

Preface	xxix
Acknowledgments	xxxiii
 PART I FREEDOM OF EXPRESSION	 1
Chapter 1 The History, Values, and Content of the First Amendment	3
A. The History of Free Expression in England and the Early Years of the Republic	5
1. England	6
a. Licensing	6
b. Seditious Libel	7
2. The Early American Republic	9
a. Generally	9
b. The Adoption of the First Amendment	10
3. The Sedition Act of 1798	11
4. From the Sedition Act to World War I	13
B. First Amendment Values	14
1. Self-Governance	15
Notes and Questions	17
2. Truth and the Marketplace of Ideas	17
Notes and Questions	18
3. Autonomy/Self-Fulfillment	19
Notes and Questions	20
4. Dissent	21
Notes and Questions	21
5. Anti-Theory	22
C. Implementing the Freedom of Speech—Doctrinal Tools	23
1. Categorical Exclusions	23
2. Content Neutrality	23
3. Speech Versus Conduct	24
4. Access to Public Property	24

5. Other Special Governmental Functions	25
6. Prior Restraint	25
D. Litigating First Amendment Claims	26
1. Standing	26
2. State Action	27
3. Overbreadth and Vagueness	27
a. Overbreadth	27
b. Vagueness	28
4. Facial Versus As-Applied Challenges	29
Chapter 2 Categorical Exclusions: Unprotected Speech	31
A. Subversive Speech: Advocacy of Unlawful Action	32
1. Opposition to War: The “Clear and Present Danger” Standard	34
<i>Schenck v. United States</i>	34
Notes and Questions	35
<i>Abrams v. United States</i>	37
Notes and Questions	41
2. Agitators, Anarchists, and Revolutionaries: Criminal Syndicalism	42
<i>Gitlow v. New York</i>	43
Notes and Questions	45
<i>Whitney v. California</i>	46
Notes and Questions	50
An Extended Note on the Cold War Smith Act Prosecutions	52
3. The Modern “Incitement” Standard	54
<i>Brandenburg v. Ohio</i>	55
Notes and Questions	57
<i>Hess v. Indiana</i>	58
Notes and Questions	60
Problem: Animal Enterprise Terrorism Act	63
B. “Fighting Words” and the Two-Level Approach	65
<i>Chaplinsky v. New Hampshire</i>	65
Notes and Questions	67
An Extended Note on the Post- <i>Chaplinsky</i>	
Fighting-Words Doctrine	68
C. “True Threats”	70
<i>Watts v. United States</i>	71
Notes and Questions	72
<i>Counterman v. Colorado</i>	74

Contents	xiii
Notes and Questions	83
Problems: True Threats	84
D. The Limits of the Categorical Approach: Depictions of Animal Cruelty, Video Game Violence, and Lies	85
<i>United States v. Stevens</i>	86
Other Potential Categories: Violent Video Games and Lies	88
Notes and Questions	90
An Extended Note on Defining Protected Speech—Possible Lessons from Canada	90
 Chapter 3 Content-Based Laws	 93
A. The Content-Neutrality Principle—Origins and Justifications	94
<i>Police Department of Chicago v. Mosley</i>	94
Notes and Questions	97
<i>Cohen v. California</i>	97
Notes and Questions	101
B. Identifying Content-Based Laws	101
<i>Reed v. Town of Gilbert</i>	102
Notes and Questions	111
<i>Renton v. Playtime Theatres, Inc.</i>	113
Notes and Questions	115
Problems: Identifying Content-Based Laws	116
C. Applying Strict Scrutiny	117
<i>Brown v. Entertainment Merchants Ass’n</i>	117
Notes and Questions	119
<i>United States v. Alvarez</i>	120
Notes and Questions	123
<i>Holder v. Humanitarian Law Project</i>	123
Notes and Questions	128
 Chapter 4 Time, Place, and Manner Regulations	 129
A. Content Neutral Laws and Intermediate Scrutiny	129
<i>Ward v. Rock Against Racism</i>	129
Notes and Questions	134
B. Analyzing Time, Place, and Manner Regulations	135
<i>Heffron v. International Society of Krishna Consciousness, Inc.</i>	135
Notes and Questions	140
<i>Frisby v. Schultz</i>	141

Notes and Questions	144
<i>McCullen v. Coakley</i>	145
Notes and Questions	153
Problem: Funeral Protests	154
Chapter 5 Expressive Conduct	157
A. When Is Conduct Considered Expressive?	157
<i>Spence v. Washington</i>	158
Notes and Questions	162
B. The <i>O'Brien</i> Standard	165
<i>United States v. O'Brien</i>	165
Notes and Questions	170
C. Analyzing Expressive Conduct Regulations	171
<i>Clark v. Community for Creative Non-Violence</i>	171
Notes and Questions	175
<i>Texas v. Johnson</i>	176
Notes and Questions	182
<i>Barnes v. Glen Theatre</i>	184
Notes and Questions	191
Problems: Expressive Conduct	191
Chapter 6 The Government as Owner and Manager of Public Properties	193
A. Regulating Speech in the Public Forum: Foundational Cases	194
<i>Hague v. CIO</i>	194
Notes and Questions	196
<i>Cox v. New Hampshire</i>	197
Notes and Questions	198
<i>Cantwell v. Connecticut</i>	199
Notes and Questions	201
B. Policing Conflict in the Public Forum: Hostile Audiences and the Heckler's Veto	202
<i>Feiner v. New York</i>	202
Notes and Questions	206
<i>Edwards v. South Carolina</i>	206
Notes and Questions	210
<i>Forsyth County v. Nationalist Movement</i>	212
Notes and Questions	216
Problem: Portland Permit	217

C. Forum Analysis: Which Public Properties and Resources Do Speakers Have a Right to Access?	217
1. The Modern Categorical Approach	218
<i>Perry Education Ass’n v. Perry Local Educators’ Ass’n</i>	218
Notes and Questions	221
2. Applying Public Forum Doctrine	223
<i>Cornelius v. NAACP Legal Defense and Education Fund</i>	223
Notes and Questions	228
<i>Rosenberger v. Rector & Visitors of the University of Virginia</i>	229
Notes and Questions	232
<i>Hodge v. Talkin</i>	234
Notes and Questions	242
Problems: Public Forum	243
D. When Should Speakers Have Access to <i>Private</i> Property?	244
 Chapter 7 The Government as Speaker, Employer, Manager, and Educator	 247
A. Government-Subsidized Speech and Government Speech	248
<i>Rust v. Sullivan</i>	248
Notes and Questions	251
<i>Legal Services Corp. v. Velazquez</i>	252
Notes and Questions	255
<i>National Endowment for the Arts v. Finley</i>	255
Notes and Questions	258
<i>Pleasant Grove City, Utah v. Summum</i>	259
Notes and Questions	263
<i>Walker v. Texas Division, Sons of Confederate Veterans, Inc.</i>	265
Notes and Questions	272
An Extended Note on Government as Speaker and Speech Subsidizer	273
Problem: The Men’s Club	274
Problem: Public School Banners	274
B. Speech by Government Employees	275
<i>Pickering v. Board of Education</i>	275
<i>Connick v. Myers</i>	277
<i>Garcetti v. Ceballos</i>	281
Notes and Questions	286
<i>Lane v. Franks</i>	288
Notes and Questions	293

An Extended Note on Academic Freedom After <i>Garcetti</i>	295
Problems	297
<i>U.S. Civil Service Commission v. National Ass'n of Letter Carriers</i>	297
Notes and Questions	300
An Extended Note on Loyalty Oaths and Political Patronage	300
Problem	303
C. Free Speech in Government Institutions: Public Schools, Libraries, and Prisons	304
<i>Tinker v. Des Moines Independent Community School District</i>	304
Notes and Questions	306
<i>Bethel School District No. 403 v. Fraser</i>	307
An Extended Note on the "Vulgarity" Exception to <i>Tinker</i>	310
<i>Hazelwood School District v. Kuhlmeier</i>	311
Notes and Questions	315
<i>Morse v. Frederick</i>	316
Notes and Questions	319
Problems	320
<i>Board of Education v. Pico</i>	321
Notes and Questions	327
<i>United States v. American Library Ass'n</i>	328
Notes and Questions	334
An Extended Note on Speech and Association Rights in Prisons	335
Chapter 8 Compelled Speech	339
A. Introduction	339
B. Compelled Speech & Subsidization of Speech	339
1. Compelled Government Orthodoxy	340
<i>West Virginia State Board of Education v. Barnette</i>	340
Notes and Questions	344
An Extended Note Regarding <i>Wooley v. Maynard</i> ("Live Free or Die")	344
Notes and Questions	345
2. Compelled Disclosure of Information	346
<i>National Institute of Family and Life Advocates v. Becerra</i>	346
Notes and Questions	354
Problem: "Branded" Driver's Licenses	356

3. The Right Not to Publish the Speech of Others	356
<i>Miami Herald v. Tornillo</i>	357
Notes and Questions	360
<i>PruneYard Shopping Center v. Robins</i>	361
Notes and Questions	365
<i>Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston</i>	366
Notes and Questions	368
An Extended Note on <i>303 Creative v. Elenis</i>	369
4. The Right Not to Pay for the Speech of Others	370
<i>Janus v. American Federation of State, County, and Municipal Employees, Council 31</i>	370
Notes and Questions	376
Chapter 9 Expressive Association	379
A. Introduction	379
B. The Right of Association	379
1. The Right to Associate for Expressive Purposes	379
<i>NAACP v. Alabama</i>	380
Notes and Questions	383
An Extended Note on the Right of Expressive Association and Anonymity	384
2. The Right <i>Not</i> to Associate	385
<i>Roberts v. United States Jaycees</i>	385
Notes and Questions	391
<i>Boy Scouts of America v. Dale</i>	392
Notes and Questions	401
Problem: Falun Gong in the Park	403
Chapter 10 Tort Law and the First Amendment	405
A. First Amendment Limitations on the Tort of Defamation	406
1. Defamation of Public Officials	407
<i>New York Times Co. v. Sullivan</i>	407
Notes and Questions	414
2. Defamation of Public Figures: The Extension of the <i>Sullivan</i> Rules	417
3. Defamation of Private Figures Involved in Matters of Public Concern	418
<i>Gertz v. Robert Welch, Inc.</i>	418
Notes and Questions	423
4. Defamation of Private Figures Involved in Matters of Private Concern	425

5. The Constitutional “Privilege” Protecting Opinion	426
<i>Milkovich v. Lorain Journal Co.</i>	426
Notes and Questions	430
Problem: A Restaurant Review	434
Problem: Hashtag Libel	434
6. Should <i>New York Times v. Sullivan</i> Be Overruled?	435
B. First Amendment Limitations on Intentional Infliction of Emotional Distress	436
<i>Hustler Magazine, Inc. v. Falwell</i>	436
Notes and Questions	440
<i>Snyder v. Phelps</i>	440
Notes and Questions	443
Problem: Funeral Protests	444
Problem: Intentional Infliction and Public Concern	444
C. First Amendment Limitations on Imposing Liability for Publishing True Information	444
<i>The Florida Star v. B. J. F.</i>	445
Notes and Questions	450
An Extended Note on Defining “Unlawfully Obtained”	452
Problem: Unlawfully Obtained?	453
D. First Amendment Limitations on Imposing Liability Based on Newsgathering Methods	453
<i>Cohen v. Cowles Media Co.</i>	453
Notes and Questions	456
Problem: Intentional Infliction and Newsgathering	456
E. First Amendment Limitations on Imposing Liability for Protest Activity	456
<i>NAACP v. Claiborne Hardware Co.</i>	456
Notes and Questions	463
<i>Doe v. McKesson</i>	463
Notes and Questions	467
Chapter 11 Regulation of the Mass Media	469
A. Regulation of the Press	471
<i>Mills v. Alabama</i>	472
Notes and Questions	473
B. Media Newsgathering and Access Rights	474
1. Reporter’s Privilege Against Compelled Disclosure of Confidential Sources	475
<i>Branzburg v. Hayes</i>	475
Notes and Questions	484

An Extended Note on Government Secrecy, Subpoenas, and the Investigation of Leaks	487
Problems: Subpoena of Telephone Records	489
2. Access to Courtrooms	489
<i>Richmond Newspapers, Inc. v. Virginia</i>	489
Notes and Questions	496
An Extended Note on Expansion of the Right of Access After <i>Richmond Newspapers</i>	497
Problems: Closure to Protect Children	499
3. Access to Government Institutions	499
<i>Houchins v. KQED, Inc.</i>	500
Notes and Questions	504
C. Prior Restraints	505
1. The Presumption of Unconstitutionality	505
<i>Near v. Minnesota</i>	507
Notes and Questions	510
2. The National Security Exception	512
<i>New York Times Co. v. United States</i>	512
Notes and Questions	513
Problem: Injunctions as Remedies for Defamation?	514
3. Free Press/Fair Trial	514
<i>Nebraska Press Ass'n v. Stuart</i>	515
Notes and Questions	522
Problems: Protecting the Fair Trial Right	522
D. Regulation of Broadcasters	523
Notes and Questions	528
<i>FCC v. Pacifica Foundation</i>	529
Notes and Questions	533
<i>Federal Communications Commission v. Fox Television Stations, Inc.</i>	534
Notes and Questions	540
E. Regulation of Cable System Operators	541
<i>Turner Broadcasting System, Inc. v. FCC</i>	541
Notes and Questions	549
An Extended Note on Indecency on Cable Television	550
Chapter 12 Regulation of New Media	553
A. Early Regulation: Rejection of the Broadcast Model	554
<i>Reno v. ACLU</i>	554
Notes and Questions	557

B. The Digital Town Square	559
<i>Packingham v. North Carolina</i>	560
Notes and Questions	564
<i>Biden v. Knight First Amendment Inst. at Columbia Univ.</i>	564
Notes and Questions	568
C. Content Curators: Editors or Common Carriers?	571
<i>Moody v. NetChoice, LLC</i>	572
Notes and Questions	578
D. National Security and Medium Regulation	580
<i>TikTok, Inc. v. Garland</i>	581
Notes and Questions	586
E. Harm to Minors Redux: Age Verification	586
<i>Free Speech Coal. v. Paxton</i>	587
Notes and Questions	593
Problems	595
 Chapter 13 Commercial Speech	 597
A. The Historical Approach	598
An Extended Note on <i>Valentine v. Chrestensen</i> and the Categorical Exclusion of Commercial Advertising from First Amendment Protection as “Speech”	599
Notes and Questions	601
B. The New Understanding	602
An Extended Note on the Origins of First Amendment Protection for Commercial Speech	603
Notes and Questions	605
<i>Central Hudson Gas & Electric Corp. v. Public Service Commission of New York</i>	605
Notes and Questions	609
Problem	612
An Extended Note on <i>Posadas</i> and the Use of Commercial Speech Regulations in Lieu of Direct Regulations	612
Notes and Questions	614
<i>Sorrell v. IMS Health Inc.</i>	617
Notes and Questions	623
C. Limitations on the Ability of Government to Regulate Commercial Speech Because of Its Commercial Nature	625
1. The Rule Prohibiting Discrimination Against Commercial Speech as Such	626

Contents	xxi
<i>City of Cincinnati v. Discovery Network, Inc.</i>	626
Notes and Questions	630
2. <i>Discovery Network</i> Applied?: Offensive Trademarks and Off-Label Rx Drug Marketing	632
Problem	636
D. The Problem of Defining Commercial Speech	637
<i>Bolger v. Youngs Drug Products Corp.</i>	637
Notes and Questions	640
<i>First National Bank of Boston v. Bellotti</i>	641
Notes and Questions	645
An Extended Note on Commercial Versus Noncommercial Use of a Celebrity's Persona Without Permission or Consent	646
Problem	647
An Extended Note on <i>Citizens United v. FEC</i>	647
Problem	650
Chapter 14 Regulation of Campaign Speech and Spending	651
A. Introduction	651
B. Setting the Stage: <i>Buckley v. Valeo</i>	651
<i>Buckley v. Valeo</i>	652
Notes and Questions	657
An Extended Note on Developments Between <i>Buckley</i> and <i>Citizens United</i>	657
C. Corporate and Union Expenditures: <i>Citizens United v. FEC</i>	659
<i>Citizens United v. Federal Election Commission</i>	659
Notes and Questions	668
D. Public Financing of Elections	670
<i>Arizona Free Enterprise Club's Freedom Club PAC v. Bennett</i>	670
Notes and Questions	675
E. Election-Related Speech and Anonymity	675
<i>McIntyre v. Ohio Elections Commission</i>	675
Notes and Questions	680
Chapter 15 The Conflict Between Free Speech and Promoting Equality, Civility, Dignity, and Mutual Respect	683
A. The Ancien Régime: Group Libel Regulations and the First Amendment	685
<i>Beauharnais v. Illinois</i>	686
Notes and Questions	690

<i>Kunz v. New York</i>	691
Notes and Questions	694
An Extended Note on Terry Jones and Targeted Incitement: The Example of Koran Burning	696
B. A Contemporary Example of Regulations Aimed at Promoting Social Equality: Title VII as a Limit on Free Speech	697
<i>Hishon v. King & Spalding</i>	697
Notes and Questions	699
<i>Meritor Savings Bank v. Vinson</i>	699
Notes and Questions	701
Problem	703
C. Government Efforts to Promote Civility and the First Amendment	704
<i>Cohen v. California</i>	704
Notes and Questions	707
<i>Gooding v. Wilson</i>	709
<i>Rosenfeld v. New Jersey</i>	710
Notes and Questions	712
D. Government Efforts to Prohibit Hate Speech and Racialized Threats	716
<i>R. v. Keegstra</i>	716
Notes and Questions	722
An Introductory Note to <i>Mitchell</i> and <i>Black</i>	722
<i>R.A.V. v. City of St. Paul, Minnesota</i>	723
Notes and Questions	727
<i>Wisconsin v. Mitchell</i>	729
Notes and Questions	731
<i>Virginia v. Black</i>	732
Notes and Questions	737
Problem	738
Chapter 16 The Regulation of Sexually Explicit Speech	741
A. Limitations on the Targeted Regulation of Sexually Explicit Materials	744
<i>Miller v. California</i>	744
Notes and Questions	749
<i>American Booksellers Ass'n, Inc. v. Hudnut</i>	751
Notes and Questions	754
<i>R. v. Butler</i>	755
Notes and Questions	760

An Extended Note on the Problem of the Unauthorized Creation and Distribution of Intimate Images	761
Problem	764
An Extended Note on Sexually Explicit Expressive Conduct: Nude Dancing and the First Amendment	765
Notes and Questions	768
B. Child Sexual Abuse Materials	769
<i>New York v. Ferber</i>	769
Notes and Questions	774
Problem	776
An Extended Note on <i>Stanley v. Georgia</i> and <i>Osborne v. Ohio</i> : Privacy in the Home and the First Amendment	776
Notes and Questions	778
Problem	780
C. New Media and Sexually Explicit Speech	781
<i>Ashcroft v. Free Speech Coalition</i>	781
Notes and Questions	789
An Extended Note on “Childproofing” the Internet	790
Problem: Sexting and Cyberstalking	794
 PART II THE RELIGION CLAUSES	 795
Chapter 17 Introduction to the Religion Clauses	797
A. The Religion Clauses	797
B. Saturday Sabbath and Sunday Closing Laws	798
<i>Braunfeld v. Brown</i>	798
Notes and Questions	801
<i>McGowan v. Maryland</i>	802
Notes and Questions	804
<i>Estate of Thornton v. Caldor, Inc.</i>	805
Notes and Questions	808
 Chapter 18 Free Exercise of Religion: Exemptions	 809
A. Pre-Smith Caselaw	810
1. The Belief/Conduct Dichotomy	810
<i>Reynolds v. United States</i>	811
Notes and Questions	813
2. Protection of Religious Conduct	814
<i>Sherbert v. Verner</i>	814
Notes and Questions	818

<i>Wisconsin v. Yoder</i>	819
Notes and Questions	824
An Extended Note on “Strict in Theory but Feeble in Fact”	825
Notes and Questions	828
B. The <i>Smith</i> Standard	829
<i>Employment Division, Department of Human Resources v. Smith</i>	829
Notes and Questions	835
<i>Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah</i>	836
Notes and Questions	843
Problem	843
C. Exemptions and Religious Discrimination	844
1. The Fall of “Neutral and Generally Applicable”	844
<i>South Bay United Pentecostal Church v. Newsom</i>	844
<i>Roman Catholic Diocese of Brooklyn v. Cuomo</i>	846
<i>Tandon v. Newsom</i>	850
Notes and Questions	852
2. The Rise of Religious “Discrimination”	853
<i>Masterpiece Cakeshop, Ltd v. Colorado Civil Rights Commission</i>	853
Notes and Questions	860
<i>Fulton v. City of Philadelphia</i>	861
Notes and Questions	869
<i>Mahmoud v. Taylor</i>	870
Notes and Questions	880
An Extended Note on Sincerity	881
Notes and Questions	882
Chapter 19 Free Exercise of Religion: Funding	885
A. Play in the Joints	885
<i>Locke v. Davey</i>	885
Notes and Questions	888
B. Discrimination Against Religion	889
<i>Trinity Lutheran Church of Columbia, Inc. v. Comer</i>	889
<i>Espinoza v. Montana Department of Revenue</i>	897
<i>Carson v. Makin</i>	903
Notes and Questions	909

Contents	xxv
Chapter 20 Statutory Protection of Religious Liberty	911
A. The Religious Freedom Restoration Act (RFRA) and the Religious Land Use and Institutionalized Persons Act (RLUIPA)	911
B. Cases	913
<i>Gonzales v. O Centro Espírita Beneficente União do Vegetal</i>	913
Notes and Questions	915
<i>Burwell v. Hobby Lobby Stores, Inc.</i>	915
Notes and Questions	927
<i>Holt v. Hobbs</i>	928
Notes and Questions	930
Problems	931
Chapter 21 Free Exercise of Religion: Institutions	933
A. Church Property Disputes	934
<i>Watson v. Jones</i>	934
Notes and Questions	938
<i>Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church</i>	938
Notes and Questions	942
<i>Jones v. Wolf</i>	942
Notes and Questions	946
B. Employment Disputes	947
An Extended Note on <i>Serbian Eastern Orthodox Diocese v. Milivojevich</i>	947
Notes and Questions	948
<i>Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission</i>	949
Notes and Questions	952
<i>Our Lady of Guadalupe v. Morrissey-Berru</i>	953
Notes and Questions	959
Problem	960
Chapter 22 Defining and Enforcing the Establishment Clause	961
A. Early Efforts to Define the Separation of Church and State	963
<i>Everson v. Board of Education</i>	965
James Madison, “Memorial and Remonstrance Against Religious Assessments (1785)”	967
Notes and Questions	969

B. Modern Tests for Impermissible Religious Establishments	970
1. The Defunct “ <i>Lemon Test</i> ”	970
2. The Defunct Endorsement Analysis	970
3. The Narrowed Coercion Analysis	971
4. The History and Tradition Analysis	971
Problems	972
 Chapter 23 The Establishment Clause and Voluntary Religious Accommodations	 975
A. Play in the Joints	975
<i>Texas Monthly, Inc. v. Bullock</i>	976
Notes and Questions	978
<i>Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints v. Amos</i>	979
Notes and Questions	984
<i>Cutter v. Wilkinson</i>	985
Notes and Questions	988
An Extended Note on the Vietnam-Era Conscientious Objector Cases <i>Seeger</i> and <i>Welsh</i>	989
Problem	991
 Chapter 24 The Establishment Clause and Government Financing of Religion	 993
A. Separation Versus Neutrality: <i>Everson v. Board of Education</i>	994
<i>Everson v. Board of Education of Ewing Twp. et al.</i>	994
Notes and Questions	1000
B. Tax Deductions for Religious Organizations	1001
<i>Walz v. Tax Commission of the City of New York</i>	1001
<i>Texas Monthly, Inc. v. Bullock</i>	1004
Notes and Questions	1004
C. Direct Aid	1005
<i>Bowen, Secretary of Health & Human Services v. Kendrick</i>	1006
Notes and Questions	1013
<i>Mitchell v. Helms</i>	1014
Notes and Questions	1021
<i>Trinity Lutheran Church of Columbia, Inc. v. Comer</i>	1023
Notes and Questions	1023

Contents	xxvii
D. Voucher Programs	1024
<i>Zelman v. Simmons-Harris</i>	1024
Notes and Questions	1034
An Extended Note on Standing to Challenge Government Financing of Religion	1035
Problem	1038
 Chapter 25 The Establishment Clause and Public Schools	 1041
A. Prayer in Public Schools	1042
<i>Engel v. Vitale</i>	1042
<i>School District of Abington Township v. Schempp</i>	1045
<i>Stone v. Graham</i>	1048
Notes and Questions	1049
<i>Lee v. Weisman</i>	1050
<i>Santa Fe Independent School District v. Doe</i>	1057
Notes and Questions	1059
<i>Kennedy v. Bremerton School District</i>	1061
Notes and Questions	1068
B. Religion in the Public School Curriculum	1069
<i>Epperson v. Arkansas</i>	1069
An Extended Note on the <i>Scopes</i> Trial	1071
<i>Edwards v. Aguillard</i>	1072
Notes and Questions	1075
C. Religious Speech in Public Schools	1079
<i>Widmar v. Vincent</i>	1079
<i>Lamb's Chapel v. Center Moriches Union Free School District</i>	1080
Notes and Questions	1081
An Extended Note on Open Access Requirements	1082
Problems	1083
 Chapter 26 The Establishment Clause and Government-Sponsored Religion	 1087
A. Government-Sponsored Religious Displays	1087
<i>Lynch v. Donnelly</i>	1087
An Extended Note on Government-Sponsored Seasonal Holiday Displays	1094
Notes and Questions	1095
<i>McCreary County, Kentucky v. American Civil Liberties Union of Kentucky</i>	1096

<i>Van Orden v. Perry</i>	1099
Notes and Questions	1105
<i>American Legion v. American Humanist Association</i>	1107
Notes and Questions	1115
B. Government-Sponsored Prayers Outside School	1116
<i>Marsh v. Chambers</i>	1116
Notes and Questions	1122
<i>Town of Greece v. Galloway</i>	1123
Notes and Questions	1129
C. Government/Religion Power Sharing	1130
<i>Larkin v. Grendel's Den</i>	1130
An Extended Note on <i>Board of Education of Kiryas Joel v. Grumet</i>	1131
Notes and Questions	1132
Table of Cases	1135
Table of Authorities	1147
Index	1157