

0. NOT PROTECTED SPEECH? - Story Preface

1. ESPIONAGE and SEDITION ACTS

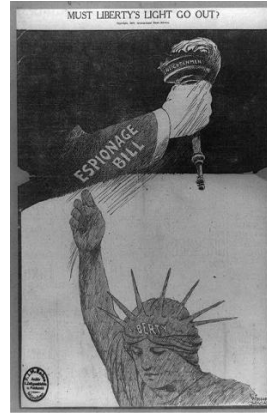
**2. NOT PROTECTED SPEECH?**

3. TO PRISON

4. A CLEAR AND PRESENT DANGER

5. ABRAMS: MORE CONVICTIONS

6. FREE-SPEECH PROTECTIONS



Winsor McCay created this wood engraving - entitled "Must Liberty's Light Go Out?" - in the May 3, 1917 issue of *New York American Editorial*. It was one month before Congress passed the Espionage Act of 1917, and the artist warns what could come from a federal-government overreach of power. An arm, labeled "Espionage Bill," grabs the torch from the Statue of Liberty. Library of Congress Reproduction Number: LC-USZ62-90457.

Charles Schenck, in 1917, was secretary general of the Socialist Party in America. Schenck and his fellow socialists believed the new Selective Service Act was unconstitutional.

At their Philadelphia headquarters, Schenck and his colleagues discussed their opinions that drafting someone into the military was tantamount to involuntary servitude. The 13th Amendment to the U.S. Constitution prohibits involuntary servitude:

*Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

At their Philadelphia office, members of the Socialist party prepared a leaflet about the draft which included, among other things, this caption:

*Long live the Constitution of the United States. Wake Up, America. Your Liberties are in Danger.*

Quotes from that section of the pamphlet criticize the conscription (draft) law and assert that a "conscript" is like a "convict."

*A conscript is little better than a convict. He is deprived of his liberty and of his right to think and act as a freeman. A conscripted citizen is forced to surrender his right as a citizen and become a subject. He is forced into involuntary servitude. He is deprived of the protection given him by the Constitution of the United States. He is deprived of all freedom of conscience in being forced to kill against his will.*

Consistent with a socialist world view, the pamphlet also notes that capitalism, and those who profit therefrom, are the real culprits behind the conscription law:

*Conscription laws belong to a bygone age. Even the people of Germany, long suffering under the yoke of militarism, are beginning to demand the abolition of conscription. Do you think it has a place in the United States? Do you want to see unlimited power handed over to Wall Street's chosen few in America? If you do not, join the Socialist Party in its campaign for the repeal of the conscription act.*

Enumerating the rights of a free people to oppose the draft, and to be left alone by the government, the circular makes bold assertions on what American citizens are free to do:

*You are a citizen; not a subject! You delegate your power to the officers of the law to be used for your good and welfare, not against you...No power was delegated to send our citizens away to foreign shores to shoot up the people of other lands, no matter what may be their internal or international disputes.*

Reminding people of the horrors of trench warfare (which characterized the fighting in France), the pamphlet proclaims America has no legitimate interest in the fight:

*To draw this country into the horrors of the present war in Europe, to force the youth of our land into the shambles and bloody trenches of war-crazy nations, would be a crime the magnitude of which defies description. Words could not express the condemnation such cold-blooded ruthlessness deserves...No specious or plausible pleas about a "war for democracy" can becloud the issue. Democracy can not be shot into a nation. It must come spontaneously and purely from within...To advocate the persecution of other peoples through the prosecution of war is an insult to every good and wholesome American tradition.*

The circular ends with a question:

*In this world crisis where do you stand? Are you with the forces of liberty and light or war and darkness?*

Mailing the leaflets from their Philadelphia office, the socialists thought they had a right to be heard. Perhaps they were unaware the Sedition Act allowed the Postmaster General of the United States to remove such items from the mail.

Charles Schenck thought he and his political party had the right to freely express their opinions. He was wrong.

See Alignments to State and Common Core standards for this story online at:

<http://www.awesomestories.com/asset/AcademicAlignment/NOT-PROTECTED-SPEECH-Schenck-and-Abrams-Free-Speech-Under-Fire>

See Learning Tasks for this story online at:

<http://www.awesomestories.com/asset/AcademicActivities/NOT-PROTECTED-SPEECH-Schenck-and-Abrams-Free-Speech-Under-Fire>

## Media Stream



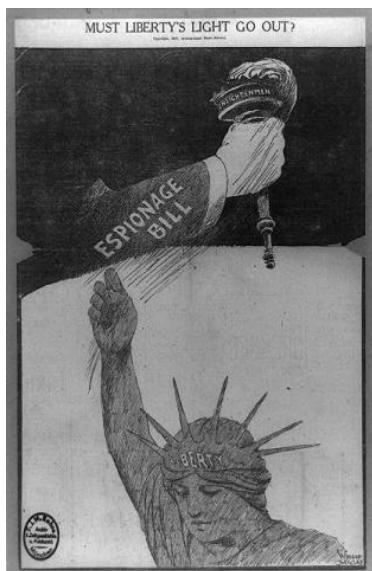
### Charles Schenck - Famous Supreme Court Case

Image online, courtesy Mrs. Spencer Info

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