

74. *West Point Grocery Co. v. City of Opelika*, 354 U.S. 390 (1957).

Ordinance of Opelika, Alabama, provided that a wholesale grocery business that delivers groceries in the city from points without the city must pay an annual privilege tax of \$250. As applied to a Georgia corporation that solicits orders in the city and consummates purchases by deliveries originating in Georgia, the tax is invalid under the Commerce Clause.

Justices concurring: Warren, C.J., Frankfurter, Douglas, Burton, Clark, Harlan, Brennan, Whittaker
Justice dissenting: Black

75. *Lambert v. California*, 355 U.S. 225 (1957).

Los Angeles Municipal Code made it unlawful for a person who has been convicted of a crime punishable in California as a felony to remain in the city longer than five days without registering with the Chief of Police. Applied to a person who is not shown to have had actual knowledge of his duty to register, this ordinance violates the Due Process Clause of the Fourteenth Amendment of the Constitution.

Justices concurring: Warren, C.J., Black, Douglas, Clark, Brennan
Justices dissenting: Frankfurter, Burton, Harlan, Whittaker

76. *Staub v. City of Baxley*, 355 U.S. 313 (1958).

Baxley, Georgia, made it an offense to "solicit" membership in any "organization, union or society" requiring the payment of "fees [or] dues" without first receiving a permit from the Mayor and Council. Issuance or refusal may occur after the character of the applicant, the nature of the organization in which memberships are to be solicited, and its effect upon the general welfare of the City have been considered. Appellant had been convicted for soliciting memberships in a labor union without a license. The ordinance is void on its face because it makes enjoyment of freedom of speech contingent upon the will of the Mayor and City Council and thereby constitutes a prior restraint upon that freedom contrary to the Fourteenth Amendment of the Constitution.

Justices concurring: Warren, C.J., Douglas, Black, Burton, Harlan, Brennan, Whittaker
Justices dissenting: Frankfurter, Clark

77. *Smith v. California*, 361 U.S. 147 (1959).

A Los Angeles City ordinance making it unlawful for any bookseller to possess any obscene publication denies him freedom of press, as guaranteed by the Due Process Clause of the Fourteenth Amendment, when it is judicially construed to make him absolutely liable criminally for mere possession of a book, later adjudged to be obscene, not-