportation of Anarchists.”⁸⁶ In their numerous petitions to Congress, other organizations and individuals largely agreed. Restricting anarchists was about excluding on the basis of thoughts defined as criminal: other immigrant groups may have been said to be inassimilable or a threat to domestic labor but anarchy was, as a representative 1901 petition from a town meeting in Plymouth, Pennsylvania declared, “a name for treason” and anarchists were “dangerous parasites on the body politic.”⁸⁷

⁸⁶ “Petition from the Molly Pitcher Council, No. 68 (Daughters of Liberty, Manasquan, NJ),” Records of the United States Senate, 57th Congress, RG 46 SEN 57A-J39: Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, Box 150, “1/7/1902 to 3/10/1902,” National Archives I, Washington, DC (hereafter RG 46).

⁸⁷ “Petition of citizens of Plymouth, PA, 9 September 1901,” RG 46 SEN 57A-J39: Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, Box 150, “01-07-1902 – 03-10-1902.”

Members of the Buell Post, No. 178 of the Ohio G.A.R. from Marietta, Ohio, framed anarchist thought as criminal in the same way arson was: “We have been too tardy and lenient in our efforts to suppress dangerous public utterances in this land of free speech. If a man sets fire to your house he is arrested and imprisoned for Arson. Is a man or woman who, by defamatory utterances arouses an excited audience into a belief that all rulers should be destroyed any less criminal?” See “Resolution adopted by the Buell Post No. 178, Department of Ohio G.A.R. (Marietta, OH) favoring legislation for the suppression of anarchy (dated 7 Jan 1902),” RG 46 SEN 57A-J39: Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, Box 150, “01-07-1902 – 03-10-1902.”

From the early 1880s, when the debate over anarchist restriction emerged in the United States, voices advocating security concerns debated others who preached on behalf of a faith in American institutions and warned that the greater threat came from enacting ideologically based exclusion policies. Amid a rising tide of anarchist migration due, in part, to restrictive laws passed elsewhere and a growing perception of escalating violence, the cries for action grew more urgent. In terms of numbers, anarchist migration was miniscule compared to the movement of contract laborers, the illiterate, and other “undesirables,” but those individuals were still a part of society; anarchists, both by law and popular conception, resided beyond the societal pale. By the turn of the twentieth century, an emigrating anarchist was no longer a poor weaver looking to take advantage of more job opportunities and better pay—potentially at the expense of American laborers. Instead, that anarchist was a demon whose very existence was antithetical to humanity, let alone the principles of government and society Americans earlier debated in the context of exclusion. Those voices trying to distinguish between philosophical and violent anarchists were overwhelmed by others like Charles Smick’s, who exclaimed that “all anarchists are guilty of treason” and justified calls for action by appealing to “a higher law – that of self-preservation.”⁸⁸ As a lawyer from Charleston, SC, declared in a letter to the Attorney General, “it behooves us, especially of our profession, for the good of ourselves and of those who are to come after us in this great Western Land and also of the World at large, to scorch and kill every such

⁸⁸ See, respectively “Letter from Charles. S. Smick to Jas. M. Beck, 8 Sept 1901,” RG 60, A1 72-B, Box 8, Folder 2: Year Files (Folded), 1884-1903, D.J. Central Files, 1901 – McKinley Assassination (Vault); “Letter from Charles S. Smick to the Atty. General, 17 Sept 1901,” RG 60, A1 72-B, Box 8, Folder 4.

venomous reptile that the law can reach – as Coleridge says, to ‘Dislodge their reptile souls / From the bodies and forms of men.’ I express the sentiment of our entire community.”⁸⁹

Anarchists, by nature of the violent deeds attributed to them, gradually transformed from being foreigners to being inhuman creatures or demons and, consequently, they became easier to exclude. Protections for free speech, from political persecution, and more were for members of civil society not for anarchists who, over the preceding twenty years, had increasingly found themselves defined as outside of, and in opposition to, that society. In a fiery, but hardly exceptional reaction, a resolution passed by the Olympia (Washington) Chamber of Commerce in the wake of McKinley’s assassination declared that “the propagating and advocacy of anarchistic doctrines under the guise of free speech is not only a farce and a travesty[,] ... but is such a menace to organized government that its dangers cannot longer be endured by an enlightened and patriotic people.” They further resolved, “That while we loathe with unspeakable contempt the miserable wretch who is a disgrace to humanity [Czolgosz] ... we recognize that a far greater measure of responsibility for such crime rests with the more enlightened and more intelligent, therefore more devilish, leaders of anarchy. ... We would visit upon them swift and condign punishment by death or banishment from American soil. Our Nations contains [*sic*] no room for such vipers of discontent and lawlessness.”⁹⁰ In such a climate, concerns about free speech, political intolerance and asylum, or the expansion of federal power were quickly shunted aside.

⁸⁹ “Letter from Thomas W. Bacot to Knox, 10 September 1901,” RG 60, A1 72-B, Box 8, Folder 1.

⁹⁰ See Resolution by the Olympia Chamber of Commerce (Washington), dated 18 November 1901 [but passed in October], RG 46 SEN 57A-J39: Petitions, Memorials, Resolutions of State Legislatures and Related Documents which were referred to committees, Committee of the Judiciary, Box 150, Folder 1 of 3: “12/4/1901, Folder 1 of 3.”

Ultimately, the significance of the Anarchist Exclusion Act dwarfs the relatively small proportion of anarchists who tried to immigrate to the United States and far eclipsed the incidents of violence that created the atmosphere in which it was shaped. Anarchy, as William Preston Jr. writes, “left its mark for posterity in the cement of antialien legislation” and “created a criterion of thought and conduct for naturalized citizens that was unknown to native-born Americans. In addition it established a pattern of disqualification based upon beliefs and associations only.”⁹¹ The provisions of the Anarchist Exclusion Act reveal a great deal about how growing security concerns over the preceding years shaped key departures from earlier legislative efforts to exclude anarchists and understanding how changing attitudes shaped the nature of the debate over immigration and security is essential given that deportation, as Deirdre Moloney argues, “became a critical mechanism used to control and discourage political dissent,” particularly in the wake of national crises like World War I, the Cold War, and 9/11.⁹² Herman Lehlbach, a Republican representative from New Jersey, framed the principal dilemma in his 1890 testimony before the Senate Committee on Immigration and Naturalization: “the question,” he said, “is whether the anarchists or the socialists, the people who don’t harmonize with our institutions, are here in such quantities as to make it necessary for us to frame laws that would be an annoyance to ninety-nine out of a hundred of the other people who come here and make good citizens.”⁹³ With the passage of the Anarchist Exclusion Act in 1903, proponents of restriction were clear that the answer to that question was finally a yes.

⁹¹ Preston Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, 33, 66.

⁹² Moloney, *National Insecurities: Immigrants and U.S. Deportation Policy since 1882*, 163.

⁹³ H. Rpt. 3472, 51st Congress, Second Session: 716.

As for his own cameo role in the assassination fears of the early twentieth century, Maresca played the part of a patsy. While he was a recent parolee with a history of violent assaults, he was not an anarchist. Nor was he plotting to assassinate President McKinley. Guida, his traveling companion, was entirely innocent beyond having struck up a friendship with Maresca. Instead, Pedretti, the former newspaper reporter who sent the two anonymous letters, hatched the plot out of jealousy over Maresca's relationship with a woman, Teresa Esposita. In the estimation of the Prefect of Naples, having failed to prevent Maresca from following her to the United States, Pedretti endeavored to "denounce him as a man plotting against the President ... in order to make delay and difficulty for him in his journey."⁹⁴ Given the relative ease with which one could disguise his or her own criminal history to get past the immigration authorities, and having already failed to get the desired results with the first letter revealing Maresca's past, Pedretti used the climate of alarm over the anarchist threat to great effect. By invoking the spectre of anarchism, Pedretti was deliberately playing on the pervasive ontological fear of a chaotic world, knowing that it would make trouble for Maresca when he tried to enter the United States.

⁹⁴ "No. 8773: Cavasola to the Royal Ministry of the Interior, 8 August 1900." RG 59, M202, Roll 15.

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CAB	Cabinet Office Files
CP	Records of the Colonial Office
CRIM	Criminal Records
FO	Foreign Office
HO	Home Office
PRO	Domestic Records of the Public Records Office

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