

THE ANTI-WAR MOVEMENT IN THE U.S. AND THE ESPIONAGE ACT

In Kriegszeiten können sich auch Rechtsstaaten mit langer Tradition von demokratischen Verfassungen relativ rasch in Polizeistaaten verwandeln. Verfassungsmäßig garantierte Grundrechte wie die Meinungsfreiheit oder die Versammlungsfreiheit werden stark eingeschränkt aufgrund der „Notwendigkeit“, Kriegshindernisse wie den Widerstand von KriegsgegnerInnen zu brechen. Ein wesentliches Ergebnis des Feldzugs gegen die US-amerikanische Arbeiterbewegung und andere Kriegsgegner war der sogenannte "Espionage Act" von 1917. Dieses Strafgesetz ist immer noch in Kraft. Aufgrund dieses Gesetzes soll der ehemalige NSA-Mitarbeiter und Whistleblower Eduard Snowden angeklagt werden, Chelsea Manning wurde aufgrund des Gesetzes verurteilt.

In praktisch allen europäischen Staaten, egal wie alt (z.B. Großbritannien) oder wie jung (z.B. Deutschland) ihre Traditionen der parlamentarischen Kontrolle der Regierung und der demokratischen Verfassungen im Jahr 1914 auch immer gewesen sein mögen, wurden mit Kriegsbeginn im Sommer 1914 nach und nach viele, von der Verfassung garantierte Grundrechte wie die Versammlungsfreiheit oder die Meinungsfreiheit bis auf weiteres außer Kraft gesetzt. Es herrschte ein Ausnahmezustand. In Österreich wurde der Regierung mit dem „kriegswirtschaftlichen Ermächtigungsgesetz“ ermöglicht, sämtliche Entscheidungen autoritär, das heißt ohne Zustimmung des "Reichsrats" (= Parlaments), zu treffen. In Deutschland gingen viele Entscheidungsbefugnisse von der Regierung auf die oberste Heeresleitung unter der Führung von Feldmarschall Hindenburg über. Spätestens seit Ende 1914, als sich der deutsche Regierungschef Bethmann Hollweg beunruhigt darüber zeigte, dass der Krieg noch nicht - wie versprochen - mit einem Sieg geendet hatte, wurden wichtige Entscheidungen alleine von der obersten Heeresleitung getroffen.

Am Beispiel der USA kann beispielhaft gezeigt werden, dass sich in Kriegszeiten ein Verfassungsstaat und damit ein Rechtsstaat mit langer Tradition – „die älteste Demokratie der Welt“ - relativ rasch in einen Polizeistaat verwandeln kann, in dem verfassungsmäßig garantierte Grundrechte stark eingeschränkt werden. Ursache dafür war der massenhafte politische – zu Beginn äußerst wirksame - Widerstand der US-amerikanischen Arbeiterbewegung gegen den Eintritt der USA in den Weltkrieg. Ein wesentliches Ergebnis des Feldzugs gegen die Kriegsgegner war der sogenannte „Espionage Act“ von 1917.¹

When he was elected in 1912, President Woodrow Wilson promised that the United States would stay neutral in the case of a European conflict. When the war broke out in 1914 he said: "There is such a thing as a nation being too proud to fight." But in April of 1917, the Germans had announced they would have their submarines sink any ship bringing supplies to their enemies ("uneingeschränkter U-Bootkrieg"); and they had already sunk a number of merchant vessels. Wilson now said he must stand by the right of Americans to travel on merchant ships in the war zone. According to historian Howard Zinn, it was unrealistic to expect that the Germans should treat the United States as neutral in the war when the U.S. had been shipping great amounts of war materials to Germany's enemies. In 1915, the British liner Lusitania was torpedoed and sunk by a German submarine, causing the deaths of 1,198 people, including 124 Americans. The United States claimed the Lusitania carried an innocent cargo. Actually, the Lusitania had carried thousands of cases of shells and other war materials. Her manifests were falsified to hide this fact, and the British and American governments lied about the cargo.

¹ Artikel in "The Guardian" vom 22. Juni 2013, abgerufen am 1.9.2014 unter <http://www.theguardian.com/commentisfree/2013/jun/22/snowden-espionage-charges>

Chelsea (vormals Bradley) Manning (geb. 1987 in Oklahoma) ist eine US-amerikanische IT-Spezialistin und ehemalige Angehörige der US-Streitkräfte. Sie wurde im Mai 2010 unter dem Verdacht verhaftet, Videos und Dokumente kopiert und der Website WikiLeaks zugespielt zu haben. In dem daraus resultierenden Verfahren wurde in insgesamt 21 Punkten Anklage gegen sie erhoben. Nach einem Teilgeständnis erging Ende Juli 2013 ein Urteil, durch das sie in 19 Punkten schuldig gesprochen wurde. Das verhängte Strafmaß beträgt 35 Jahre Freiheitsstrafe.

Zu den von Manning an Wikileaks weitergegebenen Videos zählen unter anderem die Videoaufnahmen des Beschusses und Todes irakischer Zivilisten und Journalisten durch einen amerikanischen Kampfhubschrauber am 12. Juli 2007 in Bagdad, die von WikiLeaks unter dem Titel „Collateral Murder“ bearbeitet und veröffentlicht wurde.

There were substantial "economic necessities" behind U.S. President Wilson's decision to enter the war in 1917 as well. In 1914, a serious recession had begun in the United States, the industries were working far below capacity. But by 1915, war orders for the Allies (mostly GB) had stimulated the economy, and by April 1917 more than \$2 billion worth of goods had been sold to the Allies ("Entente-Mächte"). GB had also become a market for American loans at interest. The J.P. Morgan bank was lending money in such great amounts as to both make great profits and tie American finance closely to the interest of a British victory in the war against Germany.

Since February 1917, when a Revolution started in Russia, it became increasingly unclear who would win the War. But U.S.-American troops were badly needed on the Western front as well. From September 1914 onwards, the battle lines had remained virtually stationary in France for three years. Each side would push forward, and then back, then forward again- for a few yards, a few miles, while the corpses piled up. From the first days of the war, the killing started very fast, and on a large scale. In August 1914, a volunteer for the British army had to be 5 feet 8 inches to enlist. By October 1914, the requirement was lowered to 5 feet 5 inches. That month there were thirty thousand British casualties, and then one could be 5 feet 3 inches. In the first three months of war, almost the entire original British army was wiped out. Mutinies (Meuterei) were beginning to occur not only in the Russian, but in the French armies as well. In 1917, out of 112 divisions, 68 would have mutinies (one division has between 10.000 and 20.000 soldiers).

Entering the war in 1917 demanded the creation of a national consensus for war in the U.S. That there was no spontaneous urge to fight is suggested by the strong measures taken: a draft of young men, an elaborate propaganda campaign throughout the country, and harsh punishment for those who refused to get in line. Despite the words of Wilson about making "the world safe for democracy," Americans did not rush to enlist. A million men were needed, but in the first six weeks after the declaration of war only 73,000 volunteered. Congress voted overwhelmingly for a draft (= Verpflichtender Kriegsdienst). George Creel, a veteran newspaperman, became the government's official propagandist for the war; he set up a Committee on Public Information to persuade Americans the war was right. It sponsored 75,000 speakers, who gave four-minute speeches in five thousand American cities and towns. The national press cooperated with the government. The New York Times in the summer of 1917 carried an editorial: "It is the duty of every good citizen to communicate to proper authorities any evidence of sedition (Aufbruch) that comes to his notice." In 1918, the Attorney General said: "It is safe to say that never in its history has this country been so thoroughly policed."

Why these huge efforts? On August 1, 1917, the New York Herald reported that in New York City ninety of the first hundred draftees claimed exemption (Befreiung vom Wehrdienst). Senator Thomas Hardwick of Georgia said "there was undoubtedly general and widespread opposition on the part of many thousands ... to the enactment of the draft law. Numerous and largely attended mass meetings held in every part of the State protested against it." Ultimately, over 330,000 men were classified as draft evaders (Wehrdienstverweigerer). The day after Congress declared war in April 1917, the Socialist party had met in emergency convention in St. Louis and called the declaration "a crime against the people of the United States in the interest of the financiers of Wall Street." In the summer of 1917, Socialist antiwar meetings in Minnesota drew large crowds - twenty thousand farmers-protesting the war. In the municipal elections of 1917, against the tide of propaganda and patriotism, the Socialists made remarkable gains. Their candidate for mayor of New York, Morris Hillquit, got 22 percent of the vote, five times the normal Socialist vote there. Ten Socialists were elected to the New York State legislature. In Buffalo (NY), the party vote went from 2.6 percent in 1915 to 30.2 percent in 1917. In Chicago, the party vote went from 3.6 percent in 1915 to 34.7 percent in 1917.

Schools and universities discouraged opposition to the war. At Columbia University, J. McKeen Cattell, a psychologist and an opponent of the war, was fired. A week later, in protest, the famous historian Charles Beard resigned from the Columbia faculty, charging the people responsible with being "reactionary and visionless in politics, narrow and medieval in religion. ..." In Congress, a few voices spoke out against the war. The first woman in the House of Representatives, Jeannette Rankin, did not respond when her name was called in the roll call (Abstimmung) on the declaration of war. On the next roll call she stood up: "I want to stand by my country, but I cannot vote for war. I vote No."

LONG LIVE THE CONSTITUTION OF THE UNITED STATES

Wake Up, America! Your Liberties Are in Danger!

The 13th Amendment, Section 1, of the Constitution of the United States says: "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."

In June of 1917 Congress passed the Espionage Act. From its title one would suppose it was an act against spying. However, it had a clause that provided penalties up to twenty years in prison for "Whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination (Ungehorsam), disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States." The same penalty was provided for anyone who "shall willfully obstruct the recruiting or enlistment service of the U.S." The Espionage Act was used to imprison Americans who spoke or wrote against the war. Two months after the law passed, a Socialist named Charles Schenck was arrested in Philadelphia for printing and distributing fifteen thousand leaflets that denounced the draft law and the war. The leaflet "Assert your rights" recited the Thirteenth Amendment (Zusatz zur Verfassung). It said that the Conscription Act (Verpflichtung zum Wehrdienst) violated the provision against "involuntary servitude" ("Knechtschaft"). Conscription, it said, was "a monstrous deed against humanity in the interests of the financiers of Wall Street. [...] A conscript (zum Wehrdienst verpflichteter) is deprived (beraubt) of his liberty and of his right to think and act as a free man. He is forced into involuntary servitude. He is deprived of all freedom of conscience in being forced to kill against his will." And: "Do not submit to intimidation (Einschüchterung)." Schenck was indicted (angeklagt), tried, found guilty, and sentenced to six months in jail for violating the Espionage Act. It turned out to be one of the shortest sentences given in such cases. Schenck appealed, arguing that the Act, by prosecuting speech and writing, violated the First Amendment to the constitution: "Congress shall make no law ... abridging (einschränken) the freedom of speech, or of the press."

The Supreme Court's decision was unanimous and was written by its most famous liberal judge, Oliver Wendell Holmes. He said the leaflet was undoubtedly intended to obstruct the carrying out of the draft law.

To Arms!

Capitalists. Parsons. Politicians.
Landlords. Newspaper Editors and
Other Stay-At-Home Patriots.

**your country needs
YOU
in the trenches!!**

WORKERS
Follow your Masters

For A Speedy, General and Lasting

PEACE

TAX THE PROFITEERS

FREE
PRESS



FREE
SPEECH

VICTOR L. BERGER
FOR
U.S. SENATOR
ON
SOCIALIST TICKET.

Was Schenck protected by the First Amendment? Holmes said: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. ... The question in every case is whether the words used are used in such circumstances as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

Holmes's analogy was clever and attractive. Few people would think free speech should be conferred on someone shouting fire in a theater and causing a panic. But did that example fit criticism of the war? Was not Schenck's act more like someone shouting, not falsely, but truly, to people about to buy tickets and enter a theater, that there was a fire raging inside? Was not the war itself a "clear and present danger," indeed, more clear and more present and more dangerous to life than any argument against it? Did citizens not have a right to object to war, a right to be a danger to dangerous policies?

The most famous case that came before the Supreme Court was that of Eugene Debs. Debs had won 6% of the votes when he had taken part in the 1912 elections for presidency. In June of 1918, Debs spoke to an audience for two hours about his comrades who were in jail for violating the "Espionage Act".

[...] Who is it that makes this land valuable while it is fenced in and kept out of use? It is the people. Who pockets this tremendous accumulation of value? The landlords. And these landlords who toil not and spin not are supreme among American "patriots." [...] The lord of the land is indeed a super patriot. This lord who practically owns the earth tells you that we are fighting this war to make the world safe for democracy—he who shuts out all humanity from his private domain; he who profiteers at the expense of the people [...], under the pretense of being the great American patriot. It is he, this identical patriot who is in fact the archenemy of the people; it is he that you need to wipe from power. It is he who is a far greater menace to your liberty and your well-being than the Prussian Junkers (Großgrundbesitzer) on the other side of the Atlantic ocean.

And still our plutocracy ("Geldadel"), our Junkers, would have us believe that all the Junkers are confined to Germany. It is precisely because we refuse to believe this that they brand us as disloyalists. They want our eyes focused on the Junkers in Berlin so that we will not see those within our own borders. I hate, I loathe, I despise Junkers and junkerdom. I have no earthly use for the Junkers of Germany, and not one particle more use for the Junkers in the United States.

They tell us that we live in a great free republic; that our institutions are democratic; that we are a free and self-governing people. This is too much, even for a joke. But it is not a subject for levity; it is an exceedingly serious matter.

Wars throughout history have been waged for conquest and plunder.[...] And that is war in a nutshell. The master class (herrschende Klasse) has always declared the wars; the subject class (beherrschte Klasse) has always fought the battles. The master class has had all to gain and nothing to lose, while the subject class has had nothing to gain and all to lose — especially their lives. [...]

Yours not to reason why;

Yours but to do and die.

That is their motto and we object on the part of the awakening workers of this nation.

Debs was arrested for violating the Espionage Act. There were draft-age youths in his audience, and his words would "obstruct the recruiting or enlistment service." Debs refused at his trial to call a witness on his behalf. He denied nothing about what he said: "I have been accused of obstructing the war. I admit it. Gentlemen, I abhor (verabscheue) war. I would oppose war if I stood alone.... I have sympathy with the suffering, struggling people everywhere. It does not make any difference under what flag they were born, or where they live." The jury found him guilty of violating the Espionage Act. The judge denounced those "who would strike the sword from the hand of this nation while she is engaged in defending herself against a foreign and brutal power." He sentenced Debs to ten years in prison. He ran for president in the 1920 election while in prison at the Atlanta Federal Penitentiary and received more than 900,000 votes, slightly

less than he had won in 1912. Debs appeal was not heard by the Supreme Court, but after three years in jail, he was released by President Harding in 1921.

Several thousand people were tried and around 900 went to prison under the Espionage Act. In 1917, Kate Richards O'Hare, spoke out against "the women of the United States [being] nothing more nor less than brood sows, to raise children to get into the army and be made into fertilizer." She was arrested, tried, found guilty, and sentenced to five years in the Missouri state penitentiary. In Los Angeles, a film was shown that dealt with the American Revolution and depicted British atrocities against the colonists. It was called "The Spirit of '76". The man, who made the film, Frank Montgomery, was prosecuted under the Espionage Act because, the judge said, the film tended "to question the good faith of our ally, Great Britain." He was sentenced to ten years in prison.

The Post Office Department began taking away the mailing privileges of newspapers and magazines that printed antiwar articles. "The Masses", a socialist magazine of politics and literature, was banned from the mails. It had carried an editorial in the summer of 1917, saying, among other things: "For what specific purposes are you shipping our bodies, and the bodies of our sons, to Europe? For my part, I do not recognize the right of a government to draft me to a war whose purposes I do not believe in."

This substantial opposition was put out of sight, while the visible national mood was represented by military bands, flag waving and the mass buying of war bonds (Anleihen). A popular song of the time was: "I Didn't Raise My Boy to Be a Soldier." It was overwhelmed, however, by songs like "It's a Grand Old Flag," and "Johnny Get Your Gun." But the magnitude of the campaign to discourage opposition says something about the spontaneous feelings of the population toward the war.

The war ended in November 1918. Fifty thousand American soldiers had died, and it did not take long, for bitterness and disillusionment to spread through the country. This was reflected in the literature of the postwar decade. A Hollywood screenwriter named Dalton Trumbo would write a powerful and chilling antiwar novel about a torso and brain left alive on the battlefield of World War I, "Johnny Got His Gun".²

VOCABULARY

Amendment to the constitution – Zusatzgesetz zur Verfassung

conscript – Zum Wehrdienst Verpflichteter

draft – Verpflichtender Wehrdienst

insubordination – Ungehorsam

justification - Rechtfertigung

levity – Leichtfertigkeit

mutiny – Meuterei, Befehlsverweigerung in der Armee

pretense (under pretense) – Unter Vortäuschung

sedition - Aufruhr

Supreme Court – Verfassungsgerichtshof der USA

trench – Schützengraben

VERWENDETE LITERATUR

Arendt 1986: Hannah Arendt, **Elemente und Ursprünge totaler Herrschaft** (München 1986)

Canfora 2010: Luciano Canfora, **August 1914 oder: Macht man Krieg wegen eines Attentats?** (Köln 2010)

Einstein 1996: Albert Einstein und Siegmund Freud, **Warum Krieg** (Zürich 1996)

Hobsbawm 1995: Eric Hobsbawm, **The Age of Extremes 1914-1991** (London 1995)

Traverso 2003: Enzo Traverso, **The origins of Nazi violence** (New York 2003)

Kolonien 2008: „Unsere Kolonien militärisch voll ausnutzen" - **Kolonialsoldaten im Ersten Weltkrieg**, in: Rheinisches JournalistInnenbüro (Hg.), **Die Dritte Welt im Zweiten Weltkrieg** (Köln 2008), S. 39-43

Losurdo 2013: Domenico Losurdo, **Kampf um Geschichte** (Köln 2013)

Zinn 2003: Howard Zinn, **A People's History of the United States. Abridged Teaching Edition** (New York 2003)

² Zinn 2003, S. 267 - 271

DER ERSTE WELTKRIEG - ESPIONAGE ACT

Lies das Kapitel und beurteile, wie zutreffend du die Aussagen unten findest. Finde Argumente für deine Entscheidung!

	Trifft voll zu	Trifft überwiegend zu	Trifft eher nicht zu	Trifft nicht zu
1. There was no reason that the Germans should not treat the United States as neutral in the First World War.				
2. In spring 1917, there was no doubt about the fact that the Entente would win the War.				
3. There were no economic interests or profit motives behind U.S. President Wilson's decision to enter the war in 1917. The only motive was "to make the world a save place for democracy."				
4. War orders for the Allies ("Entente Mächte") did not have any significant impact on the U.S.-American economy.				
5. In 1914 a serious recession had begun in the United States, the industries were working far below capacity. War orders for the Allies had stimulated the U.S.-American economy and stopped the recession.				
6. In spring of 1917, there was a national consensus for war in the U.S. and a spontaneous popular urge to fight in the war on the side of the Allies.				
7. The magnitude of the campaign to discourage opposition against the war in the U.S. says nothing about the spontaneous feelings of the population toward the war in 1917.				
8. In 1917, the Socialist Party made remarkable gains in municipal elections. In Chicago, for example, the party vote went from 3.6 percent in 1915 to 34.7 percent in 1917. This shows that there was a significant opposition against the government's decision to enter the war.				
9. The declaration of war by Congress in April 1917 was a crime against the people of the United States in the interest of the financiers in Wall Street.				
10. A conscript (zum Wehrdienst verpflichteter) is deprived of his liberty and of his right to think and act as a free man. He is forced into involuntary servitude. He is deprived of all freedom of conscience in being forced to kill against his will.				

11. The Espionage Act, by prosecuting free speech and writing, violates the First Amendment to the constitution - "Congress shall make no law ... abridging (einschränken) the freedom of speech, or of the press."				
12. Obstructing the recruiting of soldiers and denouncing the War efforts of the U.S. government in 1917 can be compared to the action of a man falsely shouting fire in a theatre and causing a panic.				
13. Debs and other socialists, by obstructing the recruitment of soldiers for the American army, were striking the sword from the hand of the nation while she was engaged in defending herself against a foreign and brutal power.				
14. There is no substantial difference between the German "Junkers" (Großgrundbesitzer) and the American landlords. Both of them profiteer from the work done by the ordinary people, accumulating the wealth in their hands.				
15. Wars throughout history have been waged for conquest and plunder.[...] And that is war in a nutshell. The master class has always declared the wars; the subject class has always fought the battles. The master class has had all to gain and nothing to lose, while the subject class has had nothing to gain and all to lose — especially their lives.				
16. Wars throughout history have been waged for securing freedom and for civilizing the barbarians. That is war in a nutshell. The civilized nations have always had to fight for the freedom of their civilization against the menace of foreign and brutal powers.				
17. In Österreich herrschte mit Beginn des Krieges ein Ausnahmezustand. Die Regierung konnte aufgrund des „kriegswirtschaftlichen Ermächtigungsgesetzes" alle Entscheidungen autoritär, das heißt ohne Zustimmung des "Reichsrats" (= Parlaments), treffen.				
18. In Kriegszeiten können sich auch Rechtsstaaten mit langer Tradition von demokratischen Verfassungen relativ rasch in Polizeistaaten verwandeln.				
19. Ursache für die Einschränkung verfassungsmäßiger Grundrechte wie der Versammlungsfreiheit war die Notwendigkeit, den politischen Widerstand der US-amerikanischen Arbeiterbewegung gegen den Eintritt der USA in den Weltkrieg zu beenden.				

ÜBER GESCHICHTE UND GEGENWART

Lies das folgende Gedicht durch! Beurteile dann, wie zutreffend du die Aussagen unten findest!

Bertold Brecht: *Fragen eines lesenden Arbeiters*

Wer baute das siebentorige Theben? In den Büchern stehen die Namen von Königen. Haben die Könige die Felsbrocken herbeigeschleppt? Und das mehrmals zerstörte Babylon, Wer baute es so viele Male auf? In welchen Häusern	5
Des goldstrahlenden Lima wohnten die Bauleute? Wohin gingen an dem Abend, wo die chinesische Mauer fertig war, Die Maurer? Das große Rom Ist voll von Triumphbögen. Über wen Triumphierten die Cäsaren? Hatte das vielbesungene Byzanz	10
Nur Paläste für seine Bewohner? Selbst in dem sagenhaften Atlantis Brüllten doch in der Nacht, wo das Meer es verschlang, Die Ersaufenden nach ihren Sklaven. Der junge Alexander eroberte Indien. Er allein?	15
Cäsar schlug die Gallier. Hatte er nicht wenigstens einen Koch bei sich? Philipp von Spanien weinte, als seine Flotte Untergegangen war. Weinte sonst niemand? Friedrich der Zweite siegte im Siebenjährigen Krieg. Wer Siegte außer ihm?	20
Jede Seite ein Sieg. Wer kochte den Siegeschmaus? Alle zehn Jahre ein großer Mann. Wer bezahlte die Spesen?	25
So viele Berichte, So viele Fragen.	

	Trifft voll zu	Trifft überwiegend zu	Trifft eher nicht zu	Trifft nicht zu
Der lesende Arbeiter interessiert sich nicht für Geschichte.				
Der lesende Arbeiter ist mit der Art und Weise, wie die Geschichte in den Geschichtsbüchern dargestellt ist, einverstanden.				
Der lesende Arbeiter möchte mehr darüber wissen, wie die „einfachen“ Menschen (z.B. Bauarbeiter, Soldaten) in der Vergangenheit gelebt haben, wie ihre Lebensverhältnisse waren, wie sie gewohnt haben etc.				
Der lesende Arbeiter findet, dass die Taten der mächtigen politischen Führer und Feldherren (z.B. Caesar, Alexander der Große) in den Geschichtsbüchern zu sehr im Vordergrund stehen.				
Der lesende Arbeiter möchte mehr darüber wissen, welchen Beitrag die „einfachen“ Menschen für die Erfolge der Mächtigen geleistet haben.				
Die Fragen des lesenden Arbeiters werden in dem Kapitel über den Espionage Act eher beantwortet als in den Büchern, die er selber offenbar gelesen hat.				

