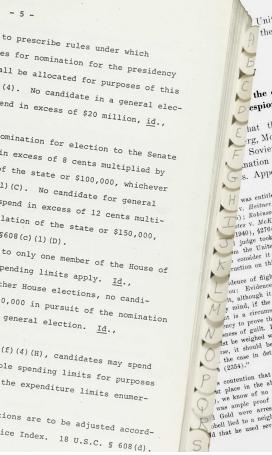
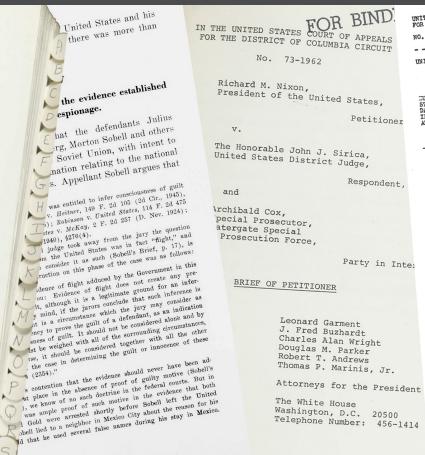
The Making of Modern Law:

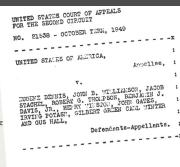
Landmark Records and Briefs of the U.S. Courts of Appeals, 1950-1980

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REPLY BRIEF FOR APPELLANTS

PRELIMINARY STATEMENT

The indictment in this case, returned on Ju 1948, was not a meens of invoking the oriminal laws a a hidden or a previously concealed threat to a legiti governmental interest. On the contrary, it charged spiracy" which was based upon the organization of the munist Party three years earlier and was returned at height of a political campaign in which the Administ felt required to give "proof" of its ideological pur Although the Attorney General had testified before gressional Committee on February 10, 1948, that ade proof could not be secured to substantiate charges tion of the statute by appellants (R. 12773), six later political exigencies forced an indictment.

This appeal, too, comes at a time of gro national tensions, at a time when total diplomacy the slogan of the day, when opposition to war is disloyalty, when terms such as "apy" and "sabotes "fifth column" are increasingly used to silence I



COLLECTION PROVIDES CRITICAL INSIGHTS INTO LEGAL ARGUMENTS AND BEYOND

Our 24-hour news cycle serves up a dizzying array of breaking stories on immigration, harassment and discrimination, constitutional law, environmental policy, insider trading, and more. Never before has there been the level of scrutiny and debate on legal issues both past and present. The Making of Modern Law: Landmark Records and Briefs of the U.S. Courts of Appeals, 1950–1980 provides records that present legal issues and their backgrounds, surfacing historical precedents and outcomes to researchers exploring contemporary issues in various disciplines.

DISAPPEARING BRIEFS—NEVER-BEFORE-DIGITIZED RECORDS BROUGHT TO LIGHT

In 1993, Margaret Leary, law librarian at the University of Michigan Law School, wrote "The Case of the Disappearing Briefs: A Study in Preservation Strategy," which cautioned against the practice of discarding these critical documents. Gale is proud to be involved in the preservation of these records, making it possible for researchers to study materials that have remained virtually inaccessible until now.

The collection features more than 600,000 pages of briefs (appellants', appellees', reply, amicus), appendices, memoranda, petitions, transcripts, and more from all courts of appeals, including these major circuits:

- Second Circuit, New York—one of the most influential, often cited in business and copyright law rulings
- District of Columbia Circuit, Washington, D.C.—especially relevant to cases on constitutional and administrative law
- Ninth Circuit, California—regarded as the most liberal of circuit courts

Available records will allow scholars in legal studies, 20th-century American social history, and politics to:

- Gain insights into legal reasoning used by the parties in advancing their positions
- · Identify the authorities used to support an argument
- · Find specific documents from a trial or appellate proceeding
- · Find transcripts of testimony and other sources for historical research

Landmark cases featured in *The Making of Modern Law: Landmark Records and Briefs of the U.S. Courts of Appeals,* 1950–1980 include:

Second Circuit Cases Among the Most Cited

Dennis v. United States (landmark First Amendment case)
United States v. Rosenberg (Julius and Ethel Rosenberg)

Holtzman v. Schlesinger (presidential war powers)

Bivens v. Six Unknown Named Agents (protection from unreasonable searches and seizures)

New York Times Co. v. United States (Pentagon Papers)

District of Columbia Circuit Cases Among the Most Cited

Barnes v. Costle (first sexual harassment case)

Bundy v. Jackson (sexual harassment as workplace discrimination)

Nixon v. Sirica (Watergate scandal)

Buckley v. Valeo (campaign finance)

Matlovich v. Secretary of the Air Force (military policy toward gays)

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