Disloyalty and Treason and Their Punishment as Provided by Federal Laws

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But the success of conferences is to be weighed and measured, not simply by their direct action, which commands the approval of all the nations, but also, and perhaps even more, by the progress they make in questions still left undecided and subject to further action by diplomacy or by future conferences.32

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DISLOYALTY AND TREASON AND THEIR PUNISHMENT AS PROVIDED BY FEDERAL LAWS.*

By Thomas W. Gregory.†

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The sporadic activities of a few agitators who, led by good or bad motives, seek to hamper our work in the war, justify me as the chief law officer of the executive branch of the Government in calling attention to the duties, moral and legal, of all persons owing temporary or permanent allegiance to the United States. The German Government began this war by a contemporaneous breach of its formally plighted faith made in solemn treaty and from the beginning until now has more than made good this ominous earnest of its intention and temper. The President has shown us how one by one, as opportunity offered, the safeguards which civilization has been able during the centuries to throw around neutrals and the nonfighting people of warring nations were ruthlessly torn down; how patient and long-suffering remonstrance and request were met by fair words, and fairer promises made only to be broken.

No Rule of War Held Sacred by the German Imperial Government,

We all know as but sober facts, plainly stated, that the Imperial Government has allowed no rule of war, no principle of civilization, no consideration of humanity, no teaching of Christianity to stand between it and the working of its illegal purposes. For half a century that Government has schemed and prepared to dominate the world by "blood and iron." For half a century the officials of the Imperial Government, from the Kaiser down, in-

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*Choate: The Two Hague Conferences, p. 74.
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cluding even the teachers of their children, have prostituted the minds of their youth until the whole people has been led to a toleration, if not approval, of the hideous outrages and barbarities practiced by that Government in this war. While yet we were neutral, struggling to keep free from the conflict, the representatives of that Government in this country planned to destroy our factories and our railroads, forged our public papers, deceived us when convenient, violated our hospitality and our sovereignty, while they plotted against our territorial integrity; they deliberately and with malice and affronting forewarning drowned our helpless women and babies and declared a public holiday that their own innocent children might celebrate the murder.

**Cruelty Under a System That Is “Diabolical in Its Efficiency.”**

They have bombarded unfortified towns and bombed the unprotected homes of their foes, taking their toll of wounded and dead from the aged and infirm, the young and the helpless. They have made barren desert of the garden spots of the earth; they have needlessly pillaged and wilfully burned towns; they have reduced to slavery men, women and children; they have wrecked and torn asunder families with a system diabolical in its efficiency; they have wantonly defiled and destroyed the temples of God. They have done all of these things that they might strike terror into the hearts of men so as more easily to conquer and rule them.

As the war has gone on, the ultimate aim of the Imperial Government has become more and more clear. Drunk with the sense of its own power and its asserted superiority, it has proposed to secure a dominating position for itself and for its system over the entire world. Nowhere yielding to the people their rightful powers, and everywhere seeking to uphold autocracy and depotism, it has shown its intention to perpetuate absolute government of which it admittedly is the head and front. Its “kultur” is avowed to be the acme of human goodness and endeavor, and is to boast the rulership of the world, gained by force of arms.

The world must fight to preserve itself. Of this there can be no doubt.
"Present War Becomes a Conflict Between Peoples Themselves."

Heretofore, save in rare cases, war has been a fight between armies; but this war, because of the initial preparation for it by an autocracy which prostituted a whole mighty nation to its purpose is a contest between peoples themselves. It is correspondingly intense and relentless. The march of events shows that it is now a war of systems—kings against peoples. If our enemy win, kings will dominate the world, because no democracy fights with or for them. The Prussian autocrat and the brutal Turk will impose upon us their wills, tell us what we may do, what we may not do, and the horrors and atrocities of Belgium and Armenia leave no doubt what this means. "Government of the people, by the people and for the people will perish from the earth." In this sense this is truly a war of absolute and complete extermination not of peoples, but of systems, and so far as human sight can pierce the future the life of the one system or the other waits on the result.

Thus our own very life came to be bound up in the outcome of this war long before we entered it, and even years before the war broke. To the man of vision it is as clear as sunlight that the aim and the plan of the Imperial Government was and is to conquer the world, nation by nation. It was first to defeat France and Russia, next to dominate Great Britain, and with Europe at its feet to turn to America. "Kultur and the German sword were to rule around the world. We have been thus forced by the Imperial Government itself to choose whether, in addition to suffering outrage and plunder, we should calmly wait to be crushed ourselves in due time and at the pleasure of the royal will, or should make common cause with those who already fought for us as well as for themselves, to the end that autocratic domination over all mankind should not come to pass."

With all this before them, Congress, the chosen representatives of the people, exercising their constitutional duty and with a realizing sense of their great responsibility, announced in joint resolution "that the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared," and that "to bring
the conflict to a successful termination all the resources of the country are hereby pledged."

Those Unwilling to Sacrifice Unworthy to Enjoy Liberty.

This is our promise to those we help, our warning and threat to those we fight. Our own fair name is bound up in this pledge. Our honor demands that it be met to the full measure. From the time Congress and the President thus spoke for us it became the duty, moral and legal, of each of us to abate nothing that lay within his power to make our pledge good. Whatever our views, whatever our sympathies theretofore had been, the quarrel was now our quarrel, and we must be true to it in order to be true to ourselves. That this meant that some of us must break with cherished memories, with friends, home and kindred, can not matter. So broke our fathers, who gave us our liberties; so must we break to preserve them. The man who is unwilling to make that sacrifice is unworthy the liberties he enjoys and is unwelcome in our midst. The sovereign people of the United States have willed that our every available resource of men and industry must play its part in winning this war, and no head is too high or too low to wish to escape the heavy hand of our sovereign necessity.

I have spoken thus far, not of the legal penalties which attach to obstruction and disloyalty to this Government, but of the broad political and moral elements of our situation and of the considerations of integrity and honor which must impel us to loyalty to our cause and compel our active aid and support. I have done this because after all our safety lies not in penal statutes, but in a realizing sense of a righteous cause, a firm resolution to do our full duty, and an understanding that we fight for the liberties of ourselves, our families, and our posterity.

To Be No Halfway Measures in Combating Disloyalty in U. S.

I have purposely moved slowly and with caution in invoking the strong arm of the law for seeming disloyalty, believing that more mature consideration would show the occasional agitator that he was wrong and the rest of us were right. However, I shall not
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be half measured in undertaking the control of those who persist in their disloyalty and schemings against the Government and its purposes.

The Federal Government is not powerless to handle such malcontents. Amongst other offenses, it can prosecute those who wilfully make or convey false reports or false statements when the United States is at war, with intent to interfere with the operation or success of the military or naval forces of the Federal Government, or to promote the success of our country's enemies; also those who wilfully cause, or attempt to cause, insubordination, disloyalty, mutiny or refusal of duty, or wilfully obstruct the recruiting or enlistment service of the United States; also those who unlawfully combine or conspire to impede, obstruct, or prevent the execution of the laws of the United States; also those who undertake to overawe the officers of the United States in performing their duties either by direct intimidation or threats, or by injuring their persons or property; also those who engage in seditious conspiracies to overthrow or levy war against the Government or forcibly oppose its authority.

Federal Laws Sufficient to Punish all Disloyal Agitators.

The recently enacted espionage act is designed, among other things, to punish spies, regulate the use of the mails, and punish those who abuse that use.

The provisions of the selective draft act provide punishment for those who fail or refuse to register, or hinder or obstruct the enforcement of that act.

Treason (defined by the Constitution as consisting only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort) is punishable by death, and the other offenses mentioned by severe and just penalties.

The Federal Government can find in existing statutes and others now pending before Congress power to handle any situation likely to arise because of the ill-advised activities of disloyal agitators.

Senate Bill No. 43, as approved by the Governor, will appear in the Acts of the Session of 1918, as follows: