**Abrams v. United States (1919)**

In small groups, dig deep into the reading passages by answering these questions as thoroughly as possible. DO NOT BRING IN OUTSIDE OR PRIOR KNOWLEDGE. Answer these questions based completely on what you can find explicitly in or infer directly from the text.

1. Before reading the document, name several things you notice.
2. Read the document silently.
3. Discuss and answer the following questions as a group. There is often more than one answer in the text.
   1. What does Justice Clarke believe was the purpose of the propaganda? Give several examples.
   2. What action (described in the second paragraph) was urged by the circulars that would have the possibility of “defeating the military plans of the Government in Europe”?
   3. What does “persuasion to murder” mean? How is this related to speech that urges people to revolt against their government?
   4. Why does Justice Holmes claim that “persecution for the expression of opinions” seems perfectly logical?
   5. According to Justice Holmes (lines25-28), why would some people allow others to speak in opposition of their own views?
   6. According to Holmes, what is the best test of truth?
   7. How does this test of truth contradict his assertions in lines 23-28? What are some possible reasons for Holmes to contradict himself?
   8. What is the “theory of our Constitution?”
   9. According to Holmes, why would it be important to “be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death”?
   10. When does Holmes believe it is appropriate to limit individual expression?
   11. How does Holmes’ claim, “Of course I am speaking only of expressions of opinion and exhortations, which were all that were uttered here” demonstrate his disagreement with Justice Clarke about the guilt of Abrams?

**Gitlow v. New York (1925)**

In small groups, dig deep into the reading passages by answering these questions as thoroughly as possible. DO NOT BRING IN OUTSIDE OR PRIOR KNOWLEDGE. Answer these questions based completely on what you can find explicitly in or infer directly from the text.

1. Before reading the document, name several things you notice.
2. Read the document silently.
3. Discuss and answer the following questions as a group. There is often more than one answer in the text.
   1. Just from looking at the titles of the cases, how is Gitlow different than Abrams?
   2. What freedoms does Justice Sanford believe are protected by the First and Fourteenth Amendments?
   3. According to Sanford, why would freedom of speech and press be considered reasonably limited instead of absolute rights?
   4. What types of abuse of freedom of speech and press does Sanford say can be punished?
   5. By using context clues in the same paragraph, what types of powers are “police powers”?
   6. What is the antecedent of the word “These” in line 20?
   7. What are all of the items not protected by freedom of speech and press, according to Sanford?
   8. Why does Justice Holmes say, “Every idea is an incitement”?
   9. Explain the difference between expressing an opinion and inciting someone to action.
   10. Reread lines 37-39. Does Justice Holmes think that Gitlow’s speech was eloquent? Why or why not?

As a group, compose two questions for Scott. These questions can be in regards to the two court cases, the historical era, modern-day relevance, etc.