**CONSTITUTIONAL LAW I**

**Professor Mike Ramsey**

**Spring 2024**

**Reading List (revised, see bolding below)**

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

Note: All paginated assignments refer to the casebook (Maggs & Smith, *Constitutional Law: A Contemporary Approach* [6th ed. 2023]). 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. 1569-1570 (executive summary)

C. The incorporation doctrine, pp. 581-600 (skim)

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

A. Introduction, pp. 1025-1028

B. Incitement to crime: *Brandenburg v. Ohio* and accompanying notes, pp. 1095-1102

C. National security: *New York Times v. United States* (The Pentagon Papers Case) and related notes, pp. 1069-1075 and the Problem on p. 1076

D. Threats: *Watts* and *Virginia v. Black*, note c on pp. 1158-1159

E. Free Speech hypotheticals (part 1)

III. Fighting Words, Hostile Audiences and Offensive Speech

A. *Chaplinsky v. New Hampshire*, pp. 1142-1145

**B. *Cohen v. California*, pp. 1146-1150**

**C. *Snyder v. Phelps*, pp. 1113-1121**

**D. Free Speech hypotheticals (part 2)**

**IV. Obscenity and Related Matters**

**A. *Miller, Roth, Ferber* and related notes, pp. 1122-1133**

**B. Free Speech hypotheticals (part 3)**

**V. Defamation and False Statements**

**A. *New York Times v. Sullivan* and related notes a, b & c, pp. 1102-1111**

**B. Notes d & e on *Hustler Magazine v. Falwell* and *U.S. v. Alvarez*, pp. 1111-1113**

VI. Other Categories of Content-Based Restrictions?

A. *U.S. v. Stevens*, pp. 1202-1205

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. 1051-1056

B. *Reed v. Gilbert* and related notes, pp. 1031-1041

C. 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. 1057-1068

B. *Texas v. Johnson*, pp. 1133-1142

C. Re-read note c on *Virginia v. Black*, pp. 1158-1159

D. Executive summary of the free speech chapter, pp. 1205-1208

X. First Amendment Writing Assignment