

HUMN/SSCI 4325/5325

First Amendment: Theory and Context

MHMSS Program
University of Colorado Denver
Spring 2022

Professor: Omar Swartz, JD, PHD

Office: Remote

Office Hours: M-F 2:00-3:15 and by appointment

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Meeting Times: T/R 3:30-4:45pm

Meeting Place: Remote

MHMSS Program Web Address: <https://clas.ucdenver.edu/mhmss/>

Course Description:

This course introduces important issues of First Amendment jurisprudence as they apply to the seemingly intractable cultural conflicts prevalent in the United States. Highlighted are the implications of this understanding for community, diversity, and equality within our democratic culture. A common way to describe this conflict is with the “cultural wars” metaphor, denoting the systemic conflict over consequential socio/political issues such as LGBTQ rights, immigration reform, reproductive freedom, religious liberty, state’s rights, etc. In engaging this metaphor, we will generate conceptual, intellectual, and practical resources for considering our agency as citizens in re-describing and meliorating cultural conflict as they exist within our often contentious and impolite society with an emphasis on their legal manifestations.

We will study constitutional, political, and related issues of free speech and responsibility, as well as its limitations. This involves an understanding of sedition and seditious libel, prior restraints, and time/place/manner restrictions for protests and demonstrations. It also involves the status of hate speech and speech that intimidates, restrictions on student speech and “academic freedom” more generally, the law of defamation, and increased threats to privacy rights and protections. A particularly salient aspect of this course is our review of obscenity, indecency, and the struggle over public morality, as well as an understanding of the rules governing advertising and other corporate speech. Our final topic explores the (shifting) legal regime concerning the role/place of religion in public life (i.e., the church/state separation principle).

Overall, this course helps students become intelligent and critical consumers of the legal and political discourse around them. To that end, I will bring to class each day slides of current legal controversies from around the nation as well as important historical examples, present them to the class, and invite class members to discuss the controversy using the theoretical and conceptual materials that we are studying. While HUMN 4251 (Introduction to Legal Studies) is helpful to have taken, *no prior knowledge of law is expected or necessary to do well in this course.*

Required Readings

This course is case law driven and the readings will consist exclusively of (1) appellate court decisions edited by your instructor and available for downloading on Canvas (no formal “briefing” is necessary, but students should read for comprehension) and (2) my PowerPoint lectures also available on Canvas (students should review the PowerPoints

before or after each lecture as I will not be going over each slide in class). Students can login to Canvas at <http://canvas.cuonline.edu> using their UCD Access credentials. Students with questions about Canvas please contact the CU Online Help Desk at cuonlinehelp@ucd.enver.edu or 303-315-3700. If, for whatever reason, you cannot get access to the readings, please contact me immediately and I will arrange for you to get them. For students interested in secondary sources explaining the First Amendment, I recommend the following: (1) Russell Weaver, *Understanding the First Amendment* 7th ed. (New Providence, NJ: LexusNexis, 2020); (2) Jerome Barron, *First Amendment Law in a Nutshell* 5th ed. (West: 2018).

Assignments

Listed below are the course assignments for the semester.

(1). Two Exams. There are two exams in this course (Exam #1 and Exam #2). Exam #2 will not be cumulative. The format of each exam will be multiple choice (50 questions each). The exams are based on the lectures, slides, and on the assigned cases. A study guide for each exam will be provided. The exams are open notes and students are expected to produce their own outlines based on the cases and lecture/PowerPoint material. Each exam is worth **100** points.

Please note that the study guide and the open book format will not compensate for lack of attendance at the lecture each day. Students should not assume that an open book exam is any easier than a closed book exam. To the contrary, students who do not attend class on a regular basis or invest time in preparing study notes based on the study guide rarely do well on the exams.

(2). Paper. Undergraduate students must write a 12–15-page paper on one of the legal topics covered in the course (i.e., hate speech, corporate speech, or the Establishment Clause, etc.), and how it relates to a cultural conflict of your choice. The paper must be well organized and clearly written, typed, double-spaced, and professionally presented with a minimum of typographical errors. The paper *must* involve original library research and should have a clearly articulated thesis supported by main points and reasoned argument. In addition, the paper should contain a title page, citation page, little or no typographical errors, and properly cited authority. Unless permission is given otherwise, students should use the style manual for the American Psychological Association (APA) (another style may be used with my permission). A *minimum* of ten citations from sources that are not part of the assigned reading is required. Please pay attention to deadlines, as no late work will be accepted unless students have an officially documented illness or family emergency and have notified me in a timely fashion.

Graduate students (or those enrolled at the 5000 level) are expected to complete all of the assignments listed here, with the paper page length increased to 20-25 pages. In addition, such students will have an additional reading tailored to each student's specific interest (i.e., Art Law, Gender Law, GLBTQ Rights, Religious Freedom, etc.). We will meet also meet one hour every week individually to discuss these additional readings and the progress of your research papers. For a list of this additional reading, please see the instructor.

If students have any questions as to what an appropriate topic will be, come see me to discuss your ideas. Students must turn in a rough draft of their paper by **Tuesday, March 22**. I will return the papers to students within a week with my comments on how to improve. (*Since one of my goals as an educator is to help students improve their writing skills, I will read additional drafts prior to that time by students who start working early on their papers; note, I will not read any drafts after **Thursday, April 21***). Final paper is **due** on **Thursday, May 5** at the beginning of class (students must *also* return their rough drafts).

Two sample papers are on Canvas. I expect students to read these ASAP so that the *quality* of papers necessary to do well on this assignment is understood early in the semester (students may also consider working with the campus Writing Center). **100 points**

(3). Class Participation/Preparedness (100 points): Because *active/engaged student participation* is imperative for maximizing the learning potential of this course, students are expected (i.e., *required*) to contribute regularly to the classroom discussion as well as to the creation of a positive and supportive classroom learning environment. Note, this means *more* than merely showing up for class, although that is expected (**I will take role**).

Grading criteria for participation include the following behaviors: *active listening; demonstrating cumulative learning; making of thoughtful comments; preparedness; questions and responses to the course material; showing initiative; soliciting feedback from instructor and other students and responding well to feedback, and willingness to allow others to speak.*

In other words, I expect students to come to class having read the material and willing to volunteer to discuss the readings in light of the current or historical events that I, or others, bring to class each day. When I do call on a student in class (as I will to ensure that everyone has an opportunity to contribute), I expect that student to be familiar with the readings, issue, or case at hand. Because class participation is *one quarter* of your final grade for this course, you should take very seriously a commitment to regular attendance and to keeping up with the reading assignments. **100 points**

Grading Scale: 400-373 (A); 372-360 (A-); 359-346 (B+); 345-333 (B); 332-320 (B-); 319-306 (C+); 305-293 (C); 292-280 (C-); 279-266 (D+); 265-253 (D); 252-240 (D-); 239 and below (F).

The material covered in this course is *challenging* and *unique* for college students with little or no legal training. Students are not expected to become expert First Amendment scholars because of this course (that is what law school is for). Rather, the goal is for students to develop a **working knowledge** of the **vocabulary** and **major ideas** in the area being studied. Successful students should be more cognizant of the role that First Amendment and related concepts play in our lives, how different but important social interests are balanced by courts, as well as an ability to think critically about these choices. In other words, an important goal of this course is to help the student to become a better-informed citizen with regard to the law and to the important function the First Amendment plays in U.S. democracy, as well as its use/misuse in partisan political discourse. My hope is that we can all grow more cognizant of opportunities, privileges, and responsibilities as citizens in our vibrant and often unruly and disconcerting democratic nation.

ADDITIONAL COURSE INFORMATION

Statement of Inclusion: Students are encouraged to take any position on the course material and assignments they want, and they will not be graded on their ideological/political/religious/racial/sexual or other points of view. I will be presenting the class with often controversial and, at times, counter-normative views, and students should know that they are empowered to challenge me on any point. Indeed, it is essential for the success of this class that students do so. I ask in return for students to stretch their critical thinking and arguing skills and to take challenges with their learning. Further, I expect students to back up their beliefs/opinions/perspectives etc. with reasoned argument and evidence and to be committed, generally, to principles of free and open discussion and debate, tolerance, as well as civility and respect for others (I will, to the best of my ability, model this expectation). This course will be driven by what students say in class, so I need all of you to contribute freely and openly in as safe an environment as possible. I will do everything in my power to nurture such a supportive environment. In past sections, students have taken

it upon themselves during the first few weeks of class to openly discuss what constitutes a safe space for them. This includes discussion of triggers, use of preferred gender pronouns, etc. **Please see me if you have any suggestions on how to improve the classroom discussion environment or if something was said in class by myself or another student that upset you. I will treat your communications with me with the utmost confidentiality and take whatever steps necessary to rectify the situation.**

Tardiness: Students who are going to be more than ten minutes late should contact me earlier in the day to let me know their situation (i.e., bad weather, crisis at work, family conflicts). Excessive tardiness will result in a penalty for a student's class participation grade.

Classroom Policies: Cell phones should be turned off before coming to class. Laptop computers are to be used only for taking notes. Students who use them for other purposes (i.e., checking email, playing games, etc.) will be asked to turn off their computers.

MHMS Incomplete Policy: Incomplete grades are not given to students simply because they are receiving lower grades than they would like. To be eligible for an incomplete grade, students must have completed 75% of the course assignments with passing grades and have special circumstances outside of their control that preclude completion of the course. The incomplete grade that will be given if the above conditions are met is an IF, which means that if the student does not complete the work for the course within 12 months, the grade reverts to an F.

Student Email Policy: Email is an official means of communication for students at the CU Denver. All official university email, *including email I send as part of this class (which I will do on a fairly regular basis)*, will be sent to each student's assigned CU Denver email address. CU Denver will *only* use CU Denver student email accounts if it elects to send email communications to students. CU Denver email accounts are available through IT Services. Students are responsible for reading emails received from CU Denver. Official emails sent through this system will be presumed to have been received by students.

Census Date: All students must be officially registered in this class by census date. Students who are not officially registered by this date will **not** be allowed to add the course. This are no exceptions to this *college* policy and is outside of the control of the instructor.

Disability Accommodations: The University has a legal and moral obligation to provide reasonable accommodations to students with disabilities. To be eligible for any accommodation, students **must** be registered with the CU Denver Office of Disability Resources and Services (DRS) located in SCB-2116 (303-315-3510). The DRS staff has experience to assist faculty in determining reasonable accommodations and to coordinate these accommodations. If a student is given accommodations, they must be followed. If a student chooses not to accept the accommodations set forth by the DRS, they **MUST** complete all assignments and do all course work in the same manner as all other students. No exceptions or alternate forms of evaluation can be used except those mandated by the DRS. Faculty cannot arbitrarily decide to give a student extra time, extra assistance or other forms of aid unless it is formally mandated by the DRS.

Religious Holiday Accommodations: The University provides reasonable accommodations to students who must be absent from classes because of religious holidays. Faculty are expected to develop course appropriate accommodations for students who miss class or graded assignments in order to observe religious holidays. Faculty are encouraged to (1) avoid examinations during major religious holidays and (2) ask students to privately

identify all course conflicts at the beginning of the semester. For a list of such holidays, please consult <http://www.interfaithcalendar.org>.

Plagiarism Statement: Plagiarism and cheating will not be tolerated. At *minimum*, students who are caught cheating on an exam or plagiarizing a paper in this course will receive *zero points* for that assignment. At my discretion, a student caught cheating or plagiarizing a paper may be assigned a “F” *for the course* and may be reported to the University Ethics Committee for further action, including suspension and possible dismissal from CU Denver. Students are responsible for being attentive to, or observant of, campus policies about academic honesty as stated in the University’s Student Conduct Code. Useful Information regarding academic integrity can be found at <http://thunder1.cudenver.edu/clas/AcademicIntegrity.htm>. **When in doubt ask! I am here to help you learn.**

CLAS Statement: For relevant university deadlines and procedures (such as the last day to withdraw from a course) as well as academic support sites, please visit https://clas.cudenver.edu/faculty-staff/sites/default/files/attached-files/student_services_and_calendar.pdf

READING ASSIGNMENTS AND COURSE SCHEDULE

This schedule may be adjusted slightly depending on how the class progresses.

PART I

Introducing the First Amendment and the Concept of the “Cultural Wars” in the United States

January 18, 20, & 25

What is the First Amendment to the United States Constitution? What, for better or for worse, makes it unique in the world? Why is it so important for understanding the vibrancy of American culture? In acquainting ourselves with the First Amendment in this unit, we will discuss normative theories, values, and approaches to conceptualizing our legal rights and their limitations, including categories of speech not covered by the First Amendment. Then, before we study the actual cases and controversies that demarcate important battles/issues in American cultural wars as they play out in our constitutional culture, we need to understand what we mean by “culture wars.” What are the cultural wars that exist in our society? How does the First Amendment help us to understand them? To what extent is the metaphor of cultural battle relevant in explaining society; indeed, can it even be separated from an understanding of the First Amendment itself?

Lecture #1: “Introduction to the First Amendment.”

Read: *Meyer v. Grant*, *United States v. White*; *Elonis v. United States*; *United States v. Stevens*; *Cohen v. California*; *City of Houston v. Hill*; *Glik v. Cunniffe*, and *Packingham v. North Carolina*.

Lecture #2: “Overview of the Cultural Wars in the United States.”

Read: *Minersville School District v. Gobotis* and *West Virginia Board of Education v. Barnette*.

PART II

Sedition, Seditious Libel, Dissent, Prior Restraint,

January 27, February 1, 3 & 8

What distinctions in a democratic society can we draw between sedition and seditious libel? How does this differ from non-democratic societies? Using legal tests for determining sedition and studying how they have changed over time and what it might look like in the future as a result of the threat of terrorism, we explore the ever-shifting line between *acceptable* and *unacceptable* criticism of the government or of governmental authorities. Examples will be drawn from the colonial period to today and we will end by highlighting the importance of political and social dissent for the development and maintenance of our democratic traditions.

Lecture #3: “Sedition, Seditious Libel, & Dissent: How Much is Desirable? How Much is Tolerable?”

Read: *State v. Worth; Schenck v. United States; Abrams v. United States; Gitlow v. New York; Whitney v. California; United States v. O'Brien; Kleinman v. City of San Marcos; Holder v. Humanitarian Law Project; Brandenburg v. Ohio; Hess v. Indiana; Gerhart v. Oklahoma; and McIntyre v. Ohio Election Commission.*

Lecture #4: “‘You Cannot Say That!’ Prior Restraint and the Power of the (Public & Private) Censor.”

Read: *Near v. Minnesota; Rice v. Paladin Enterprises; Brown v. Entertainment Merchants Assoc.; United States v. Alvarez; United States v. Clark; Pickering v. Board of Education; Connick v. Myers; City of San Diego v. Roe; Garcetti v. Ceballos, and Terminiello v. City of Chicago.*

PART III

Time/Place Manner Regulations, Government Speech, & Student Speech

February 10, 15, 17 & 22

On the internet there is a popular meme featuring a map with the words “*I thought it was all a free speech zone*” written across it. This unit will help to explain the meme’s sarcasm, as we will review the law concerning time/place/manner (TPM) regulations. We will highlight “forum analysis,” the types of forums that exist (i.e., public v. private and many blends in-between), and the rules governing regulation for each. We will end by exploring how a recent Supreme Court decision is causing us to rethink these issues.

Lecture #5: “Managing and (Imagining) the Commons: TPM Regulations.”

Read: *Heffron v. Int. Soc. for Krishna Consciousness; Ward v. Rock Against Racism; Madsen v. Women’s Health Center; McCullen v. Coakley; Frisby v. Schultz; Univ. of Cincinnati Chapter of Young American for Liberty v. Williams; Minn. Voters Alliance v. Mansky; Roberts v. United States Jaycees; Boy Scouts of America v. Dale; NAACP v. Alabama; City of Dallas v. Stanglin; Pruneyard Shopping Center v. Robbins; Marsh v. Alabama; Members of the City Council v. Taxpayers for Vincent; Pleasant Grove City v. Summum; and Walker v. Sons of Confederate Veterans.*

Lecture #6: “Students, Youth, and Democracy (or Not) in our Schools.”

Read: *Tinker v. Des Moines Independent School District*; *Glowacki v. Howell Public School District*; *Canady v. Bossier Parish School Board*; *Guiles v. Marineau*; *West v. Derby Unified School District*; *Hazelwood School District v. Kuhlmeier*; and *Mahanoy Area School District v. B.L.*

Lecture #7: “Academic Freedom (and its Limits) For Professors and Teachers.”

[Optional]

PART IV

On Incivility: Hate Speech, Hate Crimes, & Defamation

February 24, March 1 & 3

This unit covers a range of legal issues involving hurtful, hateful, uncivil, or uncouth speech. Most people have a commonsensible dislike of “hate speech” but they usually interpret it in terms of what *other* people say. Our own speech, in contrast, is never hateful. So, what *is* “hate speech” and how is it different from political speech? By what methods, if any, can it be controlled? We will explore the failed attempt by the court to use the “fighting words” doctrine to clean up our public discourse. But so-called hate speech is more than that. For instance, what are the conditions under which flag/cross burning is permitted? What is the distinction between “hate speech” and “hate crime?” What is defamation and what interests does it protect and what is the role of the First Amendment in defamation suits, particularly when political speech or public issues are at stake? We will study elements of a defamation case, the role of “actual malice,” the diminishing room for criminal libel, and the recurring problem product disparagement (e.g., “Eating at McDonald’s is bad for your health!”), and the role of SLAPP suits in stifling public debate of corporate behavior.

Lecture #8: “Hate Speech: How Much is Too Much and, and as Opposed to Hate Crimes Which We Can and Do Punish, What Can We Do About it?”

Read: *Beauharnais v. Illinois*; *Village of Skokie v. National Socialist Party of America*; *Snyder v. Phelps*; *Chaplinsky v. New Hampshire*; *Masters v. Kentucky*; *State v. Baccula*; *Virginia v. Black*; *R.A.V. v. City of St. Paul*; *Doe v. University of Michigan*; *UMW Post v. Board of Regents of Univ. of Wisconsin*; *Dawson v. Delaware*; and *Wisconsin v. Mitchell*.

Lecture #9: “Defamation, Politics, and the Continuing Problem of Uncivil Discourse.”

Read: *Albright v. Morton*; *Hustler Magazine v. Falwell*; *Armstrong v. H&C Communications*; *New York Times v. Sullivan*; and *Dun & Bradstreet v. Greenmoss Builders*.

PART V

The Law Regarding Privacy

March 8, 10 & 15

We all have different views of what privacy means and different degrees of tolerance for its perceived violation. In this unit, we will study what privacy means in a legal context. The central question in this area is how do we balance interests in security and privacy? To what extent do we have the “right to be left alone?” This unit reviews the importance and types of privacy in our society and the nature of the many threats against it. Sources for

privacy rights include common law, statutory, and Constitutional elements, which are changing constantly. While these protections often go beyond the First Amendment per se, FA issues are discernable in most. For example, the right *not* to speak, to decline or choose *not* to associate. What about our intimate associations or important personal secrets? How does technology affect these issues and what can be expected of the media, security organizations, and our places of employment with regard to disclosure?

Lecture #10: “The Dwindling Sphere of Personal Privacy and What, if Anything, We Can Do About It.”

Read: *Neff v. Time*; *Kyllo v. United States*; *Griswold v. Connecticut*; *In re J.M.*; *Lawrence v. Texas*; *Shulman v. Group W. Productions*; *Miller v. National Broadcasting Co.*; *City of Ontario v. Quon*; and *Hernandez. V. Hillside*

March 17 (Exam #1)

March 22 & 24 SPRING BREAK

PART VI

The Cultural Battle over Advertising and Corporate Speech and Its Impact for the Integrity of Democratic Governance and the Public Welfare

March 29, March 31, & April 5

Many in this nation are deeply suspicious of corporate power and its influence over the public sphere. This unit helps us to understand the sources of this concern by reviewing the fight over regulating (or not) commercial and corporate speech, highlighting this issue’s implications for democracy. We will study why Commercial Speech is different from other types of speech and the role of Federal Trade Commission in protecting against deceptive or misleading ads. More saliently, we will explore why corporations are citizens with First Amendment rights and how corporate propaganda impacts public consciousness and issues of accountability.

Lecture #11: “Advertising, Public Health, and the (‘Beneficent’) Marketplace of Products and Company Propaganda.”

Read: *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*; *44 Liquormart v. Rhode Island*; *Lorillard Tobacco Co. v. Reilly*; *23-34 94th St. Grocery Corp. v. N.Y.C. Bd. of Health*; *R.J. Reynolds Tobacco v. FDA*; *First National Bank of Boston v. Bellotti*; *Austin v. Michigan Chamber of Commerce*; and *Citizens United v. FEC*

Paper draft due in class on Tuesday, March 22.

PART VII

Intellectual Property and its Discontents

April 7, 12 & 14

This unit introduces the law of copyright and intellectual property. The context of our study is the struggle for accessibility of cultural knowledge and artifacts and the ability to criticize public figures. Against this interest is the corporatization of knowledge. The impact of copyright law on higher education will also be discussed. Highlighted will be case studies on high-profile disputes regarding Barbie, Disney, Dr. Seuss, and J.K. Rowling.

Lecture #12: “Intellectual Property and its Discontents.”

Read: *Feist Publications v. Rural Telephone*; *Eldred v. Ashcroft*; *Basic Books v. Kinko's*; *Dr. Seuss Enterprises v. Penguin Books*; *Leibovitz v. Paramount Pictures Corp.*; *Community For Creative Non-Violence v. Reid*; and *Carter v. Helmsley-Spear*.

Part VIII

Pornography and the Struggle over Public Morality

April 19, 21, & 26

The late Justice Antonin Scalia has said that “the line between protected pornography and unprotected obscenity lies between appealing to a good healthy interest in sex and appealing to a depraved interest, whatever that means” which accurately summarizes the position of the Supreme Court on this matter. Who decides? We will discuss the distinction between pornography, indecency, and obscenity, concerns about protecting children from abuse and/or exposure, as well as unwilling viewership to adults. Highlighted will be historical efforts to suppress obscenity and its deleterious effects on society. In moving toward society’s liberalization on the issue, we will study the different tests for obscenity over the years and its impact on culture. As pornography wins protective status, we will explore other ways of regulating it including thematic obscenity, variable obscenity, scienter, and the secondary effects doctrine. We finish with a discussion of the pros and cons in the pornography debate and the role feminism plays in critiquing the objectification of women and the issue of agency in sexual relationships.

Lecture #13: “Pornography and the Struggle Over Public Morality.”

Read: *New York v. Ferber*; *Osborne v. Ohio*; *People v. Byrne*; *Commonwealth v. Robin*; *One, Inc. v. Olesen*; *Roth v. United States*; *Miller v. California*; *Stanley v. Georgia*; *City of Renton v. Playtime Theatres*; *Reno v. ACLU*; *American Booksellers v. Hudnut*; *In re S.K.*; and *Eline v. Town of Ocean City*.

PART IX

Religious Freedom and Cultural Conflict:

Understanding the Tensions and Potentials of this Dynamic

Lecture # 14: “Religion and Public Life: The Establishment and Free Expression Clauses.”

April 28, May 3 & 5

Two clauses concerning religion appear in the First Amendment, one dealing with the Establishment of religion and the other about the Free Exercise of religion. What these mean is far from clear and continue to evolve in surprising ways. In order to understand this doctrine, we will spend this unit working through the case law on both the religion clauses. In so doing, we will challenge the popular “wall” metaphor, or the belief that there exists a clear separation between Church and State. In so doing, we will address other questions: What counts as religion? What counts as a sincere belief? Why is the belief v. action doctrine important and how does that conflict with religious freedom laws? Can states prosecute faith-healing parents who harm their children or ban conversion therapy for minors? Is blasphemy punishable and is there discrimination against atheists? Is the United States a Christian nation?

Read: *Everson v. Board of Education*; *Engel v. Vitale*; *Lemon v. Kurtzman*; *Edwards v. Aguillard*; *Smith v. Board of School Commissioners of Mobil County*; *Lee v. Weisman*; *Locke v. Davey*; *United States v. Seeaer*; *Welch v. United States*; *Africa v. Pennsylvania*; *Newdow v. United States Congress*; *Marsh v. Chambers*; *Town of Greece v. Galloway*; *Zelman v. Simmons-Harris*; *Cantwell v. Connecticut*; *Sherbert v. Verner*; *Employment Division, Dept. Humn. Resources of Oregon v. Smith*; *Church of the Lukumi Babalu Aye v. City of Hialeah*; *City of Boerne v. Flores*; *Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal*; *Burwell v. Hobby Lobby Stores*; *Holt v. Hobbs*; *Elane Photography v. Willock*; *State v. Mockus*; *State v. West*; and *Hosanna-Tabor Evangelical Lutheran Church and School v. the EEOC*

May 5 (Papers due at the start of class) Exam#2 will take place during the regularly scheduled exam period as set by the university (date will be announced toward the end of the semester).

Alphabetical Listing of Assigned Cases for Which Students are Responsible for Knowing

23-34 94th St. Grocery Corp. v. N.Y.C. Bd. of Health (2012)
44 Liquormart v. Rhode Island (1996)
Abrams v. United States
Africa v. Pennsylvania (1981)
Albright v. Morton (2004)
American Booksellers v. Hudnut (1986)
Armstrong v. H&C Communications (1991)
Austin v. Michigan Chamber of Commerce (1990)
Basic Books v. Kinko's (1991)
Beauharnais v. Illinois (1952)
Boy Scouts of America v. Dale (2000)
Brandenburg v. Ohio (1969)
Brown v. Entertainment Merchants Assoc. (2011)
Burwell v. Hobby Lobby Stores (2014)
Cantwell v. Connecticut (1940)
Canadv v. Bossier Parish School Board (2001)
Carter v. Helmsley-Spear, Inc. (1995)
Chaplinsky v. New Hampshire (1942)
Church of the Lukumi Babalu Aye v. City of Hialeah (1993)
City of Boerne v. Flores (1997)
City of Houston v. Hill (1987)
City of Ontario v. Quon (2010)
City of Renton v. Playtime Theatres (1986)
City of San Diego v. Roe (2004)
Citizens United v. FEC (2010)
Cohen v. California (1971)
Community For Creative Non-Violence v. Reid (1989)
Connick v. Myers (1983)
Commonwealth v. Robin (1965)
Dallas v. Stanglin (1989)
Dawson v. Delaware (1992)
Doe v. University of Michigan (1989)
Dr. Seuss Enterprises v. Penguin Books, Inc. (1997)
Dun & Bradstreet, Inc. v. Greenmoss Builders (1985)
Edwards v. Aguillard (1987)

Elane Photography v. Willock (2013)
Eldred v. Ashcroft (2003)
Eline v. Town of Ocean City (2021)
Elonis v. United States (2015)
Employment Division, Dept. Humn. Resources of Oregon v. Smith (1990)
Engel v. Vitale (1962)
Everson v. Board of Education (1947)
FCC v. Pacifica Foundation (1977)
Feist Publications v. Rural Telephone (1991)
First National Bank of Boston v. Bellotti (1978)
Frisbv v. Schults (1988)
Garcetti v. Ceballos (2006)
Gerhart v. Oklahoma (2015)
Gitlow v. New York (1925)
Glik v. Cunniffe (2011)
Glowacki v. Howell Pub. Sch. District (2013)
Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal (2006)
Griswold v. Connecticut (1965)
Guiles v. Marineau (2006)
Hazelwood School District v. Kuhlmeier (1988)
Heffron v. Int. Soc. for Krishna Consciousness (1981)
Hernandez. v. Hillsides (2009)
Hess v. Indiana (1973)
Holder v. Humanitarian Law Project (2010)
Holt v. Hobbs (2015)
Hosanna-Tabor Evangelical Lutheran Church and School v. the EEOC (2012)
Hustler Magazine v. Falwell (1988)
In re J.M. (2003)
In re S.K. (2019)
Kleinman v. City of San Marcos (2010)
Kyllo v. United States (2001)
Lawrence v. Texas (2003)
Lee v. Weisman (1992)
Lemon v. Kurtzman (1971)
Leibovitz v. Paramount Pictures Corp. (1998)
Locke v. Davey (2004)
Lorillard Tobacco Co. v. Reilly (2001)
Madsen v. Women's Health Center (1994)
Mahanoy Area School District v. B.L. (2021)
Marsh v. Alabama (1946)
Marsh v. Chambers (1983)
Masters v. Kentucky (2017)
McCullen v. Coakley (2014)
McIntyre v. Ohio Election Commission (1995)
Members of the City Council v. Taxpayers for Vincent (1984)
Miller v. California (1973)
Miller v. National Broadcastina Co. (1986)
Minersville School District v. Gobitis, 310 U.S. 586 (1940)
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