

STUDENT RESOURCE 6-D

The American Espionage Act of 1918

6-D

The following is an excerpted version of Section 3 of this Act.

Section 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with the 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 subordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall wilfully obstruct ... the recruitment or enlistment service, ... 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 wilfully 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 chapter 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.

(Source: *U.S. Statutes at Large*, 1918. Vol. 40:553. Washington, D.C.)

Questions

1. What are espionage and treason?
2. Why would a democratic nation pass a law like this? Give at least three reasons.

(Over)

3. How did this law limit the civil rights of Americans?
4. Given the strong desire of Americans to preserve the rights guaranteed by the U.S. Constitution, why would they have allowed these rights to be restricted in 1917-1918?
5. If it were passed today, how would most Americans react to this law?
6. Is the government of any democratic nation ever justified in passing such a law?
7. General Pershing had ordered all American soldiers who fled the battlefield during one September 1919 offensive to be shot. According to the American Espionage Act of 1918, if you protested Pershing's order, would your protest be viewed as an act of espionage or treason?
8. Are the penalties and punishments specified in the above law severe enough to deter someone from committing espionage against the U.S.? Would they have been sufficient in 1918?