Schenck vs United States

A Landmark Supreme Court Case
Sample Presentation
Strahm (Spring 2016)
KEY PLAYERS

Charles T. Schenck, general Secretary of the U.S. Socialist Party

Printed and Distributed
15,000 anti-draft
During World War I

Claimed draft constituted involuntary servitude prohibited by 13th amendment
KEY PLAYERS (continued)

Woodrow Wilson
Administration
Espionage Act

US Govt. convicted Schenck on 3 counts of violating Espionage Act—10 years in prison
Historical Background

Espionage Act = 2000 arrests and 1000 convictions
The Court’s Decision:

Justice Oliver Wendell Holmes and the entire court ruled that 1st Amendment does not protect all forms of free speech.

Wartime = special circumstances

“Clear and Present Danger Rule”

Shouting Fire in a Crowded Theater
Established Precedents:

Whitney v. California (1927)—Court upheld conviction for sedition

Dennis v. United States (1951)—Court ruled that though not actions could be held as Seditious speech

Brandenburg v. Ohio (1969)—Speech can be prosecuted, but only when it posed a danger of” imminent lawless action”
SIGNIFICANCE TODAY

Free Speech During War on Terror

Edward Snowden Case

Current Apple Case
Discussion Questions:

1. Is freedom of speech more important than national security? Why?

2. Does Wartime/terrorism create different circumstances re: freedom of speech? Why?