World War One as a Crisis in Civil Liberties

During WW I, the Congress and Presidency violated the First Amendment and Got Away with It, Thanks to a Supine* (Supreme) Court

*Supine: failing to act or protest as a result of moral weakness or indolence
Antiwar critic, Randolph Bourne asks, If you can’t prevent war, how can you believe you can control war’s destiny?
Themes and Topics

- **Role of Government**
  - Military Preparedness before WW One
  - Military Mobilization during WW One
  - Constitutional Protections in a Time of War

- **Empire**
  - Comparative War Mobilization and Repression

- **Multiculturalism**
  - Forced Assimilation of Ethnic Minorities

- **Social and Cultural Outsiders**
  - Suppression of the Radical Labor, Anti-war, and Socialist movements
Central Analytical Questions

- How did the U.S. prepare for war?
- How did the U.S. mobilize during war?
- What was the status of civil liberties before World War One?
- What was the impact of war on civil liberties?
- How did World War One transform American economy, politics, and society?
War and Civil Liberties

• A definite tension
• War and Civil Liberties in U.S. History
  - Civil War
  - World War II
  - Vietnam War
  - Global War on Terror
• Repression and the U.S. Mobilization for war
What Were the Status of Civil Liberties Before WW One?

- Civil Liberties in the U.S. were not respected before World War One
  - A variety of infringements were regularly visited on American “outsiders” who challenge injustice, tradition or prejudice
    - Advertisers - obscenity regulations
    - Motion Pictures - obscenity regulations
    - Labor Activists - 15 Cities limit or prohibit outdoor meetings
    - Socialists - 15 Cities limit or prohibit outdoor meetings
    - Feminists - obscenity regulations deny use of mails
    - Bohemians - obscenity regulations deny use of mails, galleries
What Were the Status of Civil Liberties Before WW One?

• What does the Constitution Say about Civil Liberties?
  - First Amendment
    - “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”
  - Why free speech?
    - Grounded in the idea of individual right and natural right
      - Presupposes that individuals have a private conscience and the capacity to make moral and political judgments
      - Progressives were not concerned about civil liberties because it sounded like too much “individualism”
Mobilization Using Private Means

• Suppression of dissent happened in all countries
• In U.S. suppression was influenced by fact that nation is overwhelmingly governed by individual and private goals (freedom)
  - Private enterprise: power and expertise
  - Desire to minimize impact of war
  - Reliance of financial incentives
Economic Mobilization 1

- War Industries Board
  - Established July 1917
  - Headed by Bernard Baruch
  - Show dependence of federal government on Businessmen with expertise

Wall Street Investor, Bernard Baruch
Economic Mobilization II

Options for Mobilization
- How to get Industry to cooperate?
- Draft Industry
  - Used in Germany and Great Britain
  - Rejected in U.S.
- WIB has no formal authority to compel compliance
- Solution: let the price system create incentives for businessmen to cooperate
- Solution adds to cost of war

Powers of the WIB
- Coordinate purchases
- Allocate commodities

War Industries Board
- Set Production Priorities through the control of government contracts
- Fix prices
Economic Mobilization III

- Railroad Administration
  - Replaced the Interstate Commerce Commission for the duration of the War
  - Federal government directly operated the railroads because of the need to coordinate movements of goods and troops
  - The Railroad Administration guaranteed profits to the Railroad companies
Military Draft as Disguised Social Discipline

• Universal Military Training was established by the Selective Service Act of May 1917
  - Required registration of all males ages 21 to 30
  - First selections July 1917
  - Congress places operation in hands of local civilian draft boards instead of directly in hands of military
  - A brilliant public relations stroke because it deepened the illusion of individual service and community control
Not everyone agreed with the draft regardless of who administered it

337,000 draft evaders had to be rounded up by bayonet point

20,000 claimed conscientious objector status
- They were placed in military camps
- 16,000 relented and took up arms under this kind of direct pressure
Financing the War

• Options for War Finance
  ▪ Paper Money
  ▪ Direct Taxation
  ▪ War Bonds

• Wilson’s Decision
  ▪ Taxation (40%)
  ▪ War Bonds (60%)

• Wilson placed his brother in law, Secretary of the Treasury, William McAdoo, in charge of the bond program

William McAdoo
Liberty Bonds

- The bonds were sold in five major campaigns over the course of the war between 1917 and 1919
- Selling bonds requires persuasion
- Persuasion easily becomes propaganda and generated hysteria especially toward German Americans
The administration appropriated “Liberty” as a major theme associated with the war effort.

The use of the rhetoric of freedom and liberty stands in contrast with the higher social discipline war imposed on the American people.
Liberty Bonds

- In this poster from the third bond campaign, Uncle Sam integrates access to wealth, men and industry in a convenient payment plan.
In this fourth campaign poster, the investor’s contribution integrates directly with the fighting.
Liberty Bonds

- In the final poster campaign, demonization of the enemy is palpable.
- The five campaigns raised $21 billions and was combined with $14.5 billion raised from taxes.
- WW One cost the U.S. taxpayer $35.5 billion, more money than was spend in the history of the US government up until that moment in its history.
Wilson established the Committee on Public Information to promote the purchase of bonds and to raise wartime enthusiasm.

He appointed George Creel to head CPI.

Creel’s campaign to sell the war was multi-faceted:
- Hollywood
- Public Schools
- Higher Education
- Public Speakers
CPI in Hollywood and High School

- Creel launched an advertising campaign presenting a simplified picture of the issues and adversaries in the conflict
  - Germans were pictured as evil enemies
  - France, Britain, and Czarist Russia, were pictured as democracies
  - Creel worked with Hollywood to produce pictures like, "The Kaiser, The Beast of Berlin" (1918)
- For public schools, study courses were prepared contrasting
  - the bad Germans, who were to blame for the war
  - with the good British and French, whose colonialism was beneficial to mankind

Julian Rupert as The Beast of Berlin
As a propaganda tool, the CPI was an extraordinary success: By demonizing Germans and anti-war critics, by promising industrial democracy and social justice in the future, and by appropriating liberty to the war cause it demonstrated the power of the government to “manufacture consent” (Walter Lippman) amongst an initially unwilling population.
Congress and the Wartime Censorship Laws

- Congress passed three wartime censorship laws
  - Espionage Act of June 1917
    - $10K fines/20 year imprisonment for a variety of loosely defined antiwar activities
    - Gave the PMG power to strip second class mail of privileges, and imposed a $5K fine/5 year imprisonment for use of the mails to criticize the war effort
  - Sedition Amendment to the Espionage Act of May 1918
    - Prohibits "any disloyal profane, scurrilous, or abusive language about the form of government of the US, or the Constitution of the US, or the flag of the US or the uniform of the army or navy, or any language that might bring those institutions into contempt, scorn, contumely, or disrepute."
    - imposes similar penalties
Congress and the Wartime Censorship Laws

Congress passed three wartime censorship laws

- Trading with the Enemies Act of October 1917
  - Extended to the Postmaster General the power to require foreign language newspapers in the US to submit to the Post Office in advance of publication English translations of articles on the war

Impact of Censorship Laws

- Converted or repressed the foreign language press
- Repressed the antiwar and socialist press
- Led to the arrest of over 2000 pacifists, socialists, and dissenters, including Eugene Debs, socialist candidate for president
- More than 1000 of those arrested were convicted and jailed, including Eugene Debs
Wilson’s War Cabinet

The Espionage Act, Sedition Act, and Trading With the Enemy Act were enforced by Wilson’s Attorney General and Post Master General.

- Both men were Texans.
- Both men were intolerant of freedom of speech and conscience.

Attorney Gen

Thomas

Gregory

PMG, Albert

Burleson
The Justice Department endorsed the formation of the American Protective League (APL), a quasi-official association of junior G-Men.
Impact on Intellectuals

• Leading leftist intellectuals lined up behind Wilson in the cause for democracy

• The most notable exception: Randolph Bourne
  ▪ “War is the Health of the State”
Wilson’s Position on Civil Liberties

- Honored freedom of speech in principal
- Violated freedom of speech in practice
- Only once did he reverse an action of his AG or PMG
  - When they attempted to close down The Nation magazine in September 1917
Wilson’s Position on Civil Rights

• Wilson has a somewhat better record on civil rights because he sponsored the 19th amendment, granting women the right to vote

• Wilson did not support civil rights for African Americans
  ▪ He acquiesced to white Southerners and refused to allow blacks to volunteer to fight
  ▪ Eventually, he supported blacks being drafted
  ▪ He also supported segregation in the U.S. military
Wilson’s Position on Labor Rights

- Wilson record on the rights of labor
  - Pro-war groups like the American Federation of Labor (AFL) were supported
    - Established Dept of Labor
    - Membership rose 3 million
    - Real wages in unionized industries rose 20%
    - 8 hour day adopted
    - Immigration restricted
    - Socialists in AFL suppressed
    - No right to collective bargaining
  - Socialist and International Workers of the World (IWW) unions were attacked
    - Most Attorney General charges against war critics occurred in 13 western districts with IWW activity
Where was the Supreme Court?

- In three 1919 decisions the Supreme Court upheld the conviction of those prosecuted under the Espionage Act
  - Schenck v. United States, 1919
  - Abrams
  - Debs

Oliver Wendell Holmes, Jr.
“We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. ... When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right.”
American Civil Liberties Union

- One important consequence of the nation's and the courts' attack on freedom of speech produced new institutions to meet the challenge to liberty, like the American Civil Liberties Union (ACLU)
- ACLU was created by New York intellectuals who broke with the Wilson Administration over his repression of civil liberties
  - Roger Baldwin founded ACLU because he saw the need for new organization to defend against private and public vigilantism

Roger Nash Baldwin
Contemporary Liberty in Crisis

• Threats to Liberty Today
  ▪ Patriot Act, 2001, 2005
    - Secret Requests for information on citizens
    - Sneak and Peak Break-ins
    - Death Penalties for vaguely defined “terrorist” activities
  ▪ Military Commission Act, 2006
    - Suspension of Habeas Corpus
    - No prosecutions for acts of torture
If you can't use **free speech** in a crisis, when life threatening issues are at stake, then are you saying free speech is great in theory, but *inappropriate when it matters most*?

Does that amount to a **system of self-censorship**?

Does wartime repression call into question just how different American society can be from authoritarian societies?
Conclusions

• World War One permanently qualifies the first amendment, no longer absolute
• War mobilization deeply impresses corporate elite as to possibilities of government-industry cooperation
• War on Terror’s ambiguous relationship to the Bill of Rights today