

Supreme Court And Obscenity-Restrictions On First Amendment Freedoms Through Loss Of Predictability - *HeinOnline*

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Since 1957, when the Supreme Court first declared that obscenity was not protected by the First Amendment, the Court has painstakingly searched to find a viable definition of obscenity. The original definition was vague and the entire concept, as the Court itself pointed out, was not easily workable. But, bit by bit, from the Roth case down through the opinion *Jacobellis v. Ohio* in 1964, the Court has chiseled and hammered out a definition of obscenity. Predictability-ever elusive in this area-had become a possibility, albeit a somewhat illusory one, for at least some jurists and commentators. The Court had walked a tenuous line by providing much controversial speech the full protection of the First Amendment without granting complete protection to all speech dealing with sex.

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