USF School of Law
FALL 2018 – First Assignment

Course:
LAW 769 – First Amendment: Contemporary Issues in Freedom of Speech & Religion

Professor:
David Green

Course Materials:
- "The Great Dissent" by Thomas Healy (Metropolitan Books, 2013)
- Materials posted on TWEN

First Assignment:
I have asked you to read "The Great Dissent" by Thomas Healy over the break. This short and easy read provides some interesting background on the birth of modern First Amendment jurisprudence from the perspective of Oliver Wendell Holmes. We will not necessarily discuss the book in class. (So you'll be OK borrowing the book from the library or sharing it instead of buying your own copy.) But you will understand the whole semester better for having read it. Other things to do over break to get you in the mood to deep dive into First Amendment law? Watch these movies: South Park:Bigger, Longer & Uncut and The People v. Larry Flynt.

For our class discussion the first class, read Brown v. EMA, 564 U.S. 786 (2011) (all opinions); VSDA v. Schwarzenegger, 556 F.3d 950 (9th Cir. 2008)

In this first class, after disposing of the numerous first-day-of-class administrative tasks, we will look at the Supreme Court's decision in the challenge to California's violent video games law. This case is a good read for many reasons. But for our purposes, it serves as a great overview of a possible structure for analyzing almost all free speech issues. Y'all may not appreciate it, but this was the first Supreme Court case actually to do this. Much to the frustration of law students, prior to this case, the Supreme Court had never actually explained how the categorical and balancing analyses interacted. So as you read both the Supreme Court's
opinion and the 9th Circuit's opinion from which the appeal arose, pay special attention to these mechanics. The case is also a nice example of how a single case can be comprised of numerous First Amendment issues.

In addition, please come to class prepared to discuss with me (1) whether there is any particular area of First Amendment law that you want to present on, (2) whether there is any time during the semester that you prefer to present, and (3) whether you prefer to do your individual presentation on a speech or a religion issue. I will stay after class on Thursday to meet with each one of you about these things.

{See TWEN for more information about what I mean by "present."}

Additional Notes:
All assignments and class materials will be provided through the class TWEN site. Please make sure to check TWEN before the first class for any additional reading.