

Highlights in the 2025-2 Release

This is the second release of 2025 (Release #51) for Smolla and Nimmer on Freedom of Speech. Updated twice a year by an award-winning author and First Amendment scholar, this treatise provides a comprehensive analysis of First Amendment Law. Directed toward legal practitioners, this treatise is also highly useful for other professionals, including professors, publishers, and media industry experts.

- In *Free Speech Coalition, Inc. v. Paxton*, the Supreme Court upheld a Texas statute requiring certain commercial websites that publish sexually explicit content to verify the ages of their visitors.
- In *Oklahoma Statewide Charter School Board v. Drummond ex rel. Oklahoma*, the United States Supreme Court affirmed, by an equally divided court, a decision from the Supreme Court of Oklahoma holding that the Establishment Clause barred a Catholic School, St. Isadore, from becoming a “charter school” in Oklahoma.
- In *Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industrial Review Commission*, the Supreme Court, in a unanimous decision, held unconstitutional a Wisconsin regime that operated to disqualify the Catholic Charities Bureau from certain tax advantages under Wisconsin law.
- Federal District Courts throughout the United States applied First Amendment principles to grant preliminary relief against three types of Executive Orders issued by President Trump, including orders that (1) attacked American law firms that have litigated on behalf of clients or causes contrary to the views of the Trump administration; (2) attacked American higher education for programming supportive of “Diversity, Equity, and Inclusion,” and (3) attacked foreign students lawfully in the United States on student visas for engaging in protests opposing actions of Israel in Gaza in response to the attack launched by the terrorist group Hamas on October 7, 2023.
- In *Gartenberg v. Cooper Union for the Advancement of Science & Art*, Judge John P. Cronan of the United States District Court for the Southern District of New York held that expressive activity on a college campus supportive of the terrorist group Hamas and Palestinians in Gaza, and antagonistic to actions of Israel against Hamas and Israel’s invasion of Gaza, could rise to the level of an actionable hostile environment claim under Title VI.