

SS236 Unit 5 Discussion | Sample

The first example I will use of free speech evolving as a result of judicial review is *United States v. Eichman*. In 1990 Shawn Eichman burned an American flag in political protest in Washington DC. Eichman knew he would be arrested and that his case could wind up at the Supreme Court. This case centered on whether it is legal to burn the flag of the United States. The congress had passed a law prohibiting such activities: Flag Protection Act of 1990. Under juridical review, the courts decided that burning the United States flag is within the first amendment rights of a citizen. This was not the first time the judiciary overturned laws related to flag burning. Continued rulings like this set historical precedent which influences how judges in the future will interpret the constitution. I agree with the court's ruling. I believe burning the flag should be a protected first amendment right. (United States v. Eichman)

The second example I will use of free speech evolving as a result of judicial review is *Abrams v. United States*. This case featured a couple of anti-war protesters who wrote pamphlets with messages speaking out against the First World War. These protesters were convicted under the Sedition Act of 1918. The case came to the Supreme Court and the court ruled that this Sedition Act of 1918 did not violate the protesters' first amendment rights. I disagree with the court's decision here. I believe war protesters should be allowed to promoter whatever they want without fear of government prosecution. The first amendment was designed specifically for such freedoms, in my opinion. (Abrams v. United States)

[United States v. Eichman. \[ONLINE\] Available at:
https://www.law.cornell.edu/supremecourt/text/496/310.](https://www.law.cornell.edu/supremecourt/text/496/310)

[Law, Power, and Personality: Famous Dissents. \[ONLINE\] Available at:
http://www.pbs.org/wnet/supremecourt/personality/landmark_abrams.html.](http://www.pbs.org/wnet/supremecourt/personality/landmark_abrams.html)