

1. Miller v. California

- a. Chief Justice Warren Burger 20 June 1973
- b. Is the sale and distribution of obscene materials by mail protected under the First Amendment's freedom of speech guarantee?
- c. In a 5-to-4 decision, the Court held that obscene materials did not enjoy First Amendment protection. The Court modified the test for obscenity established in *Roth v. United States* and *Memoirs v. Massachusetts*, holding that "[t]he basic guidelines for the trier of fact must be: (a) whether 'the average person, applying contemporary community standards' would find that the work, taken as a whole, appeals to the prurient interest. . . (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value." The Court rejected the "utterly without redeeming social value" test of the *Memoirs* decision.
- d. Amendment 1



e.