

THE SEDITION BILL

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

TUESDAY, JANUARY 20 1920

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WASHINGTON

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Mr. OWEN. Mr. President, after every great war there is more or less hysteria throughout the world, and the idea of suppressing by force those who are advocating violence against the orderly processes of government is a very natural feeling, with which I sympathize. Certainly we ought not to permit the organization of anarchists and of Bolsheviki to use our country as a breeding place in which they can bring about by force or violence the destruction of the Government which we have established.

But, Mr. President, the bill which has been passed in the Senate has already become the opening wedge for the substitution of another bill much more drastic and much more capable of misconstruction than the bill which passed the Senate some days ago, Senate bill 3317. When that bill passed there were very few Senators in the Chamber. It was earnestly debated by several Senators who were opposed to it, and they spoke to empty seats, as I am doing now. But I think it is worth while to call the attention of the country, through the printed Record of the proceedings in the Senate, to some of the danger in this bill now proposed to be substituted for Senate bill 3317.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield.

Mr. NORRIS. The Senator, interrupting the Senator from South Dakota [Mr. STERLING], referred to a certain part of the House bill, but he did not read the language.

Mr. OWEN. I did read the language, but I am going to read it again.

Mr. NORRIS. I wish the Senator would read that objectionable language.

Mr. OWEN. The House bill is reported as House bill 11430, and is commonly known as the Graham bill. Without pausing to read that bill at this point, I want to submit for the Record a careful, analytical statement of that bill prepared by a very able Government servant. It speaks for itself, and by the arrangement of the words and phrases it makes it easy to understand how that bill can be subjected to misinterpretation, and how that bill can become and will become dangerous in the highest degree to the liberties of the people of this country, so that there would be hanging over the head of every man who desires free speech or freedom of the press the menace of some bureaucrat who could suddenly arrest, interfere with, and treat him as a criminal,

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with all the powers of this gigantic Government brought down upon the head of the little citizen, who would find it difficult to defend himself against an autocratic bureaucrat. I regard this bill now pending in the House as a bill dangerous in the extreme. I am not going to take the time of the Senate to go into any extended analysis of it, but I call attention to section 5, to which I alluded when the Senator from South Dakota [Mr. STERLING] was speaking. The last three lines provide one of the things forbidden by this bill. The words "force or violence" are not used in qualifying this latter language. Here is the language which is forbidden:

To do anything that would tend to overthrow, change—

Observe the word "change"—

or defeat the Constitution of the United States and the laws and authority thereof.

The advocacy of an amendment to the Constitution of the United States in favor of prohibition, which would be a change of the Constitution, would be a criminal act under this proposed law.

The advocacy of the change in the Constitution to establish an income tax would be a criminal act under this proposed statute.

The advocacy of the amendment proposing to give women suffrage in this country by a change of the Constitution would be a criminal act, and under this section to wear a button on the lapel of the coat that indicated the wearer was in favor of the woman suffrage amendment or the prohibition amendment would be a criminal act under this section.

Is it possible to draw a statute more loosely than that or more full of danger to the liberties of this country? I might cite many other things with regard to this proposed bill, which is proposed to be substituted for the bill which was passed through the Senate a short time ago.

I have here a comment made by Alfred Bettman, an able constitutional lawyer, during the war a special Assistant Attorney General of the United States, with offices in the Department of Justice, Washington, D. C., and in special charge of the sedition cases, commenting on the bill pending in the House proposed to be substituted for the bill passed by the Senate. He said:

"In response to your request for a legal opinion upon the sedition bill reported by the House Judiciary Committee, will state as follows:

"Under our constitutional system protection of private persons or property is reposed exclusively in the State governments. The Federal Government has no jurisdiction over such protection, nor can the alleged purposes for which acts of violence were committed against private persons or property be used to give jurisdiction to the Federal Government, for the reason that that would be punishing the purpose and not the acts. To punish the purpose would be contrary to all fundamental principles of American constitutional law. Therefore all the provisions of sections 2, 5, 9, 10, and 11, in so far as they relate to private persons or property, would be unconstitutional, since they are beyond the jurisdiction of the Federal Government."

We passed laws, under the excitement and hysteria of war, with a view to punishing the so-called Bolsheviks in this country; and I pause to say that in my judgment there are very few

Bolsheviks in the United States. The atmosphere of the United States is not such as to encourage bolshevism. We have some citizens and some aliens who are grossly ignorant, painfully ignorant, of our laws, of our Constitution, of our great traditions of liberty and justice, law and order; poor, ignorant people, who, not understanding government, and feeling oppressed by the difficulty of making a living for themselves and their children, attribute it to the fault of government, and therefore are ready to raise their hands against the Government as an oppressor, not knowing, not understanding, the great difficulty of building up orderly processes of effective constitutional, democratic government. Those people, if they commit criminal acts, must be dealt with under the criminal code; but those people are more in need of instruction than they are in need of a statute such as this, whose provisions are so sweeping that no man would be safe in his liberties in this country if this bill should pass. I am opposed to Prussianizing the United States, and making this Government the instrumentality of brutal, autocratic, bureaucratic power. Liberty is what the world fought for, and not the suppression of liberty.

The stupid friends of vested interests, who would like to use the powers of the Government to put a bayonet through everyone who balks against vested interests, would be pursuing a policy like that of chaining down the escape valve on a steam boiler by such a policy as passing laws to suppress free speech and a free press. To do this under the false pretense of suppressing bolshevism and anarchy is Prussianism and not Americanism.

I do not want any bureaucrat in this Government having arbitrary power to lay a rough hand upon a man who is expressing his honest opinion and his belief as to what is the good thing and the better thing for his fellow citizens. It is freedom of opinion, it is freedom of speech, it is freedom of the press, it is freedom of religion and freedom of education which have combined to make this country the greatest free nation in the world, where the conditions of life are the best in the world, and where they will be better and better as the days come speedily on. Mr. Bettman, the Assistant Attorney General in charge of the sedition cases during the war, said also with regard to this bill pending in the House, referring to the unconstitutionality of the bill:

"The same is probably true of violence against a State government, because the only method provided in the Constitution for the protection of State governments against internal violence is the sending of Federal troops.

"The use of such words as 'suggested' and 'taught' in section 4 are dangerous to freedom of speech and contrary to American tradition.

"Penal laws should define crime with such exactitude that nothing is left to arbitrary decision or the prejudices of the court and the jury. Section 6 maintains a peace-time censorship contrary to the American principle, that this is a Government of law and not of men. It is also contrary to the fundamental Anglo-Saxon principle of liberty of speech and press, which is that there shall be no suppression in advance, but only responsibility after publication.

"Sections 9, 10, and 11 also violate the fundamental principle of American and Anglo-Saxon institutions, namely, that guilt is personal and not by association. If enacted, those sections would place upon American statute books a Prussian and czaristic Russian institution.

"Section 6 of the present Penal Code and other sections of that code cover every possible case of seditious conspiracy against the Government of the United States and every act of violence or resistance against the authority of the United States.

"I can not see clearly why there should be need for further legislation, unless it is desired to reach individual advocacy of violence against Federal officials or Federal property, which are not a part of any conspiracy. If so, such legislation should be carefully restricted to advocacy of violence against Federal officials or property, as is the language of the present seditious conspiracy section of the Federal Penal Code.

"The bill as reported by the House Judiciary Committee in respects, as above pointed out, goes beyond the constitutional bounds of the Federal jurisdiction and violates the fundamental principle of American and Anglo-Saxon civil liberties."

This is the opinion of Alfred Bettman, Assistant Attorney General of the United States, in charge of sedition cases during the war, an expert on sedition. He is opposed to the Graham bill for the reasons stated.

I call attention to existing law against those who may be inciting or encouraging any rebellion against the United States or its authority. The Penal Code, 1911 publication, chapter 1, provides:

OFFENSES AGAINST THE EXISTENCE OF THE GOVERNMENT.

It describes and punishes treason, misprision of treason, inciting or engaging in rebellion or insurrection, criminal correspondence, seditious conspiracy, and so forth, and section 4 says:

"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof or gives aid or comfort thereto shall be imprisoned not more than 10 years or fined not more than \$10,000, or both, and shall, moreover, be incapable of holding any office under the United States."

Section 6, dealing with seditious conspiracy, says:

"Sec. 6. If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$5,000 or imprisoned not more than six years, or both."

Mr. President, I ask to have printed in the RECORD the analysis I present of the Graham bill pending, which has been prepared under the auspices of the Popular Government League, 637 Munsey Building, Washington, D. C.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE GRAHAM SEDITION BILL.

SEC. 1. That whoever incites or sets on foot or assists or engages in any {insurrection} or {rebellion} against {the United States} or {the authority} or {laws thereof} or whoever sets on foot or assists or engages in the use of {force} or {violence} with intent to {destroy} or {cause to be destroyed} or {change} or {cause to be changed} the Government of the United States or to {overthrow} or {cause to be overthrown}

And the death of any person is caused or persons or results directly therefrom Shall be guilty of a felony, and on conviction {shall be punished by death, or shall be imprisoned not more than 20 years or fined not more than \$20,000 or both} and shall forever be debarred from holding office under the United States

Provided, however, That the death penalty shall not be imposed unless recommended in the verdict of the jury.

If two or more persons conspire to commit any offense defined in this section they shall each be subject to the punishment provided in this section for such offense.

SEC. 2. That whoever incites or sets on foot or assists or engages in the use of {force} or {violence} {with} or {without} intent to {destroy} or {cause to be destroyed} or {change} or {cause to be changed} or to {overthrow} or {cause to be overthrown} the Government of the United States, {imprisoned not more than 20 years, or} and death does not result shall, on conviction, be {fined not more than \$20,000} or both.

If two or more persons conspire to commit any offense defined in this section they shall each be subject to the punishment provided in this section for such offense.

SEC. 3. That no person shall {orally, or} by {writing} {printing, or} or the {use of any} {sign, symbol, picture, caricature,} {teach} {incite} {advocate} {propose, or} {advise} {forcible resistance to, or} {aid, abet, or} {encourage} {forcible destruction of} or otherwise the Government of the United States, its Constitution, laws and authority, or the governments of the several States, all or any of them, or the existence of constituted government generally

Or {orally, or} by {writing} {printing, or} {the use of any} {sign} {symbol} {picture} {caricature} {teach} {incite} {advocate} {propose, or} {advise} {aid} {abet} {encourage, or} {defend} {the destruction of human life, or} {the injury of any human being, or} {the injury or de-struction} {of public} {property} {or private}

as a means of changing the {Constitution} {laws, or} {Government} of the United States or defeating the authority thereof.

SEC. 4. That no person shall

write or knowingly { print edit issue circulate distribute transport } by express (or otherwise) any { book pamphlet newspaper document handbill poster, or printed written, or pictorial } (matter of any form or kind) wherein or whereby

the { overthrow or change } of { the Government of the United States, or the Constitution, laws and authority thereof

by { force or violence } or by levying war against the same, or

by { resistance to rebellion against } the execution of any law { force or violence } is { incited suggested taught advocated, or advised. }

SEC. 5. That no person shall

display { at any meetings or or parade exhibit } or in any other place { any red flag or banner } as a symbol of { anarchy or of any of the purposes forbidden in this act

And the display { of such flag in any meeting or exhibition } or banner or parade shall be prima facie evidence that it is so displayed and exhibited as such symbol.

And no person shall

display { or exhibit } at any { meeting gathering or parade or in any other public place } any { flag banner emblem picture motto or device } which tends to incite or indicates a purpose

to overthrow { by violence or by physical injury to } { person or property } or all government

or to { overthrow change or defeat } the Constitution of the United States and the laws and authority thereof.

SEC. 6. That every

{ book magazine newspaper document handbill poster, or written memorandum pictorial, or sign printed } (matter of any form or kind) wherein or whereby

the overthrow of the Government of the United States by force or violence, or resistance to the authority of the Government

or { the change, or defeat } of { the Constitution of the United States, or the laws or authority thereof by force or violence, } is { advocated advised, or incited }

or wherein or whereby { the use of } { force or violence or physical injury to or the seizure or destruction of } { persons or property }

{ advocated advised or incited } as means towards the accomplishment of { industrial economic social or political } change

or wherein or whereby { an appeal is made to racial prejudice the } { intended or probable } result of which ap-

deal is to cause rioting or (the resort to force and violence) within (the United States or any place subject to the jurisdiction thereof)

is hereby declared to be nonmailable, and the same shall not be deposited in any post office for mailing or be conveyed in the mails or delivered from any post office or by any letter-carrier

Provided, That nothing in the Act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person, or other persons, upon a search warrant authorized by law, to open any letter not addressed to himself: *Provided further*, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, after such notice to the Postmaster General as the judge may direct and upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before a judge of the Federal court of the district in which the party affected or aggrieved resides, which judge shall with all reasonable dispatch proceed with such hearing and affirm or reverse the action of the Postmaster General. Such judge shall have power during the pendency of the proceedings to suspend the order of the Postmaster General: *Provided further*, That no such proceeding shall bar or interfere with any criminal prosecution under the terms of this Act.

Sec. 7. That no person shall

import or cause to be imported into (the United States, or any place subject to its jurisdiction) any matter declared (non-mailable and not transportable) in this act to be (to transport or cause to be transported) any such matter from one State into another or into any place subject to the jurisdiction of the United States.

Sec. 8. That no person shall

knowingly use or attempt to use (the mails or Postal Service of the United States) or knowingly transport or attempt to transport by (express or otherwise, public or private conveyance) Any matter declared by Sections 6 and 7 of this Act to be (nonmailable and not transportable).

Sec. 9. That any

association, gathering, assembly, society, or corporation which seeks (directly or indirectly) by (force or violence, or injury to or destruction of) human beings, or public or private property

to bring about a change in (the Constitution or laws or authority of the Government of the United States, or of any State thereof, or of all forms of organized government).

or which (teaches, advises, proposes, threatens, or defends) the unlawful use of (force or violence in any form) to bring about any such result

or which attempts to (prosecute or pursue) such purpose, is hereby declared to be unlawful.

SEC. 10. That no person shall act as an officer of any such unlawful organization, or,
 become a member thereof,
 or become affiliated therewith,
 or continue to be a member thereof
 or affiliated therewith,
 or contribute any money or other thing
 of value thereto, or to anyone for its
 use, or rent any room, building, or
 place for the use of said unlawful
 association, or permit the occupation
 by such unlawful association or any
 committee or branch thereof of any
 room, building, or other place under
 his ownership or control.

knowing the { object, purpose, teaching, or doctrines } of such unlawful association,

SEC. 11. That the giving, loaning, or promising of anything of value to any such unlawful association shall constitute affiliation with such unlawful association; and the giving, loaning, or promising of anything of value to any person or partnership or unlawful association engaged in advertising, teaching, advocating, or defending any of the things the teaching, advocacy, or defense of which is forbidden in this Act shall be prima facie evidence of teaching, advocating, or defending said forbidden things against the person so giving, promising, or loaning anything of value as aforesaid.

SEC. 12. That any alien convicted under any of the provisions of this Act after serving his sentence shall be taken into custody and be deported under the immigration laws of the United States then in force.

Any person convicted under this Act who has declared his intentions of becoming a citizen but has not been naturalized shall be forever ineligible to citizenship, and it shall be the duty of the Attorney General to institute proceedings to cause his petition and declaration of intention to be dismissed and annulled and all court proceedings in his case quashed and to furnish to the Secretary of Labor such data as to enable him to cause such person to be deported under the immigration laws of the United States then in force.

The conviction of any person who is a naturalized citizen of the United States of any of the things forbidden in this Act shall be sufficient to authorize the cancellation of his or her certificate of naturalization in the manner provided by the naturalization laws of the United States then in force. It shall be the duty of the Attorney General to institute proceedings and conduct the same to a final judgment immediately after conviction and sentence of the naturalized citizen aforesaid.

Every alien deported under this Act is hereby forbidden to again enter the United States or any Territory or possession thereof. It shall be the duty of the Attorney General of the United States to enforce this provision against all deported aliens returning to the United States as aforesaid.

SEC. 13. That in any investigation or prosecution for any of the offenses specified in this Act no person shall be excused from attending or testifying or deposing, or from producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which in obedience to a subpoena and under oath he may so testify or in obedience to a subpoena shall produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 14. That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 15. That section 5334 of the Revised Statutes, section 4, Act of March 4, 1909 (Thirty-fifth volume, Statutes at Large, page 1088), be, and the same is hereby repealed. Any offenses heretofore committed in violation of said section 5334 and all cases pending thereunder may be prosecuted and punished as therein provided in the same manner and with the same effect as if this section had not been enacted.

SEC. 16. That any person convicted of violating any of the provisions contained in any of the sections of this Act, except sections 1 and 2, shall be punished by being imprisoned for not more than twenty years or fined not more than \$20,000, either or both. And any citizen of the United States convicted under this Act shall be forever debarred from voting thereafter and holding any office of profit, honor, or trust under the United States.

Mr. OWEN. I ask to have printed the House bill, H. R. 11430, immediately following the analysis, in order that the comparison may be shown.

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There being no objection, the bill referred to was ordered to be printed in the RECORD, as follows:

A bill (H. R. 11430) to punish offenses against the existence of the Government of the United States, and for other purposes.

Be it enacted, etc., That whoever incites, sets on foot, assists, or engages in any insurrection or rebellion against the United States or the authority or laws thereof, or whoever sets on foot or assists or engages in the use of force or violence, with intent to destroy or cause to be destroyed or change or cause to be changed or to overthrow or cause to be overthrown the Government of the United States, and the death of any person or persons is caused or results directly therefrom, shall be guilty of a felony, and on conviction shall be punished by death, or shall be imprisoned not more than 20 years or fined not more than \$20,000, or both, and shall forever be debarred from holding office under the United States: *Provided, however*, That the death penalty shall not be imposed unless recommended in the verdict of the jury. If two or more persons conspire to commit any offense defined in this section, they shall each be subject to the punishment provided in this section for such offense.

SEC. 2. That whoever incites or sets on foot or assists or engages in the use of force or violence with intent to destroy or cause to be destroyed or change or cause to be changed or to overthrow or cause to be overthrown the Government of the United States, and death does not result, shall, on conviction be imprisoned not more than 20 years or fined not more than \$20,000, or both. If two or more persons conspire to commit any offense defined in this section, they shall each be subject to the punishment provided in this section for such offense.

SEC. 3. That no person shall orally or by writing, printing, or the use of any sign, symbol, picture, caricature, or otherwise teach, incite, advocate, propose, or advise, or aid, abet, or encourage forcible resistance to or forcible destruction of the Government of the United States, its Constitution, laws, and authority, or the governments of the several States, all or any of them, or the existence of constituted government generally, or orally or by writing, printing, or the use of any sign, symbol, picture, caricature, or otherwise teach, incite, advocate, propose, or advise, aid, abet, encourage, or defend the destruction of human life or the injury of any human being or the injury or destruction of public or private property as a means of changing the Constitution, laws, or Government of the United States or defeating the authority thereof.

SEC. 4. That no person shall write or knowingly print, publish, edit, issue, circulate, distribute, transport by express or otherwise, display, or sell any book, pamphlet, newspaper, document, handbill, poster, or printed, written, or pictorial matter of any kind or form wherein or whereby the overthrow or change of the Government of the United States or by levying war against the same or by resistance to or rebellion against the execution of any law of the United States by force or violence is incited, suggested, taught, advocated, or advised.

SEC. 5. That no person shall display or exhibit at any meeting, or parade, or in any other place, any red flag or banner as a symbol of anarchy, or of any of the purposes forbidden in this act, and the display or exhibition of such flag or banner in any meeting or parade shall be prima facie evidence that it is so displayed and exhibited as such symbol, and no person shall display or exhibit at any meeting, gathering, or parade, or in any other public place, any flag, banner, emblem, picture, motto, or device which tends to incite or indicates a purpose to overthrow, by violence or by physical injury to person or property, the Government of the United States, or all government, or to overthrow, change, or defeat the Constitution of the United States and the laws and authority thereof.

SEC. 6. That every book, magazine, newspaper, document, handbill, poster, or written, pictorial, or printed matter, memorandum, sign, symbol, or communication of any form wherein or whereby the overthrow of the Government of the United States by force or violence, or resistance to or rebellion against the authority of the Government or the overthrow, change, or defeat of Constitution of the United States, or the laws or authority thereof by force or violence, is advocated, advised, or incited, or wherein or whereby the use of force or violence or physical injury to or the seizure or destruction of persons or property is advocated, advised, defended, or incited as a means toward the accomplishment of industrial, economic, social, or political change, or wherein

or whereby an appeal is made to racial prejudice the intended or probable result of which appeal is to cause rioting or the resort to force and violence within the United States or any place subject to the jurisdiction thereof, is hereby declared to be nonmailable, and the same shall not be deposited in any post office for mailing or be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person, upon a search warrant authorized by law, to open any letter not addressed to himself.

SEC. 7. That no person shall import or cause to be imported into the United States, or any place subject to its jurisdiction, any matter declared in this act to be nonmailable and not transportable, or to transport or cause to be transported any such matter from one State into another or into any such place subject to the jurisdiction of the United States.

SEC. 8. That no person shall knowingly use or attempt to use the mails or the Postal Service of the United States, or knowingly transport or attempt to transport by express or otherwise, by public or private conveyance, any matter declared by sections 6 and 7 of this act to be nonmailable and not transportable.

SEC. 9. That any association, gathering, assembly, society, or corporation which seeks, directly or indirectly, by force or violence, or by injury to or destruction of human beings, or public or private property, to bring about a change in the Constitution or laws or authority of the Government of the United States, or of any State thereof, or of all forms of organized government, or which teaches, advises, proposes, threatens, or defends the unlawful use of force or violence in any form to bring about any such result, or which attempts to prosecute or pursue such purpose, is hereby declared to be unlawful.

SEC. 10. That no person shall act as an officer of any such unlawful association, or, knowing the object, purpose, teaching, or doctrines of such unlawful association, become a member thereof or become affiliated therewith, or continue to be a member thereof or affiliated therewith, or contribute any money or other thing of value thereto or to anyone for its use, or rent any room, building, or place for the use of said unlawful association, or permit the occupation by such unlawful association or any committee or branch thereof of any room, building, or other place under his ownership or control.

SEC. 11. That the giving, loaning, or promising of anything of value to any such unlawful association shall constitute affiliation with such unlawful association; and the giving, loaning, or promising of anything of value to any person or partnership or unlawful association engaged in advertising, teaching, advocating, or defending any of the things the teaching, advocacy, or defense of which is forbidden in this act shall be prima facie evidence of teaching, advocating, or defending said forbidden things against the person so giving, promising, or loaning anything of value as aforesaid.

SEC. 12. That any alien convicted under any of the provisions of this act after serving his sentence shall be taken into custody and be deported under the immigration laws of the United States then in force. Any person convicted under this act who has declared his intentions of becoming a citizen but has not been naturalized shall be forever ineligible to citizenship, and it shall be the duty of the Attorney General to institute proceedings to cause his petition and declaration of intention to be dismissed and annulled and all court proceedings in his case quashed and to furnish to the Secretary of Labor such data as to enable him to cause such person to be deported under the immigration laws of the United States then in force. The conviction of any person who is a naturalized citizen of the United States of any of the things forbidden in this act shall be sufficient to authorize the cancellation of his or her certificate of naturalization in the manner provided by the naturalization laws of the United States then in force. It shall be the duty of the Attorney General to institute proceedings and conduct the same to a final judgment immediately after conviction and sentence of the naturalized citizen aforesaid. Every alien deported under this act is hereby forbidden to again enter the United States or any Territory or possession thereof. It shall be the duty of the Attorney General of the United States to enforce this provision against all deported aliens returning to the United States as aforesaid.

SEC. 13. That in any investigation or prosecution for any of the offenses specified in this act no person shall be excused from attending or testifying or deposing, or from producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate

him or subject him to penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which in obedience to a subpoena and under oath he may so testify or in obedience to a subpoena shall produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 14. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 15. That section 5334 of the Revised Statutes, section 4, act of March 4, 1909 (vol. 35, Stat. L., p. 1088), be, and the same is hereby, repealed. Any offenses heretofore committed in violation of said section 5334 and all cases pending thereunder may be prosecuted and punished as therein provided in the same manner and with the same effect as if this section had not been enacted.

SEC. 16. That any person convicted of violating any of the provisions contained in any of the sections of this act, except sections 1 and 2, shall be punished by being imprisoned for not more than 20 years or fined not more than \$20,000, either or both. And any citizen of the United States convicted under this act shall be forever debarred from voting thereafter and holding any office of profit, honor, or trust under the United States.

Mr. OWEN. I ask to have printed the statement of Mr. Alfred Bettman in its continuous form.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

In response to your request for a legal opinion upon the sedition bill reported by the House Judiciary Committee, will state as follows:

Under our constitutional system protection of private persons or property is reposed exclusively in the State governments. The Federal Government has no jurisdiction over such protection, nor can the alleged purposes for which acts of violence were committed against private persons or property be used to give jurisdiction to the Federal Government, for the reason that that would be punishing the purpose and not the acts. To punish the purpose would be contrary to all fundamental principles of American constitutional law. Therefore all the provisions of sections 2, 5, 9, 10, and 11, in so far as they relate to private persons or property, would be unconstitutional, since they are beyond the jurisdiction of the Federal Government.

The same is probably true of violence against a State government, because the only method provided in the Constitution for the protection of State governments against internal violence is the sending of Federal troops.

The use of such words as "suggested" and "taught," in section 4, are dangerous to freedom of speech and contrary to American tradition.

Penal laws should define crime with such exactitude that nothing is left to arbitrary decision or the prejudices of the court and the jury. Section 6 maintains a peace-time censorship contrary to the American principle, that this is a Government of law and not of men. It is also contrary to the fundamental Anglo-Saxon principle of liberty of speech and press, which is that there shall be no suppression in advance, but only responsibility after publication.

Sections 9, 10, and 11 also violate the fundamental principle of American and Anglo-Saxon institutions; namely, that guilt is personal and not by association. If enacted those sections would place upon American statute books a Prussian and czaristic-Russian institution.

Section 6 of the present penal code, and other sections of that code, cover every possible case of seditious conspiracy against the Government of the United States, and every act of violence or resistance against the authority of the United States.

I can not see clearly why there should be need for further legislation, unless it is desired to reach individual advocacy of violence against Federal officials or Federal property, which are not a part of any conspiracy. If so, such legislation should be carefully restricted to advocacy of violence against Federal officials or property, as is the language of the present seditious conspiracy section of the Federal penal code.

The bill as reported by the House Judiciary Committee in respects, as above pointed out, goes beyond the constitutional bounds of the Federal

jurisdiction and violates the fundamental principle of American and Anglo-Saxon civil liberties.

(Signed) ALFRED BETTMAN.

Mr. OWEN. I call attention to several other opinions which have been sent to me regarding this matter.

Prof. C. Chaffee, of the Harvard Law School, says:

This bill, if enacted, will be the first of its kind since the notorious sedition act of 1798, opposed by Marshall and denounced as unconstitutional by Jefferson and Madison. Without such laws this country has passed through much worse crises than the present.

Dr. Frederick C. Howe says:

This bill makes an end to freedom of the press in America. It invites the provocateur, espionage, and spying of all kinds.

Jackson H. Ralston, an eminent attorney of Washington, says:

Its language is so broad, its terms so indefinite, that no man can know what is criminal under it until Federal judges tell us what it means.

Mr. Samuel Gompers, representing as he does several million workmen, with their dependents amounting to millions of people more, is naturally concerned that this bill, under the color of protecting the Government against force and violence, shall not be used to suppress the rights of those who live and labor in this country to advocate a betterment of their own condition.

His loyalty ought not to be questioned. That man, when the world was shaken with war, stood like a rock and like a hero and marshalled the labor of this country to avoid strikes and use its utmost patriotic efforts in the making of munitions and to the rendering of those services without which the war could not have been won. No man ought ever to impute to him a lack of loyalty or a lack of patriotism. He deserves well of his country; he deserves the respect and affection of his country. He said, indeed, that—

Section 5 of the bill, unbelievable as it may seem—

Yes; "unbelievable as it may seem"—

makes it a crime to wear in public any button of an organization whose purpose is to obtain an amendment to the Constitution of the United States or any existing Federal law.

Samuel Gompers says that; yes, he says it, and I say it, and the proposed bill says it. Look at that proposed statute. I have put it in the RECORD.

Mr. President, the liberties of the people of the United States comprise the most precious possession of the people of this Republic. It is upon liberty that the wisdom and the conscience and the patriotism of the mass of our citizens have been able, through their processes of education and of industry, to build up our great Republic with its wonderful powers. I should regard it as a national catastrophe if any act should be passed which would jeopardize those liberties or menace freedom of speech or the freedom of the press. I have often been disgusted and pained by the folly and falsehood of articles printed in the press, but folly passes and falsehood dies away, while the lessons of wisdom and truth which also daily come through the modern press remain and the world is enriched by their fruits.

Liberty—freedom—freedom of speech, of the press, of religion, of political opinion—freedom from the threats or menace of autocratic bureaucrats must be preserved if "the rights of life, liberty, and the pursuit of happiness" are to be preserved.

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