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Freedom of Speech be Taken Away?

The United States, ready to fight in World War I, began drafting civilians to fight. People who opposed the U.S.A.'s decision to join the war, such as Charles Schenck, tried to convince others to repeal the draft. Schenck planned to distribute thousands of pamphlets to persuade draftees to petition against the draft. He was arrested for this reason and he was later part of a supreme court case. The supreme court ruled against Schenck and found him guilty of several charges, so he was sentenced to jail for 6 months. Alex McBride, author of the nonfiction narrative, "Schenck v. U.S.," explains why this court case was justified. The Supreme Court's decision to restrict Charles Schenck's freedom of speech is justified because of the clear and present danger he posed, for violating the Espionage Act, and for hindering the draft. To begin with, Schenck was a clear and present danger. Since he was attempting to convince draftees to refuse going to war, he could have made soldiers disloyal, hence being a danger. As the Constitutional Rights Foundation states in an article called "A Clear and Present Danger," "When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that its utterance will not be endured so long as men fight and that no court could regard

them as protected by any constitutional right.” Charles Schenck expressed his opinions of what he thought of the war with pamphlets, which he gave to draftees during World War I. The U.S. at this time could not afford having people resist the draft. The more soldiers the U.S. had, the better it could do protecting the nation. The Constitutional Rights Foundation also declares,” The government accused Schenck of illegally interfering with military recruitment...”

At the time of war, it is reasonable that the U.S. government would make obstruction the draft to be a serious offense. If nobody volunteered to fight in the war, the U.S. would have no way to defend itself, making the nation vulnerable.

Second of all, Charles Schenck was invading the Espionage Act. This act made it illegal to interfere with military operations and recruitment. In an article titled “U.S. Congress Passes Espionage Act” by history.com it states,” The Espionage Act essentially made it a crime to interfere with the U.S. armed forces, prosecution of the war effort, or to promote the success of the countries enemies.” This act was enforced, especially at times of war, because the U.S. could become corrupt if it couldn’t defend itself. Schenck interfered with people who had been drafted, and attempted to make them disloyal. History.com also claims,” ...imposed similarly harsh in anyone found guilty of making false statements that interfered with the persecution with the persecution of the war; insulting or abusing the U.S. government, the flag, the constitution or the

military...” Schenck’s pamphlets described the war as being “motivated by capitalist greed.”

Although this statement was false, it could have convinced others that this was true. Therefore,

draftees who read Schenck’s pamphlet would have refused to fight.

Furthermore, Schenck hindered the draft. When the U.S. decided to join the allied forces to

fight in World War I on April 6, 1917, they started drafting civilians. The people who were

drafted would soon be sent to fight in the war. Student Central states in the website “Schenck v.

United States,” “...during wartime obstructing the draft and trying to make soldiers disloyal were

crimes.” By writing pamphlets whose aim was to make soldiers (draftees) not want to go to war,

Schenck had just committed a crime, During World War I, soldiers were in great need, so having

draftees refuse to fight was a serious problem. Student Central also says,” It said that Schenck’s

pamphlets were intended to weaken the loyalty of soldiers and to instruct military recruiting.

Disloyal soldiers were a serious threat to the military of the U.S. because they may not follow

orders as well as betray the country. The U.S. army would have been weakened by these disloyal

soldiers. Others may argue that Schenck was just exercising his freedom of speech, so he should

be protected by the first amendment. During a crisis, like World War I, words have the power to

influence others actions. In this case, Schenck was a serious threat because he influenced draftees

to repeal the draft, which could have lead to serious consequences.

In conclusion, Charles Schenck's freedom of speech should be restricted because of hindering the draft, the clear and present danger he posed, and for invading the Espionage Act. The Supreme court case Charles Schenck was in lead to the creation of the "clear and present danger test." This is significant because this test is still used today. Another way it is significant is that it shows how context can determine if one's freedom of speech should be restricted or not. This court case also shows how things have changed from the past, as America no longer has drafts.