

Amendment.”³⁵ Similar language asserting that particular provisions of the Bill of Rights have been applied to the states through the Fourteenth Amendment’s Due Process Clause may be found in numerous cases.³⁶ Most of the provisions have now been so applied.³⁷

³⁵ *Abington School Dist. v. Schempp*, 374 U.S. 203, 215 (1963). Similar formulations for the speech and press clauses appeared early. *E.g.*, *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 639 (1943); *Schneider v. Irvington*, 308 U.S. 147, 160 (1939). In *Griffin v. California*, 380 U.S. 609, 615 (1965), Justice Douglas stated “that the Fifth Amendment, in its direct application to the Federal Government, and, in its bearing on the States by reason of the Fourteenth Amendment, forbids” the state practice at issue.

³⁶ *E.g.*, *Mapp v. Ohio*, 367 U.S. 643 (1961); *Klopfer v. North Carolina*, 386 U.S. 213 (1967); *Duncan v. Louisiana*, 391 U.S. 145 (1968); *Ashe v. Swenson*, 397 U.S. 436 (1970); *Baldwin v. New York*, 399 U.S. 66 (1970).

³⁷ The following list does not attempt to distinguish between those Bill of Rights provisions that have been held to have themselves been incorporated or absorbed by the Fourteenth Amendment and those provisions that the Court indicated at the time were applicable against the states because they were fundamental and not merely because they were named in the Bill of Rights. Whichever formulation was originally used, the former is now the one used by the Court. *Duncan v. Louisiana*, 391 U.S. 145, 148 (1968).

First Amendment—

Religion—

Free exercise: *Hamilton v. Regents*, 293 U.S. 245, 262 (1934); *Cantwell v. Connecticut*, 310 U.S. 296, 300, 303 (1940).

Establishment: *Everson v. Board of Education*, 330 U.S. 1, 3, 7, 8 (1947); *Illinois ex rel. McCollum v. Board of Education*, 333 U.S. 203 (1948).

Speech—*Gitlow v. New York*, 268 U.S. 652, 666 (1925); *Fiske v. Kansas*, 274 U.S. 380 (1927); *Stromberg v. California*, 283 U.S. 359 (1931).

Press—*Near v. Minnesota ex rel. Olson*, 283 U.S. 697, 701 (1931).

Assembly—*DeJonge v. Oregon*, 299 U.S. 353 (1937).

Petition—*DeJonge v. Oregon*, 299 U.S. at 364, 365; *Hague v. CIO*, 307 U.S. 496 (1939); *Bridges v. California*, 314 U.S. 252 (1941).

Second Amendment

Right to keep and bear arms—*McDonald v. Chicago*, 561 U.S. ___, No. 08–1521, slip op. (2010).

Fourth Amendment—

Search and seizure—*Wolf v. Colorado*, 338 U.S. 25 (1949); *Mapp v. Ohio*, 367 U.S. 643 (1961).

Fifth Amendment—

Double jeopardy—*Benton v. Maryland*, 395 U.S. 784 (1969); *Ashe v. Swenson*, 397 U.S. 436 (1970) (collateral estoppel).

Self-incrimination—*Malloy v. Hogan*, 378 U.S. 1 (1964); *Griffin v. California*, 380 U.S. 609 (1965).

Just compensation—*Chicago, B. & Q. R.R. v. City of Chicago*, 166 U.S. 226 (1897).

Sixth Amendment—

Speedy trial—*Klopfer v. North Carolina*, 386 U.S. 213 (1967).

Public trial—*In re Oliver*, 333 U.S. 257 (1948).

Jury trial—*Duncan v. Louisiana*, 391 U.S. 145 (1968).

Impartial Jury—*Irvin v. Dowd*, 366 U.S. 717 (1961); *Turner v. Louisiana*, 379 U.S. 466 (1965).

Notice of charges—*In re Oliver*, 333 U.S. 257 (1948).