

ERRATUM

People v. Bell

The case summary for United States v. O'Brien on page 19 of the mock trial case packet should read as follows:

10. United States v. O'Brien, 391 U.S. 367 (1968)

Facts: O'Brien was arrested and convicted of knowingly destroying his draft card during a Vietnam War protest demonstration in which several people burned their draft cards.

Holding: The court upheld O'Brien's conviction. While burning the draft cards may have been symbolic speech, the court held that the government could outlaw destroying draft cards. The court explained that when speech and nonspeech are combined in conduct, an incidental restriction of speech resulting from regulation of the nonspeech element could be justified only if the following conditions are satisfied: (1) the regulation must further an important or substantial governmental interest; (2) the government interest must be unrelated to the suppression of free expression; and (3) the incidental restriction on alleged freedom must be no greater than is essential to the furtherance of that interest.