

Donald Trump and the Espionage Act. Tense Political Atmosphere Ahead of the November Elections

Can a World War I era law designed to silence critics of imperialist war and utilized to prosecute whistleblowers, organizers and journalists, be used to bar a former president from running for office?

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*During the early morning hours of August 8, the Florida home of the 45th President of the United States **Donald J. Trump** at Mar-a-Lago was raided by a team of Federal Bureau of Investigation (FBI) agents.*

There was much speculation surrounding the raid on his private residence while Trump was away.

Later it was announced that Trump was in possession of classified documents of a sensitive nature which could reasonably jeopardize the national security of the U.S. However, Trump through his lawyers and public speeches denied having the documents saying those requested materials had already been turned over to the national archives.

This was the first time in history that a former U.S. head-of-state has been targeted in an FBI raid let alone threatened with prosecution under federal law. Richard Nixon, the disgraced president who resigned in August 1974 over the attempt to cover up the break in at the Democratic National Committee headquarters at the Watergate building in Washington, D.C., was pardoned by his successor **President Gerald R. Ford**.

Trump may have anticipated attempts to prosecute him in connection with the [alleged] January 6, 2021 insurrection at the Capitol Building in Washington, D.C. Just minutes prior to the attack on the Capitol, Trump and his allies had urged those who were invited to Washington to “stop the steal” of the national presidential elections of 2020.

What has been remarkable are the reports which **suggest that Trump could be prosecuted under the 1917 Espionage Act** passed and signed under then President

Woodrow Wilson. The purpose of the law was to imprison, deport, silence and neutralize critics of the U.S. involvement in World War I.

The former president and his supporters accused **President Joe Biden's Justice Department of conducting a politically motivated prosecution of Trump** in order to prevent him from running for office again in 2024. Media reports and documents released indicate that the investigation is centered around the possession by Trump of classified information related to nuclear weapons technology.

Historic Prosecutions Under the Espionage Act

There were many people who spoke out against U.S. involvement in the world's first imperialist war between 1914-1918. During the first three years (1914-1917) people from various political tendencies opposed any effort to enter the war in Europe.

By 1917, the sentiment among the ruling class and the Wilson administration had shifted to intervention. A draft was imposed and workers, nationally oppressed communities along with other social forces were expected to enthusiastically support the war. See [this](#).

An opinion piece by Jameel Jaffer [published in Politico](#) analyzing the character of the 1917 Espionage Act notes the following:

"The Espionage Act is wildly overbroad. We know this from experience. Former President Woodrow Wilson signed the measure into law in 1917 and immediately began using it as an instrument of political repression. During and after the First World War, his administration used the Espionage Act to prosecute thousands of people for legitimate political speech. One of those people was the socialist and labor activist Eugene Debs, who was sentenced to a decade in prison for an anti-war speech that allegedly obstructed military recruitment. (It's perhaps worth noting, given questions about Trump's future, that Debs later ran for president from his prison cell.)"

Since the advent of WWI, there have been attempted and successful prosecutions of people under the Espionage Act. Daniel Ellsberg in early 1973 was accused under the same law for making public a Pentagon study which documented the propagation of falsehoods told to the people of the U.S. to maintain public opinion in favor of the Vietnam War.

After being charged, Ellsberg, a military analyst, was acquitted several months later in the failed attempt to send him to prison for 115 years. By the early 1970s it was common knowledge that the Pentagon and the White House were misrepresenting the actual situation in Vietnam and Southeast Asia as a whole. By 1973, most ground troops were taken out of South Vietnam and by April 30, 1975, the revolutionary forces had overrun the imperialist stronghold of Saigon, now known as Ho Chi Minh City.

Even during the Trump presidency several people were prosecuted under the Espionage Act and sentenced to terms in prison. At least five of them gained some notoriety in the mainstream press such Reality Winner, Terry Albury, Joshua Shulte, Daniel Hale and Henry Kyle Frese.

Winner, 26 a contractor with the National Security Agency (NSA) at the time of her indictment in 2017 plead guilty during the trial and was sentenced to five years in federal prison for leaking an NSA document. Albury, an FBI agent who is African American, was prosecuted and sentenced to four years in prison for leaking classified information. Shulte,

Hale, and Frese were also sentenced during the Trump administration for leaking classified documents including some pertaining to the Chinese government and its military capabilities.

Two other figures, **Julian Assange**, an Australian citizen, and **Edward Snowden**, a former contractor with U.S. intelligence, are still wanted by the current administration. Assange has resisted extradition to the U.S. saying that he could not have a fair trial there. The co-founder of WikiLeaks has obtained and released materials which highlight crimes being committed by successive administrations in Washington. After being granted asylum by the Ecuador government and later having it withdrawn, Assange awaits while in detention further decisions by the British courts on his status.

Snowden is said to be living in the Russian Federation where he has been granted asylum. The former contractor has exposed many crimes which are being carried out by the intelligence services under the supervision of the White House and the Congress.

According to the Intercept, there has been no motivation attributed to Trump's actions. The documents in the former president's possession, which are of a classified nature, would only be useful perhaps for monetary compensation from a foreign government.

[The Intercept report](#) says:

“Now, Trump has found himself on the other end of an Espionage Act investigation. (President Joe Biden's Justice Department authorized a search of Mar-a-Lago that cited the Espionage Act in its justification, but no charges against Trump have been filed yet.)

Unlike most of the people charged with the Espionage Act under the Trump administration, except perhaps Schulte, Trump's theft of classified documents wasn't aimed at exposing attacks on democracy, shining a light on government atrocities, or adding anything newsworthy to the public discourse.”

Under Section 793 of the Espionage Act Trump could theoretically be sentenced up to ten years in prison. **If Trump's supporters within the Republican Party use this Justice Department investigation and possible prosecution as a rallying cry for their candidates in November during the midterms and in the 2024 primaries and general election, the political atmosphere within the U.S. will become even more tense.**

Political Implications of the Raid on Trump's Residence

Of course, there is a political motivation inspiring the prosecution of Trump because this does take attention away from the failure of the Biden administration and the Congress to address some of the most pressing issues facing the U.S. during this period. Since the beginning of a full blown proxy war between Washington and the Russian Federation on February 24, unprecedented sanctions have been leveled at Moscow which are in effect weakening U.S. allies in Europe who are members of the North Atlantic Treaty Organization (NATO).

The inflationary spiral is not limited to the U.S. in the form of rising food prices, gasoline, heating and cooling costs, rents and other commodities. In the European Union (EU) states a real threat of a cold winter has already been projected by French President Emmanuel Macron.

It is highly unlikely that the situation will improve until there is some resolution to the Ukraine war. Yet the provocations continue in the Asia Pacific where the Biden administration is deliberately inflaming tensions with the People's Republic of China.

Whether Trump is prosecuted under the Espionage Act or some other federal law, will not determine the outcome of the situation involving Russia and Ukraine. The ever-expanding military budget to fund the war in Ukraine and a heightening of tensions with Beijing, will continue to take away the much-needed resources to feed, clothe, house, transport and educate millions of people in the U.S.

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