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# THE CONGRESS PROJECT

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## Summary Section Instructions

A brief, three-paragraph Summary Section detailing the legislation the student will be analyzing is due on **February 11th** at 5pm. It is worth 5% of the final course grade for both POLS 4105 and POLS 4790H.

The summary section should provide an overview of the measure and answer the following questions (among others): What did the legislation do? Was it controversial? How is it viewed contemporaneously? Is it still relevant? Was debate over it contentious at the time of enactment? How about passage in the House and the Senate? What was the final passage vote? List any particularly controversial votes or motions.

More specifically, the summary section should do three things:

- Paragraph 1: Tell the reader what the law does/sought to do.
- Paragraph 2: Tell the reader why the law is or is not considered important today.
- Paragraph 3: Characterize its passage. Was it controversial? Partisan? What were the key votes/moments that occurred during consideration?

Excluding footnotes and citations, it should not be longer than 500 words.

An example of an excellent summary section can be found below.

## Summary

The Espionage Act of 1917 (65 PL 24) was passed against the backdrop of World War I on June 15th, just two months after America's formal entrance into the war against Germany (Stathis 2014). It had a legitimate purpose: to stop the threat of subversion, sabotage, and malicious interference during American wartime efforts, including the controversial reinstatement of the draft. The Espionage Act bars the gathering and transmitting of information related to national defense, though it does not formally define what this is. Mulligan and Elsea (2017, 3) describe it as "one of the U.S. government's primary statutory vehicles for addressing the disclosure of classified information."<sup>1</sup> Since its passage, prosecutions under the Espionage Act have led to landmark First Amendment cases. Although the act was intended to be in effect only during wartime, major portions of the Espionage Act remain in effect as part of U.S. law today.<sup>2</sup>

The U.S. government has prosecuted several leakers/whistleblowers under the Espionage Act and in recent years it has targeted third-party recipients (Rozenshtein 2013). In May 2019, Julian Assange was indicted on 17 counts in violation of the Espionage Act for receiving and publishing classified documents on his multinational news platform, Wikileaks. Assange's trial could have lasting implications for media outlets as they sometimes disseminate classified material. Specifically, the Assange case suggests that government workers and the news media can be criminalized for the disclosure of national defense information (see e.g. Goldstein 2019). Likewise, individuals can be found guilty for their casual discussions of such disclosures if they are not authorized to receive or share the information. In other words, every tweet, blog post, and dinner party conversation about classified materials is illegal under the Espionage Act.

A central piece of President Woodrow Wilson's agenda in the 65<sup>th</sup> Congress (1917-1918), the Espionage Act was met with in the House with some resistance from minority party Republicans who opposed it on first amendment grounds.<sup>3</sup> It passed that chamber on May 4, 1917 by a vote of 262-109. It passed the Senate 80-8 on May 14th only after it a provision allowing for press censorship was dropped (Poole and Rosenthal 1997). The press censorship provision was eventually dropped from the conference report which passed both chambers the following month.

<sup>1</sup> Critics however note that the lack of a definition for national defense often brings the Espionage Act into conflict with the First Amendment because some consider it to be unconstitutionally vague and overbroad (Mulligan and Elsea, 2017, 3-4). Furthermore, the Wilson administration concluded that any written materials violating the act or "urging treason" should be considered "non-mailable matter," which places a restraint on the First Amendment's freedom of the press (Asp and Fisher 2019).

<sup>2</sup> Perhaps most notably, the act was frequently invoked following the end of World War I during the Red Scare of 1919-1920 and again during the Cold War (Manz 2007).

<sup>3</sup> The Democratic Party fell in behind President Wilson voting 173-10 in favor on the bill. Republicans split 87-96. Ten Progressive Party members voted yes, one Progressive voted no, as did the lone Prohibition and Socialist Party members. See [Voteview House Roll Call #19](#), Poole and Rosenthal (2007).

## OVERVIEW

**Act Title:** The Espionage Act of 1917

**Congress:** 95th Congress (1977-1978)  
**Session/Sessions:** 1-2

**Statute No:** 40 Stat. 217-31

**Public Law No:** 65 PL 24

**Bill:** HR 291

**Sponsor:** [Rep. Edwin Webb \(D-NC\)](#)

**House Committees:** Judiciary

**Senate Committees:** Judiciary

**Companion Bill:** S 2

**Related Bills:** HR 2763

**House Rules:**

**Past Bills:** 64 S 8148

**Introduced Date- Law Date:** April 2, 1917- June 15, 1917

**House Floor Days:** 3

**Senate Floor Days:** 2

**Roll Call Votes:** 20

## Citations

- Asp, David, and Deborah Fisher. 2019. "Espionage Act of 1917." *Free Speech Center at Middle Tennessee State University*, May. [www.mtsu.edu/first-amendment/article/1045/espionage-act-of-1917](http://www.mtsu.edu/first-amendment/article/1045/espionage-act-of-1917).
- Goldsmith, Jack. 2019. "The U.S. Media Is in the Crosshairs of the New Assange Indictment." *Lawfare*, May 24. [www.lawfareblog.com/us-media-crosshairs-new-assange-indictment](http://www.lawfareblog.com/us-media-crosshairs-new-assange-indictment).
- Manz, William H. 2007. *Civil Liberties in Wartime: Legislative Histories of the Espionage Act of 1917 and the Sedition Act of 1918* (Vol. 2). WS Hein.
- Mulligan, Stephen P, and Jennifer K Elsea. 2017. Criminal Prohibitions on Leaks and Other Disclosures of Classified Defense Information, *Congressional Research Service Report R41404*, March 7. [fas.org/sgp/crs/secrecy/R41404.pdf](http://fas.org/sgp/crs/secrecy/R41404.pdf).
- Poole, Keith and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting*. New York, NY: Oxford University Press.
- Rozenshtein, Alan Z. 2013. "An Explainer on the Espionage Act and the Third-Party Leak Prosecutions." *Lawfare*, May 22. [www.lawfareblog.com/explainer-espionage-act-and-third-party-leak-prosecutions](http://www.lawfareblog.com/explainer-espionage-act-and-third-party-leak-prosecutions).
- Stathis, Stephen W. 2014. *Landmark Legislation, 1774-2012: Major U.S. Acts and Treaties, 2nd Edition*. Washington: CQ Press