Basic information:

This course covers both freedom of religion and freedom of speech. The casebook is Choper et al, Constitutional Law (tenth ed., Thompson/West). We will also have assignments in Garvey and Schauer, The First Amendment: A Reader (second ed., West). The grade is based on a 2 ½ closed book final exam and 3-page essay due on Monday, November 30 [see “Writing assignment,” below]. My office phone is 303-492-8428, and my email is Robert.Nagel@Colorado.edu. My office is room 430. You may make an appointment to see me by phone or email, or you may stop by my office at any time.

Writing assignment:

One requirement for this course will be a three page, double-spaced essay on any serious book on a topic relating to the First Amendment. Many books are referenced in your reader and case book. If you are unsure about an appropriate choice, feel free to check with me. The object of the assignment is for you to develop one point that emerges from your reading. You should react to some major aspect of the book. Pinpoint a gap in the author’s argument, for example, or show what is useful about some aspect of that argument, or develop a counter-argument. Do not simply describe the book. This should be an essay, a reaction, not a report or a description. In preparing the essay, keep the following in mind: It is better to develop one small point carefully and convincingly than to do a casual job on a big point. It is important to write several drafts so that your organization is good, your sentences well-constructed, your word choice precise, and your punctuation correct. Under no circumstances should you exceed three pages (12 point type). You should sign the essay with your final exam number, not your name. The essay will count the equivalent of a 30 minute question on the final exam. It is due on Monday, November 30.

Reading list:

This is the order in which we will go through the readings. Specific page assignments will be given at the end of each class.

A. Freedom of Religion

Establishment Clause: Choper, pp. 1061-1131; Garvey and Schauer, Berns at 430, Cahn at 433, Howe at 436, Bradley at 439, Johnson at 492, Smith at 496, Dellinger at 544, and Carter at 558.

Free Exercise Clause: Choper, pp. 1131-1177; Garvey and Schauer, McConnell at 580.
B. Freedom of Speech

Illegal advocacy: Choper, pp. 587-628; Garvey and Schauer, Gunther at 24, Emerson at 47, Mill at 58, Blasi at 208

Reputation and Privacy: Choper, pp. 628-667; Garvey and Schauer, Kalven at 103, Bollinger at 137

Obscenity: Choper, pp. 667-685; MacKinnon at 349

Vagueness and over-breadth: pp. 685-688 [read only]

Offensive speech: Choper, pp. 688-699, 708-737, 811-832

Symbolic speech: Choper, pp. 737-782

Commercial speech: Choper, pp. 782-804

Prior restraints: Choper, pp. 832-866; Garvey and Schauer, Blasi at 279

Newsgathering: Choper, pp. 866-888

Public forum doctrine: Choper, pp. 888-917

Government support: Choper, pp. 917-935

Schools: Choper, pp. 935-960

Electronic media: Choper, pp. 960-1003

Government employment: Choper 1029-1035

Elections: Choper, pp. 1035-1060