

- AMH 2010 & AMH 2020: AMERICAN HISTORY
- DR. ANDREW GOTTLIEB

9 – THE AFTERMATH OF WWI



Miami Dade
College

West Campus



Aftermath of World War I: Attack on Civil Liberties and Betrayal at Versailles

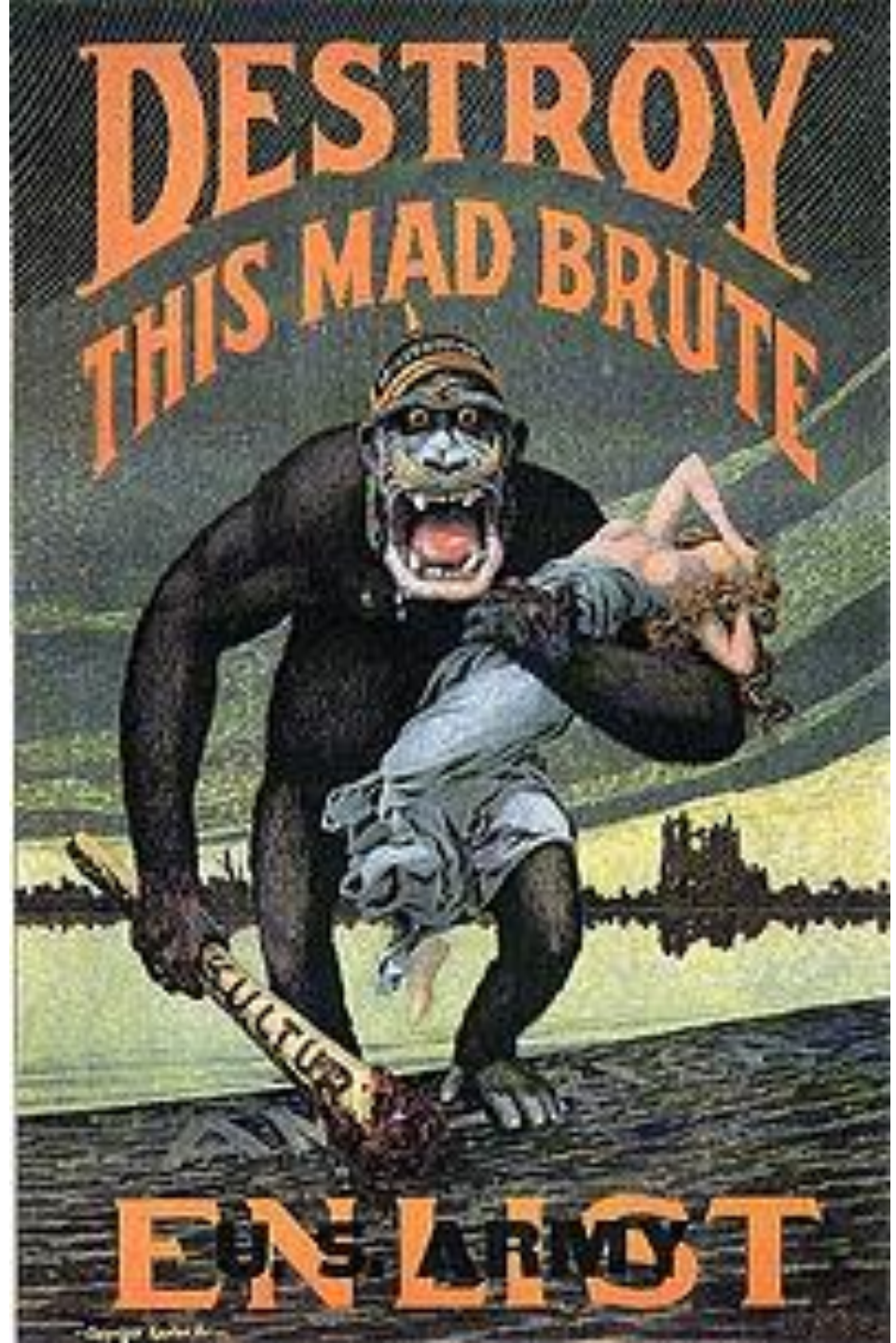


<http://thetruthsabouthistory.blogspot.com/>

I. Attack on Civil Liberties

- A. Committee on Public Information propaganda effectively cast Germans as evil force in World War I.

En.wikipedia.org



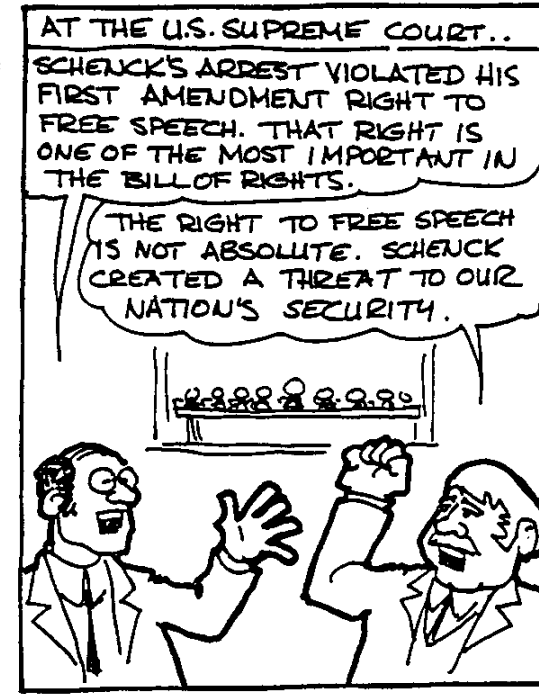
B. Espionage & Sedition Acts

1. Loosely worded laws which gave the gov't wide authority to prosecute war critics.
2. Numerous arrests and convictions with long prison sentences for those seen as "disloyal."
3. Supreme Court upheld acts, using "clear and present danger" doctrine to limit free speech in time of war

Famous quote of Justice Oliver Wendell Holmes, Jr. in this case→

"Speech is NOT protected if it presents a "clear and present danger."* 1st case this term was used)

*The Clear and Present Danger doctrine was adopted by the Supreme Court to determine under what circumstances limits can be placed on First Amendment freedoms of speech, press, or assembly. The test was replaced in 1969 with *Brandenburg v. Ohio's* "imminent lawless action" test. I.e: "is this speech likely to lead to violence."



In a unanimous decision written by Justice Oliver Wendell Holmes, the Supreme Court upheld Schenck's conviction and found that the Espionage Act did not violate Schenck's First Amendment right to free speech.

The Court determined that Schenck had, in fact, intended to undermine the draft, as the leaflets instructed recruits to resist the draft. Additionally, even though the Act only applied to successful efforts to obstruct the draft, the Court found that attempts made by speech or writing could be punished just like other attempted crimes.

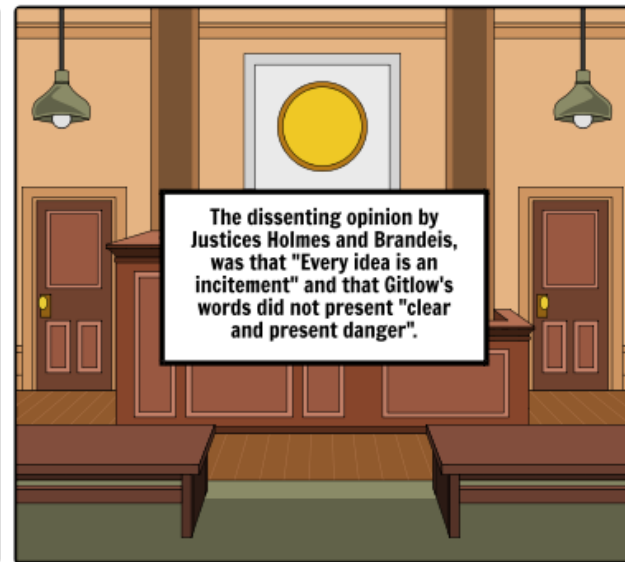
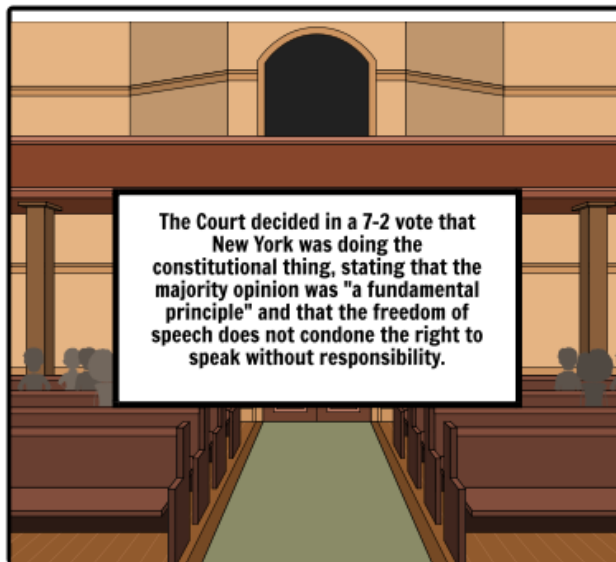
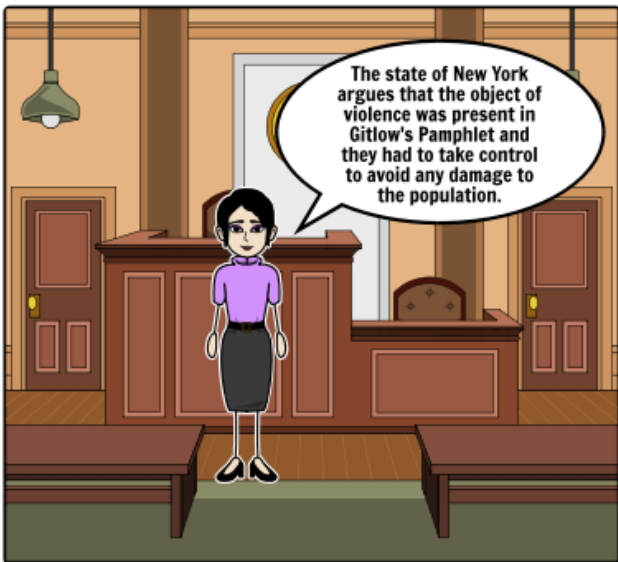
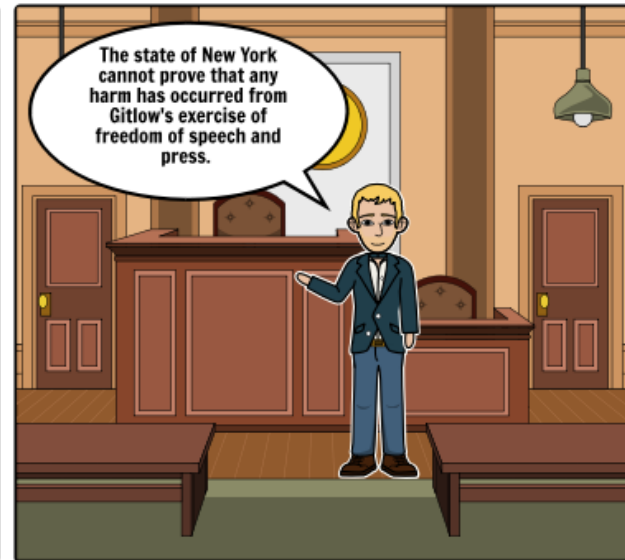
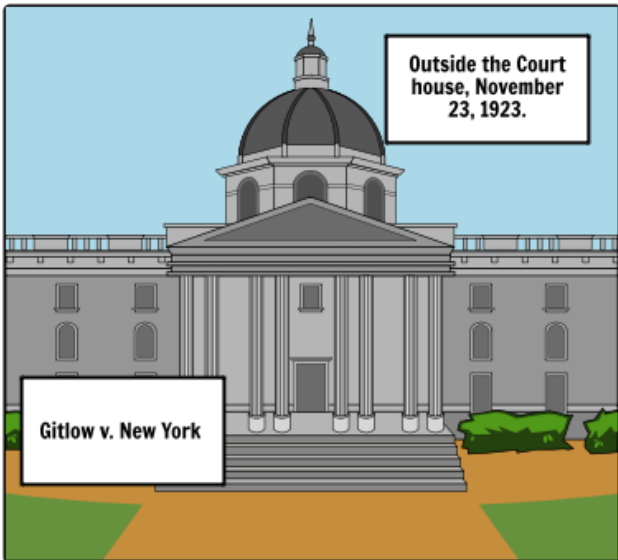
When it came to the Act's alleged violation of the First Amendment, the Court found that context was the most important factor. The Court said that, while "in many places and in ordinary times" the leaflet would have been protected, the circumstances of a nation at war allowed for greater restrictions on free speech. Justice Holmes wrote, "When a nation is at war, many things that might be said in a 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."



FREEDOM OF SPEECH SHOULD HAVE
NO LIMITS



***Vide* related cases of *Abrams v. US* (1919) & bad tendency doctrine, which held that unprotected speech would be viewed as “direct incitement.” And *Gitlow v NY* (1925)
-below...**



Selective Incorporation

- 14th amendment **due process clause** laid the groundwork for the application of the First Amendment (and subsequent amendments) to state governments
 - *"No state shall...deprive any person of life, liberty or property without due process of law"*
- *Gitlow (violation of the Sedition Act of NY)* was first case to apply, through "selective incorporation" the free speech clause of the first amendment.

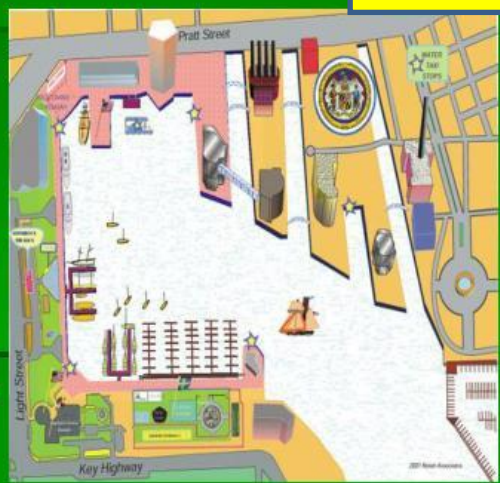
Court used *Gitlow* case to apply free speech protection to states. *Gitlow* represents a monumental shift in the Court's approach to free speech and federalism.

For nearly a century following *Barron v. Baltimore* (1833), the Court had treated the Bill of Rights, including the First Amendment, as applying only to the federal government.

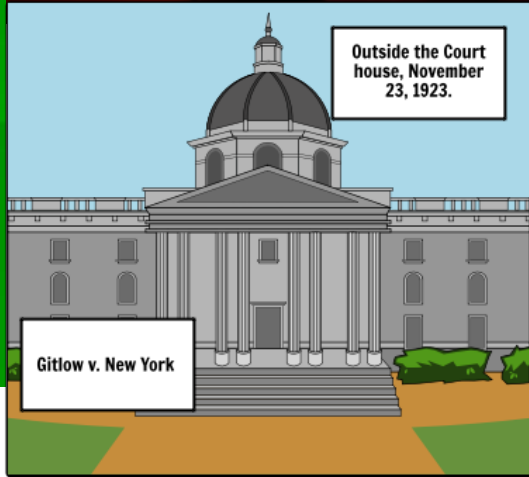
With *Gitlow*, the Court ruled that the Fourteenth Amendment's guarantee that individuals cannot be "deprived of liberty without due process of law" applies free speech and free press protections to the states.

Barron v. Baltimore (1833)

- The first case in which the U.S. Supreme Court considered nationalizing the Bill of Rights.
- A wharf owner sued the city of Baltimore for economic loss occasioned by the city's diversion of streams, which lowered the water level around his wharves. He claimed that the city took his property without just compensation in violation of the 5th Amendment, which states: ". . . nor shall private property be taken without just compensation."
- Does the 5th Amendment apply to state governments?



THE 14TH AMENDMENT: EQUAL PROTECTION AND DUE PROCESS



How did the Fourteenth Amendment change the US Constitution regarding limitations on Federal Government authority set forth in the Bill of Rights?

Selective Incorporation of the Bill of Rights to the States

| Amendment | Right | Date | Case Incorporated |
|-----------|--------------------------------------|------|----------------------------------|
| I | Speech | 1925 | Gitlow v. New York |
| | Press | 1931 | Near v. Minnesota |
| | Assembly | 1937 | DeJonge v. Oregon |
| | Religion | 1940 | Cantwell v. Connecticut |
| II | Bear arms | 2010 | McDonald v. City of Chicago |
| III | No quartering of soldiers | | Not incorporated |
| IV | No unreasonable searches or seizures | 1949 | Wolf v. Colorado |
| | Exclusionary rule | 1961 | Mapp v. Ohio |
| V | Just compensation | 1897 | Chicago, B&Q R.R. Co. v. Chicago |
| | Self-incrimination | 1964 | Malloy v. Hogan |
| | Double jeopardy | 1969 | Benton v. Maryland |
| VI | Grand jury indictment | | Not incorporated |
| | Right to counsel | 1963 | Gideon v. Wainwright |
| | Public trial | 1948 | In re Oliver |
| | Confrontation of witnesses | 1965 | Pointer v. Texas |
| | Impartial trial | 1966 | Parker v. Gladden |
| | Speedy trial | 1967 | Klopfer v. North Carolina |
| | Compulsory trial | 1967 | Washington v. Texas |
| VII | Criminal trial | 1968 | Duncan v. Louisiana |
| | Civil jury trial | | Not incorporated |
| VIII | No cruel and unusual punishment | 1962 | Robinson v. California |
| | No excessive fines or bail | | Not incorporated |

Abrams v. United States (1919)

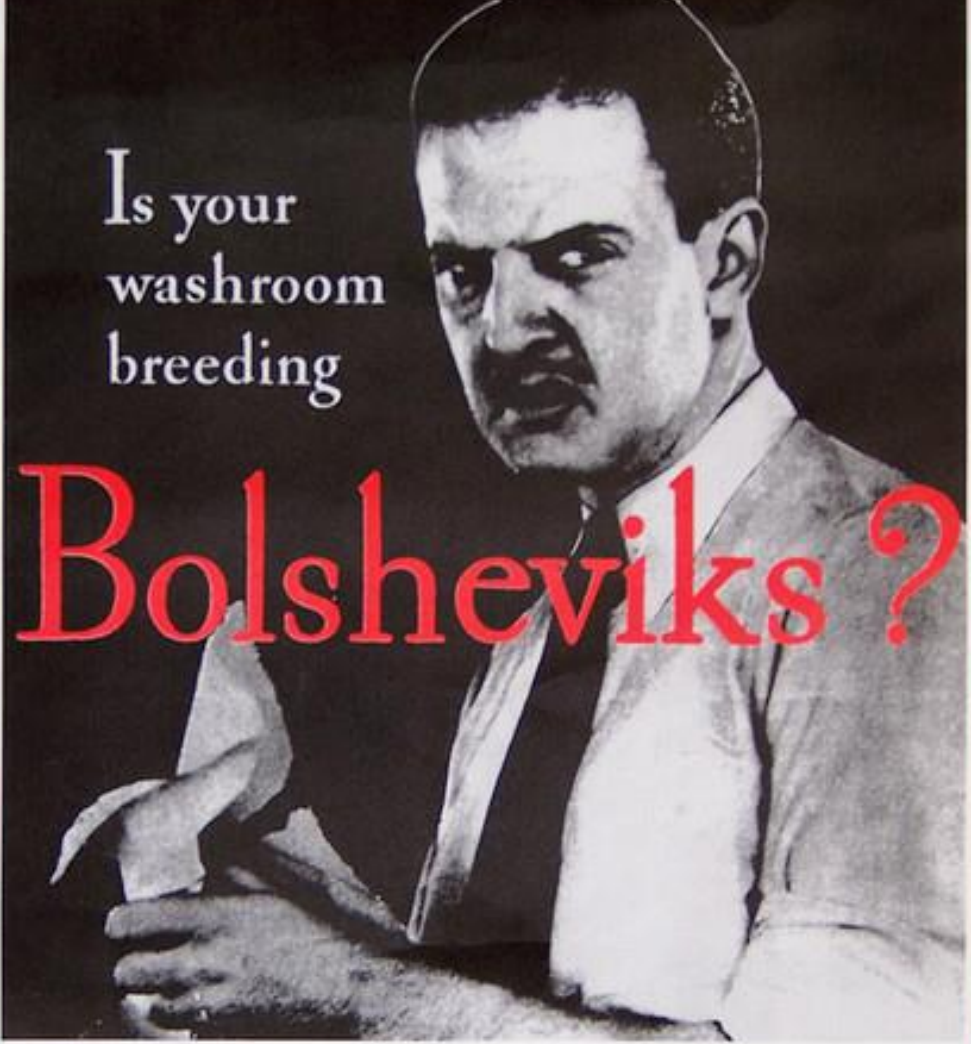


Russian emigres, charged with espionage, in *Abrams v. United States* (1919).

- Abrams was a Russian immigrant who advocated revolutionary, anarchist, and socialist views. He and his friends published and distributed (by throwing them out of windows of tall buildings) leaflets criticizing President Wilson's decision to send troops to Russia and called for a general strike to protest the policy. The trial court sentenced them for violating the Espionage Act and sentenced them to 15-20 years in prison.
- The Court upheld the conviction 7-2 and applied the "bad tendency" test: "The language of these circulars was obviously *intended* to provoke and to encourage resistance to the United States in the war."
- In dissent, Holmes said, "Congress certainly cannot forbid all effort to change the mind of the country. Nobody can suppose that the *surreptitious publishing of a silly leaflet by an unknown man*, without more, would present any immediate danger. . . . The ultimate good is better reached by the free trade in ideas—that the best test of truth is the power of thought to get itself accepted in the competition of the market."

C. Persecution of radicals:

**Wilson administration
focused on IWW
(Int'l Workers of the World)
and Socialist Party as target
of suppression.**



Is your
washroom
breeding

Bolsheviks?

*Employees lose respect
for a company that
fails to provide
decent facilities for
their comfort*

TRY wiping your hands six days a week on harsh, cheap paper towels or awkward, unsanitary roller towels—and maybe you, too, would grumble. Towel service is just one of those small, but important courtesies—such as proper air and lighting—that help build up the goodwill of your employees. That's why you'll find clothlike Scot-Tissue Towels in the washrooms of large, well-run organizations such as R.C.A. Victor Co., Inc., National Lead Co. and Campbell Soup Co.

Scot-Tissue Towels are made of "thirty fiber" . . . an amazing cellulose product that drinks up moisture 12 times as fast as ordinary paper towels. They feel soft and pliant as a linen towel. Yet they're so strong and tough in texture they won't crumble or go to pieces . . . even when they're wet. And they cost less, too—because one is enough to dry the hands—instead of three or four. Write for free trial carton. Scott Paper Company, Chester, Pennsylvania.



Scot-Tissue Towels - really dry!

viewitem.eim.ebay.ru

II. The Red Scare

- A. Following Bolshevik Revolution in 1917, American hatred for Germany was transferred to Communist Russia.
- B. Wilson sent American troops to Russia in 1918 in attempt to undercut Bolshevik government.
- C. Following the war, a number of strikes, particularly in the steel industry, alarmed Americans.

<http://www.kingsacademy.com/mhodes>



American soldier ladling soup to Russian prisoners in Archangel

D. Attorney General A. Mitchell Palmer exaggerated radical threat and created the Federal Bureau of Investigation to fight it.

1. Series of mail bombs set off panic among government officials.

| | | |
|----------------------------|--|--|
| <p>Palmer Raids (1919)</p> | <p>On Nov. 7, 1919 250 aliens in 11 different cities were arrested and deported for being "Reds." This was ordered by the Attorney General's Office.</p> | <p>In Attorney General Palmer's Office</p> |
|----------------------------|--|--|

| | | |
|------------------------|---------------------------------|-----------------------------------|
| <p>HE CONTINUES...</p> | <p>SOME LAWYERS INVESTIGATE</p> | <p>THEY SPEAK OUT PUBLICLY...</p> |
|------------------------|---------------------------------|-----------------------------------|

- 2. These “Palmer Raids” [January 1920 (see previous slide)] showed blatant disregard for civil liberties, federal officers raided suspected anarchists and aliens without search warrants.**
- 3. Palmer eventually lost credibility with his tactics, though the FBI survived and became the federal crime-fighting unit.**

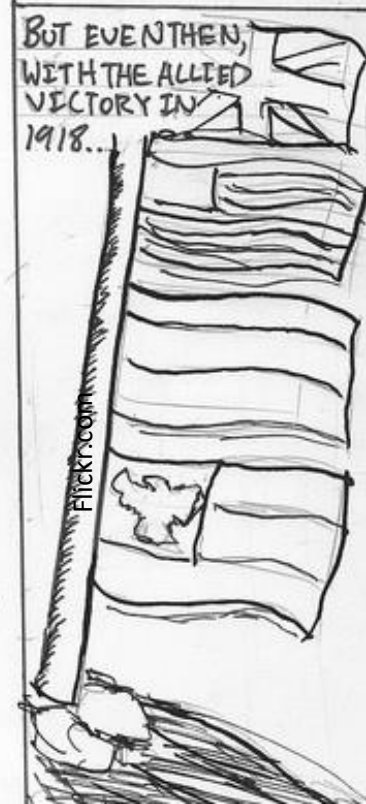


IV. The Versailles Peace Conference

A. Hailed as a hero by the French, Wilson faced major obstacles in implementing his 14 Points: (League of Nations, freedom of the seas, etc.)

1. Republicans had won control of Congress in 1918 and many were opposed to his plans

2. Allies were determined to impose a harsh peace on Germany.



B. Wilson forced to accept compromises at Versailles

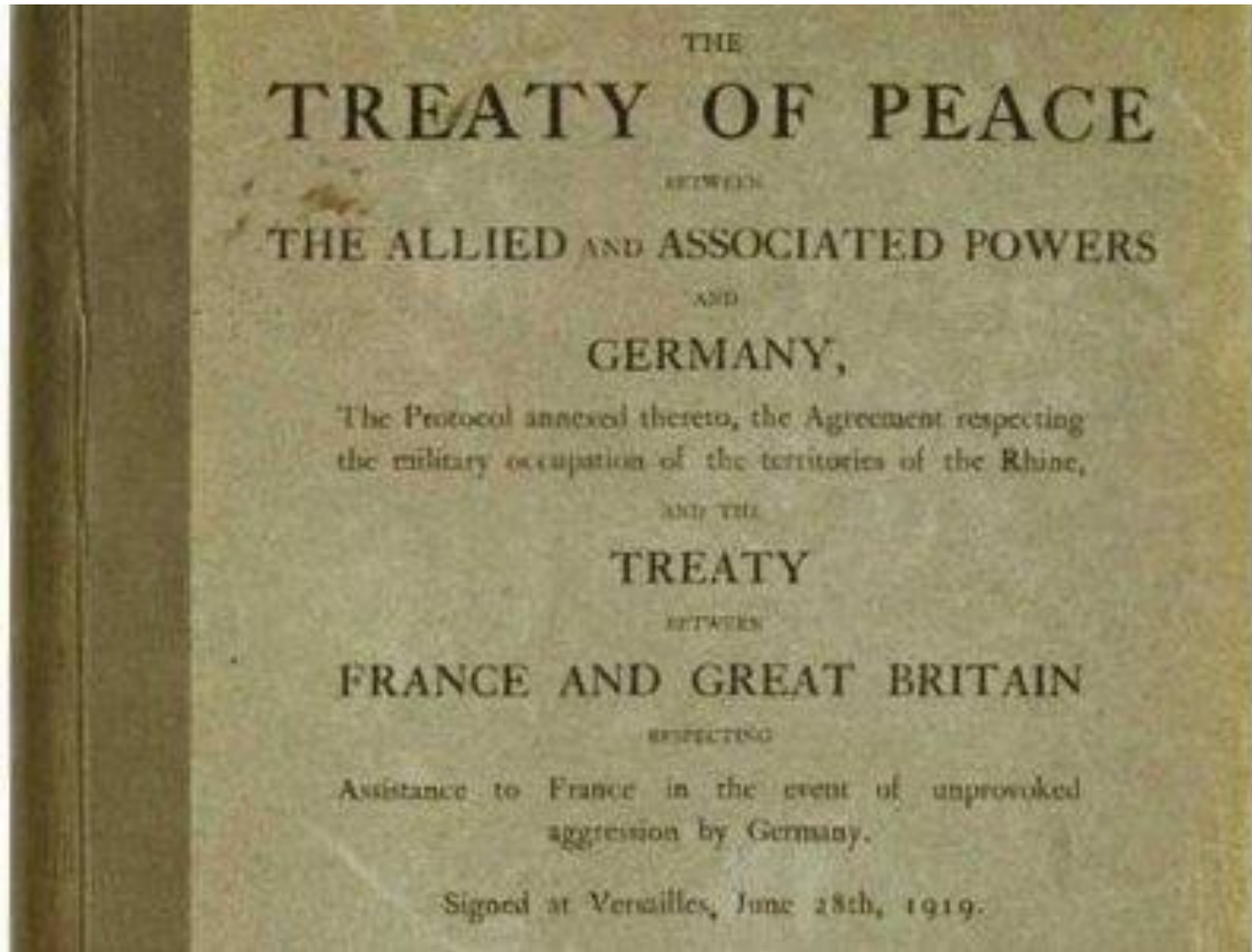
- 1. Germany accepts sole responsibility for war**
- 2. Germany ordered to pay massive reparations despite economic deprivation**
- 3. League of Nations is established with collective security concept to stop aggression.**



http://hti.osu.edu/sites/default/files/14Points_39.jpg

C. American debate over treaty

1. Treaty was criticized in Congress for Article X, which called for American troops to be placed under the command of League of Nations officers (Not US Army).



2. In an attempt to win support from the country, Wilson embarked on a nationwide speaking tour. Suffered collapse and stroke.

Sen. Henry Cabot "Slim"
Lodge (R)-MA

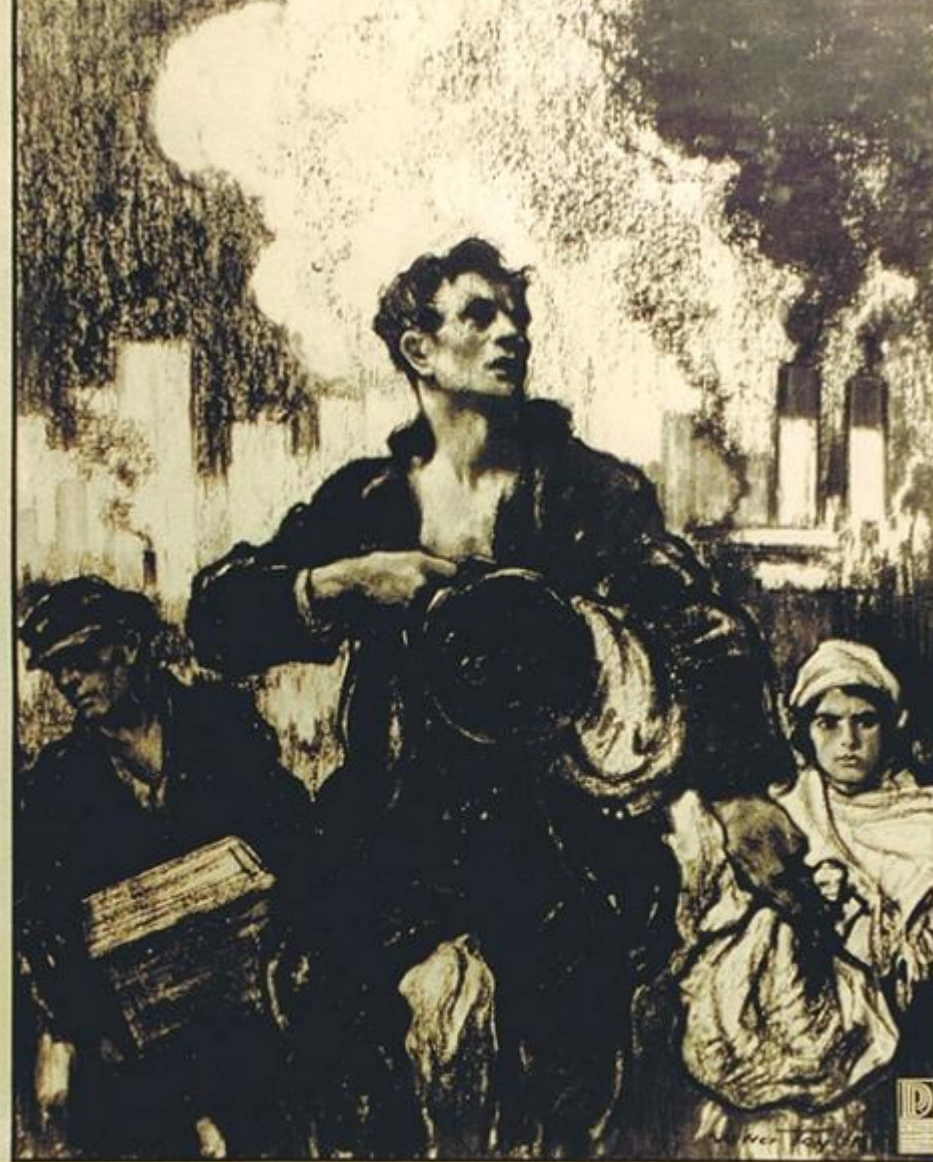
**3. Senate rejected the Treaty.
Unwilling to give up the
tradition of nonalignment
and to commit the U.S. to
collective international
action.**



V. The Experience of War

- A. Exposed the heterogeneity of the American people and the divisions among them.
- B. Government intervened in the economy and influenced people's lives to an extent never done previously.
(opposite of laissez-faire—late 19th c., and an expansion of Progressivism)

Nystore.com



▲▲AMERICA GAVE YOU▲▲
ALL YOU HAVE TO GIVE
Give It~She Needs It Now!

COMMITTEE ON PUBLIC INFORMATION

C. US now the world's leading economic power & first in int'l trade.

D. International system that came into being was unstable, fragmented, and lacked American cooperation

Rompedas.blogspot.com



- E. Civil liberties restricted in attempt to achieve unity**
- F. Ended Progressivism and brought mood of cynicism and discouragement to American intellectuals.**

