After World War I ends, labor unrest makes the nation uneasy. The Russian Revolution in 1917 sparked fears of a worker revolution, and a “Red Scare” sweeps the nation. Dozens of mail bombs are sent to political leaders, and an anarchist blows himself up outside the home of Attorney General A. Mitchell Palmer. Fearing a communist takeover, Palmer creates the General Intelligence Division and recruits J. Edgar Hoover as its leader. Over two months, Palmer arrests thousands of suspected communists, Socialists and other radicals in raids. Many are held without trial; others are deported. In response, the American Civil Liberties Union is founded and publishes a report critical of the raids and similar government activities.

The U.S. is on the brink of war with France. The Federalists believe criticism of their policies is dis-loyal and fear that immigrants are sympathetic to the French. As a result, the Federalist-controlled Congress passes laws that raise the residency requirement for citizenship from 5 to 14 years, authorize the president to deport aliens, and permit their arrest, imprisonment, and deportation during wartime. The Sedition Act makes it a crime for citizens to “print, utter, or publish . . . any false, scandalous, and malicious writing” about the government.

Citing the threat posed by Confederate spies, President Abraham Lincoln suspends the writ of habeas corpus in Maryland, which allows suspected spies to be held indefinitely. (Habeas corpus is the right to challenge a prisoner’s detention.) Supreme Court Chief Justice Roger Taney condemns the suspension as unconstitutional, but the next year, Lincoln suspends habeas corpus for all states. The Supreme Court later rules the Constitution permits only Congress to suspend habeas corpus (Article 1, Section 9), but Lincoln ignores it.

After U.S. entry into World War I, the Espionage Act targets those who refuse to serve in the military during a draft, cause others to refuse their service, or reveal information about the national defense. Penalties include a jail term of up to 20 years and fines up to $10,000. A year later, the Sedition Act imposes severe criminal penalties on all forms of expression critical of the government or its war mobilization. About 900 people are convicted, and hundreds of noncitizens are deported without a trial. When Socialist Party leader Eugene V. Debs gives a speech criticizing the draft and praising efforts to obstruct war recruitment, he is convicted and sentenced to 10 years in prison.

In Schenck v. United States, the Supreme Court upholds the conviction of Socialist Charles Schenck for conspiracy to violate the Espionage Act by attempting to distribute antiwar leaflets to U.S. servicemen. While acknowledging that the First Amendment normally might protect Schenck’s activities, the court holds that in special circumstances, such as wartime, speech that poses a “clear and present danger” can be restricted.

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Citing national security, President Franklin D. Roosevelt issues two executive orders (quickly passed into law by Congress) that authorize the internment of people of Japanese descent, including many U.S. citizens. One order designates “military areas” across eight states from the Canadian to the Mexican borders in which they are not allowed to live. The other order authorizes their relocation to internment camps. More than 120,000 are forced to give up their homes and businesses.

In *Hirabayashi v. United States*, the Supreme Court says a federal law that requires Japanese Americans to live in restricted areas and obey curfews does not violate their Fifth Amendment right to due process. The court addresses only the curfew, which it calls a necessary “protective measure.” In *Korematsu v. United States*, the court says post-Pearl Harbor restrictive measures are justified in times of “emergency and peril.” Justice Frank Murphy, one of three dissenters, describes the internment order as the “legalization of racism.”

As the Cold War gets under way, the House Un-American Activities Committee investigates communist involvement in various professions. At hearings, ten witnesses who refuse to answer questions, citing the Fifth Amendment, are found guilty of contempt of Congress and sentenced to prison. In 1951-54, Sen. Joseph McCarthy leads a new round of hearings investigating the entertainment industry. Hundreds are subpoenaed and asked to “name names” of communist sympathizers. Those who refuse to testify are “blacklisted” and denied work. After unedited footage of the hearings becomes public, the committee comes under fire. In 1954, the Senate censures McCarthy for conduct unbecoming to a senator.

Terrorists associated with the al-Qaeda network hijack four airplanes, crashing one into the Pentagon and two into the World Trade Center in New York City. A fourth plane crashes in a field in central Pennsylvania. All told, more than 2,700 are killed. In the aftermath, President George W. Bush declares a “war on terror.” Federal agents detain more than 1,200 people, most of whom are held on visa or other immigration violations and are not charged on terrorism-related offenses.
Congress swiftly passes the U.S.A. Patriot Act “to enable capture of the individuals responsible for the 9/11 attacks, and to prevent future attacks.” Among its provisions is a dramatic expansion of the federal government’s authority to monitor suspected terrorists’ communications and to obtain online records, such as organization membership lists and individuals’ purchases.

President George W. Bush signs a military order that authorizes the government to detain noncitizens suspected of terrorism and to try them before military tribunals. The order states that as a result of the 9/11 attacks, an “extraordinary emergency exists for national defense purposes,” and that the detentions and tribunals are needed to protect the U.S. Civil liberties groups fear that the accused may be held indefinitely without a trial and that any trials could be held in secret.

The Supreme Court rebuffs several Bush policies on suspected terrorists. In Rasul v. Bush, it decides that federal courts have jurisdiction to hear habeas corpus petitions filed by foreign detainees at Guantanamo Bay, Cuba. After Congress responds by passing the Military Commissions Act to remove jurisdiction, the court strikes down the act as unconstitutional. In Hamdi v. Rumsfeld, the court says suspects designated as “enemy combatants” by the executive branch cannot be denied their due process rights, such as access to a lawyer. In Hamdan v. Rumsfeld in 2006, the court invalidates military tribunals set up by the Bush administration to try detainees.