

First Amendment Law
Professor Teachout
Fall Term, 2017

Reading Assignments for the First Week of Classes

Texts: (1) Chemerinsky, Constitutional Law (4th ed., 2013) and Chemerinsky, Constitutional Law 2016 Supplement

or

(2) Chemerinsky, Constitutional Law (5th ed., 2017)

[Either of these texts may be used. Separate syllabi will be distributed next week with pages listed according to the text chosen.]

Office Hours: T & Th, 10:00-11:00 a.m. or by appointment.

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Course Overview

This course is designed to provide students with a solid grounding in First Amendment law and with the distinctive traditions that inform this important body of American constitutional jurisprudence. The course introduces students to the full range of First Amendment issues (free speech, free press, right of association, free exercise of religion, and the prohibition against establishment) and to the different modes of analysis the Court employs in each of these areas. Over the course of the term, a series of practice-related exercises will be assigned to provide hands-on experience dealing with real-world First Amendment problems. These problems, which will be assigned to students working in teams of three or four, will not be graded but will be considered as part of class participation. The final grade will be based in part on a final in-class exam and in part on class participation.

In addition to the assigned text and supplement, students are encouraged to keep track of recent developments relating to First Amendment law and to consult the discussions of important pending First Amendment cases in the leading Supreme Court blog: <http://www.scotusblog.com/>

Assigned Readings for First Two Sessions

Session #1 (Tuesday, August 29th): “Charlottesville”: Should Racist and Hate Groups Have Free Speech Rights?

Read: (1) “After Charlottesville Violence, Colleges Brace for More Clashes,” NYT, Aug. 16, 2017:

https://www.nytimes.com/2017/08/16/us/after-charlottesville-violence-colleges-brace-for-more-clashes.html?emc=eta1&_r=0

(2) “The A.C.L.U. Needs to Rethink Free Speech,” op-ed by K-Sue Park, NYT, Aug. 17, 2017:

<https://www.nytimes.com/2017/08/17/opinion/aclu-first-amendment-trump-charlottesville.html?emc=eta1>

(3) “How Germany Deals with Neo-Nazis,” op-ed by Anna Sauerbrey, NYT, Aug. 23, 2017:

https://www.nytimes.com/2017/08/23/opinion/germany-neo-nazis-charlottesville.html?emc=eta1&_r=0

(4) “After Backing the Alt-Right in Charlottesville, the ACLU Wrestles With Its Role,” NYT, Aug. 17,

2017:<https://www.nytimes.com/2017/08/17/nyregion/aclu-free-speech-rights-charlottesville-skokie-rally.html?emc=eta1>

Watch in Class: Documentary: “Skokie: Right or Wrong”

Session #2 (Thursday, August 31st): Historical Context: Freedom of Speech and Press in Eighteenth Century America: The Sedition Act Trials

Read: Amendment I, U.S. Constitution

Ragsdale, “The Sedition Act Trials” (2005) pp. 1-22 at:

<http://www.fjc.gov/history/docs/seditionacts.pdf>