

violation of the First Amendment, made applicable to the states by the Fourteenth Amendment. No standards were prescribed for the exercise of discretion by the Chief of Police.

Justices concurring: Vinson, C.J., Black, Douglas, Murphy, Rutledge

Justices dissenting: Reed, Frankfurter, Jackson, Burton

67. *Terminiello v. City of Chicago*, 337 U.S. 1 (1949).

A Chicago ordinance proscribed the making of improper noises or other conduct contributing to a breach of the peace. Petitioner was convicted of violating said ordinance by reason of the fact that he had addressed a large audience in an auditorium where he had vigorously criticized various political and racial groups as well as the disturbances produced by an angry and turbulent crowd protesting his appearance. At this trial, the judge instructed the jury that any behavior that stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance, violates the ordinance. As construed and applied by the trial court the ordinance violates the right of free speech guaranteed by the First Amendment and made applicable to the states by the Fourteenth Amendment.

Justices concurring: Black, Reed, Douglas, Murphy, Rutledge

Justices dissenting: Vinson, C.J., Frankfurter, Jackson, Burton

68. *Kunz v. New York*, 340 U.S. 290 (1951).

Because of prior denunciation of other religious beliefs, appellant's license to conduct religious meetings on New York City streets was revoked. A local ordinance forbade the holding of such meetings without a license but contained no provisions for revocation of such licenses and no standard to guide administrative action in granting or denying permits. Appellant was convicted for holding religious meetings without a permit. The ordinance was held to grant discretionary power to control in advance the right of citizens to speak on religious issues and to impose a prior restraint on the exercise of freedom of speech and religion.

Justices concurring: Vinson, C.J., Black, Reed, Frankfurter, Douglas, Burton, Clark, Minton

Justices dissenting: Jackson

69. *Dean Milk Co. v. City of Madison*, 340 U.S. 349 (1951).

A Madison, Wisconsin, ordinance prohibited the sale of milk as pasteurized unless it had been processed and bottled at an approved plant within a radius of five miles from the central square of Madison. An Illinois corporation, engaged in gathering and distributing milk from farms in Illinois and Wisconsin was denied a license to sell milk within