**CONSTITUTIONAL LAW I**

**Professor Mike Ramsey**

**Spring 2022**

**Reading List**

**Part 3 – Individual Liberties: The First Amendment**

Note: All paginated assignments refer to the casebook (Maggs & Smith, *Constitutional Law: A Contemporary Approach* [5th ed. 2020]). Assignments designated as supplemental reading, hypotheticals or writing assignments are available for download from the course webpage.

I. Introduction to Individual Liberties

A. Text of the Constitution: U.S. Const. Amendments I-IX and XIII – XV

B. The state action doctrine, pp. 1497-1498 (executive summary)

C. The incorporation doctrine, pp. 571-573

II. Introduction to Free Speech; Suppressing “Dangerous” Speech

A. Introduction, pp. 999-1005

B. Incitement to crime: *Brandenburg v. Ohio* and accompanying notes, pp. 1069-1075

C. National security: *New York Times v. United States* (The Pentagon Papers Case) and related notes, pp. 1043-1049 and the Problem on pp. 1049-1050

D. Free Speech hypotheticals (part 1)

III. Fighting Words, Hostile Audiences and Offensive Speech

A. *Chaplinsky v. New Hampshire*, pp. 1116-1118

B. *Snyder v. Phelps*, pp. 1087-1094

C. Free Speech hypotheticals (part 2)

IV. Defamation and False Statements

A. *New York Times v. Sullivan* and related notes and cases, pp. 1076-1085

 B. Notes on *Hustler Magazine v. Falwell* and *U.S. v. Alvarez*, pp. 1085-1086

V. Obscenity and Related Matters

A. *Miller, Roth, Ferber* and related notes, pp. 1095-1106

B. *Cohen v. California*, pp. 1119-1123

C. Free Speech hypotheticals (part 3)

VI. Other Categories of Content-Based Restrictions?

 A. *U.S. v. Stevens*, pp. 1167-1170

B. Supplemental Reading: *Brown v. Entertainment Merchants Ass’n*

VII. Content-Neutral Restrictions of Speech

A. *Kovacs v. Cooper* and *Ward v. Rock Against Racism*, pp. 1025-1029

B. Hypothetical, p. 1030

C. *Reed v. Gilbert* and related notes, pp. 1005-1014

D. Free speech hypotheticals (part 4)

VIII. The Non-Public Forum

A. Supplemental Reading: *U.S. v. Kokinda*

B. Free speech hypotheticals (part 5)

IX. Expressive Conduct

A. *U.S. v.* *O’Brien, Barnes v. Glen Theatre* and related notes, pp. 1031-1041

B. *Texas v. Johnson*, pp. 1107-1115

X. First Amendment Writing Assignment