FIRST AMENDMENT SEMINAR

General Information

1. **REQUIRED CASES:** Each of you will serve as discussion leader for two cases, starting the second week of the semester. After we complete those discussions, I will give you time to work on your research papers.

2. **RESERVED MATERIALS:** I have also placed two anthologies of First Amendment articles on reserve in the library. (You may wish to consult these materials as you begin research for your seminar papers.)

3. **PROCEDURES FOR SEMINAR:** The principal purpose of this course is to provide each of you with the opportunity to conduct in-depth research on some aspect of First Amendment doctrine, to draft a 25- to 30-page paper, and to present your findings to participants in our seminar. I expect each of you to exit the course with a better mastery of First Amendment principles and an excellent writing sample.

The most important task is to select an interesting, manageable topic. I must approve each topic. At our first meeting, we will conduct a drawing to establish the order in which papers will be presented. The person who draws #1 (or whoever volunteers) will present first and will have first choice of research topics.

No papers will be presented until April 4, to allow the first presenters ample time to prepare first drafts. Two or three presenters will briefly share their findings each week. Then, the class will discuss the paper topic. Drafts are due to be circulated to me and seminar participants one week before presentations. All participants will be expected to edit each presenter's paper, ask questions concerning it in class, and make both written and oral suggestions for improvement. Edited and critiqued papers are to be returned to the presenter at the end of each presentation. Each presenter will review this feedback and complete a final draft for me by May 8, 2013.
4. It is important that you attend scheduled classes and the paper presentations. Please arrive to class on time. We will start promptly each day and try to end on time. A short break will occur between the first and second hour.

5. Between now and our first presentations, we will meet weekly to discuss leading First Amendment cases. Each discussion leader should prepare to present the principal case assigned on the syllabus, providing background information on the participants in the case and the Court's decision. You may wish to consult Erwin Chemerinsky’s or Nowak & Rotunda's treatise for general information.

Please read the following cases:

- **Good News Club v. Milford**
  - Discussion Leader: Prof. Fair
- **Virginia v. Black**
  - Discussion Leader: Summer Cato
- **New York Times v. Sullivan**
  - Discussion Leader: John Cockrell
- **Miller v. California**
  - Discussion Leader: Lauren DeLap
- **U.S. v. Playboy Entertainment Group**
  - Discussion Leader: Daniel Dorius
- **Ashcroft**
  - Discussion Leader: Deirdra Drinkard
- **Williams**
  - Discussion Leader: Charles Fleischmann
- **NAACP v. Alabama**
  - Discussion Leader: Pascal Nkengla
- **Hastings Christian Fellowship v. Martinez**
  - Discussion Leader: Summer Cato
- **Hill v. Colorado**
  - Discussion Leader: John Cockrell
- **Morse v. Frederick**
  - Discussion Leader: Lauren DeLap
- **NEA v. Finley**
  - Discussion Leader: Daniel Dorius
- **Santa Fe Independent School Dist v. Doe**
  - Discussion Leader: Deirdra Drinkard
- **Employment Division of Oregon v. Smith**
  - Discussion Leader: Charles Fleischmann
- **Citizens United**
  - Discussion Leader: Pascal Nkengla

6. **POSSIBLE RESEARCH TOPICS:** The following potential topics are ones that I reserve the right to pursue in my own research but which you may wish to examine.

   a. Does Morse v. Frederick suggest a sharp departure from First Amendment principles announced in Tinker v. Des Moines Unified Schools?

   b. Do states have the constitutional authority to punish more severely those who commit crimes based on hate or bias? Discuss.

   c. In Rosenberger, the Court held that the University of Virginia could not exclude a Christian publication from receiving public funds in the form of student activity fees. Was that decision grounded in free speech or religion clause doctrine? Has the Court merged the two? Explain.
d. A national campaign against tobacco use is underway, especially regarding use by and marketing towards minors. How does this campaign implicate First Amendment issues? Explain.

e. Do campaign finance restrictions on individual/corporate contributions to candidates run afoul of the First Amendment? What restrictions are permissible? Explain.

f. What are the contours of the First Amendment Speech Clause on sexually explicit materials in cyberspace?

g. What power does government have to regulate private religious speech in the public forum? Discuss.

h. What are the constitutional limits on government regulation of speech around abortion clinics? Discuss.

i. Can local government use its zoning power to regulate the free speech interests of sexually explicit businesses? What are the limits on such power?


k. When the government subsidizes speech, can it engage in viewpoint discrimination? Discuss.

l. Does the government have the constitutional power to regulate all child pornography, including virtual porn? Discuss.

7. ADA ACCOMMODATIONS: The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person's specific requirements. The Law School's deans and the University's Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact Claude Arrington, Associate Dean for Students/Academic Services at (205) 348-6557 or carrington@law.ua.edu so that the individual's needs for support services can be evaluated and accommodated in a timely manner.
First Amendment Seminar: Free Speech
Professor Fair — Spring 2013
Schedule for Paper Submissions

Group #1: Presenter: Lauren DeLap
Topic: ___________________
Presenter: John Cockrell
Topic: ___________________
Presenter: Pascal Nkengla
Topic: ___________________
E-mail first draft to class members -- 3/21/13
Paper presentation -- 4/4/13
Edited copies to author -- 4/4/13
Submission of final paper -- A236 – 5/3/13

Group #2: Presenter: Summer Cato
Topic: ___________________
Presenter: Charles Fleischmann
Topic: ___________________
E-mail first draft to class members -- 4/4/13
Paper presentation -- 4/11/13
Edited copies to author -- 4/11/13
Submission of final paper -- A236 -- 5/3/13

Group #3: Presenter: Deirdra Drinkard
Topic: ___________________
Presenter: Daniel Dorius
Topic: ___________________
E-mail first draft to class members -- 4/11/13
Paper presentation -- 4/18/13
Edited copies to author -- 4/18/13
Submission of final paper -- A236 -- 5/3/13