

**Course Outline**

**Course Purpose:**

To explore some of the major legal, political and public morality issues found in the First Amendment.

**Required Texts:**

- (A) Stone, The First Amendment (3<sup>rd</sup> edition)
- (B) Cleary, Beyond the Burning Cross
- (C) Long, Religious Freedom and Indian Rights

**Assignments:**

The reading assignments and briefs must be completed each week. Keeping up with the readings and the briefs is absolutely necessary for your success in this course and maintaining a high level of class discussion of the weekly assignments and Supreme Court cases!

**Lecture/Assignments**

**Lecture**

**Assignment**

**WEEK #1**

- (A) The Supreme Court and the First Amendment (A) Hand-out
- (B) How to Brief a Case

**WEEK #2**

- (A) First Amendment: History, Political Theory and Legal Standards (A) Read Stone, pp.3-18

**WEEK #3**

- “Speech and “Incitement” to Violence: How to reconcile freedom of speech with national security and internal security Read Stone, pp. 19-55  
Brief- Dennis

**WEEK #4**

- (A) “A Modern Re-Statement of Advocacy of Illegal Action” (A) Read Stone, pp. 55-72  
Brief – Brandenburg

Speech that Provokes Hostility

- (B) Heckler’s Veto? (B) Read Stone, pp. 73-80  
Brief- Feiner

- (C) “Fighting Words” (C) Read Stone, pp. 80-89 and pp.219-235

**WEEK #5**

**“Symbolic Speech”**

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| (A) “Beginning to Explore Symbolic Speech” | (A) Read Stone, pp.367-384<br>Brief- <u>O”Brien</u>  |
| (B) “Symbolic Speech in the Schools”       | (B) Read Stone, pp. 451-456<br>Brief – <u>Tinker</u> |
| (C) Nude Dancing and Symbolic Speech?      | (C) Read Stone, pp. 235-244 &<br>pp. 384-389         |

**WEEKS #6 and 7**

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| (A) Hate Speech: Protected or Unprotected?<br>1. Group Libel<br><br>2. R.A.V.<br><br>3. Campus Speech Codes | (A) Read<br>1. Read Stone, pp. 244-262<br>Brief – <u>Beaharnais</u><br>2. Read, Cleary book (1 <sup>st</sup> reading)<br>Read Stone, pp. 253-262<br>Review Cleary book<br>Mega brief <u>R.A.V.</u> is due<br>3. One page statement of legal issues<br>surrounding Campus Speech Codes |
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**WEEK # 8 MIDTERM EXAMINATION**

**WEEK 9**

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| (A) Symbolic Speech, Patriotism and Flag Burning | (A) Read Stone, pp. 378-384 |
| (B) Johnson Case                                 | (B) Brief of <u>Johnson</u> |

**WEEKS 10 & 11**

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| (A) “Should We Regulate Sexual Expression?” | (A) Read Stone, pp.187-206<br>Brief- <u>Miller</u> and <u>Paris</u>  |
| (B) Contemporary Issues                     | (B) Read Stone, pp. 206-218<br>Brief <u>Reno</u> and <u>Ashcroft</u> |

**WEEKS #12, #13 and #14**

**“Free Exercise of Religion:  
The Problem With the Religious  
Belief and Religious Practice  
Distinction”**

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|-------------------------------|--|
| (A) The Free Exercise Problem | (A) Read Stone, pp. 545-563 and<br>pp. 621-640<br>Brief <u>Sherbert</u> and <u>Yoder</u> |
| (B) A Radical Break           | (B) Read Long.book<br>Mega Brief <u>Smith</u>  |

(C) Permissible Accommodation

(C) Read Stone, pp.641-657  
Brief Amos

**WEEK # 15**

Summary and Reflections

**Final Exam, Monday, May 10, 3:30 – 6:30**

**Course Requirements:**

There will be a mid-term exam worth 30% of your final grade.

There will be a final exam worth 30% of your final grade.

Class participation, group presentations and class discussions of issues in the briefs will be worth 20% of your final grade.

Two mega briefs on R.A.V. and Smith will be worth 20% of your final grade.

“Make-ups” for the mid-term or final will only be given when full documented proof of health crisis or personal crisis is presented.

All cell phones must be shut off during class! Should a student’s cell phone ring, I will direct the student to leave the class for that day. You are strongly advised not to get involved with text-messaging or any other form of digital communication so as to make certain that you give the lecture/discussion in class the focused attention that is warranted. I strongly prefer that you not use your laptop in class and focus your attention on listening, taking good notes and participating in class. Anyone who thinks she or he needs their laptop must see me about this matter!

Students with *more than four unexcused absences* will not receive credit for this course and be directed to drop the course!

**Office Hours:** My office is in Welles Building – Room 3C My office hours are Mondays and Wednesdays, 10:15-10:45 am and 2:15-3:45 pm. You must make an appointment with the Department Secretary, Diane Lounsbury, at 245-5371