December 19, 1917.

My dear Mr. Frankfurter:

I thank you for your frank letter. I answer it at length because you have taken, and are taking, on behalf of the Administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolshevik leaders in Russia; an attitude which may be fraught with mischief to this country.

As for the conduct of the trial, it seems to me that Judge Dunne's statement which I quoted in my published letter, covers it. I have not been able to find anyone who seriously questions Judge Dunne's character, judicial fitness and ability, or standing. Moreover, it seems to me that your own letter makes it perfectly plain that the movement for the recall of Fickert was due primarily not in the least to any real or general feeling as to alleged shortcomings on his part, but to what I can only call the Bolshevik sentiment. The other accusations against him were mere camouflage. The assault was made upon him because he had attacked the murderous element, the dynamite and anarchy group, of labor agitators. The movement against him was essentially similar to the movements on behalf of the McNamaras, and on behalf of Moyer and Hayward. Some of the correspondents who attacked me frankly stated that they were for Mooney and Billings just as they had been for the McNamaras and for Moyer and Hayward. In view of Judge Dunne's statement it is perfectly clear that even if Judge Dunne is in error in his belief as to the trial being straight and proper, it was an error into which entirely honest men could fall.

But the question of granting a re-trial is one thing. The question of the recall is entirely distinct. Even if a re-trial were proper, this would not in the least justify a recall—any more than a single grave error on your part would justify your impeachment, or the impeachment of President Wilson for appointing you. Fremont Older and the I.W.W. and the "direct action" anarchists and apologists for anarchy are never concerned for justice. They are concerned solely in seeking one kind of criminal escape justice. The guiding spirits in the movement for the recall of Fickert cared not a rap whether or not Mooney and Billings were guilty; probably they believed them guilty; all they were concerned with was seeing a rebuke administered to, and an evil lesson taught, all public officials who might take action against crimes of violence committed by anarchists in the name of some foul and violent "protest against social conditions." Murder is murder; and it is rather more evil, and not less evil, when committed in the name of a professed social movement. It was no mere accident, it was the natural sequence of cause and effect that the agitation for the recall of Fickert, because he had fearlessly prosecuted the dynamiters (and of course no human being doubts that Billings and Mooney were in some shape or other privy to the outrage) should have been accompanied by the dynamite outrage at the Governor's mansion. The reactionaries have in the past been a great menace to this republic; but at this moment it is the I. W. W., the Germanized
Socialists, the Anarchists, the foolish creatures who always protest against the suppression of crime, the pacifists and the like, under the lead of the Hearst and La Follette, and Bergers and Hillquits, the Fremont Older and Amos Pinchots and Rudolph Spreckels who are the really grave danger. These are the Bolsheviki of America; and the Bolsheviks are just as bad as the Romanoffs, and are at the moment a greater menace to orderly freedom. Robespierre and Danton and Marat and Hebert were just as evil as the worst tyrants of the old regime, and from 1791 to 1794 they were the most dangerous enemies to liberty that the world contained. When you, as representing President Wilson, find yourself obliged to champion men of this stamp you ought by unequivocal affirmative action to make it evident that you are stemly against their general and habitual line of conduct.

I have just received your report on the Bisbee Deportation. One of the prominent leaders in that deportation was my old friend Jack Greenway who has just been commissioned a Major in the army by President Wilson. Your report is as thoroughly misleading a document as could be written on the subject. No official, writing on behalf of the President, is to be excused for failure to know, and clearly to set forth, that the I.W.W. is a criminal organization. To ignore the fact that a movement such as its members made into Bisbee is made with criminal intent is precisely as foolish as for a New York policeman to ignore the fact that when the Whyo gang assembles with guns and knives it is with criminal intent. The President is not to be excused if he ignores this fact, for of course he knows all about it. No human being in his senses doubts that the men deported from Bisbee were bent on destruction and murder. If the President through you or anyone else had any right to look into the matter, this very fact shows that he had been remiss in his clear duty to provide against the very grave danger in advance. When no efficient means are employed to guard honest, upright and well-behaved citizens from the most brutal kind of lawlessness, it is inevitable that citizens shall try to protect themselves; this is as true when the President fails to do his duty about the I.W.W. as when the police fail to do their duty about gang like the Whyo gang; and when either the President or the Police, personally or by representative, rebuke the men who defend themselves from criminal assault, it is necessary sharply to point out that far heavier blame attaches to the authorities who fail to give the needed protection, and to the investigators who fail to point out the criminal character of the anarchistic organization against which the decent citizens have taken action. Here again you are engaged in excusing men precisely like the Bolsheviks in Russia, who are murderers and encouragers of murder, who are traitors to their allies, to democracy, and to civilization, as well as to the United States, and whose acts are nevertheless apologized for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common, and nothing more dangerous to the Republic, than for men - often ordinarily well-meaning men - to avoid condemning the criminals who are really public enemies by making their entire assault on the shortcomings of the good citizens who have been the victims or opponents of the criminals. This was done not only by Danton and Robespierre but by many of their ordinarily honest associates in connection with, for instance, the "September massacres." It is not the kind of thing I care to see well-meaning men do in this country.

Sincerely yours,
(sgd) Theodore Roosevelt.

Mr. Felix Frankfurter.