

### **7.3 MCQ: Schenck v. U.S. Majority Opinion**

Incriminating document seized under a search warrant directed against a Socialist headquarters, *held* admissible in evidence, consistently with the Fourth and Fifth Amendment, in a criminal prosecution against the general secretary of a Socialist party, who had charge of the office.

Words which, ordinarily and in many places, would be within the freedom of speech protected by the First Amendment may become subject to prohibition when of such a nature and used in such circumstances as to create a clear and present danger that they will bring about the substantive evils which Congress has a right to prevent. The character of every act depends upon the circumstances in which it is done.

--Majority Opinion, *Schenck v. U.S.*, 1918

1. Which specific events are tied directly to this Supreme Court ruling?
  - a. The Passing of the Selective Service Act
  - b. The Passing of the Espionage and Sedition Acts
  - c. The Bolshevik Revolution of 1917
  - d. The sinking of the *RMS Lusitania*
2. Oliver Wendel Holmes' "clear and present danger" argument can be tied directly to which of the following previous encroachments upon constitutional rights?
  - a. Lincoln suspending habeas corpus during the Civil War to prevent more states from seceding the Union.
  - b. The passing of the Alien and Sedition Acts by the Adams administration to ban criticisms of the federal government.
  - c. The passing of Gag Resolutions to prevent discussions of slavery in Congress to prevent violent outbursts.
  - d. The Dred Scott Decision stating that African Americans are not citizens and therefore are exempt from constitutional rights.
3. Which of the following organizations is most likely to agree with the argument framed in this document?
  - a. The International Workers of the World (IWW)
  - b. Progressive Reformers such as Jane Addams
  - c. The American Protective League (APL)
  - d. Isolationists