Home Posts by Category» Case Files» Reference» About Us Scroll View



SCOTUS blog



Newest Post: 11 hours ago



RSS Email Kali Bio & Post Archive »



Wednesday round-up

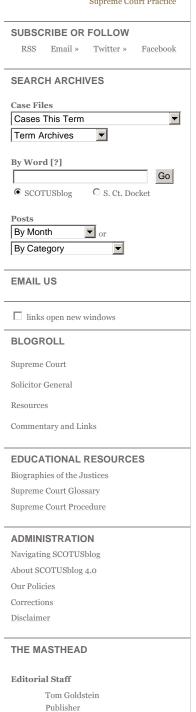
Discussion and analysis of Justice Breyer, Qu'ran burning, and the First Amendment

With the release of Justice Breyer's new book yesterday, coverage of the Court has continued to focus on the book and his appearances to promote it. In particular, the Justice's comments — in response to a question from George Stephanopoulos, to which Nabiha linked in yesterday's round-up — about whether the First Amendment might protect Qur'an burning have drawn attention. On the Washington Post's PostPartisan blog, Charles Lane examines Justice Breyer's use of the "crowded theater" analogy coined by Justice Oliver Wendell Holmes and ultimately concludes that burning Qur'ans "to make a political point . . . is clearly constitutional." The editorial board of the Washington Times agrees, arguing that, "Holmes' 'clear and present danger' test doesn't apply to Koran burning because there is no imminent danger. The world is not a small, dark, crowded room with few exits." At Concurring Opinions, Gerald Magliocca dismisses the suggestion that "burning a Koran in the age of YouTube is akin to shouting 'fire' falsely in a crowded theater" as "absurd," while David Rittgers of Cato @ Liberty also criticizes the Justice's comments. More generally, NPR's Fresh Air reprints highlights from Terry Gross's interview with the Justice.

Briefly:

As the Associated Press reports, Justice <u>Scalia</u> has issued a stay of a Louisiana state court order requiring tobacco companies to pay \$270 million for a smoking cessation program.

SHARE THIS	<u>Del.icio.us</u> <u>Digg</u> <u>E</u>	mail <u>Facebook</u>	<u>LinkedIn</u>	Reddit	<u>Twitter</u>
CATEGORIES	Round-up				
TAGS	Untagged				
MORE	Print This Post Report an Error				



Amy Howe

Editor

Anna Christensen

Manager

Adam Schlossman

Deputy Manager

Kali Borkoski Assistant Manager

Reporting & Analysis

Lyle Denniston

Features

Lisa McElroy

Plain English

Amanda Frost Academic Round-Up

Mary Fischer Feature Stories

Contributors

Kevin Russell

Orin Kerr

Matthew Scarola

The Round-Up Team

Adam Chandler

James Bickford

Amanda Rice

Nabiha Syed

Blog Sections

Kedar Bhatia

Statistics

Kiran Bhat Petition of the Day

Conor McEvily

Petition of the Day

Christa Culver

Petitions to Watch

Andrew Breidenbach

Merits Cases

Steven Lindsay

Calendar

© 2010 SCOTUSblog (click for license)

Switch to our mobile site