

# **FIRST AMENDMENT**

Mr. Carpenter, Fall 2009

## **Syllabus**

### **Course Materials**

The casebook for this course is Sullivan & Gunther, *First Amendment Law* (3<sup>rd</sup> edition), plus the 2009 Supplement that was previously email to you.

### **Office hours**

I will be available in my office to answer questions every Wednesday and Thursday, 2:30-3:30 p.m. My office is located on the 3<sup>rd</sup> floor, Rm. 350. Otherwise, you are free to stop by any time my office door is open. To schedule an appointment to see me or to ask a question, call my office at 612-625-5537 or email me at dalecarp@umn.edu.

### **Grading and attendance**

Your grade will primarily be based on an 8-hour, take-home exam at the end of the semester. However, I may revise your grade (up or down) based on class attendance and quality of participation, including your level of preparation for class. It should be an extraordinary circumstance that causes you to miss, or to be unprepared for, a class.

### **Class Schedule**

On Thursday, September 17, the law school will sponsor a "Constitution Day." The program will include presentations on constitutional law held during the lunch hour that day. It is considered part of your course work in this class and will take the place of one class. We will also meet for class that day.

We will not meet on the following days: Sept. 24, Sept. 25, Oct. 16, Oct. 30, Nov. 6, and Nov. 25. Constitution Day will take the place of the Nov. 25 class. Make-up classes will be held at 12:20pm-1:15pm in Rm. 20 on the following days: Sept. 14, Sept. 21, Oct. 12, Oct. 26, and Nov. 9. It is possible that one or more additional classes will need to be rescheduled. I will make every effort to let you know as far in advance as possible if that happens.

### **Class subjects and assignments**

What follows is a tentative schedule of the reading assignments for each class this semester. The assignments are subject to change. Page references below are to pages in the Sullivan & Gunther casebook or to the 2009 Supplement. I advise you not to read ahead. The risk is too great that by class

time you will have forgotten the finer points in the material. Additionally, because some of the material can be difficult and builds on what has come before, it will aid your comprehension to have attended a class on the prior material before reading the next assignment. In your reading, pay especially close attention to the lead cases indicated by bold print for the name of the case.

### **Laptops and cell phones**

Laptops may be used in this class, though I do not encourage their use. The class is heavily Socratic, requiring your full attention and participation. Laptops tend to divert attention from the discussion. If you decide to use a laptop, it should be used for note-taking only. It may not be used to access the Internet or to send/receive messages. Phones should be put in silent or vibrate mode and may not be used to send/receive messages.

### **Recording**

Recording of class is not permitted except by prior permission, which is given only for extraordinary circumstances. Even permitted recordings may be used only for note-taking purposes and must be destroyed immediately after used for that purpose.

## **FREEDOM OF SPEECH**

### **Why Government Restricts Speech: unprotected and less-protected categories of speech**

#### *Incitement to illegal activity*

1. 1-15 (stop at note 2)
2. 15-28
3. 28-37 (stop at note 4)
4. 37-50

#### *Fighting words and hostile audiences*

5. 51-65

#### *Libel*

6. 67-77

#### *Hate speech and threats*

7. 84-102

#### *Obscenity*

8. 102-08
9. 108-20

#### *Non-obscene pornography*

10. 120-31
11. 132-51, Supp. 1-2
12. 155-63

#### *Commercial Speech*

13. 163-77
14. 177-95

### **How Government May Restrict Protected Speech**

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*Content-based and content-neutral restrictions*

- 15. 196-206
- 16. 207-22
- 17. 222-30

*Public forums*

- 18. 230-42
- 19. 242-56
- 20. 256-65
- 21. 274-90

*Government conditions on funding speech*

- 22. 326-40

*Overbreadth and vagueness*

- 23. 340-56

*Prior restraint*

- 24. 356-75

*Compelled speech*

- 25. 378-92

*Freedom of association*

- 26. 392-95, 409-22

*Campaign finance and speech regulation*

- 27. 427-38 (stop at note 3)
- 28. 450-65, Supp. 8-9

**THE RELIGION CLAUSES**

**Free exercise**

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*Laws targeted at religious exercise*

29. 507-11, 513-24

*“Neutral” laws burdening religious exercise*

30. 524-36

31. 536-49

**Establishment**

*Religion in public schools*

32. 549-62

33. 562-71

*Religious displays in public fora*

34. 571-84

35. 584-97

*Government support for religious institutions: taxes and legislative accommodations*

36. 597-615

37. 615-24

38. 624-30