

**SURVEY OF THE FIRST AMENDMENT
SYLLABUS**

Professor Kathleen M. Burch

Fall 2010

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Required Text:

Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet & Pamela S. Karlan, The First Amendment (3rd ed., Aspen 2008) (hereinafter “Stone”) and supplement. Unless otherwise noted, all page references for reading assignments are to Stone.

Course Description:

First Amendment will examine various aspects of free speech, free exercise of religion, and the Establishment Clause.

Class Schedule:

Monday and Wednesday 1:15 p.m. – 2:30 p.m. Room 652

On the following Wednesdays, class will begin at 1:00 p.m.: Aug. 26, Sept. 2, Sept. 9, Sept. 16, Sept. 23, Sept. 30, Oct. 7, Oct. 14, Oct. 21, and Nov. 4.

Class will not be held on Oct. 28 or Oct. 30.

Office Hours:

Tuesday 11:45 a.m. – 2:00 p.m.

Thursday 11:45 a.m. – 2:00 p.m.

Office hours are held in Room 819 at Atlanta’s John Marshall Law School, 1422 W. Peachtree St, N.W., Atlanta.

Office hours can also be scheduled at a mutually convenient time. Please use e-mail to schedule an appointment.

Class Preparation and Participation:

Class preparation is essential. Every student must be prepared for every class. Preparation includes reading the material, identifying questions you have regarding the

material, thinking through the material, and preparing problems/hypotheticals as assigned. A student who is not prepared for class may be counted as absent for that class period.

Every student is expected to participate during class. Preparation for and participation in class are essential in order for you to master the material which will be covered in class. Classroom discussion and working through hypotheticals are part of the lawyering process. It prepares you, the student, for the final exams and for the practice of law.

Cell phones, pagers, computer alarms and other noise-making devices must be turned off during class. Students who disrupt the class will be asked to leave and will be counted as absent for that class.

Attendance:

Regular and punctual class attendance is mandatory. If you miss more than four regularly scheduled classes (regardless of the reason(s)), I reserve the right to exclude you from the course, deny you the right to take the final exam, reduce your final grade, or take any other appropriate actions, in my discretion. I may also count you absent if you are in class, but you: (i) arrive late, (ii) leave early, (iii) are unprepared when called upon in class, or (iv) are engaged in activities in class which are inappropriate for a professional school setting.

When you do miss a class, it is your responsibility to get notes from a classmate. You will be required to meet any deadlines of the course regardless of missed classes.

Taping of Classes:

You may not tape record or otherwise electronically record the class.

TWEN:

TWEN will be used extensively during this course. You are responsible for all materials, announcements, and assignments posted on TWEN. All course material will be posted on TWEN. Within the first week of the semester, you must access TWEN and enter an e-mail address which you use on a regular basis. I will use TWEN to communicate with you.

Laptops:

I reserve the right to prohibit the use of laptops during class.

Evaluation:

Grades in this course are based on a final exam. The final exam is a closed book exam.

COURSE SCHEDULE AND READING ASSIGNMENTS

The reading assignment for each class is listed below. Students are expected to have read the assignment prior to class and be prepared to discuss the issues raised in the reading assignment during that class period. All Supplemental Material will be posted on TWEN.

I reserve the right to modify reading assignments throughout the semester.

<u>Date</u>	<u>Topic</u>	<u>Pages</u>
Aug. 17 & 19	History and Philosophy Dangerous Ideas	1-64
Aug. 24	Speech that Threatens	64-108
Aug. 26	Overbreadth, Vagueness, and Prior Restraint	109-33
Aug. 31	False Statements of Fact	135-61
Sept. 2	Commercial Advertising	161-87
Sept. 9	Obscenity	187-218
Sept. 14	Lewd, Profane, Indecent Speech	219-44
Sept. 16	Hate Speech & Pornography	244-83
Sept. 21	Public Forum	285-309
Sept. 23 & 28	Other Government Property	309-67
Sept. 30	Symbolic Speech	367-91
Oct. 5	Political Solicitation	391-427
Oct. 7	Association & Right not to Speak	427-48
Oct. 12	Restricted Environments Supplement Material will be provided	449-58
Oct. 14	Public Employment & Compelled Disclosure	458-93
Oct. 19 & 21	Freedom of the Press	493-541

<u>Date</u>	<u>Topic</u>	<u>Pages</u>
Nov. 2	History Religion Clauses, Defining Religion and Anti-Coercion	541-78
Nov. 4	Non-Endorsement Principle Supplement Material will be provided	578-99
Nov. 9	Facially Neutral Statutes	599-619
Nov. 11	Free Exercise Clause	621-40
Nov. 16	Permissible Accommodation	641-57
Nov. 18	Current Issues Supplemental Material will be provided	
Nov. 23	Review	