

Challenges to Civil Liberties

DOCUMENT 17.7

Espionage Act

1917

The Espionage Act of 1917 was passed by Congress soon after the United States entered World War I, and it reflected popular anxieties about the loyalties of recent immigrants from countries that were now at war with the nation.

Sec. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employe[e], subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defence, shall be punished by imprisonment for not more than 20 years. . . .

Sec. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both. . . .

Sec. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offence under this title shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. . . .

Sec. 8. The provisions of this title shall extend to all territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offences under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

United States Naval Institute Proceedings, vol. 43, pt. 2 (Annapolis, MD: US Naval Institute), 1582-1583.

PRACTICING Historical Thinking

Identify: List the main consequences for causing injury to the United States during wartime, according to this act.

Analyze: Do the consequences for these offenses appear fair and consistent? Explain.

Evaluate: Does the Espionage Act appear similar to earlier federal acts pertaining to domestic security? Locate one or two other examples in this textbook that predate the Espionage Act, and determine the kinds of events that are repeated in each era.

DOCUMENT 17.8

Sedition Act

1918

One year after Congress passed the Espionage Act, it passed the Sedition Act of 1918, which amended the earlier law to include the fining and imprisonment of United States citizens who were found guilty of committing sedition against the government.

SECTION 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports, or false statements, . . . or . . . incite . . . insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct . . . the recruiting or enlistment service of the United States, . . . [or] shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, . . . or shall willfully display the flag of any foreign enemy, or shall willfully . . . urge, incite, or advocate any curtailment of production . . . [or] advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both. . . .

1919 Supplement to United States Compiled Statutes, vol. 2 (St. Paul, MN: West, 1920), 2355–2356.

PRACTICING Historical Thinking

Identify: What significant differences in language do you observe between this document and the Espionage Act (Doc. 17.7)?

Analyze: Given the changes in language in the second document, how does the message change?

Evaluate: To what extent does the Sedition Act of 1918 repeat the elements of the first Sedition Act (Doc. 5.18), which was passed almost a hundred twenty years earlier?