Power and Protest

Four Supreme Court decisions, four questions about constitutional limits

USH.3.3 "Explain the constitutional significance of the following landmark decisions of the United States Supreme Court: Northern Securities Company v. United States (1904), Muller v. Oregon (1908), Schenck v. United States (1919), and Abrams v..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the government power or individual freedom at stake in each case. Circle the words that explain what the Court allowed and why.

Where Did the Court Draw the Line?

1. Imagine two competing railroads brought under the control of one company. In Northern Securities Company v. United States (1904), investors created a holding company that controlled two competing railroads. The Supreme Court ordered it dissolved under the Sherman Antitrust Act because the combination restrained interstate commerce. The decision showed that federal power over commerce could reach a corporation created under state law when its arrangement suppressed competition across state lines. A state charter did not shield such a combination from federal antitrust law. The case helped define national authority in an economy that crossed state borders.

2. In Muller v. Oregon (1908), a laundry owner challenged a state law limiting women's work in laundries to ten hours a day. The Supreme Court upheld the limit as a valid use of state power to protect health. The justices relied partly on assumptions about women's physical roles, assumptions many people challenge today. This ruling showed that liberty to make labor contracts was not absolute, but its reasoning did not establish the same limits for all workers. In Schenck v. United States (1919), wartime leaflets urged resistance to the military draft. The Court upheld a conviction under the Espionage Act.

3. Justice Oliver Wendell Holmes wrote for the Schenck Court that speech posing a "clear and present danger" of obstructing the draft could be punished. In Abrams v. United States (1919), defendants distributed leaflets protesting American involvement in Russia and urging workers to stop producing war supplies. The Court upheld their convictions under wartime speech restrictions, treating the leaflets as a threat to the war effort. Holmes dissented, arguing that these leaflets posed no immediate danger and that even unpopular ideas deserved protection. Together, the two cases exposed a constitutional dispute: when does protecting wartime operations justify limiting First Amendment speech?

2 ANSWER WITH EVIDENCE

Use the passage

1. What did Northern Securities establish about federal commerce power and a corporation created under state law?

2. How did Muller limit liberty to make labor contracts, and what was one limit of the ruling itself?

3. Under Schenck, when could the government punish speech about the military draft?

4. What disagreement about First Amendment protection did the ruling and Holmes's dissent in Abrams reveal?

3 YOUR TURN

Your own words

Invent a 1919 speech situation that does not involve draft leaflets or strikes. In three to five sentences, explain how the Schenck ruling and Holmes's Abrams dissent would each assess its First Amendment protection.

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PART 1 · READ AND MARK

Underline the government power or individual freedom at stake in each case. Circle the words that explain what the Court allowed and why. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	What did Northern Securities establish about federal commerce power and a corporation created under state law?	**Federal commerce power could reach a state-created corporation whose arrangement restrained competition across state lines.**
2	How did Muller limit liberty to make labor contracts, and what was one limit of the ruling itself?	**The Court allowed a state to limit women's laundry work to protect health, showing that contract liberty was not absolute. Its reasoning did not establish the same limit for all workers.**
3	Under Schenck, when could the government punish speech about the military draft?	**The government could punish speech that posed a clear and present danger of obstructing the draft.**
4	What disagreement about First Amendment protection did the ruling and Holmes's dissent in Abrams reveal?	**The Court upheld convictions for leaflets it treated as a threat to the war effort. Holmes argued that the leaflets posed no immediate danger and deserved protection despite their unpopular message.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

In 1919, a newspaper editor asks readers to petition Congress to end U.S. military action in Russia. Under Schenck, officials would need to show a clear and present danger of obstructing wartime operations before punishing the article. Holmes's Abrams dissent would also protect it because a request for petitions poses no immediate danger. Both approaches would likely protect this article, even though they arose in cases where the Court upheld convictions.

Accept accurate explanations that distinguish federal commerce power, state health regulation, and the competing views of wartime speech. For Your Turn, students may reach different conclusions if they connect each one to the danger presented by their invented situation.