

WAR AND FREE SPEECH

YEAROUS FOUND GUILTY UNDER ESPIONAGE ACT

Grant County Farmer Convicted at Eau Claire; Steinberg Pleads Guilty

EAU CLAIRE — Christian Yearous, a prosperous Grant county farmer, was last night found guilty on two out of five counts under the espionage law.

The jury was out about one-half hour and later a motion for an appeal for a new trial was made indicating that an appeal will be taken.

Yearous was charged on all counts with having said on June 2 in the presence of two witnesses: "This is a rich man's war. It will never end till all the money is gone. The *Tuscania* had no business upon the water. They got what they deserved. Americans have done just as bad things as Germany did to Belgium."

B. R. Goggins handled the case for the government and Ralph Jackman of Madison defended Yearous. In his opening statement Mr. Goggins confined himself to explaining the indictment. Mr. Jackman, in prefacing his defense, said he would offer evidence to show that the principal witness against Yearous, John Sisley, long had borne Yearous a grudge as the result of a land deal in which the two were concerned when they lived in Iowa. A son of Yearous, he said, is fighting in France as a volunteer soldier.

The first and only witness of the day was Oscar Slaght, a young farmer, who, he testified, was present during a conversation in which the defendant made alleged disloyal utterances, addressed to himself and Sisley. Slaght testified that Yearous had made the statements described above. Yearous is 68 years old and a native of Iowa. He is the father of seven children.

Gustave Steinberg, Wausau whose case was to have been the first up for trial yesterday, changed his plea from not guilty to guilty. Sentence was not passed. He was indicted on the charge of violating Section 3 of the espionage act, the same one under which Yearous is being tried. The remainder of the morning session yesterday was taken up with miscellaneous court business.

The Article to the left is from the Madison Capital Times of July 24, 1918

The *SS Tuscania* was a luxury liner of the Cunard subsidiary Anchor Line. She was torpedoed in 1918 by the German U-boat *UB-77* while carrying American troops to Europe and sank with a loss of 210 lives. The **Espionage Act of 1917**: The Espionage Act of 1917 was passed, just after the United States entered World War I in April, 1917. The 1917 law had very stiff penalties, including the death penalty.

It made it a crime:

- To convey information with intent to interfere with the operation or success of the armed forces of the United States or to promote the success of its enemies. This was punishable by death or by imprisonment for not more than 30 years or both.
- To convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies when the United States is at war, to cause or attempt to cause insubordination, disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or to willfully obstruct the recruiting or enlistment service of the United States. This was punishable by a maximum fine of \$10,000 or by imprisonment for not more than 20 years or both.

The law was later extended on May 16, 1918 by the Sedition Act of 1918 which was a set of amendments to the Espionage Act. They prohibited many forms of speech, including "any disloyal, profane, scurrilous, or abusive language about the form of government of the United States...or the flag of the United States, or the uniform of the Army or Navy." Because the Sedition Act was an informal name, court cases were brought under the name of the Espionage Act, whether the charges were based on the provisions of the Espionage Act or the provisions of the amendments known informally as the Sedition Act.

A year after the Act's passage, Eugene V. Debs, Socialist Party presidential candidate in 1904, 1908, and 1912 was arrested and sentenced to 10 years in prison for making a speech that "obstructed recruiting." He ran for president again in 1920 from prison.

President Warren G. Harding commuted his sentence in December 1921 when he had served nearly 5 years. The poet e.e. Cummings, while serving as a volunteer in the Norton-Harjes Ambulance Corps in France, was arrested on September 21, 1917.

Cummings had spoken openly of his lack of hatred for the Germans. The US Attorney General of the era was A. Mitchell Palmer. He and his assistant J Edgar Hoover were vigorous in their use of the Espionage Act. Palmer claimed to have evidence showing a 'Red Menace' was trying to overthrow the US government. Several thousand people were sent to prison around this time, many for making public statements or writings critical of the government. At least 200, including Emma Goldman, were eventually deported to foreign countries. The National Civil Liberties Bureau (NCLB) was formed in 1917. The Bureau opposed American intervention in World War I. The NCLB provided legal advice and aid for conscientious objectors and those being prosecuted under the Espionage Act. In 1920, the NCLB changed its name to the American Civil Liberties Union. Among the founding members was Felix Frankfurter, who later became an Associate Justice of the Supreme Court of the United States.