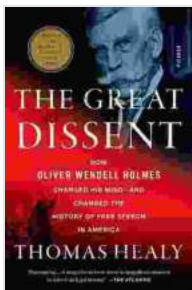


How Oliver Wendell Holmes Changed His Mind And Changed The History Of Free Speech

Oliver Wendell Holmes Jr. was one of the most influential Supreme Court justices in American history. He is best known for his dissenting opinion in *Abrams v. United States*, in which he argued that the government should not be able to suppress speech simply because it is critical of the government. Holmes's dissent was eventually adopted by the Court, and it has since become a cornerstone of First Amendment law.



The Great Dissent: How Oliver Wendell Holmes Changed His Mind--and Changed the History of Free Speech in America by Thomas Healy

★★★★☆ 4.5 out of 5

Language	: English
File size	: 2189 KB
Text-to-Speech	: Enabled
Screen Reader	: Supported
Enhanced typesetting	: Enabled
Word Wise	: Enabled
Print length	: 336 pages
X-Ray for textbooks	: Enabled
Hardcover	: 184 pages
Item Weight	: 15.2 ounces
Dimensions	: 9.3 x 0.7 x 6.4 inches



Holmes's journey to becoming a champion of free speech was not a straightforward one. In his early years, he was a strong supporter of

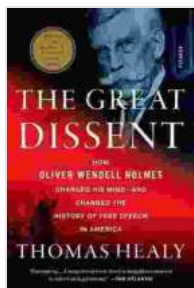
government authority. He even defended the government's use of force against labor unions during the Pullman Strike of 1894. However, Holmes's views on free speech began to change after he read the work of the English philosopher John Stuart Mill. Mill argued that free speech is essential for a healthy society, and that it should be protected even when it is unpopular.

Holmes's conversion to the cause of free speech was complete when he joined the Supreme Court in 1902. In his first major free speech case, *Schenck v. United States*, Holmes wrote a concurring opinion in which he famously said that the government can only suppress speech if it poses a "clear and present danger" to national security. This standard has since been adopted by the Court as the test for determining whether the government can restrict speech.

Holmes's dissenting opinion in *Abrams v. United States* was his most important contribution to First Amendment law. In *Abrams*, the government had convicted several Russian immigrants of violating the Espionage Act of 1917 by distributing leaflets that urged resistance to the draft. Holmes argued that the leaflets did not pose a clear and present danger to national security, and that the government's prosecution of the defendants was a violation of their First Amendment rights.

Holmes's dissent in *Abrams* was not immediately accepted by the Court. However, over time, his views on free speech have become the prevailing view. Today, Holmes is considered one of the most important champions of free speech in American history. His legacy is a reminder that even the most deeply held beliefs can change over time, and that the First Amendment is a vital safeguard for our democracy.

Oliver Wendell Holmes was a brilliant jurist who made a lasting contribution to American law. His work on free speech has helped to ensure that we have the right to express our views, even when those views are unpopular. Holmes's legacy is a reminder that the First Amendment is a precious freedom that we must cherish and protect.



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