
The following are 19 Court decisions upholding the First Amendment (U.S. Supreme and U.S. District Court). Basis for class discussions -- academic freedom; free press-fair trial; freedom of speech; libel; obscenity and pornography; and prior restraint in movies, print and electronic media.

Gov. Cosby v. Peter Zenger (1734)

Near v. Minnesota (1931)

Prior restraint in libel case -- Violating First and 14th Amendments.

Chief Justice Charles Evans Hughes

U.S. v One Book Entitled Ulysses (1934) -- Prior restraint of obscene literature. (ACLU involved in the case) --

U.S. District Court Judge John C. Woolsey

Lovell v. Griffin (Ga.) (1938) -- Distribution of religious tracts.

**** West Va. Bd. of Education v. Barnette (1943) -- Right not to speak.**

Burstyn v. Wilson (1952) -- Prior restraint of showing of the movie, "The Miracle." (Unanimous decision). Justice Tom C. Clark

Kingsley v. Regents (N.Y.) (1959)

"Lady Chatterly's Lover" (film): Book ban removed in Britain, 1960.

New York Times v. Sullivan (1964)

Libel of public official ("actual malice" necessary)

-- Justice William J. Brennan, Jr.

Epperson et al v. Arkansas (1968)

Academic freedom (teaching of evolution) -- Justice Abe Fortas.

Stanley v. Georgia (1969)

Personal possession of obscene literature.-- Justice Thurgood Marshall

**** Cohen v. California (1971)**

Obscene four-letter word in public -- Justice John Marshall Harlan

New York Times v. U.S. (1971) -- "Pentagon Papers." Prior restraint
(one of 8 First Amendment cases in 1971) -- Justice Hugo Black.

Miami Herald v. Tornillo (1975)

Public official's right of reply to a newspaper

-- Chief Justice Warren E. Burger

Nebraska Press Association v. Stuart (1976)

Prior restraint in publishing pre-trial proceedings in a murder case.

-- Chief Justice Warren E. Burger

Richmond Newspaper v. Virginia (1980)

Right of reporters to attend trial

-- Chief Justice Warren E. Burger

Free press (First Amendment) vs. Fair Trial (Sixth Amendment).

Gertz v. Welch (1982)

Libel (opinions protected by the First Amendment).

Philadelphia Newspapers, Inc. v. Hepp (1986)

Libel burden of proof shifts to the plaintiff as a private person.

American Booksellers Assn. v Hudnut (1986).

Supreme Court in per curiam ruling upheld 7th Circuit Judge

Easterbrook's ruling that Indianapolis's anti-pornography civil rights ordinance was unconstitutional.

Milkovich v. Lorain Journal Co. (1990).

Opinion not necessarily protected in libel, especially after the court has determined that the plaintiff was a private and not a public person. (NOTE: Milkovich actually narrowed the First Amendment protection of free expression. But the case is included because of its implicit reversal or judicial diminution of Gertz.)

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Six Supreme Court cases restricting the First Amendment as the basis for lectures and class discussions.

**** Schenck v. U.S. (1919).**

Violation of the 1917 Espionage Act through anti-war circulars. Justice Holmes wrote the unanimous opinion.

Abrams v. U.S. (1919)

Violation of the 1918 amended Espionage Act and the limitations of free speech. Justices Holmes and Brandeis were the two dissenters.

Gitlow v. New York (1925)

Publication of statements outlawed as criminal anarchy.

Beauharnais v. Illinois (1952)

Group libel and the limitations of free speech. (For update on this case, see R.A.V. v. St. Paul, 1992, Minnesota case dealing with crimes of hatred as protected by First Amendment.

Red Lion Broadcasting Co. v. Federal Communication Commission (1969)

"Fairness doctrine" (right of reply) must be honored by a radio station. (For update of case, see FCC's unanimous ruling, August 6, 1985.

Hazelwood v. Kuhlmeier (1988)

Public school officials possess broad power to censor school newspapers, plays and other "school-sponsored expressive activities. (See also Bethel School District v. Fraser, 1986; Tinker v. Des Moines School District, 1969 for supporting and opposing decisions).