Course Outline:

A. Freedom of Speech

Introduction
text, pp. 3-14

1. Restrictions on Content

Seditious Speech
Schenk v. U.S., text, beginning on p.15
Abrams v. U.S., 19
Gitlow v. N.Y., 29
Whitney v. Cal., 33
Dennis v. U.S., 39
Brandenburg v. Oh., 46

Fighting Words, Hate Speech, and Other Challenges to a
Hostile Audience
Chaplinsky v. N.H., 53
Gooding v. Wilson, 55
Feiner v. N.Y., 61
Edwards v. S.C., 63
Skokie Controversy, 85
Snyder v. Phelps, online 1
Va. v. Black, 99
Wis. v. Mitchell, 97

Sexual Speech
Cohen v. Cal., 56
Erznoznik v. Jacksonville, 134
Rowan v. Post Office, 151
FCC v. Pacifica Foundation, 145
FCC v. Fox Television, 150
Barnes v. Glenn Theater, 226
Young v. American Mini Theaters, 137
Renton v. Playtime Theaters, 140
False Statements?
U.S. v. Alvarez, online 2

2. Restrictions on Demonstrations

Public Forum
U.S. v. Grace, 266
Southeastern Promotions v. Conrad, 273
Adderley v. Fla., 269
Greer v. Spock, 274
Lehman v. Shaker Heights, 271
International Society of Krishna Consciousness v. Lee, 283
Widmar v. Vincent, 293
Rosenberger v. University of Va., 335
Christian Legal Society v. Martinez, online 14
Amalgamated Food Employees v. Logan Valley Plaza, 298
Lloyd v. Tanner, 299
Hudgens v. NLRB, 299
Pruneyard Shopping Center v. Robins, 387

Time, Place, and Manner Restrictions
Grayned v. Rockford, 271
Cox v. N.H., 235
Forsyth County v. Nationalist Movement, 65
Frisby v. Schultz, 259
Madsen v. Women's Health Center, 260

Symbolic Speech
U.S. v. O'Brien, 209
Skokie Controversy
Tex. v. Johnson, 218

3. Restrictions in Special Contexts

Speech in School
Tinker v. Des Moines School District, 300
Bethel School District v. Fraser, 305
Morse v. Frederick, 308

Speech at Work
Pickering v. Board of Education, 312
Connick v. Myers, 313
Rankin v. McPherson, 316
San Diego v. Roe, 320

Midterm Exam--Mar. 7 or 12 (tentative)
Speech in Election Campaigns
Citizens United v. FEC, 468

4. Compelled Speech
Minersville School District v. Gobitis, 383
Wooley v. Maynard, 384
Doe v. Reed, online 18

B. Freedom of Association
NAACP v. Ala., 398
NAACP v. Button, 406
Branti v. Finkel, 325
Rutan v. Republican Party, 326
Roberts v. U.S. Jaycees, 423
Boy Scouts of America v. Dale, 424
Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 392

C. Freedom of the Press

Prior Restraint
Near v. Minn., 369
U.S. v. Progressive, 377

Newsgathering Restrictions
Pell v. Procunier, 479
Branzburg v. Hayes, 489

Prior Restraint and Newsgathering Restrictions:
Free Press Versus Fair Trial
Nebraska Press Association v. Stuart, 379
Gannett v. DePasquale, 480
Richmond Newspapers v. Va., 482

Invasion of Privacy
Cox Broadcasting v. Cohn, 82
Bartnicki v. Vopper, 82

D. Freedom of the Press Exceptions

1. Libel
New York Times v. Sullivan, 68
Curtis Publishing v. Butts, 74
Gertz v. Welch, 76

2. Obscenity
Roth v. U.S., 104
E. Freedom of Religion

1. Free Exercise of Religion
   Church of the Lukumi Babalu Aye v. Hialeah, 528
   Sherbert v. Verner, 537
   Wis. v. Yoder, 540
   U.S. v. Lee, 542
   Goldman v. Weinberger, 543
   Lyng v. Northwest Indian Cemetery Protective Association, 545
   Employment Division v. Smith, 547
   Boerne v. Flores, 555 and continued on 559
   Cutter v. Wilkinson, 635
   Gonzales v. O Centro etc., 560

2. Establishment of Religion
   Abington School District v. Schempp, 564
   Wallace v. Jaffree, 565
   Lee v. Weisman, 567
   Santa Fe School District v. Doe, 574
   Marsh v. Chambers, 583
   Lynch v. Donnelly, 584
   McCreary County v. ACLU, 595
   Van Orden v. Perry, 600
   Pleasant Grove v. Summum, 296
   Edwards v. Aguillard, 578

Final Exam-Mon. Apr. 29, 1-3

Course Reading:

Sullivan and Gunther, First Amendment Law, 4th ed.

Course Requirements:

There will be a midterm exam and a non-comprehensive final exam, both of which will be all essay. Each will count for
one-fourth of your grade. There will be a research assignment which will be described in class. This will count for one-fourth. In addition, class participation is expected and is especially important for this course. It will count for the remaining one-fourth. (If class discussion becomes sluggish, you may be required to turn in some briefs. These will be included in evaluation of your class participation.)

Course Policies:

Attendance: Not taken, but you, of course, are responsible for all material covered in class and need to attend to participate. (But attendance itself will not count as participation. You have to participate.)

Make-up Exams: Available only in special circumstances. You should receive prior permission from the instructor or certification from a doctor. If you do not take an exam (or turn in the paper), you will receive a zero (not an F).

Incompletes: Available only in special circumstances.

Pass-No Pass: In accordance with university policy, a grade of Pass requires C work. (Note: Political science courses taken on a pass-no pass basis, except internships, do not count toward a political science major.)

Cheating: Using crib notes during exams, or copying material from other sources--students, periodicals, books, the Internet, etc.--without proper acknowledgment is cheating. These and any other forms of cheating will result at least in an F for the exercise; they may result in more serious punishment in accordance with university policies. If you have questions about proper acknowledgment, see the instructor.

Disabilities: Students with disabilities are encouraged to contact the instructor for a confidential discussion of their individual needs. It is UNL policy to provide flexible and individualized accommodation to students with documented disabilities that may affect their ability to fully participate in course activities or meet course requirements. To receive accommodation services, students must be registered with the Services for Students with Disabilities office (132 Canfield Administration, 472-3787).