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## 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 [Scalia](#) has issued a stay of a Louisiana state court order requiring tobacco companies to pay \$270 million for a smoking cessation program.

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