

Reading Guide for:

“Debs’ Speech to the Jury” & “Schenck vs United States”

Debs’ Speech to the Jury:

1. Why does Debs “admit the truth of all that has been testified to” including delivering the speech and the content of that speech? Isn’t this essentially an admission of guilt?
2. What historical dissenters does Debs invoke? Why does he choose these dissenters to reference?
3. Why does Debs recount the history of opposition to previous American wars?
4. Why does Debs focus on the 1864 Democratic Party Convention?
5. In what sense are the Socialists “upholding and defending the Constitution” and why is this “strange”?
6. What is Debs’ view of freedom of speech?
7. Who is Debs’ audience? Is his speech effective? Do you think his audience is convinced?

Schenck vs. United States:

8. Is the “clear and present danger” standard a good standard? What do each of the words in the standard mean?
9. Can merely attempting to do something, even if you fail, create a “clear and present danger?” Does it matter that Schenck didn’t actually convince anyone to resist the draft?
10. What, if any, limits should there be to freedom of speech and the press? What, if any, speech should not be allowed? Why?