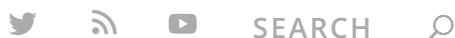


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About Josh C.V. Classes Publications Speaking Commentary Media

Contact

First Amendment (Spring 2019) – Syllabus

First Amendment

Josh Blackman

Spring 2019 2018

Email: FirstAmendmentSpring2019@JoshBlackman.com (please use this instead of my STCL email)

Course Homepage: <http://joshblackman.com/blog/classes/first-amendment-spring-2019/>

Office: Room 623

Overview:

Welcome to First Amendment. This class will cover the Freedoms of Speech, Press, Association, Exercise of Religion, and the Establishment Clause.

If you already have a copy of “Constitutional Law: Cases in Context” by Barnett and Blackman (Third Edition, Aspen Casebook Series), please use that version. If you do not have that book, you can use the abridged paperback version: “Constitutional Rights: Cases in Context” by Barnett and Blackman (Second Edition). The readings are the same in both books—I will provide different page numbers.

Examination:

During the exam period, I will administer a three-hour in-class final examination. We will hold a review session before the final exam.

The exam is completely open-book. You can use anything you wish, so long as that it was printed before the distribution of this exam. Obtaining any new information from anyone or anything after the exam is distributed is prohibited.

I do not have any old First Amendment exams to share. You can download my previous ConLaw previous exams here:

- [Midterm \(Fall 2018\), A+ Answer, Memo](#)
- [Final Exam \(Spring 2018\), A+ Answer, Memo](#)
- [Midterm \(Spring 2018\), A+ Answer, Memo](#)
- [Final Exam \(Fall 2017\), A+ Answer](#)
- [Midterm \(Fall 2017\), A+ Answer](#)
- [Final Exam \(Spring 2017\), A+ Answer](#)
- [Midterm \(Spring 2017\), A+ Answer](#)
- [Final Exam \(Spring 2016\), A+ Answer](#)
- [Midterm \(Spring 2016\), A+ Answer](#)
- [Final Exam \(Fall 2015\), A+ Answer](#)
- [Midterm \(Fall 2015\), A+ Answer](#)
- [Final Exam \(Spring 2015\), A+ Answer](#)
- [Final Exam \(Spring 2014\), A+ Answer](#)

Attendance and Class Participation:

I will take attendance in class. I expect everyone to be prepared to participate in class. Please consult the [South Texas College of Law Student Handbook's](#) section on Attendance and Class Participation (pp. 70-71).

I will also use the iClicker Reef system to receive feedback from students. You can use the Clicker with your [smartphone](#) or in your [web browser](#). Please download the application and register an account before class begins. I will open up the attendance page a few minutes before class, and turn it off when I begin class. If you are not present when class begins, you will be marked absent.



Office Hours

I will hold office hours on Mondays immediately before and after class, and at other times by appointment.

Interaction:

Outside of class, there will be several channels available to interact with me and your colleagues. First, you can reach me via email at FirstAmendmentSpring2019@JoshBlackman.com. I will rely on the course blog to post all announcements and materials for class. You will be responsible for checking the course blog prior to class. You can also view all the class videos by subscribing to the [YouTube channel](#) or viewing the [Spring 2019 playlist](#). I have created playlists of the lectures from previous years.

You can view all of the class notes in this Google Drive [folder](#)

Schedule

The course calendar is available [here](#).

Class 1 – 1/14/19

Punishing Sedition

- Sedition and Prior Restraint (1301-1309)
- [Sedition and Prior Restraint Video](#)
- Sedition and “Clear and Present Danger” (1310-1311)
- Schenck v. United States (1311-1313)
- Debs v. United States (1314-1315)
- Abrams v. United States (1316-1320)
- Gitlow v. United States (1320-1324)
- Stromberg v. California (1325-1326)
- [Sedition and “Clear and Present Danger” Video](#)

Class 2 – 1/28/19

When is Conduct Speech?

- United States v. O'Brien (1326-1330)
- Texas v. Johnson (1330-1336)
- R.A.V. v. City of St. Paul (1337-1342)
- [When is Conduct Speech video?](#)

Does Money Equal Speech?

- Citizens United v. FEC (1368-1394)
- [Does Money Equal Speech video](#)

Class 3 – 2/4/19

Does the First Amendment protect tortious speech?

- New York Times Co. v. Sullivan (1409-1415)
- Snyder v. Phelps (1421-1430)
- [Watch Tortious Speech video](#)

Class 4 – 2/11/19

Freedom of the Press

- Branzburg v. Hayes (1441-1446) / 713
- Cohen v. Cowles Media Co. (1446-1449) / 718
- Red Lion v. FCC (1449-1455) / 722
- Miami Herald v. Tornillo (1455-1458) / 727

Class 5 – 2/18/19

Obscenity

- Stanley v. Georgia (1458-1461) / 730
- Miller v. California (1461-1467) / 733
- Ashcroft v. Free Speech Coalition (1467-1474) / 739

Class 6 – 2/25/09

Other Forms of Offensive Speech

- U.S. v. Stevens (1474-1484) / 747
- Brown v. EMA (1484-1501) / 756
- Matal v. Tam (1501-1506) / 773

Class 7 – 3/4/19

Commercial Speech

- Virginia State Board of Pharmacy (1506-1511) / 779
- Central Hudson Gas (1511-1514) / 783
- Lorillard Tobacco v. Reilly (1514-1519) / 786
- Matal v. Tam (1519-1522) / 791
- [NIFLA v. Becerra \(Supplement\)](#)

No class on 3/18/19

Class 8 – 3/25/19

Freedom of Association

- NAACP v. Alabama (1524-1527) / 769
- [Janus v. AFSCME \(Supplement\)](#)
- Roberts v. Jaycees (1540-1551) / 812

- Boy Scouts v. Dale (1551-1561) / 823

Class 9 – 4/1/19

Free Exercise of Religion I

- Reynolds v. U.S. (1565-1571) / 853
- Sherbert v. Verner (1571-1573) / 843
- Employment Division v. Smith (1573-1578) / 845
- [Watch Free Exercise of Religion Video](#)
- Boerne v. Flores (420-429) (Not in split)
- [Watch Boerne v. Flores Video](#)

Class 10 – 4/8/19

Free Exercise of Religion II

- Church of the Lukumi Babalu Aye (1578-1585) / 850
- Trinity Lutheran Church v. Comer (1585-1593) / 857
- Burwell v. Hobby Lobby Stores (1596-1604) / 868

Class 11 – 4/15/19

Government “Entanglement” with Religion

- Lemon v. Kurtzman (1605-1611) / 880

Government “Endorsement” of Religion

- Marsh v. Chambers (1611-1614) / 884
- James Madison, The Detached Memorandum (1615-1616) / 887
- Lee v. Weisman (1616-1627) / 888
- Town of Greece v. Galloway (1628-1637) / 900

Class 12 – 4/22/19

Governmental “Purpose” to Advance Religion

- McCreary County v. ACLU (1638-1649) / 910
- Van Orden v. Perry (1649-1655) / 921
- [Watch McCreary County video](#)
- [Trump v. Hawaii \(Sotomayor, J., dissenting\)](#)

Class 13 – 4/29/19

The Right to Keep and Bear Arms

- District of Columbia v. Heller (1657-1680) / 931
- [Heller Video](#)
- How should firearm regulations be scrutinized? (1704-1728) / 978-1002

Students with Disabilities. The Americans with Disabilities Act is federal antidiscrimination legislation providing comprehensive civil rights protection for persons with disabilities. South Texas College of Law is committed to providing a learning environment meeting the needs of all students; and to that end it provides reasonable accommodations to students who have physical, learning, mental, or other disabilities. If you believe you have a disability requiring an accommodation, please contact Assistant Dean Gena Singleton in the Office of Student Academic Affairs to discuss how your need for support services may be met. Her office is in

Room 809, and you may telephone 713-646-1778 or email gsingleton@stcl.edu. All discussions will remain confidential. Please note that accommodations cannot be provided retroactively. More information regarding the law school's Policy for Accommodating Law Students with Disabilities, including application deadlines, can be found in the [Student Handbook](#).

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