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| ***FIRST AMENDMENT LAW***  ***SYLLABUS***  ***Spring* 2022**  **Professors Thomas H. Martin & Peter M. Malaguti** | C:\Users\Peter\Dropbox\Law School\Property\Captivate Project\From Mick's Thumbdrive\mslaw new logo IVY 1715.png |

## REQUIRED READING

## Casebook: Chemerinsky, Constitutional Law (6th Ed. 2020, Wolters Kluwer Pub.) This casebook will serve as the main reference for the course.

***NON-REQUIRED SUPPLEMENTAL READING***

Ides, May & Grossi Constitutional Law: Individual Rights – Examples & Explanations (7th Ed. 2016, Aspen Pub.)

*Chemerinsky*, Constitutional Law – Principles and Policies (5th Ed. 2015, Aspen Pub.)

I have placed on TWEN a “Student Study Guide” on First Amendment Law. Although not a comprehensive statement of the entirety of First Amendment law, I hope that it will serve as a nuts and bolts guide to the rules and provide some direction for you.

**Because the classes are highly interactive, the assignments are estimates only. The students are expected to attend every class and keep track of the pace.**

**GOALS AND OBJECTIVES OF THE COURSE**

This course is an in-depth study of American First Amendment law. Successful students will master the complicated structure and functions of the doctrines, legal methods, legal reasoning and legal analysis employed by lawyers when practicing “First Amendment law,” the process by which our American legal system orders our government and protects the free expression, free association, and free exercise of religion rights of its citizens, as well as the right of American citizens to be free of a government that violates its rights by “establishment” of a religion. It is expected that students achieving a grade of “C” or better will have mastered the law and legal processes sufficiently to pass sections of the bar examination that test on First Amendment law. It is also expected that successful students will achieve an understanding of the fundaments of First Amendment law that is sufficient to enable them to take the first steps to handle constitutional law issues upon graduation from the Massachusetts School of Law. Students who fail to master the law and legal processes sufficiently enough to pass the First Amendment sections of the bar examination, or who lack the fundamental knowledge requisite to handle constitutional law issues upon graduation, will receive a grade below that of “C.”

**GRADING**

**Your final grade shall be comprised of two components. First, I will give a quiz every other week, for a total of seven (7) quizzes. I will drop the lowest two scores and, together, the quizzes will comprise 25% of your final grade. The other 75% of your grade will consist of one (1) final exam given during the end-of-semester exam period.**

**READING**

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| **Week** | **Chapter/Section** | **Pages**  **(6th Ed.)** |
| **Week One**  **Class One**  **Thursday, Jan. 18**  **-----**  **Class Two**  **Thursday, Jan. 20** | **Introduction to course and discussion of class expectations.**  **Chapter 9: First Amendment: Freedom of Expression**   1. **A. Introduction** 2. **1. Historical Background** 3. **2. Why Should Freedom of Speech Be a**   **Fundamental Right**   1. **Self-Governance** 2. **Discovering Truth** 3. **Advancing Autonomy** 4. **Promoting Tolerance** 5. **Conclusion** 6. **3. The Issues in Free Expression Analysis**   **-----**  **B. Free Speech Methodology**  **1. The Distinction Between Content-Based and**  **Content-Neutral**   1. **a. The Importance of the Distinction**  * ***Reed v. Town of Gilbert* (2015)**     **b. How is it Determined Whether a Law Is**  **Content-Based?**  **The Requirement for Viewpoint Neutrality**   * ***Matal v. Tam* (2017)** * **Note**   **Subject Matter Restrictions**   * ***Williams-Yulee v. Florida Bar (2015)*** | **1177**  **1177**  **1179**  **1180**  **1181**  **1183**  **1184**  **1184**  **1184**  **1186**  **1186**  **1186**  **1186**  **1194**  **1195**  **1195**  **1200**  **1201**  **1202** |
| **Week Two**  **Class Three**  **Tuesday, Jan. 25**  **-----**  **Class Four**  **Thursday, Jan. 27** | **Content-Neutral Laws**  **c. Problems in Applying the Distinction**  **Between Content-Based and Content-**  **Neutral Laws**  **i. Permissible Purposes and Content-**  **Neutrality**  ***- City of Renton v. Playtime Theaters,***  ***Inc. (1986)***  **ii. When the Government Must Make**  **Content-Based Choices**  ***National Endowment for the Arts v.***  ***Finley* (1998)**  ***iii. Government Speech***   * ***Pleasant Grove City v. Summum* (2009)** * ***Walker v. Sons of Confederate Veterans***   ***(2015)***  **2. Vagueness and Overbreadth**  **a. Vagueness**   * ***Coates v. City of Cincinnati (1971)*** * ***Baggett v. Bullitt (1964)***   **b. Overbreadth**   * ***Schad v. Borough of Mount Ephraim (1981)*** * ***Broadrick v. Oklahoma (1973)*** * ***City Council v. Taxpayers of Vincent (1984)*** * ***Houston v. Hill (1987)*** * ***New York v. Ferber (1982)*** * ***Secretary of State v. J.H. Munson Co. (1984)*** * ***Osborn v. Ohio (1980)*** * ***Gooding v. Wilson (1972)*** * ***Packingham v. North Carolina (2017)***   **c. Relationship Between Vagueness and**  **Overbreadth**   * ***Board of Airport Comm’rs of L.A. v. Jews for Jesus, Inc. (1987)***   **-----**  **3. Prior Restraints**   1. **What Is a Prior Restraint?** 2. **Are Prior Restraints Really So Bad?** 3. **Court Orders as a Prior Restraint**  * ***Near v. State of Minnesota (1931)***  1. **Court Orders to Protect National Security**  * ***New York Times v. United States (1971)*** * ***United States v. Progressive, Inc. (1979)***  1. **Court Orders to Protect Fair Trials**  * ***Nebraska Press Ass’n v Stuart (1976)***  1. **Court Orders Seizing the Assets of Businesses Convicted of Obscenity Violations**  * ***Alexander v. United States (1993)*** | 1210  1211  1211  1211  1215  1215  1219  1219  1223  1229  1229  1230  1231  1231  1231  1232  1233  1233  1233  1234  1234  1235  1235  1236  1236  -----  **1237**  **1237**  **1238**  **1240**  **1240**  **1242**  **1243**  **1249**  **1249**  **1249**  **1254**  **1255** |
| **Week Three**  **Class Five**  **Tuesday, Feb. 1**  **-----**  **Class Six**  **Thursday, Feb. 3** | 1. **Licensing as a Prior Restraint**  * ***Lowell v. City of Griffin (1938)*** * ***Watchtower Bible & Tract Soc’y of N.Y. v. Village of Stratton***  1. ***Important Reason for Licensing***  * ***Cox v. New Hampshire (1941)***  1. ***Clear Standards Leaving Almost No Discretion to the Government***  * ***City of Lakewood v. Plain Dealer Pub. Co. (1988)*** * ***Saia v. New York (1948)*** * ***Forsyth County, Georgia v. Nationalist Movement (1992)***  1. ***Procedural Safeguards***  * ***Freedman v. Maryland* (1965)** * ***FWPBS, Inc, v. City of Dallas* (1990)** * ***Thomas and Windy City Hemp Development Board v. Chicago Park District* (2002)** * **City of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C. (2004)**  1. **What Is an Infringement of Freedom of Speech?**   **CIVIL LIABILITY AND DENIAL OF COMPENSATION FOR SPEECH**  **PROHIBITIONS ON COMPENSATION**   * ***United States v. National Treas. Empl. Union (1995)***   **COMPELLED SPEECH**   * ***West Va. State Bd. Of Educ. V. Barnette (1943)*** * ***Note on Wooley v. Maynard (1977)*** * **National Federation of Family & Life v. Becerra (2018)** * **Janus v. American Federation (2018)** * **Johannes v. Livestock Marketing Ass’n. (2005)** * ***Rumsfeld v. Forum for Academic & Inst’l Rights, Inc. (2006)*** * ***McIntyre v. Ohio Elections Comm’n (1995)*** * **Buckley v. American Const. Found. (1999)** * **John Doe No. 1 v. Reed (2010)**   **-----**  **UNCONSTITUTIONAL CONDITIONS**   * ***Speiser v. Randall (1958)*** * ***Federal Comm. Comm’n v. League of Women Voters (1984)*** * ***Regan v. Taxation with Representation* (1983)** * ***Rust v. Sullivan (1991)*** * ***Legal Serv. Corp. v. Velasquez (2001)*** * ***First Amendment, Agency for International Development v. Alliance for Open Society International, Inc*. (2013)**   **GOVERNMENT PRESSURES**   * ***Bantam Books, Inc. v. Sullivan* (1963)** * ***Meese v. Keene* (1987)**   **C. Types of Unprotected and Less Protected Speech**   1. **Incitement of Illegal Activity** 2. **The “Clear and Present Danger” Test**  * ***Schenck v. United States (1919)*** * ***Frohwerk v. United States (1919)*** * ***Debs v. United States (1919)*** * ***Abrams v. United States (1919)***  1. **The Reasonableness Approach**  * ***Gitlow v. New York (1925)*** * ***Whitney v. California (1927)***  1. **The Risk Formula Approach**  * ***Dennis v. United States (1951)*** * ***Note*** | **1257**  **1257**  **1258**  **1263**  **1263**  **1263**  **1263**  **1265**  **1265**  **1265**  **1265**  **1266**  **1266**  **1266**  **1266**  **1267**  **1268**  **1268**  **1270**  **1270**  **1272**  **1273**  **1283**  **1284**  **1284**  **1289**  **1293**  **1293**  -----  **1294**  **1294**  **1295**  **1295**  **1295**  **1299**  **1306**  **1306**  **1306**  **1307**  **1308**  **1309**  **1310**  **1310**  **1312**  **1313**  **1314**  **1317**  **1317**  **1319**  **1323**  **1324**  **1328** |
| **Week Four**  **Class Seven**  **Tuesday, Feb. 8**  **-----**  **Class Eight**  **Thursday, Feb. 10** | 1. **The *Brandenburg* Test**  * ***Brandenburg v. Ohio (1969)*** * ***Note*** * ***Holder v. Humanitarian Law Project (2010)***  1. **Fighting Words, the Hostile Audience and the Problem of Racist Speech** 2. **Fighting Words**  * ***Chaplinsky v. New Hampshire (1942)*** * ***Note***  1. **Narrowing the Fighting Words Doctrine**  * ***Street v. New York*  (1969)** * ***Cohen v. California*  (1971)** * ***Texas v. Johnson*, (1989)**  1. **Fighting Words Laws Invalidated as Vague and Overbroad**  * ***Gooding v. Wilson (1972)*** * ***Note***  1. **Narrow Fighting Words Laws as Content-Based Restrictions**  * ***R.A.V. v. City of St. Paul (1992)*** * ***Note***  1. **The Hostile Audience Cases**   **-----**  **THE PROBLEM OF RACIST SPEECH**   * ***Virginia v. Black (2003)***  1. **Sexually Oriented Speech** 2. **Obscenity** 3. **Supreme Court Decisions Finding Obscenity Unprotected**  * ***Roth v. United States (1957)*** * ***Note*** * ***Paris Adult Theater v. Slaton (1973)*** * ***Miller v. California (1973)*** * ***Note***  1. **Should Obscenity Be a Category of Unprotected Speech** 2. **Should There Be a New Exception for Pornography** 3. **Child Pornography**  * ***New York v. Ferber (1982)*** * ***Ashcroft v. Free Speech Coalition (2002)***  1. **Protected but Low Value Sexual Speech** 2. ***Zoning Ordinances***  * ***Young v. American Mini Theatres* (1976)** * ***Note***  1. **Nude Dancing**  * ***City of Erie v. PAP’s A.M. (2000)***  1. ***Should There Be Such a Category as Low-Value Speech*** 2. **Government Techniques for Controlling Obscenity and Child Pornography**  * ***Stanley v. Georgia (1969)*** * ***Note*** * ***Osborne v. Ohio (1990)*** | **1329**  **1330**  **1331**  **1332**  **1341**  **1341**  **1341**  **1343**  **1343**  **1343**  **1344**  **1344**  **1344**  **1344**  **1346**  **1346**  **1347**  **1352**  **1353**  **-----**  **1355**  **1357**  **1365**  **1365**  **1365**  **1366**  **1367**  **1368**  **1370**  **1372**  **1372**  **1374**  **1375**  **1376**  **1379**  **1380**  **1380**  **1380**  **1383**  **1383**  **1384**  **1388**  **1389**  **1389**  **1390**  **1390** |
| **Week Five**  **Class Nine**  **Tuesday, Feb. 15**  **-----**  **Class Ten**  **Thursday, Feb. 17** | 1. ***Profanity and “Indecent” Speech***  * ***Cohen v. California (1971)*** * ***Note***  1. ***The Broadcast Media***  * ***Federal Communications Comm’n v. Pacifica Found. (1978)*** * ***Note***  1. **Telephones** 2. **The Internet**  * ***Reno v. American Civil Liberties Union (1997)*** * ***Note***  1. **Cable Television** 2. **A New Exception for Violent Speech?**  * ***United States v. Stevens (2010)*** * ***Brown v. Entertainment Merchants Ass’n (2011)***   **-----**   1. **Commercial Speech** 2. **Constitutional Protection for Commercial Speech**  * ***Virginia State Bd. Of Pharmacy v. Va. Citizens Consumer Council, Inc. (1976)*** * ***Note***   ***OVERVIEW OF THE SECTION***   1. ***What is Commercial Speech?***  * ***Bolger v. Youngs Drug Product Corp. (1983)*** * ***Sorrell v. IMS Health Inc. (2011)***  1. ***The Test for Evaluating Regulation for Commercial Speech***  * ***Central Hudson Gas & Elec. Corp. v. Public Service Comm’n of N.Y. (1980)***   **IS LEAST RESTRICTIVE ANALYSIS APPLICABLE?**   1. **Advertising of Illegal Activities** 2. **False and Deceptive Advertising** 3. **Advertising That Inherently Risks Deception** | **1391**  **1391**  **1394**  **1395**  **1395**  **1398**  **1398**  **1398**  **1398**  **1402**  **1402**  **1404**  **1404**  **1411**  **-----**  **1419**  **1420**  **1424**  **1425**  **1425**  **1426**  **1427**  **1434**  **1434**  **1437**  **1439**  **1439**  **1440** |
| **Week Six**  **Class Eleven**  **Tuesday, Feb. 22**  **-----**  **Class Twelve**  **Thursday, Feb. 24** | **RESTRICTIONS ON TRADE NAMES**   * ***Freedman v. Rogers (1979)***   **ATTORNEY SOLICITATIONS OF PROSPECTIVE CLIENTS**  **SOLICITATION BY ACCOUNTANTS**   1. **Regulating Commercial Speech to Achieve Other Goals** 2. **“For Sale” Signs on Houses**  * ***Linmark Assoc., Inc. v. Township of Willingboro (1997)***  1. **Alcohol Products**  * ***44 Liqourmart, Inc. v. Rhode Island (1996)***  1. **Tobacco Products**  * ***Lorillard Tobacco Co. v Reilly (2001)***  1. **Gambling** 2. **Advertising by Lawyers and Other Professionals** 3. **Reputation, Privacy, Publicity, and the First Amendment: Torts and the First Amendment** 4. **Defamation** 5. **Public Officials as Defamation Defendants**  * ***New York Times Co. v. Sullivan (1964)*** * ***Note***   **ii. Public Figures as Plaintiffs**   * ***Gertz v. Welch (1974)*** * ***Note***  1. **Private Figures, Matters of Public Concern**  * ***Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc. (1985)***  1. **Private Figures, Matters Not of Public Concern**   **Conclusion**  **-----**   1. **Intentional Infliction of Emotional Distress**  * ***Hustler Magazine v. Falwell* (1988)** * ***Snyder v. Phelps* (2011)**  1. **Public Disclosure of Private Facts**  * ***Cox Broadcasting Corp. v. Cohn* (1975)** * ***Florida Star v. B.J.F. (*1989)** * ***Landmark Communications v. Virginia* (1978)**   **INFORMATION FROM NON-GOVERNMENT SOURCES**   * ***Bartnicki v. Vopper* (2001)**  1. **Right of Publicity**  * ***Zacchini v. Scripps-Howard Broadcasting Co.* (1977)**  1. **Conduct That Communicates** 2. **What is Speech?** 3. **When is Conduct Communicative?** 4. **When May the Government Regulate Conduct That Communicates?** 5. **The O’Brien Test**  * ***United States v. O’Brien* (1968)**   **ii. Flag Desecration**   * ***Texas v. Johnson* (1989)** * **Note** | **1440**  **1440**  **1440**  **1440**  **1442**  **1442**  **1443**  **1443**  **1443**  **1445**  **1445**  **1451**  **1452**  **1454**  **1455**  **1455**  **1455**  **1458**  **1461**  **1462**  **1466**  **1467**  **1467**  **1468**  **1468**  **-----**  **1468**  **1469**  **1469**  **1471**  **1476**  **1476**  **1478**  **1479**  **1479**  **1479**  **1480**  **1481**  **1481**  **1481**  **1482**  **1482**  **1482**  **1486**  **1486**  **1491** |
| **Week Seven**  **Class Thirteen**  **Tuesday, March 1**  **-----**  **Class Fourteen**  **Thursday,**  **March 3** | **iii. Spending Money as Political Speech**   * ***Buckley v. Valeo* (1976)** * **Criticisms of Buckley** * **The Continuing Distinction between Contributions and Expenditures** * **When are Contribution Limits Too Low?** * ***Randall v. Sorrell* (2006)** * ***McCutcheon v. FEC* (2014)** * **Are Corporate Expenditures Protected Speech?** * ***First Nat’l Bank of Boston v. Belotti* (1978)** * **Note** * **Citizens United v. Fed. Elect. Comm’n (2010)**   **-----**  **The Constitutionality of Public Financing of**  **Elections**   * **Arizona Free Ent. Club’s Freedom Club PAC v. Bennett (2011)**   **D. What Places are Available for Speech?**   1. **Government Properties and Speech** 2. **Initial Rejection and Subsequent Recognition of a Right to Use Government Property for Speech**  * **Hague v. Committee for Industrial Organization (1939)** * **Schneider v. New Jersey (1939)** | **1491**  **1491**  **1491**  **1499**  **1500**  **1500**  **1501**  **1501**  **1502**  **1502**  **1505**  **-----**  **1506**  **1506**  **1531**  **1531**  **1531**  **1532**  **1533** |
| **Week Eight**  **Class Fifteen**  **Tuesday,**  **March 8**  **-----**  **Class Sixteen**  **Thursday,**  **March 10** | 1. **What Government Property and Under What Circumstances?** 2. **Public Forums** 3. **Content Neutrality**  * **Police Dpt. Of Chicago v. Mosley (1972)** * **Note**   **ii. Time, Place and Manner Restrictions**   * **Hill v. Colorado (2000)** * **McCullen v. Coakley (2014)** * **Note**  1. **Licensing and Permit Systems** 2. **No requirement for Use of Least Restrictive Alternative**  * **Ward v. Rock Against Racism (1989)**   **-----**   1. **Designated Public Forums**  * ***Widmar v. Vincent*  (1981)** * ***Lamb’s Chapel v. Center Moriches Union Free School Dist*. (1993)** * ***Good News Club v. Milford Central School* (2001)**  1. **Limited Public Forums**  * ***Christian Legal Society Chapter v. Martinez* (2010)**  1. **Nonpublic Forums**  * ***Adderley v. Florida* (1966)** * ***Greer v. Spock* (1976)** * ***United States v. Kokinda* (1990)** * ***International Society for Krishna Consciousness v. Lee* (1992)** * ***Arkansas Educational Television Commission v. Forbes* (1998)**  1. **Private Property and Speech** 2. **Speech in Authoritarian Environments: Military, Prisons, and Schools** 3. **Military**  * ***Parker v. Levy* (1974)**  1. **Prisons**  * **Thornburg v. Abbott (1989)** * **Note** | **1535**  **1537**  **1537**  **1537**  **1538**  **1539**  **1540**  **1545**  **1554**  **1555**  **1556**  **1557**  **-----**  **1558**  **1558**  **1558**  **1558**  **1559**  **1559**  **1570**  **1571**  **1571**  **1571**  **1571**  **1572**  **1574**  **1575**  **1575**  **1576**  **1578**  **1578**  **1580** |
| **Spring Break Week**  **Tuesday,**  **March 15**  **Thursday**  **March 17** | **NO CLASS**  **-----**  **NO CLASS** |  |
| **Week Nine**  **Class Seventeen**  **Tuesday,**  **March 22**  **-----**  **Class Eighteen**  **Thursday,**  **March 24** | 1. **Schools**  * ***Tinker v. Des Moines Ind. Comm. School Dist.* (1969)** * ***Bethel School Dist*. No. 403 v. Fraser (1986)** * ***Morse v. Frederick* (2007)** * **Note**  1. **Government Employees**  * ***Garcetti v. Ceballos* (2006)**   **E. FREEDOM OF ASSOCIATION**   1. **Laws Prohibiting and Punishing Membership**  * ***Scales v. United States* (1961)** * ***Noto v. United States* (1961)** * ***Elfbrandt v. Russell* (1966)** * ***Keyishian v. Board of Regents* (1967)** * ***Konigsberg v. State Bar* (1961)** * ***Baird v. State Bar* (1971)**   **-----**   1. **Laws Requiring Disclosure of Membership**  * ***NAACP v. State of Alabama* (1958)**  1. **Compelled Association**  * ***Janus v. AFSCME* (2018)** * ***Board of Regents of Univ. of Wisconsin System v. Southworth* (2000)**  1. **Laws Prohibiting Discrimination**  * ***Roberts v. United States Jaycees* (1984)** * ***Notes***   ***Boy Scouts of America v. Dale* (2000)** | **1582**  **1583**  **1586**  **1589**  **1596**  **1597**  **1598**  **1605**  **1606**  **1606**  **1606**  **1607**  **1607**  **1607**  **1607**  **-----**  **1608**  **1608**  **1610**  **1611**  **1621**  **1624**  **1625**  **1629**  **1630** |
| **Week Ten**  **Class Nineteen**  **Tuesday,**  **March 29**  **Class Twenty**  **Thursday,**  **March 31** | **F. FREEDOM OF THE PRESS**   1. **Introduction: Are There Special Rights for the Press?** 2. **Freedom of the Press as a Shield to Protect the Press from the Government** 3. **Taxes on the Press**  * ***Minnesota Star & Tribune Co. v. Minnesota Comm’r of Revenue* (1983)** * ***Notes***  1. **Application of General Regulatory Laws**  * ***Cohen v. Cowles Media Co.* (1991)**  1. **Keeping Reporters’ Sources and Secrets Confidential**  * ***Branzburg v. Hayes* (1991)** * ***Notes***  1. **Laws Requiring That the Media Make Access Available** 2. **Freedom of the Press as a Sword: A First Amendment Right of Access to Government Places and Papers?** 3. **Access to Judicial Proceedings**  * ***Gannett v. DePasquale* (1979)** * ***Richmond Newspapers v. Virginia* (1980)**  1. **Prisons**  * ***Houchins v. KQED* (1978)**   **-----**  **Chapter 10: First Amendment: Religion**   1. **Introduction** 2. **Constitutional Provisions Concerning Religion and the Tension Between Them** 3. **History in Interpreting the Religion Clauses** 4. **What Is Religion?**   **THE ATTEMPT TO DEFINE RELIGION UNDER THE SELECTIVE SERVICE ACT**   * ***United States v. Seeger* (1965)**   **REQUIREMENT FOR SINCERELY HELD BELIEFS**   * ***United States v. Ballard* (1944)**   **THE RELEVANCE OF RELIGIOUS DOGMA AND**  **SHARED BELIEFS**   1. **The Free Exercise Clause** 2. **Introduction: Free Exercise Clause Issues** 3. **The Law before *Employment Division v. Smith*** 4. **Government Benefit Cases** 5. **Compulsory Schooling** 6. **Cases Rejecting Exemptions Based on the Free Exercise Clause** 7. **The Current Test**  * ***Employment Div. v. Smith* (1990)**  1. **Supreme Court Decisions since *Employment Division v. Smith*** 2. **Animus Against Religion**  * ***Masterpiece Cake Shop, Ltd. v. Colorado Civil Rights Comm’n*** * **Note**  1. **Interfering with Choices as to Clergy** 2. **Denial of Funding to Religious Entities**  * ***Locke v. Davy* (2004)** * ***Trinity Lutheran Church of Columbia, Inc. v. Comer* (2017)** * **Note** | **1635**  **1635**  **1636**  **1636**  **1637**  **1640**  **1641**  **1642**  **1644**  **1644**  **1650**  **1651**  **1652**  **1653**  **1653**  **1653**  **1659**  **1660**  **1665**  **1665**  **1665**  **1667**  **1668**  **1669**  **1669**  **1671**  **1672**  **1674**  **1675**  **1675**  **1676**  **1678**  **1678**  **1679**  **1681**  **1681**  **1689**  **1689**  **1690**  **1699**  **1700**  **1700**  **1700**  **1703**  **1714** |
| **Week Eleven**  **Class Twenty-One**  **Tuesday, April 5**  **-----**  **Class Twenty-Two**  **Thursday, April 6** | 1. **Statutory Protection for Religious Freedom**  * ***Gonzales v. O Centro Espirita Beneficente Unia Do (2006)*** * ***Burwell v. Hobby* Lobby (2014)** * **Note**  1. **The Establishment Clause** 2. **Competing Theories of the Establishment Clause** 3. **Strict Separation** 4. **Neutrality Theory** 5. **Accommodation** 6. **The Theories Applied: An Example**  * ***County of Allegheny v. American Civil Liberties Union, Pittsburgh Chapter***  1. **Government Discrimination Among Religions**  * ***Hernandez v. Commissioner* (1989)** * ***Larson v. Valente* (1982)** * ***Board of Education of Kiryas Joel Village School District v. Grumet* (1994),**  1. **The *Lemon* Test for the Establishment Clause**  * ***Lemon v. Kurtzman* (1971)**   **THE REQUIREMENT FOR A SECULAR PURPOSE**   * ***Stone v. Graham* (1980)** * ***Wallace v. Jaffree* (1985)** * ***Edwards v. Aguillard* (1987)** * ***McGowan v. Maryland* (1961)**   **THE REQUIREMENT FOR A SECULAR EFFECT**   * ***Estate of Thornton v. Caldor* (1985)** * ***Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos* (1987)**   **THE PROHIBITION OF EXCESSIVE**  **ENTANGLEMENT**   1. **Religious Speech and the First Amendment** 2. **Religious Groups Access to School Facilities**      * ***Widmar v. Vincent* (1981)** * ***Board of Education of Westside Community Schools v. Mergens* (1990)** * ***Lamb’s Chapel v. Center Moriches Union Free School District* (1993)** * ***Good News Club v. Milford Central School* (2001)**  1. **Student Religious Groups’ Receipt of Government Funds**  * ***Rosenberger v. Rector and Visitors of the University of Virginia* (1995)**  1. **When Can Religion Become a Part of Government Activities?** 2. **Religion as a Part of Government Activities: Schools**   **RELEASE TIME**   * ***McCollum v. Board of Education* (1948)** * ***Zorach v. Clauson* (1952)**   **-----**  **SCHOOL PRAYERS AND BIBLE READING**   * ***Engel v. Vitale* (1964)** * **Note** * ***Lee v. Weisman* (1992)** * ***Santa Fe Ind. School Dist. V. Doe* (2000)**   **CURRICULAR DECISIONS**   * ***Epperson v. Arkansas* (1968)**   ***Edwards v. Aguillard* (1987)** | **1715**  **1715**  **1715**  **1717**  **1717**  **1717**  **1718**  **1719**  **1721**  **1723**  **1723**  **1727**  **1727**  **1727**  **1727**  **1728**  **1728**  **1730**  **1730**  **1730**  **1730**  **1730**  **1731**  **1731**  **1731**  **1732**  **1733**  **1733**  **1733**  **1733**  **1734**  **1735**  **1735**  **1735**  **1735**  **1735**  **1735**  **1736**  **1736**  **-----**  **1736**  **1737**  **1739**  **1740**  **1747**  **1752**  **1752**  **1752** |
| **Week Twelve**  **Class Twenty-Three**  **Tuesday, April 12**  **-----**  **Class Twenty-Four**  **Thursday, April 14** | 1. **Religion as a Part of Government Activities: Legislative Chaplains**  * ***Marsh v. Chambers* (1983)** * ***Town of Greece v. Galloway* (2014)**  1. **Religion as a Part of Government Activities: Religious Symbols on Government Property**      * ***McCreary County v. American Civil Liberties Union of Kentucky* (2005)** * ***Van Orden v. Perry (2005)*** * ***American Legion v. American Humanist Ass’n (2019)***   **-----**  **WHEN CAN GOVERNMENT AID RELIGION?**  **AID TO PAROCHIAL ELEMENTARY AND SECONDARY**  **SCHOOLS**   * ***Mitchell v. Helms* (2000)** * **Notes** * ***Zelman v. Simon-Harris* (2002)** | **1752**  **1752**  **1753**  **1762**  **1762**  **1772**  **1782**  **1790**  **1791**  **1792**  **1802**  **1803** |
| **Week Thirteen**  **Class Twenty-Five**  **Tuesday, April 19**  **-----**  **Class Swenty-Six**  **Thursday, April 21** | **TAX EXEMPTIONS FOR RELIGIOUS**  **ORGANIZATIONS**  **AID TO RELIGIOUS COLLEGES AND UNIVERSITIES**  **AID TO RELIGIOUS INSTITUTIONS OTHER THAN**  **SCHOOLS**    **-----**  ***CATCH UP CLASS*** | **1818**  **1819**  **1821**  **-----** |
| **Week Fourteen**  **Class Twenty-Seven**  **Tuesday, April 26**  **-----**  **Class Twenty-Eight**  **Thursday, April 29** | ***CATCH UP CLASS***    **-----**  ***CATCH UP CLASS*** | **-----** |