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Final Research Paper

Freedom of speech is one of the tenants that the United States has been built upon. However, throughout much of American history, there have been incidents when the government leads efforts to limit this fundamental freedom when the nation goes to war as the government's national security campaigns push civil liberties to take a back seat for the length of the war. This pattern gives rise to an inherent debate over whether political dissent should be allowed while the nation is at war in the first place. Through the lens of Debs' arrest, trial, and conviction for sedition during the first World War, the debate over wartime political dissent reveals itself to be one that pits critics' arguments that such dissent emboldens the enemy against supporters' arguments emphasizing the constitutionality and democratic necessity of political dissent.

In 1918, prominent socialist leader Eugene Debs gave a public anti-war speech in Canton, Ohio that criticized United States involvement in World War 1. He questioned whether the United States should be at war by urging members of the working class to reevaluate their involvement in the war effort ("Debs Joins Disloyalists," 1918). The working class was the section of American society that was told it was their "patriotic duty to go to war and slaughter" under the command of the upper class of society without ever having a "voice in the war", according to the statements made in Debs' speech (Longacre, 2017). However, with the creation of the Espionage and Sedition Acts in 1917 and 1918 respectively, it became illegal to criticize the government or incite disobedience and disloyalty to the government or military because the Wilson administration feared such open dissent would undermine the United States war effort in World War 1. As a result, Debs' speech in Ohio led to his subsequent arrest and conviction for sedition ("Debs Arrested on Charge of Seditious Talk," 1918).

Through the events following Debs' anti-war speech in Ohio, it is possible to take a closer look at the question being debated around the arrest, trial, and conviction of Debs. At its core, the issue that was raised by Debs' anti-war speech was whether or not political dissent should be allowed while the nation was at war. At one side of the debate exists the United States government, military, and the pro-government supporters as they try to mobilize the country's resources behind the U.S. war effort so that nation could successfully fight and win a war abroad.

In 1918, this side of the debate had an especially hard task of mobilizing the American public's support behind the U.S. involvement in World War I since President Woodrow Wilson's 1916 reelection campaign emphasized how he had kept the United States out of the ongoing war in Europe. On the opposing side of the wartime political dissent debate are parties who see it to be their patriotic duty to protect civil liberties regardless of the context that led to their restriction. Individuals like Eugene Debs saw dissent as a necessary part of a healthy democracy even if the dissent occurs during wartime. Therefore, at its very core, the debate about wartime dissent pits one patriotic cause against another as the government and its supporters dispute the issue with members of the American public committed to protecting their constitutional rights at any cost.

From the anti-wartime dissent side of the debate, one of the key arguments made against political dissent during these circumstances was that it weakens the United States' home front. Rather than rally the public behind the government war effort, supporters of this argument felt that political dissent in times of war divided the public in a time when the country needed to be united behind one common cause. As one news article notes, Debs' anti-war speech was dangerous because of the intent of his words. Rather than add to the nation's efforts to unify itself in the face of war, the author argued that the intent of Debs' political dissent was "to weaken the resolution of the American people" ("The Arrest of Eugene V. Debs," 1918). This would be achieved through his Ohio speech that was "calculated to divide our people and to start a class war when the whole country is engaged in a great struggle" to win the war in Europe ("The Arrest of Eugene V. Debs," 1918). In other words, this argument maintained the belief that the intent of dissent during wartime was to enrage a public to the point that they would rebel against the government's authority or outright refuse to cooperate with elements of the country's war effort like enlistment. Therefore, this side of the debate believes it is within the government's power to control public discussions and prosecute political dissent as dangerous disloyalty to the country during times of war ("Conviction Unjust is Debs' Appeal," 1918).

In addition to this general argument, critics of wartime political dissent argued that political dissent emboldens the enemy since it weakens national unity in times of war. From this perspective, political dissent during times of war pitted Americans against each other over ideological differences while the country was physically fighting a war somewhere in the world. Therefore, critics believed that political dissent had the power to weaken the United States war effort by waging an ideological war at home. Such an evolution of events was dangerous because

it had the potential to lead to an outright call for the overthrow of the American institutions as nothing stopped political dissenters from changing their public criticism of the government's decision to go to war to become an outright challenge to the government's authority over the American public. Thus, anti-war speeches like Debs' Canton speech had the potential to start a snowball effect that would threaten the very existence of the U.S. government. Had this happened, there would be nothing to stop the enemy from appearing to be "the moral victor of the war", especially if the United States government allowed its public to continue undermining its wartime efforts and questioning its reasons for going to war in the first place ("The Arrest of Eugene V. Debs," 1918). Therefore, this argument led to the portrayal of wartime political dissent as propaganda for the enemy within several articles surrounding Debs' arrest, trial, and conviction for sedition. For example, one article specifically stated that Debs' seditious speech "might well have been written by a Prussian junker" because "so perfectly did it serve the purposes of the German propagandist" ("Socialists Change Front", 1918). Another article cautioned the "liberty loving, self respecting American" to be vigilant of such attempts from other members of the American public to "advocate openly the propaganda of Kaiser Wilhelm" ("The Arrest of Eugene V. Debs", 1918). Together, both of these examples show how this side of the debate portrayed wartime political dissent as a disloyalty to the American republic.

However, supporters of wartime political dissent disagreed with the critics' arguments, feeling they completely misinterpreted the legality of repressing political dissent. As *The Dangerous Business of Making Martyrs* news article explains, this side of the debate believed the government did not possess the power to restrict civilian speech even if it appeared to be dangerous to the American cause because of the simple fact that citizens of the United States had a constitutional right to free speech. Therefore, the government's suppression of any form of speech was illegal regardless of the context in which the dissenting ideas were said or written, according to this side of the debate. This underlying belief led this side of the debate to argue that civil liberties like freedom of speech are meant to be resolute regardless of whether the country is in peacetime or wartime. Such a belief led one news article covering Debs' sedition conviction to argue that the preservation of freedom of speech was inherently more important to the American cause than Debs' conviction because it was a fundamental principle this country was built upon ("The Dangerous Business of Making Martyrs," 1919). The author reasoned that protecting one of the country's civil liberties was more important than holding Americans

accountable for their disloyalties to the U.S. war effort even if a moral argument could be made in favor of the courts convicting Americans for political dissent. In other words, restricting civilian freedoms by criminalizing political dissent during wartime threatens the very fate of the principles the United States was fighting to protect in World War 1. This argument also appeared in a brief submitted on behalf of Debs that petitioned the Supreme Court to reverse Debs' conviction for sedition. One news article covering Debs' appeal also presented the argument that court decisions on political dissent cases, as well as the passing of the Espionage Act, mistakenly made the government believe that it had the right to control public discussions in times of war. However, such action to repress Americans' right to free speech was "a careless sweeping aside of the most vital principle of American freedom" even though the nation was at war ("Conviction Unjust is Debs' Appeal," 1918).

Building upon the argument that political dissent falls within American citizens' constitutional right to free speech, supporters of this position also countered critics' claims that political dissent acted as propaganda for the enemy by arguing it's actually a sign of a healthy democracy. As previously discussed, critics of political dissent viewed such anti-war statements and other forms of opposition to government decisions to be unpatriotic, especially in a time of war, because they believed they helped the enemy justify their position in the war. In favor of this argument, one news article wrote that "Americans, who have given their wealth, their efforts and their sons to this war do not propose to have their work undone by professional agitators of the Debs type" to portray Debs' political dissent as unpatriotic and disloyal to the American cause ("The Arrest of Eugene V. Debs," 1918). However, supporters of political dissent responded to this argument by reasoning that the very act of dissenting is patriotic to the United States because of the role dissent plays in any democracy. Public discourse is a necessary component of healthy democracy because it makes sure the country's leadership is serving the will of the people they've been elected to represent to the best of their abilities. Debs did not try to establish his innocence when arrested for his anti-war speech because he believed political dissent was both protected under the constitution and an important factor that distinguished democracy from autocracy. One news article about his speech and arrest recorded Debs having stated that "the United States, under rule of autocracy, is the only country in the world that would send a woman to jail for ten years for exercising the right to free speech" in defense of his own political dissent ("Debs Joins Disloyalists," 1918). While referencing the arrest of fellow

socialist Rose Pastor Stokes in this comment, Debs made the argument that the very act of being arrested for exercising their right to free speech showed the hypocrisy of the United States' claims of getting involved in World War 1 to make the world 'safe for democracy'.

As a result, this side of the debate was able to transform the narrative of the debate to avoid the morality question by constructing their arguments in the wartime political dissent debate around the constitutionality and democratic necessity of dissent. Feeling they'd surely lose the morality question surrounding political dissent, one news article opposing Debs' arrest and conviction for his anti-war speech acknowledged this decision by suggesting that "President Wilson ought to exercise clemency in the case of Deb's ten-year sentence" even though that "does not necessarily mean that the jury was wrong in convicting him" over the morality of his actions ("The Dangerous Business of Making Martyrs," 1919). However, as the author continues to argue within *The Dangerous Business of Making Martyrs* article, protecting Americans' freedom of speech was far more important than any moral judgments about wartime political dissent. Regardless of whether suppressing political dissent is morally just to a majority of Americans, this side of the debate believes that such suppression actions contribute to an inevitable erosion of democratic freedoms which threatens the very existence of the United States. In other words, this viewpoint believes that sacrificing democratic freedoms like the right to free speech in times of war is unacceptable because it is precisely these freedoms that are fundamental to the security of the United States' own democracy and its wartime campaign in 1918. Therefore, the suppression of political dissent is a sign of a repressive political system like an autocracy rather than of a democracy trying to protect itself.

In response to the counterarguments made by supporters of political dissent, critics of wartime dissent responded by reinforcing their belief that the government has the power to suppress such acts. As noted in the *Debs Arrested on Charge of Seditious Talk* news article, this side of the debate emphasized that the government had been given this power by the Espionage Act of 1917 to discredit the counterargument that criminalizing political dissent was illegal. Government prosecutors in Debs' case were quoted having stated that "Debs was indicted, not as a Socialist, but as a violator of the law of the United States because of the things he said in his Canton speech" ("Debs Arrested on Charge of Seditious Talk," 1918). Therefore, critics of wartime political dissent responded by arguing the U.S. government was legally authorized to repress dissent while the nation was at war because of the creation of the 1917 federal law Debs

was convicted of violating with his Canton speech. In other words, the government prosecutors were simply holding Debs responsible for his violation of U.S. law as “no man is too big to be held responsible for his acts under the espionage act or by any other law of the United States” (“Debs Arrested on Charge of Seditious Talk,” 1918).

In conclusion, through the lens of Debs’ arrest, trial, and conviction for sedition, the debate over whether or not political dissent should be allowed while the country is at war unfolds in front of our eyes. Critics of political dissent during times of war used the rationale that wartime dissent emboldened the enemy by weakening domestic support for the U.S. war effort to gain support for the suppression of political dissent in this context. This side of the debate also pushed the U.S. government’s legal authority over suppressing political dissent in times of war by emphasizing the fact that the Espionage Act of 1917 explicitly gave the federal government the power to do so. On the other side of the debate, supporters of political dissent appealed to the constitutional right to free speech and the democratic necessity of dissent as reasons why the suppression of political dissent during times of war was fundamentally bad for the country. In the end, the arguments made by the critics of wartime political dissent won in the case of Eugene Debs as he was sentenced to ten years of imprisonment for violating the Espionage Act, a ruling that was also unanimously upheld by the Supreme Courts after Debs appealed his prison sentence. However, the fundamental question about political dissent during times of war remains as it has continued to be debated throughout the last two centuries of American history.

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Works Cited

- Conviction unjust is Debs' appeal. (1918). *San Francisco Chronicle*. <http://ezaccess.libraries.psu.edu/login?url=https://www-proquest-com.ezaccess.libraries.psu.edu/historical-newspapers/conviction-unjust-is-debs-appeal/docview/574648127/se-2?accountid=13158>
- Debs arrested on charge of seditious talk. (1918). *New York Tribune*. <https://chronicling-america.loc.gov/lccn/sn83030214/1918-07-01/ed-1/seq-1/>
- Debs joins disloyalists. An Ohio address by socialist will be considered by grand jury. (1918). *Kansas City Star*. <https://infoweb-newsbankcom.ezaccess.libraries.psu.edu/apps/readex/doc?p=EANX&docref=image/v2%3A1126152C152E4978%40EANX-1195F1B375AF0AC0%402421762-1195F1B4568BBA80%40221195F1BA4F86C310%40Debs%2BJoins%2BDisloyalists.%2BAn%2BOhio%2BAddress%2Bby%2BSocialist%2BWill%2Bbe%2BConsidered%2Bby%2BGrand%2BJury>
- Longacre, G. V. (2017). Free speech on trial: Eugene Debs at Canton, Ohio. *Prologue Magazine*, 49(4). <https://www.archives.gov/publications/prologue/2017/winter/debs-canton>
- Socialists change front but it is for Russia and not for America they are concerned. (1918). *Kansas City Star*. <https://infoweb-newsbank-com.ezaccess.libraries.psu.edu/apps/readex/doc?p=EANX&docref=image/v2%3A1126152C152E4978%40EANX-11B96CE8B2F25008%402421728-11B96CE8F4FB6E48%4012-11B96CEA81194000%40Socialists%2BChange%2BFront%2Bbut%2Bit%2Bis%2Bfor%2BRussia%2Band%2BNot%2Bfor%2BAmerica%2BThey%2BAre%2BConcerned>
- The arrest of Eugene V. Debs. (1918). *Montgomery Advertiser*. <https://infoweb-newsbank-com.ezaccess.libraries.psu.edu/apps/readex/doc?p=EANX&docref=image/v2%3A11B0124EA8AEC7F0%40EANX-11BE59EC9DBDFBB0%402421777-11BE59ECC3755870%403-11BE59ED50D94F08%40The%2BArrest%2Bof%2BEugene%2BV.%2BDebs>
- The dangerous business of making martyrs. (1 May 1919). *Viereck's*. <http://ezaccess.libraries.psu.edu/login?url=https://www-proquest-com.ezaccess.libraries.psu.edu/magazines/dangerous-business-making-martyrs/docview/747933396/se-2?accountid=13158>