Mr. Gorham Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

U.S. History II/*The First World War Block: \_\_\_\_\_\_\_\_\_*

**Federal Power Expands: The National Security State**

**The Espionage Act of 1917 and the Sedition Act of 1918**

The First Amendment to the United States Constitution guarantees freedoms concerning religion, expression, assembly, and the right to petition. It forbids Congress from both [promoting one religion over others](http://www.law.cornell.edu/wex/establishment_clause) and also [restricting an individual’s religious practices](http://www.law.cornell.edu/wex/free_exercise_clause). It guarantees [freedom of expression](http://www.law.cornell.edu/anncon/html/amdt1bfrag1_user.html#amdt1b_hd2) by prohibiting Congress from restricting the press or the rights of individuals to speak freely. It also guarantees the right of citizens to [assemble peaceably and to petition their government](http://www.law.cornell.edu/anncon/html/amdt1efrag7_user.html#amdt1e_hd17).

In 1917 Congress passed the **Espionage Act**, which authorized the state to punish all individuals who engaged in expression that supposedly undermined the U.S. wartime policies. The law prohibited any individual form undermining the war effort in any way, particularly in regards to protesting conscription and also the war itself. Conviction under the Espionage Act carried with it a possible 20-year prison sentence.

The next year, Congress added the **Sedition Act**, which specified that: “It shall be a crime for any person to say anything with intent to obstruct the sale of war bonds; to utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language intended to cause contempt or scorn for the government of the United States, the Constitution, the flag, or the uniform of the army or navy; to urge the curtailment of production of war materials with the intent to hinder the war effort; or to utter any words supporting the cause of any country at war with the United States or opposing the cause of the United States.”

More than 2,000 Americans were charged under these federal laws. Here is a sampling:

October 22, 1917—Trenton, N. J.—Frederick Krafft, former Socialist candidate for governor, given five-year sentence and fined $1,000 for criticism of conscription in a street-corner speech.

January 1918—Dos Moines, IA—D. T. Blodgett sentenced to 20 years for circulating a leaflet opposing re-election of congressmen who had voted for conscription.

June 27, 1918—Portland, Ore.—Gustav Erdmann, member of the I. W. W., convicted for telling lumbermen to leave Loyal Legion of Loggers and Lumbermen and join the I. W. W. to get results.

July 20, 1918—Los Angeles, Calif.—L. N. Legendre sentenced to two years for saying: “This is a war fostered by J.P. Morgan and the rich.”

August 13, 1918—Tacoma, Wash.—W. H. Kaufman given five years for allegedly remarking: “Liberty bonds are a disgrace to America” and “America was buncoed (cajoled) into the war by munitions (arms) makers.”

Emma Goldman, an outspoken anarchist, published a monthly magazine titled Mother Earth. In 1917, Goldman was convicted under the Espionage Act because her magazine featured anarchist material that the Postmaster General claimed to be “treasonable.”

Jacob Frohwerk published an article in a German-language paper in Missouri *Staats Zeitung*, advocating resistance to the draft.

Kate Richards O’Hare, a Socialist activist gave a speech that was deemed anti-war. She was convicted of violating the Espionage Act and sentenced to five years in prison.[[1]](#footnote-1)

Eugene V. Debs, Socialist candidate for President, gave what the government claimed to be an anti-war speech, he was convicted under the Espionage Act.

Charles T. Schenck, an anti-war activist, encouraged men to resist the draft by handing out flyers discouraging the draft.

Rose Pastor Stokes was sentenced to a 10-year prison term for saying in a letter published in the Kansas City Star: “I am for the people and the government is for the profiteers.”

A prominent Columbia professor, Henry Wadsworth Longfellow Dana, lost his job by speaking against the war in favor of peace.

Another Columbia Professor, J.M. Cattell, psychologist and pacifist.

Robert Goldstein, director of the film Spirit of ’76, under the Espionage Act because the government thought that his film, featuring the war crimes committed against Americans by British armed forces during the Revolutionary War, would hurt the new alliance between the United States and Britain.

TASK: Examine the cases and people above carefully. ***What patterns do you see?*** Who is being targeted under these two laws? Can you make any generalizations? Complete sentences, please.

1. O’Hare later described her time in prison: “The average length of a prison term for a woman convict in the Missouri State Penitentiary is about two years and the amount of labor demanded is just about sufficient to wear the average woman out and send her forth a wreck, only fit for the human scrapheap.” [↑](#footnote-ref-1)