



# First Amendment Law: Freedom of Expression & Freedom of Religion (2014)

*Arthur D. Hellman, William D. Araiza, Thomas E. Baker*

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This casebook rests on a straightforward premise: The First Amendment can be viewed as history, as policy, and as theory, but from a lawyer's perspective, it is above all law-albeit a special kind of law. One thing that is special is that the governing texts have receded into the background. The law is the cases, and the cases are the law. Close analysis of precedent is therefore the principal tool of argumentation and adjudication. The purpose of this casebook is to help students to learn the law in a way that will enable them to use it in the service of clients. Several features of the book promote this goal. The cases are edited with a relatively light hand. Notes and questions provide guidance in working with the opinions. The structure of the book-closely tracking the structure that the Supreme Court has imposed-helps to reinforce learning. Non-case materials (including drafts and memoranda from the Justices' private papers) are used to shed light on what was established by existing precedents and how a new decision changes (or does not change) the law. By giving primacy to the Justice' won words and the Court's own doctrinal structure, the book offers maximum flexibility for teachers to place their own imprint on the course.

The Third Edition has the following new features:

- A new section devoted to the Supreme Court's recent decisions rejecting requests to add to the categories of unprotected speech (US v. Stevens, Brown v. Entertainment Merchants Assn, US v. Alvarez)
- A reworked section on campaign finance that presents the relevant information in compact, teachable form
- A reworked chapter on the relationships between the two Religion Clauses that gives prominence to the Courts important 2012 decision in Hosanna-Tabor Evangelical Lutheran Church v. EEOC
- Compact Note treatment of several older cases with sufficient extracts to permit in-depth class discussion

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