

Imminent Lawless Action - The Supreme Court has said that one way for speech to lose First Amendment protection, is if the speech results in *imminent lawless action*. The Supreme Court established a three-part test to see if the speech falls into this category. In order for this to happen, the speech must:

- be directed at a specific person or group of people
- call for imminent (immediate) action; it cannot be at some indefinite future time
- that action must cause specific harm to others

Brandenburg v. Ohio (1969) - Clarence Brandenburg, a Ku Klux Klan (KKK) leader in rural Ohio, organized a rally in the summer of 1964. Portions of the rally were filmed, showing several men in robes and hoods, some carrying firearms, first burning a cross and then making speeches. One of the speeches made reference to the possibility of "revengeance" against "n****rs", "Jews", and those who supported them. One of the speeches also claimed that "our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race," and announced plans for an angry march on Washington on the 4th of July, two weeks later. Brandenburg was convicted of advocating violence under an Ohio law that makes it illegal to "advocate crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing political reform." The case went all the way to the Supreme Court.

Is this imminent lawless action? YES or NO?	Cite specific evidence from the text to support your claim:
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Hess v. Indiana (1973) - It's the early 1970s, and the United States is bitterly divided over the Vietnam War. Gregory Hess participates in an anti-war demonstration on the campus of Indiana University. In the course of the demonstration, approximately 100 to 150 of the demonstrators moved onto a public street and blocked the passage of vehicles. When the demonstrators did not respond to verbal directions from the sheriff to clear the street, the sheriff and his deputies began walking up the street, and the demonstrators in their path moved to the curbs on either side, joining a large number of spectators who had gathered. Hess was standing off the street as the sheriff passed him. Hess is then heard to yell to the crowd, "We'll take the f**king street later!" He was arrested for disorderly conduct. Police charged that he was inciting the crowd and using "fighting words." The case went all the way to the Supreme Court.

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Schenck v. United States (1917) - Charles Schenck circulated flyers to recently-drafted men during World War I. The flyer compared the military draft to slavery, gave information on how to avoid military service, and urged men to "assert their opposition to the draft," which it described as morally wrong. The flyers also proposed peaceful resistance to the war, including protest and petition. Schenck was charged with conspiracy to violate the Espionage Act of 1917 by attempting to cause insubordination in the military and to obstruct recruitment. The case went all the way to the Supreme Court.

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