Speech, Press, and the Constitution
Professor Richards
Fall 2006

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Office Hours (Room 538): Wed. 1:30-2:30 (by appt. made through Carol Wibbenmeyer only)

The text for this course is Stone, Seidman, et al., *The First Amendment* (Aspen, 2d ed. 2003) which is available in the bookstore. Supplementary readings noted on the syllabus, and those which may from time to time be announced in class will be placed in room 301.

**Attendance & Preparation Policy:** First Amendment jurisprudence is enormous, sprawling, and complex. This course thus contains a lot of very difficult material packed into a relatively short amount of classroom time. Regular attendance is therefore essential. I will divide the class into several groups, and each group will be “on call” for several weeks’ reading assignments on a weekly rotating basis. I will not keep a formal attendance roll, but it is *essential* that students who are on call be both present and prepared for their assigned sections. Failure to abide by this policy will result in a reduction in the final grade. Conversely, excellent participation will be reflected in the final course grade. Students are cautioned not to confuse quantity with quality, however.

**Technology Policy:** Laptops and other wireless devices are wonderful things, but can be a distraction to effective classroom participation both for those using them and for others. While students are certainly welcome to use their laptops in class for note-taking, they must disable any wireless cards or devices before and during class sessions. This means (but is not limited to), no use of Internet web sites, e-mail, instant messaging, peer-to-peer file-sharing, or other such applications in class. Failure to abide by this policy will if caught result in a loss of class participation points, and in serious cases denial of the ability to sit for the final exam.

**Examination:** There will be one two-hour final exam. During the exam, you may consult your casebook, other assigned readings, and one 8½ x 11 page of notes that you prepared yourself. Notes may be made on both sides of the paper. Typing of examinations is strongly preferred, though not required.

**Reading Assignments:** Course assignments have been broken down into numbered assignments, each of which roughly corresponds to one class session, except where noted.

**Unit I: Suppression of Dangerous Ideas and Information**

1. Introduction: Historical and Theoretical Background to the First Amendment; early free speech cases, pp. 3-23.
5. *Dennis*, *Brandenburg* and modern subversive advocacy jurisprudence, pp. 48-65.
6. Threats and provocation, pp. 65-72 (*Bridges*); Supplement #3 (*Cantwell v. Connecticut*). Do not read the edited version of *Cantwell* in Stone, Seidman.
8. Disclosure of confidential, secret, or private information, pp. 92-111; 163-68.

**Unit II: Overbreadth, Vagueness, and Prior Restraint**


**Unit III: Content-based Regulation of “Low-value” Speech**

18. Indecent Speech II: *Pacifica* and new media, pp. 233-46; Supplement #4 (*Ashcroft v. ACLU*).
20. Hate Speech I: *Beauharnais* and *R.A.V.*, pp. 255-74

**Unit IV: Content-Neutral Restrictions**

22. Introduction to content neutrality, pp. 281-95.
23. The public forum and speech on public property, pp. 295-301; 306-08; 317-21; 325-28; 352-59.
25. Litigation, association, and the right not to speak, 412-30.

**Unit V: Special Topics in First Amendment Law**