FIRST AMENDMENT SEMINAR

General Information

1. REQUIRED CASES: Each of you will serve as discussion leader for one or two cases, starting the second week of the semester. After we complete those case discussions, I will give you time to work on your research papers and meet individually with each of you to discuss and develop your draft 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 AND GRADING 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 early March, to allow the first presenters ample time to prepare first drafts. Two presenters will briefly share their draft papers 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 December 10, 2014. Your final grades will be based on your final paper and your participation in the seminar.
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 on cases.

Please read the following cases:

<table>
<thead>
<tr>
<th>Case</th>
<th>Discussion Leader</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizens United</td>
<td>Professor Fair</td>
</tr>
<tr>
<td>Good News Club v. Milford</td>
<td>Bethany Blair</td>
</tr>
<tr>
<td>Santa Fe Independent School Dist v. Doe</td>
<td>Anna Carroll</td>
</tr>
<tr>
<td>Virginia v. Black</td>
<td>Anna Critz</td>
</tr>
<tr>
<td>Miller v. California</td>
<td>Kristian Diggs</td>
</tr>
<tr>
<td>U.S. v. Playboy Entertainment Group</td>
<td>Julie Gafnea</td>
</tr>
<tr>
<td>Garcetti v. Ceballos</td>
<td>Michael Kelly</td>
</tr>
<tr>
<td>Hastings v. Martinez</td>
<td>Logan Manthey</td>
</tr>
<tr>
<td>Hill v. Colorado</td>
<td>Anthony Morrison</td>
</tr>
<tr>
<td>Morse v. Frederick</td>
<td>Jordan Rogers</td>
</tr>
<tr>
<td>NEA v. Finley</td>
<td>Matthew Slaughter</td>
</tr>
<tr>
<td>Lorrilard Tobacco</td>
<td>James Steadman</td>
</tr>
</tbody>
</table>

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. 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.
d. Do campaign finance restrictions on individual/corporate expenditures run afoul of the First Amendment? What restrictions are permissible? Explain.

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

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

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

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


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

l. Does the government have the constitutional power to proscribe 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 — Fall 2014
Schedule for Paper Submissions

Group #1:  Presenter:
Topic: ________________
Presenter:
Topic: ________________
E-mail first draft to class members – October 8
Paper presentation – October 15
Submission of final paper -- A236 – December 10

Group #2:  Presenter:
Topic: ________________
Presenter:
Topic: ________________
E-mail first draft to class members – October 15
Paper presentation – October 22
Submission of final paper -- A236 – December 10

Group #3:  Presenter:
Topic: ________________
Presenter:
Topic: ________________
E-mail first draft to class members – October 22
Paper presentation – October 29
Submission of final paper -- A236 – December 10

Group #4:  Presenter:
Topic: ________________
Presenter:
Topic: ________________
E-mail first draft to class members – October 29
Paper presentation – November 5
Submission of final paper -- A236 – December 10
Group #5:  **Presenter:**
Topic: __________________

**Presenter:**
Topic: __________________
E-mail first draft to class members – November 5
Paper presentation – November 12
Submission of final paper -- A236 – December 10

Group #6:  **Presenter:**
Topic: __________________

**Presenter:**
Topic: __________________
E-mail first draft to class members – November 12
Paper presentation – November 19
Submission of final paper -- A236 – December 10