

Seminar in Law and Societal Change: The First Amendment

Spring 2019

Dr. Hull

Whee! Thanks to the First Amendment we can play blood-letting video games; dishonor the flag, burn it, or embroider it on our jackets; we can call our leaders every sort of animal life—oh, and picket our own university to secure better parking.

Thanks to the First Amendment we can also protest inequality, publish global warming forecasts; we can worship (or not) almost any way we see fit; and gather with like-minded folks to protest Islamophobia or (in my case) threats to slash Social Security premiums.

In this seminar we shall explore the reasons why many judges and legal scholars refer to the First Amendment as “The Constitution’s Crown Jewel.”

Assigned Reading:

American Constitutional Law: The Bill of Rights and Subsequent Amendments, Vol. 11/ Rossum & Tarr (most recent volume)

Philippa Strum: *When the Nazis Came to Skokie*. Lawrence: University Press of Kansas, 1999

Richard H. Rovere: *Senator Joe McCarthy*,

Move Fast and Break Things: How Facebook, Google, and Amazon Cornered Culture and Undermined Democracy. Black Bay Books, 2017

Rossum & Tarr: *American Constitutional Law: The Bill of Rights and Subsequent Amendments*, vol. 11.

Grading

Class participation and attendance...	20%
Assigned Writing.....	30%
Mid-term Exam.....	20%
Final Exam	30%

DO’S AND DON’TS: Attendance is absolutely crucial, and you’ll be docked a full grade for every three absences. Also, if you use your cell phones during class I’ll grab you by the ears and hurl you down the stair-well.

WHERE TO FIND ME: I'll be in my office (Hill 725) every Tuesday and Thursday from 8:00 – 9:30 and from 11:30 - 1:00 Please drop by whenever you have a question or just want to chat. You can also reach me via e-mail: eahull47@hotmail.com, or by phone: (973) 353-5171.

SCHEDULE:

FREEDOM OF SPEECH

Philippa Strum: *When the Nazis Came to Skokie.*

First paper due: Class presentations based on this paper will begin; assigned articles

BRIEF: *Schenck v. U.S.; Dennis v. U.S.; Barenblatt v. U.S.; Brandenburg v. Ohio; Holder v. Humanitarian Law Project; Cit. United v. F.E.C.; Tx. v. Johnson; R.A.V. v. City of St. Paul; Walker v. Texas Div., Sons of Confederate War Vets.; McCullen v. Coakley*

FREEDOM OF THE PRESS & PORNOGRAPHY

Richard H. Rovere: *Senator Joe McCarthy,*

Second paper due: Class presentations based on this paper will begin

BRIEF: *Near v. Mn.; N.Y. Times v. U.S.; Branzburg v. Hayes; N.Y. Times v. Sullivan; Reno v. ACLU; Ind. Anti-Pornography Ord.; Brown v. Entertainment Merchants Assoc'n.; Jacobellis v. Ohio; Stanley v. Ga.; Miller v. Calif.*

MID-TERM EXAM

FREEDOM OF RELIGION

Class presentations, assigned articles.

BRIEF: *Everson v. Bd. Of Educ.; S.D. of Abington Township v. Schempp; Lemon v. Kurtzman; Wallace v. Jaffree; Lee v. Weisman; McCreary County v. ACLU; Van Orden v. Perry; Rosenberger v. U. of Va.; Zelman v. Simmons-Harris; W. Va. Bd. Of Educ. v. Barnette; Sherbert v. Verner; Emp. Div., Dept. of Human Resources of Oregon v. Smith; City of Boerne v. Flores; Burwell v. Hobby Lobby Stores.*

FREEDOM OF ASSEMBLY AND TO PETITION THE GOVERNMENT

Second paper due; assigned articles; Class presentations

BRIEF: *NAACP v. Ala.*; *Kings Mall v. Wenk*; *Hurley v. Irish-American LGBTQ*; *Boy Scouts v. Dale*.

OPTIONAL MID-TERM EXAM

MODERN CHALLENGES

Move Fast and Break Things: How Facebook, Google, and Amazon Cornered Culture and Undermined Democracy.

Cases and articles to be assigned; Class presentations

FINAL EXAM