

# U.S. Congress passes Sedition Act



On May 16, 1918, the United States Congress passes the Sedition Act, a piece of legislation designed to protect America's participation in [World War I](#).

Along with the Espionage Act of the previous year, the Sedition Act was orchestrated largely by A. Mitchell Palmer, the United States attorney general under President [Woodrow Wilson](#). The Espionage Act, passed shortly after the U.S. entrance into the war in early April 1917, made it a crime for any person to convey information intended to interfere with the U.S. armed forces' prosecution of the war effort or to promote the success of the country's enemies.

Aimed at socialists, pacifists and other anti-war activists, the Sedition Act imposed harsh penalties on anyone found guilty of making false statements that interfered with the prosecution of the war; insulting or abusing the U.S. government, the flag, the [Constitution](#) or the military; agitating against the production of necessary war materials; or advocating, teaching or defending any of these acts. Those who were found guilty of such actions, the act stated, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both. This was the same penalty that had been imposed for acts of espionage in the earlier legislation.

Though Wilson and Congress regarded the Sedition Act as crucial in order to stifle the spread of dissent within the country in that time of war, modern legal scholars consider the act as contrary to the letter and spirit of the U.S. Constitution, namely to the [First Amendment](#) of the [Bill of Rights](#). One of the most famous prosecutions under the Sedition Act during World War I was that of [Eugene V. Debs](#), a pacifist labor organizer and founder of the International Workers of the World (IWW) who had run for president in 1900 as a Social Democrat and in 1904, 1908 and 1912 on the Socialist Party of America ticket.

After delivering an anti-war speech in June 1918 in Canton, [Ohio](#), Debs was arrested, tried and sentenced to 10 years in prison under the Sedition Act. Debs appealed the decision, and the case eventually reached the U.S. [Supreme Court](#), where the court ruled Debs had acted with the intention of obstructing the war effort and upheld his conviction. In the decision, Chief Justice [Oliver Wendell Holmes](#) referred to the earlier landmark case of *Schenck v. United States* (1919), when Charles Schenck, also a Socialist, had been found guilty under the Espionage Act after distributing a flyer urging recently drafted men to oppose the U.S. conscription policy. In this decision, Holmes maintained that freedom of speech and press could be constrained in certain instances, and that 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.

Debs' sentence was commuted in 1921 when the Sedition Act was repealed by Congress. Major portions of the Espionage Act remain part of United States law to the present day, although the crime of sedition was largely eliminated by the famous libel case *Sullivan v. New York Times* (1964), which determined that the press's criticism of public officials—unless a plaintiff could prove that the statements were made maliciously or with reckless disregard for the truth—was protected speech under the First Amendment.