Miller v. California Brief

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I. Opening

Case: Miller v. California

Citation: 413 US 15 (1973)

Court: Burger Court (Supreme Court)

Appellant - Marvin Miller

Appellee - California

Argued Date – January 18-19, 1972 & reargued November 7, 1972

Decision Date – June 21, 1973

II. Facts

Miller conducted a mass mailing campaign to advertise the sale of illustrated adult material books. Miller was convicted for this conducted mainly because of five unsolicited advertisements brochures sent through mail. These brochures contained pictures and drawings of explicit mean and women in groups of two or more engaging in sexual acts and their genitals were visible. Miller was convicted in state court under the California criminal obscenity statute which prohibits obscene material. Miller appealed to the supreme court.

III. Issue

Does the First Amendment protect the sale and distribution of obscene material through mail?

IV. Decision

No

V. Rationale *-*

The supreme court ruled that obscene material is not protected by the First Amendment of the US Constitution and that such material can be regulated by the state subject to specific safeguards and that obscenity is determined by contemporary community standards. Thus, the material in the issue was not protected by the First amendment and the State of California statute could regulate the material.

VI. Holding

The basic guidelines in an obscenity matter are:

1. Whether the average person would find that work appealing to prurient interest
2. Whether the work depicts or describes, in a patently offensive way, sexual content as described by state law
3. Whether the work lacks serious literary, artistic, political or scientific value.

VII. Opinion

I agree with the decision of the court as obscene material especially delivered via mail without consent may be offensive to some. However, the court ruling has not described contemporary community standards and cannot be adequate constitutionally.