

# Sample Page

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## Appendix D:

# Three Examples of the ACLU/U.S. Supreme Court Cases from the Four-volume Set of \_\_\_\_ Cases

Cases No. 1, No. 268 and No. 771 from the four-volume set:

## 1. **Gitlow v. New York**

(Decided June 8, 1925; 268 U.S. 652)

### I. ISSUE

- A. **Issues Discussed:** First Amendment, Fourteenth Amendment, freedom of speech and of the press
- B. **Legal Question Presented:** Does a state statute regulating speech by prohibiting advocacy of criminal anarchy deprive the defendant of freedom of speech or of the press in violation of the due process clause of the Fourteenth Amendment?
- C. **Supreme Court's Answer:** The state statute is constitutional. However, fundamental rights federally protected under the First Amendment, such as freedom of speech and press, are protected from state impairment by the due process clause of the Fourteenth Amendment.

### II. CASE SUMMARY

#### A. Background

“The defendant [was] a member of the Left Wing Section of the Socialist Party [which] was organized nationally at a conference in New York City in June, 1919 . . . . The conference elected a National Council, of which the defendant was member, and left to it the