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September 2021

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### Recommended Citation

Wehking, Claire, "Antonia Sentner's Fight Against Deportation: An Example of the Federal Government's Fight Against Communism" (2021). *Undergraduate Research Symposium*. 73.

Available at: <https://irl.umsl.edu/urs/73>

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Antonia Sentner's Fight Against Deportation: An Example of the Federal Government's Fight  
Against Communism

Claire Wehking

In the 20th century, the United States government used deportation as a tool to circumvent certain Constitutional protections in order to crack down on radicalism. This tactic was used in both the first and second “Red Scares.” In the 1940 and 1950s, a St. Louis deportation case rose to national prominence as it progressed through the federal court system. Antonia Sentner was the wife of Communist Party U.S.A. member and local labor leader, William Sentner. Her requests for naturalization were denied and there were attempts to deport her to Yugoslavia, even though her husband and children were born in the United States, she had lived here since she was 8 years old, and she was originally from Austria-Hungary. This denial was on the basis of a short time in the early 1930s when Antonia had briefly been a member of Communist Party U.S.A. but may have also been motivated partially to target her husband and his union. This case reached the Supreme Court where the decision to allow her to practice her own political beliefs and associate with whoever she wanted without government interference even though she was slated for deportation was upheld. This decision is extremely important because it reestablished some rights which had been revoked from noncitizens long before. Antonia’s case, which spanned a thirteen year period, is one of many examples of attempts by the federal government to weaken CPUSA by use of legal and administrative means.<sup>1</sup>

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<sup>1</sup> For more information and a more detailed history of the use of deportation and denaturalization to target radicals, see Ellen Schrecker, “Immigration and Internal Security: Political Deportations during the McCarthy Era,” *Science & Society* 60, no. 4 (1996): pp. 393-426, William Preston, *Aliens & Dissenters: Federal Suppression of Radicals, 1903-1933* (New York, NY: Harper & Row, 1973), and Julia Rose Kraut, *Threat of Dissent: A History of Ideological Exclusion and Deportation in the United States* (Cambridge, MA: Harvard University Press, 2020).

For much longer than the Communist Party has existed in America, deportation and denaturalization have existed as tools used by the federal government to try to control radicals. In most cases, deportation trials did not lead to deportation. Deportation and denaturalization were a popular tool in attempts to control radicalism, however, because the precedent of the Supreme Court decision on *Fong Yue Ting v. United States* made it so that these proceedings were considered administrative, and not criminal, and therefore the defendants were not afforded the Bill of Rights.<sup>2</sup> Deportation and denaturalization was also an incredibly effective tool against CPUSA because much of the party membership, and some of the leadership, was made up of immigrants. There were many laws created for the control of what the government saw as dangerous and subversive organizations. The Smith Act, also known as the Alien Registration Act of 1940, the McCarran Act, also known as the Internal Security Act or Subversive Activities Control Act of 1950, and McCarran-Walter Act, also known as the Immigration and Nationality Act of 1952, were all laws created for the purpose of radical control through the use of legal means.<sup>3</sup>

Many different groups were upset with the immigration and naturalization laws which seemed to target all immigrants. The National Lawyers Guild, a group of lawyers from across the country based in New York City, expressed disapproval of the Internal Security Act of 1950, in part because it required much less evidence than even the Smith Act of 1940, and disapproval at how the Immigration and Naturalization Service functioned under the Justice Department.<sup>4</sup> The

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<sup>2</sup> *Fong Yue Ting v. United States*, 149 U.S. 689 (1893).

<sup>3</sup> Alien Registration Act of 1940, Public Law 76-670, *US Statutes at Large* 54 (1940): 670-671, Internal Security Act of 1950, Public Law 81-831, *US Statutes at Large* 64 (1950): 987, Immigration and Nationality Act, Public Law 82-414, *US Statutes at Large* 66 (1952):163.

<sup>4</sup> Resolution to Transfer Immigration and Naturalization Service from the Justice Department to an Independent Agency and Statement on S. 716 to Codify and Amend the Immigration and

Religious Freedom Committee, a group from New York with members of varied backgrounds who wanted to defend the rights given by the First Amendment, called the McCarran Internal Security Act an attempt at thought control and explained how the law endangered freedom of speech, press, and association.<sup>5</sup> The American Committee for Protection of Foreign Born was one of the big advocates against legislation like the McCarran Acts and continually released literature on the dangers of such laws.<sup>6</sup> Abner Green, the executive secretary of the organization, was in contact with William and Antonia throughout their immigration ordeal. Even Chief Justice of the Supreme Court Earl Warren said that he did “not think the court’s action can be justified” when it upheld the McCarran Act.<sup>7</sup> The Communist Party USA was one of the most vocal opponents of the McCarran Act and similar immigration legislation.<sup>8</sup> The legislation was extremely targeted toward the organization, and they produced a lot of literature to inform their members.

Antonia Radosevic was born in Lich, Croatia, Austria-Hungary on May 20<sup>th</sup>, 1906. She entered the United States through New York on July 20<sup>th</sup>, 1914 after passage on the SS Ultonia to join her father in America. When in the country, their family moved frequently in order to find

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Naturalization Law; Abraham Unger Papers; TAM 157; Box 4; Folder 18; Tamiment Library/Robert F. Wagner Labor Archives, New York University.

<sup>5</sup> “The McCarran Internal Security Act: How This ‘Thought-Control’ Act Threatens Your Organization” pamphlet; Abraham Unger Papers; TAM 157; Box 2; Folder 50; Tamiment Library/Robert F. Wagner Labor Archives, New York University.

<sup>6</sup> Abner Green, “The Deportation Terror: A Weapon to Gag America,” *UHM Library Digital Image Collections*, <https://digital.library.manoa.hawaii.edu/items/show/2630>.

<sup>7</sup> Earl Warren, “I Do Not Think the Court's Action Can be Justified”, 1961, Emma Lazarus Jewish Women's Clubs of Los Angeles Records, 1945-1980, Southern California Library for Social Studies and Research, Los Angeles.

<sup>8</sup> Communist Party of the United States of America, “The McCarran Conspiracy Against the Bill of Rights.: The Communist Party's answer to the charges of the Attorney General under the McCarran Act” (1951). *PRISM: Political & Rights Issues & Social Movements*. 609. <https://stars.library.ucf.edu/prism/609>.

work. Their income was supplemented by boarders. Antonia began work at a young age and quickly became active in the labor organization at the places she worked. She was married for the first time in 1925 at the age of 18 and had a child. This marriage ended in 1934, and she married William Sentner in 1935. They had two children. After their second child was born, Antonia stopped working and focused on raising their children and being active in the local Croatian Fraternal Union.<sup>9</sup>

Antonia's first application for naturalization was filed on April 24<sup>th</sup>, 1940, and her application was denied by U.S. District Judge Charles B. Davis on September 2<sup>nd</sup>, 1942. She was denied because she admitted to the examiner to her case that she had too recently been a member of the Communist Party from 1935 to 1938, which went against the provision that one must both prove good moral character and attachment to the principles of the Constitution for at least five years in order to be considered a good candidate for naturalization. The conclusion that membership in the Communist Party is in conflict with this is based on the case of *Schneiderman v. U.S.* which decided that the principles of the Communist Party U.S.A. were in direct conflict to the Constitution in which the evidence was both testimony and party literature, such as books and pamphlets.<sup>10</sup> She applied again for naturalization in 1945, but was advised by the chief naturalization officer, Walter Wolf, that he would deny the application and so she withdrew her petition without prejudice in November 1946. She was denied anyway for a second time following a hearing in 1947.<sup>11</sup>

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<sup>9</sup> "Story of Tonie Sentner". From the William Sentner Papers, Series 8, Box 1, Folder 2. University Archives, Washington University in St. Louis.

<sup>10</sup> *Schneiderman v. U.S.*, 320 U.S. 118 (1943).

<sup>11</sup> Images 759-761, Volume 198-199, 1945, Petitions for Naturalization, 9/21/1868 - 9/30/1991 Series, Record Group 21: Records of District Courts of the United States, 1685 – 2009, National Archives Online Catalog;

Antonia was arrested in the fall of 1949 by federal officials after being accused of being in a group which advocated for the violent overthrow of the United States government. She was released on a \$2,000 bail. Antonia became the face of a movement in St. Louis. There was a rally held on October 24<sup>th</sup>, 1949. She was defended by the newspapers throughout the trials.<sup>12</sup> She was also supported by left-wing organizations who saw her case as for its value as an example of the persecution of communists by the federal government. The American Civil Liberties Union was largely not involved, however, as many similar cases on the issue of deportation were being heard by the Supreme Court at the same time.<sup>13</sup>

Antonia was supported as well by the left-wing trade unionists, who saw her case as harassment against the trade unions. District 8 of the United Electrical, Radio, and Machine Worker's Union (U.E.) of which William Sentner was involved urged its members to contact their congresspeople. The U.E. Reporter pushed the narrative of anti-union sentiment in relation to Antonia's case. The escalation of Antonia's case was covered by national news outlets, including the New York Times. The U.E. also formed the Antonia Sentner Defense Committee

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Images 75-81, Volume 159- 160, 1940 (1 of 2), Petitions for Naturalization, 9/21/1868 - 9/30/1991 Series, Record Group 21: Records of District Courts of the United States, 1685 – 2009, National Archives Online Catalog.

<sup>12</sup> "2 Papers Flay Move to Deport Mrs. Sentner" Article from the Daily Worker, 10/17/1949. From the William Sentner Papers, Series 8, Box 1, Folder 6. University Archives, Washington University in St. Louis.

<sup>13</sup> Deportation: Barton v. Sentner. 1956-1957. MS Years of Expansion, 1950-1990: Series 3: Subject Files: Freedom of Belief, Expression, and Association, 1939-1988: Box 833, Folder 38, Item 258. Mudd Library, Princeton University. The Making of Modern Law: American Civil Liberties Union Papers.; Deportation: Sentner, Antonia. 1949-1952. TS Years of Expansion, 1950-1990: Series 3: Subject Files: Freedom of Belief, Expression, and Association, 1939-1988 Box 828, Folder 7, Item 1172. Mudd Library, Princeton University. The Making of Modern Law: American Civil Liberties Union Papers.

of District 8. This group was listed under Missouri in the Communist Political Subversion publication created by the House of Representatives for the Committee on Un-American Activities. It stated that her “activities in connection with organizations advocating the overthrow of the United States Government by force or violence” were refusing to give testimony at her deportation hearings and registering under the Smith Act as a member of the Communist Party in the 1930s.<sup>14</sup> The union believed that Antonia being targeted was a way to target the union for their work for equality, against high taxes and prices, and attempts to organize workplaces to increase wages and to pull attention away from the corrupt government.<sup>15</sup>

The Korean War marked a new high for anti-communist activity in the United States. This coincided with increased awareness of the communist issue due to Senator McCarthy. The McCarran Internal Security Act was passed in September 1950 after Congress overruled Truman’s veto. This was used by the federal government to conduct nationwide raids in order to deport people they considered dangerous, radical aliens. The Justice Department arrested Antonia Sentner again on October 23<sup>rd</sup>, 1950 as her first arrest in 1949 came to no resolution. Her arrest was part of a larger, country-wide round up of 86 communists across the country, many of which were especially active.<sup>16</sup> She spent five days in jail while her attorney tried to procure a writ of habeas corpus.<sup>17</sup> She was jailed under provisions of the McCarran Act and her 1949 order of deportation was still effective, according to an Assistant United States District

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<sup>14</sup> United States. Congress. House. Committee on Un-American Activities. *Communist political subversion*. Washington, U.S. Govt. Print. Off., 1957.

<sup>15</sup> Offering Statement of Attorney. From the William Sentner Papers, Series 8, Box 2, Folder 2. University Archives, Washington University in St. Louis.

<sup>16</sup> ”U.S. Opens Round-Up of 86 as Alien Reds; Board is Appointed,” *New York Times*, October 24, 1950.

<sup>17</sup> Petition for Writ of Habeas Corpus. From the William Sentner Papers, Series 8, Box 2, Folder 2. University Archives, Washington University in St. Louis.

Attorney at a later hearing. Hubey M. Hulen, a United States District Court Judge, ordered her released on bail on October 28<sup>th</sup> while he considered the plea for habeas corpus.<sup>18</sup> He eventually granted this plea and she was not jailed again. Their attorneys successfully blocked the deportation proceedings in a long series of court cases and appeals.

On November 29<sup>th</sup>, 1950, a hearing on Antonia's deportation warrant began in St. Louis. The hearing was recessed soon after it began and did not resume again until November 14<sup>th</sup>, 1951. A week after this, the hearing officer for the US Bureau of Immigration and Naturalization recommended deportation under the terms of McCarran Internal Security Act of 1950. This recommendation was affirmed by the Assistant Commissioner of Immigration. An appeal for this decision was taken to the Board of Immigration Appeals and was heard on May 8<sup>th</sup>, 1952. The appeal was denied on September 29<sup>th</sup>, 1952.<sup>19</sup> A petition for reversal of this decision was filed on October 6<sup>th</sup>, 1952 with James F. McGranery, who was Attorney General at the time.

Antonia's case went to court when the government ordered her deportation again in 1953. On October 9<sup>th</sup>, 1953, Antonia was advised by W. J. Wyrsh, who was the Investigator of Immigration and Naturalization Services, at the St. Louis office of Immigration and Naturalization Services that she would need to completely disassociate from her family and divorce her husband or face a felony punishable by a significant fine.<sup>20</sup> Henry J. Colarelli, the immigration agency's ranking official in St. Louis, issued an "Order of Supervision" on the same day which limited both Antonia's personal activities and family relationships. Attorneys Sydney

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<sup>18</sup> "Suit Tests Jailing in Red Alien Case," *New York Times*, October 25, 1950.

<sup>19</sup> "Deportation is Upheld: Immigration Board Denies Plea by Mrs. William Sentner," *New York Times*, September 30, 1950.

<sup>20</sup> U.E. District 8 Sentner Defense Committee Update, October 10, 1953. From the William Sentner Papers, Series 8, Box 2, Folder 2. University Archives, Washington University in St. Louis.



Berger and Robert L. Witherspoon, attorneys for the United Electrical Radio and Machine Workers Union, filed Antonia's petition for an injunction. A hearing on this order was set by Judge George H. Moore on October 22<sup>nd</sup>, 1953.<sup>21</sup> Antonia was granted a temporary restraining order on December 16<sup>th</sup>, 1953 by Chief Justice Moore of the US District Court of Missouri which allowed her to circumvent the stipulations in the Order of Supervision.<sup>22</sup> Antonia received a new Order of Supervision from Colarelli dated January 16<sup>th</sup>, 1956 which was revised based on Judge Moore's ruling.

Henry J. Colarelli died in the middle of the process, so the new defendant was substituted in and Colarelli's part of the case was taken over by Lewis D. Barton who was the District Director of the United States Immigration and Naturalization Service. Although the federal government appealed, the Supreme Court upheld the lower court's decision in *Barton v. Sentner* on May 20<sup>th</sup>, 1957 to nullify portions of the Order of Supervision initially issued by Colarelli.<sup>23</sup> This decision upheld the rights of a person who is to be deported to associate with whatever people and groups they wish.<sup>24</sup> Antonia's Supreme Court case and decision was especially important because it did not deal with her deportation itself, it was instead concerned

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<sup>21</sup> U.E. District 8 Sentner Defense Committee Update, October 14, 1953. From the William Sentner Papers, Series 8, Box 2, Folder 2. University Archives, Washington University in St. Louis.

<sup>22</sup> U.E. District 8 Sentner Defense Committee Update, December 17, 1953; Complaint for Declaratory Judgement and Injunctive Relief; Temporary Restraining Order. From the William Sentner Papers, Series 8, Box 2, Folder 2. University Archives, Washington University in St. Louis.

<sup>23</sup> *Barton v. Sentner*, 353 U.S. 963 (1957).

<sup>24</sup>"Right of an Alien to Be Red Upheld," *New York Times*, May 21, 1957.

with how aliens who have outstanding orders of deportation can and should be treated and what the authority is of the Attorney General and immigration officials.<sup>25</sup>

The fight for Antonia's citizenship was happening at the same time that her husband, William Sentner, was on trial for his violation of the Smith Act of 1940. The formal indictment of William Sentner and the other four members of the St. Louis leadership of CPUSA took place on September 24<sup>th</sup>, 1952. Their bond was also set on this date. They were accused of conspiracy with each other in violation of Smith Act, distribution of 'subversive literature' to advance that point, and use of secrecy to conceal their true intent.<sup>26</sup> Antonia's fight for naturalization was different from many of the other deportation cases because it was assumed the action was taken to target her husband. However, this was not too different from the deportation cases which came as a reaction to the Smith Act trials across the country. Many of the defendants of these cases and their wives were targeted for deportation in the same way Antonia was.<sup>27</sup>

The persecution of Communist Party U.S.A., in terms of both Smith Act trials and attempts to deport members, came to an end in the late 1950s for a variety of reasons. A liberal Supreme Court, decline of interest by the Eisenhower administration, and lessening of Cold War

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<sup>25</sup> Letter to Rowland Watts. Deportation: Barton v. Sentner. 1956-1957. MS Years of Expansion, 1950-1990: Series 3: Subject Files: Freedom of Belief, Expression, and Association, 1939-1988: Box 833, Folder 38, Item 258. Mudd Library, Princeton University. The Making of Modern Law: American Civil Liberties Union Papers.

<sup>26</sup> For more information on the Smith Act Trials in St. Louis, see Brian E. Birdnow, *Communism, Anti-Communism, and the Federal Courts in Missouri, 1952-1958: The Trial of the St. Louis Five* (Lewiston, NY: E. Mellen Press, 2005). For more background on the situation of CPUSA and anti-communism in Missouri, see Ronald Wayne Johnson, *The Communist Issue in Missouri: 1946-1956* (PhD diss., University of Missouri, 1973).

<sup>27</sup> Ellen Schrecker, "Immigration and Internal Security: Political Deportations during the McCarthy Era," *Science & Society* 60, no. 4 (1996): pp. 401.

tension were all major factors.<sup>28</sup> The end of the Korean War, the decline in McCarthy's influence and power, and the granting of favorable verdicts by federal courts to these cases also helped end the persecution.<sup>29</sup> The party had been weak since the 1940s, due to party infighting, issues with trade unionism, the Peace Campaign and the repudiation of all American post-war policies which put CPUSA even more at odds with the federal government, and legal prosecution. Khrushchev's secret speech at the 20<sup>th</sup> Party Congress which denounced the crimes of Stalin also caused rifts in the American Communist Party.

A similar case, *Galvan v. Press*, decided by the Supreme Court in 1954 was a 7 to 2 decision to uphold the Internal Security Act of 1950 as constitutional. This case, which was extremely similar to that of Antonia Sentner's, concerned a man who was born in Mexico and came to the United States at the age of seven. He had a wife and children, much like Antonia, and was ordered to be deported on the basis of a two-year span of Communist Party USA membership in the mid 1940s. In this case, only three years before the decision of the Sentner case by the same court, it was decided that deportation can be applied ex post facto to persons who had been members of CPUSA before it was made illegal.<sup>30</sup>

*United States v. Witkovich* took place in the Supreme Court only weeks prior to the decision of *Barton v. Sentner*. It was concerned with Witkovich, whose order of deportation had been outstanding for over six months, like Antonia's order of deportation had been. The question was over what power the Attorney General had in such a situation. Witkovich was charged with

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<sup>28</sup> Brian E. Birdnow, *Communism, Anti-Communism, and the Federal Courts in Missouri, 1952-1958: The Trial of the St. Louis Five* (Lewiston, NY: E. Mellen Press, 2005).

<sup>29</sup> Ronald Wayne Johnson, *The Communist Issue in Missouri: 1946-1956* (PhD diss., University of Missouri, 1973).

<sup>30</sup> *Galvan v. Press*, 347 U.S. 522 (1954).

willful omission of information when requested. Witkovich claimed the law was unconstitutional, and the court upheld the constitutionality of the law.<sup>31</sup> The decision for *Barton v. Sentner* is based in the decision of *U.S. v. Witkovich*.

Antonia was never deported. Her main attorney, Sidney Berger, prepared the final appeal in 1962 but it was not necessary because the government closed the case without rendering a final decision. In one of his letters, Berger noted that “the Yugoslav government is apparently continuing its policies of refusing visas where break-up of families is involved”<sup>32</sup> which is likely one of the reasons the federal government struggled to deport Antonia. There was some due process even though deportation was considered an administrative process, and aliens cannot be deported if their countries refused to accept them, and many Eastern Bloc countries refused such deportees. In the immediate post-war period, American-Yugoslav relations were not good, and made worse by the unarmed American planes shot down over Yugoslavia.<sup>33</sup> Her attorney also made petitions in 1952 claiming that if she were to be deported, she would be subject to physical persecution.<sup>34</sup>

Antonia's Supreme Court case does not really relate to her deportation as much as it relates to the power of the Attorney General to control what people who are to be deported are allowed to do and who they are allowed to associate with. This is what makes her case significant. Her deportation was related to the overall case as it would not have been a problem

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<sup>31</sup> *United States v. Witkovich*, 353 U.S. 194 (1957).

<sup>32</sup> Letter to R.L. Witherspoon, December 3, 1954. From the William Sentner Papers, Series 8, Box 2, Folder 2. University Archives, Washington University in St. Louis.

<sup>33</sup> Pierre Maurer, “United States - Yugoslav Relations: A Marriage of Convenience,” *Studia Diplomatica* 38, no. 4 (1985): pp. 429-451.

<sup>34</sup> Petition to the Honorable James F. McGranery. From the William Sentner Papers, Series 8, Box 2, Folder 2. University Archives, Washington University in St. Louis.

without the involvement of the Immigration and Naturalization Service, but her case and its decision set a precedent on what the INS and Attorney General were allowed to be involved with and control in the lives of people slated for deportation. There is absolutely a gender dimension, as the wives of the men who were tried in the Smith Act trials were targeted as much as the men with any possible means. This most frequently happened through the use of deportation because so much of CPUSA was made up of immigrants. Antonia's status as a wife and mother definitely contributed to the buzz surrounding her case, and it humanized her to people who might otherwise not have been as sympathetic.