



My Rights and Liberties:
SS.7.CG.2.4
Safeguarding and Limiting Rights
READING #3

Name: _____

Date: _____



SS.7.CG.2.4 Benchmark Clarification 3: Students will use scenarios to examine the impact of limiting individual rights.

The U.S. Supreme Court has ruled that the government sometimes can limit **individual rights**, including **freedom of speech** and freedom of the press. In general, there must be a balance of individual rights, the rights of others, and the **common good**.

Here are some questions the Supreme Court has asked to decide whether to limit freedom of speech and freedom of the press:

- ✓ Clear and Present Danger – Will this act of speech create a dangerous situation?
- ✓ Fighting Words – Will this act of speech create a violent situation?
- ✓ Libel – Is information about another person false, or does it make true information appear false?
- ✓ Conflict with Government Interests – During times of war, the government may limit acts of speech because of national security (such as when the government is concerned that the enemy may find out certain information).

The U.S. Supreme Court upheld Congress' power to limit individual rights in *Schenck v. U.S.* (1919). In this case, the U.S. Supreme Court upheld the Espionage Act of 1917, which limited free speech during **World War I**. Charles Schenck, Secretary of the Socialist Party of America, printed and distributed 15,000 pamphlets to possible **draftees** (people registered for **selective service**) encouraging them not to serve in the military during World War I. Schenck argued that the Espionage Act of 1917 violated his First Amendment freedom of speech by limiting what he could say about the war.

The U.S. Supreme Court upheld Schenck's criminal conviction because, it argued, the First Amendment does not protect speech that would create a "clear and present danger." In this case, the Court ruled that draftees who refused to serve in the military during World War I would threaten the **public interest** because they would harm the nation's ability to defend itself.

common good - beliefs or actions that are seen as a benefit to the community rather than individual interests, also known as the public good

draftee - someone registered for selective service that is chosen by the government for military service

freedom of speech - the right for citizens to speak freely without government involvement; guaranteed in the First Amendment

individual rights - rights guaranteed or belonging to a person

public interest - common benefit, the general benefit of the public

selective service - a system by which men ages 18 through 25 register with the U.S. government for possible military service