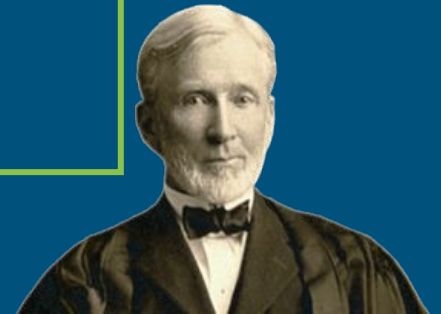


Schenck v United States 1919

By: Terrance Chavirs, Emily Santos,
Vanessa Haddad, Kevin Ponce,
Malakai Frey 4



Facts on the Case

- On January 9, 1919, socialist John Schenck was brought to trial for distributing 15,000 leaflets to oppose the military draft.
- Schenck argued the chilling effect cause to appeal the espionage act charge brought against him.
- The Impact it had on society was that the freedom of speech protection in the U.S. Constitution's First Amendment could be restricted if the words spoken or printed represented to society a “clear and present danger.”
- This put into question what really is freedom of speech and what are the limits to what that can be.

Congregated Decision



- On March 3, 1919 the decision was made that the First Amendment could be restricted if words that have been printed or spoken represented “clear/present danger”
- They ruled that the Espionage Act did not violate the First Amendment
- The impact the decision had on the US was that the states are now able to decide when they can limit an individual’s freedom of speech under the First Amendment

Brief Overview of the Opinions

- Majority opinion was by Oliver W. Holmes, Jr and that he compared the leaflets to falsely shouting “Fire!” in a crowded theatre, which is not permitted under the First Amendment.
- Yelling fire violated the first amendment and was said to be “clear and present danger”
- Holmes drafted a strongly worded dissenting opinion

