

FIRST AMENDMENT

RELIGION AND FREE EXPRESSION

CONTENTS

	Page
Religion	1063
An Overview	1063
Scholarly Commentary	1064
Court Tests Applied to Legislation Affecting Religion	1066
Government Neutrality in Religious Disputes	1070
Establishment of Religion	1072
Financial Assistance to Church-Related Institutions	1073
Governmental Encouragement of Religion in Public Schools: Released Time	1093
Governmental Encouragement of Religion in Public Schools: Prayers and Bible Reading	1094
Governmental Encouragement of Religion in Public Schools: Curriculum Restriction	1098
Access of Religious Groups to Public Property	1098
Tax Exemptions of Religious Property	1101
Exemption of Religious Organizations from Generally Applicable Laws	1102
Sunday Closing Laws	1103
Conscientious Objection	1104
Regulation of Religious Solicitation	1105
Religion in Governmental Observances	1105
Religious Displays on Government Property	1107
Miscellaneous	1111
Free Exercise of Religion	1112
Overview	1112
Interaction with the Establishment Clause	1115
The Mormon and Jehovah's Witnesses Cases	1117
Oaths and Religious Disqualifications	1120
General Governmental Requirements	1121
Corporations	1130
Freedom of Expression—Speech and Press	1132
Adoption and the Common Law Background	1132
Freedom of Expression: The Philosophical Basis	1138
Freedom of Expression: Is There a Difference Between Speech and Press?	1139
The Doctrine of Prior Restraint	1142
Injunctions and the Press in Fair Trial Cases	1145
Obscenity and Prior Restraint	1147
Subsequent Punishment: Clear and Present Danger and Other Tests	1148
Clear and Present Danger	1150
The Adoption of Clear and Present Danger	1153
Contempt of Court and Clear and Present Danger	1154
Clear and Present Danger Revised: <i>Dennis</i>	1157
Balancing	1158
The "Absolutist" View of the First Amendment, With a Note on "Preferred Position"	1162
	1059