Contradictions of the American Dream: Victor Berger and Government Censorship

During World War I

Written By Josh Kobussen

Advised by Dr. William Reese

University of Wisconsin-Madison Department of History

May 2023

A thesis submitted in partial fulfillment of the requirements for graduation with Honors in History.
The master narrative of the first world war in America is one of heroism and saving the world. The war was dragging on for years in Europe, yet America was reluctant to get involved. President Woodrow Wilson was opposed to the war and got reelected in 1916 due to his opposition. However, Germany would not leave the US alone. First, Germany resumed unrestricted U-boat warfare, resulting in the deaths of many American civilians and the sinking of American ships. Then, Germany sent the Zimmerman Telegram to Mexico, asking Mexico to ally with Germany. This was all too much, and the US had to get involved.\(^1\) Once involved, it fought bravely, quickly finishing the war and no doubt saving the lives of many young men who would have been killed had the war dragged on any longer. In doing this, it also helped save democracy in France and England, while serving a massive blow to antidemocratic and monarchical countries. The US saved democracy and saved the world.

While this narrative feels good, at least to an American audience, it is far from all encompassing. Aside from its obvious falsehoods (democracy was not saved and the world would not have ended if Germany managed to win), the master narrative of the war includes that the US was hesitant to go to war, yet completely disregards isolationist voices as soon as it enters the war, as if all these people suddenly changed their minds and supported their country once it joined the war. Isolationist tendencies did not fade from the public consciousness, as much as the Wilson administration may have wanted them to. Throughout US involvement in the war, there was a core group of people who opposed US involvement.

There were a variety of anti war groups in the US, the most prominent among them being Socialists. Socialists, and more specifically the Socialist Party of America, viewed the war as

---

being fought for the profits of the capitalists in the warring countries at the expense of millions
of working class men who died on the battlefield.

The federal government cracked down heavily on opposition to the war. The Espionage
Act of 1917 and the Sedition Act of 1918 effectively made publicly opposing the war a crime. As
a result, many who did so were arrested, including prominent socialists. The most well known
may have been Eugene Debs, the SPA’s regular candidate for the presidency. However, there
was another figure, one who is largely forgotten yet played a very important role in the SPA.

This man is Victor Berger. He led the Social Democratic Party of Milwaukee, the
strongest local socialist organization in the history of the United States. He was one of the
leading members of the SPA and had great influence over its policy platform and was also one of
its founding members. He was the first Socialist elected to Congress. Despite his importance to
the most prominent Socialist organization in the US, he is rarely talked about and hardly known.

Though Berger is an all around important figure, there is a specific chapter of his life that
is almost never discussed. During WWI, Victor Berger was found guilty of violating the
Espionage Act and sentenced to 20 years in prison. He also had his party newspaper, the
_Milwaukee Leader_, banned from the mails. He also was elected to Congress twice but was
denied his seat both times on account of opposing the war. Victor Berger was not attempting
some overthrow of the US government: he simply opposed US foreign policy.

Opposing US foreign policy was not all that he did or all that he was though. Victor
Berger’s opposition to the war may have led to his persecution, but it was not the only thing that
motivated it. Berger was many things that the pro war media and the nationalists feared and
despised. His targeting during the war represents an intersection between many identities and, as
a result, analyzing it reveals much of what the Wilson administration and large segments of the public broadly viewed as threatening or unacceptable.

Victor Berger is a forgotten man, yet he was deeply important. His contributions to the advancement of socialism in America rival some of the more well known figures, such as Eugene Debs. When it comes to WWI though, his importance is not only in his actions, but in him being an example. He was persecuted heavily due to a wide variety of identities and beliefs he held. Reviewing Victor Berger’s background and specifically what happened during the war years can reveal much about him and about the society that turned its back on him so quickly and persecuted him so harshly during the war.

Section I: The Prewar Years and Building a Movement

Victor Luitpold Berger was born in the Austrian empire in 1860. His family immigrated to America in 1878 and he moved to Milwaukee in the early 1880s. He was a teacher for a while and experimented with different political ideologies, including populism and the ideas of Henry George.2 He ultimately settled on socialism, though his exact brand would take him some time to figure out.

Berger purchased a newspaper called the *Arbeiter Zeitung*. He renamed it to the *Wisconsin Vorwaerts* and made it a daily paper in 1893.3 In this German language paper, he promoted a more moderate socialism than was found elsewhere in the American left. Berger defended evolution, as opposed to revolution. He opposed talk of an immediate revolution and

---

believed that peaceful and electoral means should be prioritized. This belief naturally affected his paper, as he rarely talked of revolution and instead promoted immediate aims. This helped him to appeal to trade unionists, who were generally practical and much more concerned with immediate goals than revolutionary ideals as well. This belief in evolutionary means would make many enemies for Berger on the left.

Though Berger did not have an official party organ yet, he did have the Turnverein societies. These were political social groups set up by German immigrants, many of whom skewed socialist in their political orientation. Berger enjoyed participating in these groups and soon took on a leading role in them and used his leadership over many of the Milwaukee Turnvereins to mobilize a politically effective group. This gave him an effective political base to bargain with as a useful voting bloc. This group met with representatives of the Socialist Labor Party, the People’s Party, and the Federated Trades Council of Milwaukee in 1893 to discuss an alliance and nominating a slate of electors for the upcoming municipal elections. This alliance was tenuous at best, though the group did manage to compete in some elections and Berger did promote the cause in his paper as a way to promote class struggle. Eventually, the alliance with the Populists fell apart in 1896.

Berger paid Eugene Debs, the candidate nominated by the Socialist Party of America for president multiple times, a visit while he was in prison for the Pullman strike in 1895. Berger was instrumental in converting Debs to socialism, which effectively brought the American Railway Union to socialism as well. However, neither Berger nor Debs cared much for the

6 Wachman, History of the Social-Democratic Party of Milwaukee, 12.
Socialist Labor Party, so they collaborated and formed a new countrywide Socialist party in 1897. On July 9 of that year, the Social Democratic Party of Milwaukee was founded as the first branch of Social Democracy for America.

This political party would be short-lived. Not that it would die off, but rather it would merge with the right wing dissident faction of the Socialist Labor Party in 1901. The Milwaukee socialists always kept their independence from the national movement though, even keeping social democratic in their name. This allowed Berger to continue functioning as he had previously, without regard to the policies of the national party. This was especially useful since Berger was firmly on the conservative side of the party and also ran the most successful socialist movement in the country for some time, something that may have been hampered if those to his left in the national party had more say in his affairs. That successful movement would take some time to manifest however.

This would change with the spring elections of 1904. The party won several local level positions, including 9 aldermen positions, and Berger even took a strong third place in his candidacy for mayor, garnering 15,300 votes out of about 60,000. The party would continue to build itself up and further propagandize until 1910, when the party saw its first massive wave of success. It won supermajorities on the city’s common council, the county board of supervisors, and won the mayorship in April. In November, it won 13 seats in the state legislature, as well as one seat in the House of Representatives, which Berger himself was elected to. Though the

---

8 Wachman, History of the Social-Democratic Party of Milwaukee, 15.
12 Wachman, History of the Social-Democratic Party of Milwaukee, 70.
13 Wachman, History of the Social-Democratic Party of Milwaukee, 72.
party was not always so dominant, the election showed that it was a true player in Milwaukee politics and was not some insignificant force.

Berger did not win reelection in 1912, but in those two years he made a name for himself, for better or for worse. He gained national attention simply from being elected, as he was the first socialist ever elected to the House.14 Berger received attention from numerous media outlets, but especially from socialist ones. He received congratulatory letters and requests for articles and comments from all over the country and was regularly invited to speak at a variety of places.15 He also gained attention when he introduced the first ever old age pension bill into Congress.16 Berger was constantly introducing bills and amendments to Congress because, even though he knew they all had little chance of passing, he wanted to stoke media attention and highlight labor rights.17 However, he would receive plenty of criticism from others on the socialist left, including Daniel De Leon. De Leon had reason enough to dislike Berger, given how Berger took advantage of a split in the Socialist Labour Party to form his own when De Leon was leading it, and the two also had major ideological differences. De Leon regularly criticized Berger for not preaching socialism enough with the massive platform he had in the House of Representatives and for not elaborating why he voted as he did. Reading De Leon’s criticisms, of which he wrote many during Berger’s first term in office in his paper, the New York Daily People, it is found that the majority of them are due to Berger not being an effective enough agitator. This is due to De Leon having a fundamental disagreement with Berger. Berger believed in reform, and De Leon in revolution. As such, an elected position to De Leon exists

---

15 Miller, “Promise of Constructive Socialism,” 70-72.
16 Miller, “Promise of Constructive Socialism,” 77.
17 Miller, “Promise of Constructive Socialism,” 80.
only to agitate, and any time not spent doing that is time wasted.\textsuperscript{18} It also may be of note that Berger was not the greatest public speaker, having a heavy accent and weak voice, which may have affected his ability (or desire) to act as De Leon wanted, even though he did give several speeches and do other things of note, such as proposing bills for debate.\textsuperscript{19} De Leon was one of many critics, but he represents much of the attacks Berger received from the left.

In the elections of 1912, the Social Democratic Party lost many of its gains. It lost its majority on the Milwaukee common council, it lost the mayorship, and it lost its House seat occupied by Berger. Much of this was likely due to the fusion ticket between Democrats and Republicans.\textsuperscript{20} The party remained relevant, but lacked the power it gained in 1910.

One area in which the party managed to maintain consistent relevancy was the Milwaukee school board. The party first elected two members to the school board in 1909. One of them was Meta Berger, Victor Berger’s wife and an impressive political figure in her own right. Though the Socialists never obtained more than one third of the members on the school board, they still held great sway and pushed through many important reforms with the help of a variety of interest groups, such as allowing a local tax to establish playgrounds, opening up schools to political organizations for adults, making schools freely accessible social centers, and special instructions for children with disabilities.\textsuperscript{21}

Berger’s daily paper, \textit{The Milwaukee Leader}, was founded in December 1911.\textsuperscript{22} This was the main propaganda organ of the party. Though the party may have lost much of its political

\begin{footnotes}
\item \textsuperscript{18} Daniel De Leon, \textit{Revolutionary Socialism in U. S. Congress} (New York Labor News Company, 1931). This book compiled a series of these articles written by De Leon that were critical of Berger’s performance. Though they all demonstrate this point to some degree, the article “The ‘Message’ of Bergerism” most directly delivers De Leon’s ideological differences from Berger.
\item \textsuperscript{19} Miller, “Promise of Constructive Socialism,” 79.
\item \textsuperscript{20} Pelling, “The Rise and Decline of Socialism in Milwaukee,” 96-7.
\item \textsuperscript{22} Miller, “Promise of Constructive Socialism,” 148.
\end{footnotes}
power in 1912, its paper lost no steam and kept on producing. This would lead into coverage of the beginnings of the first world war.

On June 29, 1914, the *Milwaukee Leader* read as its headline “TUNNEL BLAST INJURES 21 WORKERS”. Below that, of course, was the subheader “Austrian Royal Couple Are Slain in Street.” The article mentioned how Archduke Franz Ferdinand and his wife were murdered, as well as mentioning how “the map of Europe may be altered.” Another article also mentioned the outbreak of ethnic violence against Serbs in Bosnia. Interestingly, this edition of the paper also included an editorial titled “Futile War,” which talked about how, given the deeply intertwined nature of the global economy, most nations serve only to lose by waging war, and as such war should be avoided.23 It is highly unlikely that this was included due to the news of the Archduke’s assassination, but it is an interesting coincidence, and also partially reflects the stance that the paper would take towards WWI.

The next edition of the paper, on June 30th, had a headline that was much more pertinent to our story at least, as it read “RIOT AND ARSON IN BOSNIA”. The paper had updates on the bodies of the royal couple and the continuing outbreaks of ethnic violence in the balkans. The paper went on to mention the ethnic violence the next day. It published some antiwar editorials a few days after that, but the next big event it would mention was on July 24, when Austria-Hungary sent an ultimatum to Serbia, demanding that it effectively allow Austria to violate its sovereignty.24 From this point forward, coverage of the war became regular, as it came to involve more and more nations as the fighting began. There was also the occasional antiwar editorial. One such example, which lays out the paper’s opinion on the (at the time still coming) war in Europe, was an editorial on July 27th, titled “If War Comes,” in which it is proposed that

---

23 *The Milwaukee Leader*, June 29, 1914.
24 *The Milwaukee Leader*, July 24, 1914.
the capitalist class in Europe, knowing that the workingmen across the continent have grown more and more organized, are becoming more fearful of their power and, as such, is making greater and more desperate attempts to undermine this growing class solidarity. This coming war is an attempt to turn the workingmen on themselves and to “fix reaction firmly in the saddle for another generation,” though this action could potentially backfire if the working class rises up (though this of course never materialized).  

Section II: The War and Censorship

The Wilson administration, upon entering the war on April 6th, 1917, was naturally quite nervous about the public’s reaction. After all, Wilson won reelection on the campaign slogan “he kept us out of war.” This is part of what made him so popular. However, he and Congress judged the Zimmerman Telegram and Germany’s decision to resume unrestricted submarine warfare to be a bridge too far and declared war on Germany. However, considering what the administration perceived as a large anti-war sentiment in the US, there were immediate efforts to crack down on it.

Early upon US entry into the war, Victor Berger attempted to go to Stockholm with some other prominent American socialists to attend a conference with the newly established communist regime in Russia advocating peace. However, Secretary of State Robert Lansing invoked a 1799 act forbidding private citizens from acting as unauthorized diplomats in order to

keep them from obtaining passports. According to a telegram sent by Lansing to the Ambassador in Great Britain, it was President Wilson who ordered that no passports should be issued to American socialists planning to attend this conference.

The Espionage Act was passed June 15, 1917. Its main purpose was to prevent outright collaboration with enemy forces. It outlawed and provided punishments for things such as providing aid to foreign militaries and stealing or copying US military information for the purposes of providing it to enemy forces. However, section 3 of Title 1 of this act is the main issue of concern. It reads:

Whoever, when the United States is at war, shall wilfully make or 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 and whoever when the United States is at war, shall wilfully cause or attempt to cause insubordination, disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or shall wilfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both.

This section could be interpreted quite creatively if the government wished to crack down on any opposition to the war. Anyone who publicly critiqued the war could be charged in violation of the Espionage Act, as they could be potentially interfering with the recruiting process. After all, if someone opposed the aims of the government in getting involved in the war, they likely would not wish to comply with the draft.

The only remaining issue was the matter of enforcement. Thankfully, Title XII of the act, entitled “use of mails,” declares any mail in violation of the act nonmailable, allows any member

---

31 U.S. Congress, House, An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, HR 291, 65th Cong., 1st sess., introduced in House May 4th, 1917.
of the Dead Letter Office the ability to open mail upon instruction, and declares that anyone mailing something in violation of the act can be fined up to $5,000 and imprisoned for up to 5 years.\textsuperscript{32}

This act does not explicitly say that the Postmaster General had the authority to prevent the mailing of an entire run of newspapers. However, if he thought such a run was entirely in violation of the act and would continue to be so due to its ideological leanings, then he could effectively declare an entire paper to be nonmailable and therefore prevent it from being mailed by the United States Postal Service (USPS). This is, of course, a legally tenuous situation, as the act does not allow for anything to be preemptively declared nonmailable, only after it was confirmed to be in violation of the act. But that did not stop the Postmaster General.

Though the Espionage act was more than enough to prosecute most people who the Wilson administration wanted kept quiet, just to make the situation perfectly clear the Sedition Act was passed in 1918. This “act” was really an amendment to the Espionage Act, edited the previously quoted Title 1 section 3 to say explicitly that any language written or spoken that disrespected or encouraged resistance to the US was illegal. It was written in such a way that any language even slightly critical of the government in any capacity could be considered illegal and carry a fine up to $10,000 and up to 20 years in jail. It also stated that these new things which were outlawed also could be declared nonmailable per title XII and made it so the Postmaster General could explicitly order mail to be stamped as nonmailable and returned to sender.\textsuperscript{33} This

\textsuperscript{32} U.S. Congress, House, \textit{An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes}, HR 291, 65th Cong., 1st sess., introduced in House May 4th, 1917.

\textsuperscript{33} US Congress, House, \textit{An Act to amend section three, title one, of the Act entitled “An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,”} HR 8753, 65th Congress, 2nd Sess., introduced in House April 17, 1918.
new amended act provided all the tools that the Wilson administration needed to crack down on dissidents.

The passage of the Espionage and Sedition Acts made criminals out of many people who chose to support Wilson in 1916. As previously mentioned, Wilson ran on having kept the US out of war. In fact, many leftists (who Wilson was not too fond of) endorsed Wilson for his presidential campaign, as they believed that he would keep the US out of the “imperialist” war in Europe. Not Berger, though. He refused to endorse Wilson, instead sticking by his party and endorsing Allan Benson, the SPA nominee for president. This earned Berger the ire of many other socialists at the time.34

Berger’s paper was moderate with its coverage of the war. It covered it in a less biased manner than one might assume and it even claimed that the war was acceptable so long as the government acted in the benefit of the working class. Yet, it was one of the first targeted by the Postmaster General after the passage of the Espionage Act. This was not a single issue of the newspaper being kept from the mail; the Postmaster General removed the paper’s second class mailing privileges before eventually blacklisting it from the USPS completely. Berger’s paper was not the only one to have its mailing privileges removed by the USPS. Within a month of the Espionage Act’s passage, 15 major Socialist publications were kept from the mail. This gives the Milwaukee Leader the honor of being alongside such papers as The Masses and the International Socialist Review as some of the first to be targeted by the Postmaster General.35

Albert Burleson, Wilson’s Postmaster General, was particularly enthusiastic about enforcing the Espionage Act. Berger was not too pleased upon hearing his paper was being shut down, and attempted to reach out to Burleson, whom he had served with in Congress from 1911-

34 Miller, “Promise of Constructive Socialism,” 194-195.
35 Miller, “Promise of Constructive Socialism,” 271.
Burleson failed to respond. Berger also reached out to several other people in an attempt to get Wilson or Burleson to notice him and correct what he perceived as an error in judgment, but with little success. He did get an informal hearing with the third assistant Postmaster General, but that did not change the situation.  

Berger also was imprisoned for his opposition to the war. On March 9, 1918, Victor Berger and 4 other Socialist Party members were indicted in a federal court in Chicago. The bond was $25,000 a person, or about $540,000 in 2023 dollars. He would also be indicted two more times, in Milwaukee and La Crosse.  

The Chicago trial began on December 9, 1918. The trial was judged by Kenesaw Mountain Landis. He had previously overseen a case in which several Industrial Workers of the World (IWW) members were charged with violating the Espionage Act. The trial was reportedly considered a fair one, even by many socialists.  

Though this previous ruling received praise, Berger still had reasons to worry. First, Judge Landis was openly bigoted against Germans. Those being charged filed a petition to change the judge overseeing their case, citing one example of Landis saying outright of Germans that “their hearts are reeking with disloyalty”. It was Landis who ruled on this petition. He found himself perfectly fit to oversee the case. Also, despite Landis’ ruling being considered fair in his previous trial, he did make his political persuasions known in the speech he gave at the

---

36 Miller, “Promise of Constructive Socialism,” 279-282.  
39 Berger, *A Milwaukee Woman’s Life on the Left*, 76.  
42 Miller, “Promise of Constructive Socialism,” 296.
sentencing of the IWW members. Landis stated that he thought the Espionage Act was necessary due to the war.\textsuperscript{43} Going into this case, Landis’ personal biases were clear and worked against Berger. He knew this too. In her autobiography, Meta Berger described her experience during the case:

Our first day in a federal court didn’t help to instill respect for the U.S. federal procedure. Judge K. M. Landis was more responsible for our disillusionment than any one other phase of our experience during those tragic days. Perhaps it was my fault. Had I not read about his prejudices? Had I not known of his cruel sentences on victims before our case? Anyway I went into that courtroom with fear in my heart, with the knowledge that here we would not be given a fair trial! It was not the general physical appearance of the judge that startled me [so much] as the fact that his attitude was one of cold antagonism. His face was bitten and hard and full of hatred.\textsuperscript{44}

She also claimed that at one point her husband wished to take the stand. The counsel on both sides objected, but Judge Landis overruled them, saying “Permit Mr. Berger to take the stand. I want to see the man who had the courage to impeach a federal judge.” Berger had called for the impeachment of a federal judge while he was in Congress in 1912, causing the judge to resign.\textsuperscript{45} This quotation illustrates some sort of animosity Landis held towards Berger. Berger had the audacity to attack one of Landis’ colleagues during his time in office as a German, antiwar socialist. This did not sit well with Landis.

Berger still made an effort to defend himself. He spent three days on the witness stand, and used his time effectively. He explained socialism, his ideology, why he was a pacifist, and what the purpose of the St. Louis convention was. He also spent a fair amount of time defending himself as not advocating opposition to the war effort and mentioned how he had always encouraged people to follow the law.\textsuperscript{46} He even encouraged Daniel Hoan, the Socialist mayor of

\begin{itemize}
\item[\textsuperscript{43}] Sigman, “The Jurisprudence of Judge Kenesaw Mountain Landis,” 301.
\item[\textsuperscript{44}] Berger, \textit{A Milwaukee Woman’s Life on the Left}, 101.
\item[\textsuperscript{45}] Berger, \textit{A Milwaukee Woman’s Life on the Left}, 102.
\item[\textsuperscript{46}] Miller, “Promise of Constructive Socialism,” 301-304.
\end{itemize}
Milwaukee at the time, to comply with Wilson’s demand that cities set up sites for draft registration. This was not enough to save him or the others he was on trial with. They were all sentenced to the maximum penalty of 20 years in prison.

Berger was not much for martyrdom. He had never spent any time in jail and did not seem particularly willing to for his cause. This is why he talked about how much of a law abiding citizen he was during his time on the witness stand, as opposed to simply articulating his beliefs. Luckily, he did not have to spend more than a few hours in a jail cell. Though bond was placed at an absurdly high $100,000 a person (roughly $2.3 million in 2023 dollars), Meta Berger made some phone calls and was able to raise the necessary funds. Though he avoided prison, the terms of his bail kept him from “policy-making or editorial writing for the Leader”.

Lastly, and the most glaringly anti-democratic thing to happen to Berger during the war, was that Congress refused to seat him. In November of 1918, Berger ran for Wisconsin’s fifth congressional district. Despite his inability to fully dedicate himself to the race, since he was under federal indictment, he managed to win. Considering the circumstances, this was quite impressive.

However, things were not so simple for Berger. When Congress convened in May of 1919, the House of Representatives refused to seat him. Instead, a committee was formed to discuss the matter. The reasons cited for refusing to seat him were his violation of the Espionage

---

50 Miller, “Promise of Constructive Socialism,” 307-308.
51 Miller, “Promise of Constructive Socialism,” 293-294.
Act according to the Chicago Trial, and his violation of section three of the Fourteenth Amendment to the US Constitution.\textsuperscript{52} Section three of the Fourteenth Amendment states that:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.\textsuperscript{53}

The commission argued that Berger acted as an enemy of the United States. They used the ongoing court case in which he was accused of violating the Espionage Act as evidence, and also claimed that, as is implied by saying he violated the Fourteenth Amendment, he “engaged in insurrection or rebellion against [the United States], or [gave] aid or comfort to enemies thereof”. This is a bold claim, considering that the worst Berger did was argue against the US entering into the war in Europe and against government censorship. However, the committee still concluded that Victor Berger was ineligible to be seated.\textsuperscript{54}

Naturally, there was a special election held to fill the vacancy in Wisconsin’s fifth congressional district. Victor Berger may have been expelled from Congress, but he was not banned from holding public office or running in elections. He ran in this special election and managed to win the seat again by an impressive margin. To the surprise of nobody, Congress refused to seat him, although this time some media and prominent figures defended him, leading to an astounding six votes in favor of seating Berger.\textsuperscript{55}

\textsuperscript{52} Hearings Before the Special Committee Appointed Under the Authority of House Resolution No. 6 Concerning the Right of Victor L. Berger to be Sworn in as A Member of the Sixty-Sixth Congress: Volume 1, (Washington, Government Printing Office, 1919), 4-5.
\textsuperscript{53} US Constitution, Amendment 14, Section 3.
\textsuperscript{54} Miller, “Promise of Constructive Socialism,” 311-312.
\textsuperscript{55} Miller, “Promise of Constructive Socialism,” 313-315.
Section III: The Unique Circumstances of Victor Berger

Berger was only one among many individuals targeted for censorship during the war. He was one of 7 at the trial that had him sentenced to 20 years in prison, and Judge Landis was fresh off trying several IWW members for opposition to the war. Berger’s paper, though it was among the first to be blacklisted, was only one among 15 that the Postmaster General stripped of second class mailing privileges. Berger was, however, the only representative denied a seat in Congress due to opposing the war. This cannot be explained by Berger being the only anti war politician elected. Nine out of eleven of Wisconsin’s representatives voted against the declaration of war, and none of them were expelled. So, perhaps it can be explained by Berger being the only socialist elected to Congress? Not quite. Meyer London was elected in 1916 from New York. He voted against the war, against the Espionage Act, and was the only vote in the house against the Sedition Act. Yet, he was not expelled from Congress. Granted, he lost reelection in 1918, but by that point there was plenty of evidence against him and the war was practically over.

Yet, Berger’s denial of his seat in Congress is a part of a pattern of treatment during the war. There were a variety of reasons why people were targeted during the war, and it just so happens that several of them intersected in the case of Victor Berger. He was an outspoken

socialist, a high ranking member of the SPA, an effective organizer, ran a successful socialist daily, openly opposed the war, and he was a German on top of all this, and one from Wisconsin no less. By analyzing the case of Berger, many of the targets during war time become clear. None of these reasons on their own may be enough for Berger to be expelled from Congress (though some of them may have been prerequisites to get him there), but combined in the form of one man they represented nearly everything that those who supported the war feared and despised.

Socialism as an ideology is based around common ownership of the means of production, distribution, and exchange. What that means depends on who is asked. However, socialists usually at least claim to want to redistribute economic power among the working class. This inherently requires the seizing of property from the capitalist class, that being the class of people who own capital, to be granted to either the state or the workers directly. There are a variety of other policy positions that tend to be associated with socialist movements throughout history, such as women’s suffrage, but the belief in common ownership is the one thing that unites all strands of socialism. Generally speaking, there are two different ways by which socialists advocate for achieving their political goals: revolution and reform. Revolution is self explanatory, these people advocate for the working class organizing, overthrowing the state, and establishing a workers’ state by seizing control of the means of production. Reformers instead advocate for participation in electoral politics in order to achieve their goals. This usually leads to some moderation of their platforms, which is why reformers are generally considered to be politically to the right of revolutionaries, or of the right wing of socialism.\textsuperscript{62}

The Socialist Party of America was largely controlled by reformists, though it had a revolutionary faction. This faction was significantly diminished when the reformists banded together at the 1908 party conference to expel members who opposed political action. Not all revolutionary socialists opposed political action, as some favored it as a means to measure the strength of the movement and to spread their message if they happened to win an elected position, but many of them do. Reformism was the dominant force within the SPA though, and Berger was of the most conservative faction of reformers.

Victor Berger was a staunch reformer. He even claimed it might take a hundred or two hundred years for capitalism to be abolished. He was also a revisionist, meaning his beliefs were significantly different from those of Marx and Engels, but rather a significantly modified form. He said himself that he did not care “whether our socialism is Marxian or otherwise”. What also places Berger on the right wing of socialism was that he still believed in some degree of individual ownership, stating that "everything that the individual can own and manage best—the individual is to own and manage". He was explicitly opposed to abolishing individual ownership of property, which he said was the goal of communism (and he was no fan of the communists), and claimed he only wanted to abolish individual ownership of capital.

It is important to note that, at this point in time, reformists within the SPA were also usually racist, and Berger was one of the prime examples of this ideological trend. Berger opposed greater immigration from Eastern Europe, going so far as to refer to these people as “modern white coolies”. He put forth a resolution at an SPA convention for the exclusion of Asian immigrants from the party. He even claimed black people were a lesser race. Though

---

63 Miller, “Promise of Constructive Socialism,” 7.
Berger fought for workers rights and governance to benefit labor, this fight excluded many of the most oppressed factions of the working class.

In spite of the SPA presenting less of a threat to capitalism than other groups ideologically, it was still an opponent of capitalism and therefore an opponent of both the Democrats and Republicans. The difference did not matter much in the way of the vitriol thrown at socialists, especially after the first Red Scare began as a response to the Bolshevik revolution in Russia. In fact, many opponents of Berger attempted to paint him as a revolutionary, to make him seem more radical. He wrote in some newspaper article that if the capitalist class blatantly steals an election that the working class won, then the working class would be left with no option but violence. This is obviously not the same thing as promoting revolution as the best way to achieve socialism, yet it was paraded around as an example of Victor Berger’s radical and antidemocratic tendencies. This was a part of the right wing that attempted to conflate all branches of leftism broadly as the same and all equally revolutionary, anti-American, and in their eyes evil. Berger was considered an enemy of America due to his socialist beliefs, and the war made it easier for people who did not support his ideology to silence him.

Berger being a member of the SPA was also significant because the SPA was a growing force in American politics. Membership had steadily risen throughout the early 20th century, from nearly 20,000 in 1904 to over 110,000 members in 1912. Membership dropped to around 77,000 members by 1917, but this was still a significant number of people. Membership also does not necessarily speak to everyone who would support the SPA. The SPA nominated Eugene

---

67 Miller, “Promise of Constructive Socialism,” 135.
Debs as their candidate for president from 1900 until 1912. In 1904, Debs received just over 400,000 votes. In 1912, the peak of SPA membership, Debs received nearly a million votes. In 1916, the SPA vote total dropped to just below 600,000, but Debs was not nominated that year, instead being replaced by Allan Benson. Still, this represents a significant amount of Americans willing to support socialism.

Victor Berger was, in a way, the embodiment of this success. His party consistently won several elections for city, county, and state level positions, as well as electing him to Congress a few times. He ran a variety of newspapers throughout his life, and began the *Milwaukee Leader*, a successful daily socialist newspaper. He was an efficient propagandist that ran an effective party machine that played a significant role in the politics of Milwaukee for many years.

However, Socialism was not enough to persecute Victor Berger. After all, the previously mentioned Meyer London remained in Congress through all of the US involvement in the war (though the US did not officially sign a peace treaty with Germany until 1921), and only narrowly lost reelection in 1918. He claimed to support the war once the US got involved, but he voted against the war resolution and the Espionage and Sedition Acts. This was actually a similar position as the one Berger took. Though he firmly opposed the war, he did not encourage draft dodging or breaking the law, even going so far as to encourage Daniel Hoan (the socialist mayor of Milwaukee at the time) to abide by Wilson’s order and set up a draft registration, leading to Milwaukee being the first major city to finish doing so.

---

Even so, Berger’s opposition to the war was potent and undeniable. Though he privately was sorely disappointed by the St. Louis Proclamation, the document drafted by the SPA after its meeting to outline the party’s stance on the war, he publicly supported it and claimed it was an effective document that unified the party.74

What exactly did this document say, and why did Berger’s support for it mark him as an enemy of the war effort and, by extension, the United States? It said in no uncertain terms that the war was a result of capitalism. It claimed that the war was caused by capitalists in the different countries looking to expand the markets they could sell to and that the US was not getting involved to defend democracy, as it claimed, but to protect and further enrich its own capitalist class that made an immense amount of money off of the war. The capitalist class was waging war in order to enrich itself at the expense of millions of working class lives. This document called for strong and persistent opposition to any war measures, increased propaganda and education efforts for socialism and against military training, and also called on the government to ban food exports due to current shortages in the US, and naturally called for the socialization and democratic management of major industries. The spirit of this document is summed up in this sentence: “We brand the declaration of war by our government as a crime against the people of the United States and against the nations of the world”.75

This document effectively declared a political war against the United States’ efforts in the European war, and made the SPA an enemy of the state. The party did not break ranks, just as all those in the Second International did, and support its nation above the international working class.76 Instead, it stuck to its socialist beliefs of solidarity with the international working class.

---

74 Miller, “Promise of Constructive Socialism,” 235-236.
75 Proclamation and War Program, Socialist Party of America, (May 5, 1917).
and opposition to wars waged for capitalist profits. Naturally, an organization with roughly 80,000 members in 1917 effectively declaring war against the US government was not taken lightly. Victor Berger being a part of this organization and one of its most effective members was also not taken lightly.

This reveals the dangerous intersection between Berger’s socialist and antiwar ideals, combined with his effective organizational skills. However, there is still something missing from this analysis. Victor Berger was of German descent, and was even born in Austria. There was a lot of distrust felt towards Americans of German descent during the war years. They were inherently viewed with suspicion, regardless of their actual feelings towards the war.77 The St. Louis Proclamation mentioned how the war promoted race hatred among the working class, and in this respect they were right.

Wisconsin was known for its large German population at the time, and so there was also fear that the whole state might oppose the war effort. In all fairness, the politicians from the state did not do much for its image. On March 21, 1918, a special senate election was held to fill the seat left vacant by the death of its previous holder. Victor Berger ran in that election and, while he did not win, he received over 25% of the vote.78 This is in addition to Berger winning his two Congressional races.

Berger was far from the only politician to give Wisconsin a traitorous look at the national level. As previously mentioned, nine out of eleven of Wisconsin’s representatives voted against

78 Miller, “Promise of Constructive Socialism,” 290-292.
the war. Five of their representatives voted against the Espionage Act, with an additional one not casting a vote. They all either voted for the Sedition Act or did not vote, though.

Then there was Robert La Follette. He was and still is famous for his unabashedly progressive politics and his excellent political and oratorical skills. He served as Governor of Wisconsin from 1901-1906, and then as a US Senator from the state from 1906 until his death in 1925. He fought hard for the expansion of labor rights and regulating businesses and preventing monopolies.

La Follette also opposed the war with every fiber of his being. He voted against the declaration of war. He obstructed some wartime legislation and continued to speak out against the war. One of these speeches, given to the Nonpartisan League (an organization that promoted cooperatives and labor organization) in September of 1917 in St. Paul, Minnesota, landed him in hot water. Not only was it torn apart by the pro-war press, but AP news went so far as to lie about the contents of his speech to paint him as more radical than he was. It also caused the committee on privileges and elections to begin drafting a case for his expulsion from the Senate. Though this case dragged on for years and never went anywhere until the Senate voted to dismiss it overwhelmingly in 1921, it is still indicative of the national attitude. Woodrow Wilson despised La Follette and the mainstream media by and large hated him. La Follette’s colleagues considered him something of a pariah with his constant rattling on about his opposition to the war and the draft.

---

82 Thelen, “Robert M. La Follette”.
Overall, La Follette was ostracized and ridiculed for his beliefs about the war, but was too prominent a figure to just arrest or expel from Congress. He was a sitting US Senator that was a figurehead of the progressive movement. Many of the same things that saw him targeted, however, also applied to Victor Berger, who was not as well known as a national figure. This made it easier to expel him from Congress and arrest him. It was made even easier by the fact that he was a member of the SPA, the organization that explicitly declared opposition to the war effort by means that could be considered illegal under the Espionage and Sedition Acts.

Victor Berger represented the intersection of most things despised by the supporters of US entry into WWI. He was a German, a prominent member of the SPA, an effective socialist organizer and agitator, he openly opposed US entry into the war, and he was a Wisconsinite. At a time of heightened tensions in the country due to entry into a divisive war and the beginning of the first Red Scare, this was the perfect concoction of factors to make Berger a prime target for wartime harassment and persecution. Berger also lacked the La Follette factor of being a national figure in a position of high power. So, he found himself barred from representing the district that elected him to Congress, barred from writing editorials for the Leader after he paid the bond to avoid prison from his guilty sentence at the Chicago trial, and barred from running a successful daily newspaper outside the bounds of Milwaukee due to it being banned from the mails.

Conclusion: Life Goes on, the Party Does Not

Despite the best efforts of the Wilson Administration, SPA membership actually rose from 1918 to 1919. In fact, Wisconsin’s membership reached its highest point in 1919, at over
6,600 members.\(^85\) This trend would not hold for long though. Membership fell off a cliff after 1919. There are not any reliable numbers for the years 1920-22, but by 1923 national membership had dropped to its lowest point since the first few years of the party’s formation, down to just over 10,000 members. Wisconsin membership fell to just under 1,800, the lowest it had been since 1909.\(^86\)

The party falling apart is largely due to the splits in the party that emerged just after the war, as well as the war itself. The left wing faction of the party leaving and the crackdown the party suffered during the war resulted in the SPA losing relevance at the national level.\(^87\)

Despite this, Victor Berger still got elected to Congress in 1922, 1924, and 1926. His party maintained control of the mayorality of Milwaukee for an almost uninterrupted period from 1916 until 1960. This does not mean the party was relevant until 1960, however. Though the party saw some gains during the Great Depression, beyond the 1930s it fell entirely out of relevance aside from the mayorship, which Frank Zeidler only managed to hold onto until 1960 due to his personal popularity.\(^88\)

As for Victor Berger, he remained barred from writing editorials for the *Milwaukee Leader* until 1921. His case finally made it to the U.S. Supreme Court, and they overturned the ruling on account of Judge Landis’ prejudices, which should have dictated that he refer the case to another judge.\(^89\) Berger stayed active in politics for the rest of his life, writing for the *Leader* and spending 1923-1929 in Congress.\(^90\)

---

\(^85\) Gregory and Flores, “Socialist Party Membership by States 1904-1940”.
\(^86\) Gregory and Flores, “Socialist Party Membership by States 1904-1940”.
\(^87\) Miller, “Promise of Constructive Socialism,” 355.
\(^89\) Miller, “Promise of Constructive Socialism,” 308.
On July 16, 1929, Victor Berger was struck by a streetcar. He later died due to complications from the injury. At his funeral, 75,000 people turned out to pay their respects to him.\textsuperscript{91} Though the Socialist Party was in decline and had been for some time, Berger still worked to make Milwaukee a city where prosperity uplifted all. He was a respected member of his community and his political organization managed to survive, in however small a way, through both Red Scares as a result.

Berger was an accomplished figure. He constantly worked to improve the lives of Milwaukeeans and even citizens of the entire country through his political advocacy. Perhaps that is what makes his experience with the war so fascinating. The war was not kind to Berger. He faced an immense amount of persecution for his beliefs, and would not be entirely free of legal restrictions until 1921. Still, he managed to run a campaign for Senate in which he won over 25% of the vote, and he managed to win a race for Congress twice. In spite of the restrictions on his newspaper, he kept the \textit{Milwaukee Leader} running, and the paper even ended up outliving him by quite a while, leaving it another mark of his legacy.

Though he fought hard, there was not much Victor Berger could do in the end. He was denied his seat in Congress and denied use of the mails for his paper. It was not the result of some grand coincidence that Berger was persecuted during the war. His targeting was deliberate and the result of an intersection of nearly everything that those who supported the war hated and feared. He was a successful Socialist organizer, a prominent member of the SPA, a foreign born German, and a Wisconsinite. Victor Berger’s story is one of great importance, not because he caused some fundamental shift in national American politics, but because his story tells much

about the political climate of the war years and how such authoritarianism was allowed to permeate American life.

Primary Sources:


*Hearings Before the Special Committee Appointed Under the Authority of House Resolution No. 6 Concerning the Right of Victor L. Berger to be Sworn in as A Member of the Sixty-Sixth Congress: Volume 1*. Washington: Government Printing Office, 1919


*The Milwaukee Leader*, June 29, 1914.

*The Milwaukee Leader*, July 24, 1914.


US Congress, House, *An Act to amend section three, title one, of the Act entitled “An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.”* HR 8753. 65th Congress, 2nd Sess. Introduced in House April 17, 1918.

US Congress, House, *An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.* HR 291. 65th Cong., 1st sess. Introduced in House May 4th, 1917.

US Constitution, Amendment 14, Section 3.

Secondary Sources:


