

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Period: \_\_\_\_\_

# Schenck v. United States, 1919

## *Mini-Debate*

### Background Information:

The **Espionage Act of 1917** made it a crime to “willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the government.” Although the act limited First Amendment freedoms, many Americans believed winning WWI was more important.

AMENDMENT I: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

### Facts of the Case:

During World War I, Schenck mailed circulars to draftees. The circulars suggested that the draft was a monstrous wrong motivated by the capitalist system. The circulars urged "Do not submit to intimidation" but advised only peaceful action such as petitioning to repeal the Conscription Act. Schenck was charged with conspiracy to violate the Espionage Act by attempting to cause insubordination in the military and to obstruct recruitment.

### Question to be Debated:

**Are Schenck's actions (words, expression) protected by the free speech clause of the First Amendment?**

With a partner, fill out three reasons why one could argue that Schenck’s actions should be protected and three reasons why one could argue that Schenk’s actions should be punished in this case.

#### **YES**

(Schenck’s actions should have been protected.)

1.

2.

3.

#### **NO**

(Schenk’s actions should have been punished.)

1.

2.

3.

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Once you and your partner have joined with another pair, discuss what the BEST 3 arguments for each side should be.

Best YES Arguments

1.

2.

3.

Best NO Arguments

1.

2.

3.