

Kane Quit Because of Anti-Red Policy

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necessary repression of the press. I would not conscientiously and wholeheartedly take part in the enforcement of such a law.

Refers to Letter to Palmer

"I have set forth my views at length in a letter to Mr. Palmer, a copy of which I inclose. I dislike in any way to add to your burdens at the present time, but under the circumstances I must, with very deep regret, ask you to relieve me from the duties of my office as soon as it may be practicable to appoint my successor.

"My official work has been most congenial to me, and it has been the greatest possible privilege to serve you during the past six years. I appreciate more than I can tell you that you were able to place confidence in me and honor me by the office I have held.

"Trusting that your health is being fully restored, I am, sir, as always, your faithful servant.

FRANCIS FISHER KANE, United States Attorney.

Letter to Attorney General

The letter to Mr. Palmer was dated January 12. Here follow some of the most important passages:

"My dear Mr. Palmer:

"You say that there does not seem to you to be any question of policy involved in the matter of Communist Party raids.

"I must answer frankly that I disagree with you in your view of the matter. As I read the manifestoes of the Communist party, the party does not expressly stand for the overthrow of this government by force.

"It seems to me that the policy of raids against large numbers of individuals is generally unwise and very apt to result in injustice. People not really guilty are likely to be arrested and railroaded through their hearings. Public feeling is running strongly against 'Bolsheviks' and 'radicals,' and by such wholesale raids the department is in danger of being made one of injustice.

"It is one thing to debar an alien coming into this country by administrative methods, but it is quite another thing to deprive a man who has been in this country a long time, and who perhaps has a wife and children here, of what we are accustomed to think of as constitutional rights, irrespective of a man's citizenship. I refer, of course, to the right of trial by jury, etc., which the alien to be deported does not have. Such discrimination against the alien who has not been naturalized is bound to bear ill fruit in the long run.

Repressing Political Party

"Again, in the present raids we appear to be attempting to repress a political party. It has a platform most of which is highly objectionable to you and me. So much I grant you, but it is at least a party, and it is, of course, to be dealt with by the law, and not by such methods as shall drive underground and make dangerous what was not dangerous before.

"If, by these methods, we were really apprehending the people who have bombed buildings and sought to take human life, I would, of course, feel differently about the matter, but we cannot contend that by the wholesale raiding of 'Bolsheviks,' 'Communists,' and 'radicals' we are getting the guilty culprits.

"By such general raids we are likely to take the mind of the public away from the real evil that we are seeking to correct. I refer to real anarchy and violence.

"Are we really in danger in this country from the presence of a handful of foreign 'radicals'? Is it necessary to protect our American workmen—yes,

and the vast number of steady, law-abiding foreign-born workmen—from the influence of a handful of Russians and Russian Jews in love with the soviet form of government? To my mind such protection is entirely unnecessary.

"Some people are afraid of what they call the coming social revolution. I am not. I believe in the unqualified recognition of union labor, the nationalization of the railroads, of the coal industry, and perhaps of other public utilities. I might even vote for the taking over of large portions of what is known as the 'packing business,' but whether I should or should not, I certainly desire the fullest discussion of such subjects that we may arrive at the truth and really solve the problems before us.

"I believe that the President is right when he says that repression of discussion is not the way to correct the evils we are suffering from. I see no justice in the blocking of Mr. Kane.

"Among the cases that have come to my notice of persons caught in the raid in Philadelphia is that of a Russian Jew barber whose wife is an American-born Methodist. They have six children all under eleven years of age, the youngest being only six months old. While the husband is in jail, the wife was absolutely no money in the house. Though he may very likely be deported I cannot regard him as a menace to the punishment of these people is infinitely more important than the pursuit of 'radicals.'

"I do not favor an extension of the present espionage law. Here again I seem to be out of sympathy with you, for I see by the papers that you are asking Congress for a new espionage act with 'teeth in it.'

Freedom of Speech

"My own belief is that such an extension of the law as respects time and stringency is utterly unneeded. I believe it would lead to a very serious interference with freedom of speech and the freedom of the press.

"I believe that by this policy we are playing into the hands of the capitalists

and the large employers. This we cannot do and remain the Democratic party. We must be fair to labor and we must respect freedom of discussion, or be unfair to the people as a whole. Admiration for Mr. Kane's convictions on the subject of the radical raids and regret at his resignation were expressed by Todd Daniel, head of the Department of Justice.

"Although I have always known Mr. Kane's ideas on the subject of radical prosecution," he said, "there has never been at any time the slightest friction between his office and mine.

"I am sorry to see Mr. Kane leave the district attorney's office, but I admire and respect his convictions on the matter concerning the Communist party. His personal convictions never entered into his work."

Mr. Kane's action caused considerable surprise in legal circles today. While many persons agreed that adequate results had not been obtained by the federal prosecutor's office here, there were others who contended that the adoption of judicial laws, many of which lacked proper enforcement machinery, generally hampered Mr. Kane in his work.

Many complications arose during the last few months when Mr. Kane attempted to enforce the wartime prohibition law. He was frequently brought in conflict with those who differed with him in interpretation of the law.

While always a Democrat, Mr. Kane

believed in the principles of reform and was an active member of the Municipal League. He entered public life in 1896 when he was appointed assistant district attorney in the second Cleveland administration under United States Attorney James M. Beck.

Later he became a law partner of Mr. Beck and D. Stuart Robinson. In 1903 he was chosen Democratic candidate for the majority, but was defeated by John Weaver, the Republican candidate.

When Woodrow Wilson was elected President he appointed Mr. Kane United States district attorney. The President knew Mr. Kane personally as both were members of the same class at Princeton.

Some opposition was raised against the reappointment of Mr. Kane when President Wilson was re-elected for a second term, but it had no effect at Washington.

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