

**Princeton University
Department of Politics**

**POL 423 – Free Speech and the Law
Spring 2021**

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T 1:30-4:20pm
*LOCATION
office hours: by appointment

This seminar will focus on the theory, law and politics of freedom of speech within the context of the American constitutional system. The course will draw primarily on court cases relating to the developing constitutional law surrounding the First Amendment. Judicial opinions will be supplemented with some broader theoretical and empirical works. Particular problems to be addressed will include dangerous speech, false speech, racist speech, censorship and secrecy, and protests.

Schedule:

1. Feb. 2: Theory
2. Feb. 9: Prior Restraint
3. Feb. 16: Sedition
4. Feb. 23: Fighting Words and True Threats
5. March 2: False Speech
6. March 9: Obscenity
- Spring Break
7. March 23: Offensive and Racist Speech
8. March 30: Time, Place, and Manner Regulations
9. April 6: Expressive Conduct
10. April 13: Protest
11. April 20: Student Speech
12. April 27: Faculty Speech

Materials:

All materials for the semester will be made available on the Blackboard course website.

Students will be expected to have access to the readings during seminar discussions.

Requirements:

The requirements for the course include both written and oral components. All students are expected to come to class fully prepared to be active participants. A seminar cannot work unless

all of its participants are prepared to make useful contributions, and you will not be able to take full advantage of the seminar if you are not prepared. Participation will be a significant component of your final grade. You will also be expected to give **two** scheduled oral presentations, which will contribute to part of your participation grade.

One oral presentation may accompany your **short paper** (5-10 pages) which will examine the issues in a given week's readings. The short paper is due by 1:00 pm on the day we cover the material that you will discuss (e.g., a paper on Week 2 materials would be due on Feb. 9). The bulk of your grade will be determined by a **term paper**. This research paper (20-25 pages) will focus on a topic of your own choosing, approved by me before March 1. Topics for the research paper should be emailed to me. An electronic copy of the paper will be due to my email by 4:00 pm, May 5 ("Dean's Date"). For the research paper, you will be expected to draw not only on the class materials but also on additional materials that you find outside of class. (I am willing to discuss an alternative of two additional short papers instead of the research paper. If you wish to pursue that option, that will need to be approved by March 1.)

Term Paper	50%
Short Paper	30%
Class Participation	20%

Readings:

1. Theory

John Trenchard and Thomas Gordon, *Cato's Letters* No. 15 and No. 32 (1721)
John Stuart Mill, *On Liberty*, ch. 2 (1859)
Frederick Douglass, *A Plea for Free Speech in Boston* (1860)
Zechariah Chafee, *Freedom of Speech* (1920)
Alexander Meiklejohn, *Free Speech and Its Relation to Self-Government* (1948)
Thomas Scanlon, *A Theory of Freedom of Expression*, pp. 8-21 (1972)
Frederick Schauer, *Free Speech*, pp. 154-163 (1982)

Suggested:

John Milton, *Areopagitica* (1644)
Benjamin Franklin, *An Apology for Printers* (1731)
Immanuel Kant, *What is Enlightenment?* (1784)
James Madison, *Virginia Report* (1800)
Alexander Hamilton, *argument in People v. Crowell* (1804)
Gerrit Smith, *The Crime of the Abolitionists* (1835)
Elizabeth Cady Stanton, *Free Speech* (1861)
James Fitzjames Stephen, *Liberty, Equality, Fraternity* (1873)
Thomas Cooley, *A Treatise on Constitutional Limitations* (1883)
Henry Adams, *Shall We Muzzle the Anarchists?* (1886)
Robert G. Ingersoll and F.D. Coudert, *The Limits of Tolerance* (1889)
Theodore Schroeder, *The Meaning of Unabridged "Freedom of Speech"* (1909)
Voltairine de Cleyre, *On Liberty* (1909)
Walter Berns, *Freedom, Virtue and the First Amendment* (1957)

Willmoore Kendall, *The “Open Society” and Its Fallacies* (1960)
Herbert Marcuse, *Repressive Tolerance* (1965)
Thomas Emerson, *Toward a General Theory of the First Amendment* (1966)
Patrick Devlin, *The Enforcement of Morals* (1968)
Martin H. Redish, *Freedom of Expression* (1984)
Lee C. Bollinger, *The Tolerant Society* (1986)
C. Edwin Baker, *Human Liberty and Freedom of Speech* (1989)
Daniel A. Farber, “Free Speech without Romance: Public Choice and the First Amendment,” *Harvard Law Review* (1991)
Curry Jansen, *Censorship* (1991)
Stanley Fish, *There is No Such Thing as Free Speech* (1994)
Owen Fiss, *The Irony of Free Speech* (1996)
Allan Haworth, *Free Speech* (1998)
Cass R. Sunstein, *Why Societies Need Dissent* (2003)
Steven Heyman, *Free Speech and Human Dignity* (2008)

2. Prior Restraint

Near v. Minnesota (1931)
Nebraska Press Association v. Stuart (1976)
Landmark Communications v. Virginia (1978)
New York Times v. United States (1971)
United States v. Rosen (E.D. Va., 2007)
In re National Security Letters (9th Cir., 2017)
Trump v. Trump (N.Y.S. 3d 2020)

Suggested:

Brandreth v. Lance (NY 1839)
Sherry v. Perkins (MA 1888)
Shoemaker v. South Bend Spark Arrester Co. (IN 1893)
Ex parte Neill (TX 1893)
Corliss v. Walker (C.C.D.Ma. 1894)
Beck v. Railway Teamsters’ Protective Union (MI 1898)
Marlin Fire Arms Co. v. Shields (NY 1901)
Howell v. Bee Publishing Co. (NE 1916)
Ex parte Tucker (TX 1920)
City of Lakewood v. Plain Dealer Publishing Co. (1976)
United States v. Progressive Inc. (W.D. Wis. 1979)
Central Intelligence Agency v. Sims (1985)
Department of Justice v. Reporters Committee for Freedom of the Press (1989)
Department of State v. Ray (1991)
Junger v. Daley (6th Cir., 2000)
Boehner v. McDermott (D.C. Cir., 2007)
Thomas Emerson, “Doctrine of Prior Restraint,” *Law & Contemporary Problems* (1955)
Vincenr Blasi, “Prior Restraints on Demonstrations,” *Michigan Law Review* (1976)
Frederick Schauer, “Fear, Risk & the First Amendment,” *Boston U. Law Review* (1978)
John Jeffries, “Rethinking Prior Restraint,” *Yale Law Journal* (1982)

Martin Redish, "Proper Role of Prior Restraint Doctrine," *Virginia Law Review* (1984)

3. Sedition

Abrams v. United States (1919)
Gitlow v. New York (1925)
Whitney v. California (1927)
Dennis v. United States (1951)
Brandenburg v. Ohio (1969)
Rice v. Paladin Enterprises (4th Cir., 1997)
Holder v. Humanitarian Law Project (2010)
United States v. Miselis (4th Cir. 2020)

Suggested:

United States v. Cooper (C.C. Pa. 1800)
People v. Crosswell (NY 1804)
Congressional Debate on Incendiary Publications in the Mail (1833)
States Debate Prohibiting Abolitionist Speech (1835)
James Birney, Proceedings Against the Liberty of the Press (1836)
John Keep, An Address Delivered in the Village of Lockport (1837)
State v. Worth (NC 1860)
Trial of Clement Vallandigham (1863)
Hutchins' Executor v. George (NJ 1888)
People v. Most (NY 1902)
State ex inf. Crow v. Shepherd (MO 1903)
State v. Fox (WA 1912)
Masses Publishing Co. v. Patten (S.D. NY 1917)
State v. Moilen (MN 1918)
State v. Holm (MN 1918)
Debs v. United States (1919)
Frohwerk v. United States (1919)
Schaefer v. United States (1920)
People v. Lloyd (IL 1922)
State v. Boloff (OR 1932)
Hartzel v. United States (1944)
Pennsylvania v. Nelson (1956)
Yates v. United States (1957)
Watkins v. United States (1957)
Sweezy v. New Hampshire (1957)
Uphaus v. Wyman (1959)
Barenblatt v. United States (1959)
Communist Party of Indiana v. Whitcomb (1974)
Hess v. Indiana (1973)
In re Brown (CA 1973)
North Carolina v. Brooks (NC 1975)
People v. Chapman (MI 1978)
Herceg v. Hustler Magazine (5th Cir., 1987)

Land v. State (GA 1993)
DOJ Report on the Availability of Bombmaking Information (1997)
Gay Lesbian Bisexual Alliance v. Pryor (11th Cir., 1997)
United States v. Rahman (2nd Cir., 1999)
McCoy v. Stewart (9th Cir., 2002)
Citizen Publishing Co. v. Miller (AZ, 2005)
United States v. Fullmer (3rd Cir., 2009)
Bible Believers v. Wayne County (6th Cir., 2015)
United States v. Wheeler (10th Cir., 2015)
Nwanguma v. Trump (6th Cir. 2018)
Alexander Meiklejohn, “The First Amendment is an Absolute,” Supreme Court Review (1961)
Laurent B. Frantz, “The First Amendment in the Balance,” Yale Law Journal (1962)
Robert H. Bork, “Neutral Principles and Some First Amendment Problems,” Indiana Law Journal (1971)
Vincent Blasi, “The Checking Value in First Amendment Theory,” Law & Social Inquiry (1977)
Lillian R. BeVier, “The First Amendment and Political Speech: An Inquiry into Substance and Limits of Principle,” Stanford Law Review (1978)
Alexander Aleinikoff, “Constitutional Law in the Age of Balancing,” Yale Law Journal (1987)
Geoffrey R. Stone, Perilous Times (2004)

4. Fighting Words and True Threats

Cantwell v. Connecticut (1940)
Chaplinsky v. New Hampshire (1942)
Terminello v. Chicago (1949)
Feiner v. New York (1951)
Watts v. United States (1969)
Gooding v. Wilson (1977)
Planned Parenthood v. American Coalition for Life Activists (9th Cir., 2002)
Snyder v. Phelps (2011)
Elonis v. United States (2015)
Connecticut v. Baccala (CT 2017)

Suggested:

Commonwealth v. Hunt (MA 1842)
Prentiss v. Shaw (ME 1869)
People v. Green (CO 1883)
State v. Goodwin (LA 1885)
Vegeahn v. Guntner (MA 1896)
State v. Guilford (MN 1928)
People v. Immonen (MI 1935)
Johnson v. State (AR 1939)
Lynch v. State (MD 1967)
Livingston v. Garmire (5th Cir., 1971)

Goguen v. Smith (1st Cir., 1972)
State v. Mayhew (FL 1973)
United States v. Kelner (2nd Cir., 1976)
Skelton v. City of Birmingham (AL 1976)
Collin v. Smith (7th Cir., 1978)
Hill v. City of Houston (5th Cir., 1985)
City of Whitefish v. O'Shaughnessy (MT 1985)
People v. Dietze (NY 1989)
Colorado v. Hickman (CO 1999)
Montana v. Robinson (MT 2003)
Commonwealth v. Welch (MA 2005)
Purtell v. Mason (7th Cir., 2008)
South Dakota v. Suhn (SD 2008)
Nebraska v. Drahota (NE 2010)
In re Nickolas S. (AZ 2011)
United States v. Turner (2nd Cir. 2013)
Faust v. State (TX 2015)
State v. Tracy (VT 2015)
Johnson v. Quattlebaum (4th Cir., 2016)
Minnesota v. Hensel (MN 2017)
State of Connecticut v. Parnoff (CT 2018)
State v. Simon (ND 2018)
Haughwout v. Tordenti (CT 2019)
State v. Ross (TX 2019)
State v. Taylor (NC 2020)
John Hart Ely, "Flag Desecration: A Case Study in the Roles of Categorization and Balancing in First Amendment Analysis," Harvard Law Review (1975)
Kent Greenawalt, Speech, Crime and the Uses of Language (1982)
Kent Greenawalt, Fighting Words (1996)
Jennifer Rothman, "Freedom of Speech and True Threats," Harvard Journal of Law and Public Policy (2001)
Eugene Volokh, "Crime-Facilitating Speech," Stanford Law Review (2005)

5. False Speech

Commonwealth v. Blanding (MA 1825)
New York Times v. Sullivan (1964)
Curtis Publishing Co. v. Butts (1967)
Gertz v. Robert Welch (1974)
Hustler Magazine v. Falwell (1988)
United States v. Alvarez (2012)
Susan B. Anthony List v. Driehaus (6th Cir. 2016)

Suggested:

Alexander Addison, Liberty of Speech and of the Press (1798)
Commonwealth v. Clap (MA 1808)
Commonwealth v. Blanding (MA 1825)

Negley v. Farrow (MD 1882)
McAllister v. Detroit Free Press Co. (MI 1889)
Atwater v. Morning News Co. (1896)
Gilman v. McClatchy (CA 1896)
United States v. Barrow (1915)
Garrison v. Louisiana (1964)
Farnsworth v. Tribune Co. (IL 1969)
United States v. Irving (5th Cir., 1975)
Hutchinson v. Proxmire (1979)
Friedman v. Rogers (1979)
Pring v. Penthouse International, Ltd. (10th Cir., 1982)
Spiritual Psychic Science Church of Truth v. City of Azusa (CA 1985)
Dun and Bradstreet v. Greenmoss Builders (1985)
Scott v. News-Herald (OH 1986)
Dworkin v. Hustler Magazine (9th Cir., 1989)
Milkovich v. Lorain Journal Co. (1990)
Cohen v. Cowles Media Co. (1991)
Klasky v. Nike, Inc. (CA 2002)
Pugel v. University of Illinois (7th Cir., 2004)
Sult v. State (FL 2005)
Rickert v. State of Washington (WA 2007)
State v. Crawley (MN 2012)
Greater Baltimore Center for Pregnancy Concerns v. City of Baltimore (4th Cir., 2012)
Duc Tan v. Le (OR 2013)
King v. New Jersey (3rd Cir., 2014)
United States v. Tomsha-Miguel (9th Cir., 2014)
281 Care Committee v. Arneson (8th Cir., 2014)
Commonwealth v. Lucas (MA 2015)
Serafine v. Branaman (5th Cir., 2016)
Susan B. Anthony List v. Driehaus (6th Cir., 2016)
First Resort Inc. v. Herrera (9th Cir., 2018)
Dix Noel, "Defamation of Public Officers and Candidates," *Columbia Law Review* (1949)
Harry Kalven, "The New York Times Case: A Note on the Central Meaning of the First Amendment," *Supreme Court Review* (1964)
Melville Nimmer, "The Right to Speak from Times to Time: First Amendment Theory Applied to Libel and Misapplied to Privacy," *California Law Review* (1968)
Joel Eaton, "The American Law of Defamation through *Gertz v. Robert Welch, Inc.* and Beyond: An Analytical Primer," *Virginia Law Review* (1975)
Alfred Hill, "Defamation and Privacy under the First Amendment," *Columbia Law Review* (1976)
Steven Shiffrin, "Defamatory Non-Media Speech and First Amendment Methodology," *UCLA Law Review* (1978)
Robert C. Post, "The Social Foundations of Defamation Law: Reputation and the Constitution," *California Law Review* (1986)

David Strauss, "Persuasion, Autonomy, and Freedom of Expression," *Columbia Law Review* (1991)

6. Obscenity

United States v. Harmon (D.C.D. Kan., 1891)

Roth v. United States (1957)

Miller v. California (1973)

Paris Adult Theatre I v. Slaton (1973)

New York v. Ferber (1982)

Ashcroft v. Free Speech Coalition (2002)

United States v. Stevens (2010)

In re S.K. (MD 2019)

Suggested:

Commonwealth v. Sharpless (PA 1816)

Commonwealth v. Landis (PA 1870)

State v. McKee (CT 1900)

State v. Pioneer Press Co. (MN 1907)

Commonwealth v. Buckley (MA 1909)

United States v. Kennerley (S.D.N.Y. 1913)

United States v. One Book Called Ulysses (S.D.N.Y. 1933)

Winters v. New York (1948)

Commonwealth v. Gordon (PA 1949)

Smith v. California (1959)

Kingsley International Pictures Corp. v. Regents of University of State of New York (1959)

Attorney General v. The Book Names "Tropic of Cancer" (Mass 1962)

Jacobellis v. Ohio (1964)

Ginzburg v. United States (1966)

Redrup v. New York (1967)

Stanley v. Georgia (1969)

President's Commission on Obscenity and Pornography (1970)

Jenkins v. Georgia (1974)

American Booksellers Association v. Hudnut (7th Cir., 1985)

United States v. Salcedo (5th Cir. 2019)

United States v. Courtade (4th Cir. 2019)

In re S.K. (MD 2019)

Meese Commission on Pornography (1986)

Dworkin v. Hustler Magazine (9th Cir., 1989)

Louis Henkin, "Morals and the Constitution: The Sin of Obscenity," *Columbia Law Review* (1963)

William B. Lockhart and Robert C. McClure, "Censorship of Obscenity: The Developing Constitutional Standards," *Minnesota Law Review* (1960)

Ronald Dworkin, "Lord Devlin and the Enforcement of Morals," *Yale Law Journal* (1966)

Harry M. Clor, *Obscenity and Public Morality* (1969)

Irving Kristol, "Pornography, Obscenity, and the Case for Censorship, New York Times Magazine (1971)
David A.J. Richards, "Free Speech and Obscenity Law: Toward a Moral Theory of the First Amendment," University of Pennsylvania Law Review (1974)
Catherine A. MacKinnon, "Pornography, Civil Rights, and Speech," Harvard Civil Rights-Civil Liberties Law Review (1985)
Cass Sunstein, "Pornography and the First Amendment," Duke Law Journal (1986)

7. Racist and Offensive Speech

Beauharnais v Illinois (1952)
Cohen v. California (1971)
Erznoznik v City of Jacksonville (1975)
FCC v. Pacifica Foundation (1978)
R.A.V. v. St. Paul (1992)
Wisconsin v. Mitchell (1993)
Reno v. ACLU (1997)
Virginia v. Black (2003)
State of Connecticut v. Liebenow (2020)

Suggested:

People v. Ruggles (NY 1811)
The Case of Thomas Cooper, M.D., President of the South Carolina College (1831)
State v. Warren (NC 1893)
In re Banks (KS 1895)
Commonwealth v. Herald Publishing Co. (KY 1908)
Williams v. District of Columbia (D.C. Cir., 1969)
Sable Communications v. FCC (1989)
United States v. Hicks (5th Cir., 1992)
National Endowment of the Arts v. Finley (1998)
Brooklyn Institute of Arts and Sciences v. City of New York (E.D.NY, 1999)
American Amusement Machine Association v. Kendrick (7th Cir., 2001)
Ashcroft v. ACLU (2004)
Brown v. Entertainment Merchants Association (2011)
Matal v. Tam (2017)
Turner v. Commonwealth (VA 2016)
Packingham v. North Carolina (2017)
New Jersey v. Burkert (NJ 2017)
Freeman v. State (GA 2017)
Lipp v. State (MD 2020)
Joel Feinberg, Offense to Others (1985)
Robert C. Post, "Cultural Heterogeneity and the Law: Pornography, Blasphemy, and the First Amendment," California Law Review (1988)
Franklyn S. Haiman, "Speech Acts" and the First Amendment (1993)
Bryant v. Zimmerman (1928)
National Socialist Party v. Skokie (1977)
Doe v. University of Michigan (E.D. MI, 1989)

State v. T.B.D. (FL 1995)
Johnson v. Mayo Yarns (NC 1997)
Coleman v. Miller (11th Cir. 1997)
West v. Derby Unified School District (10th Cir. 2000)
Nuxoll v. Indian Prarie School (7th Cir., 2008)
Walker v. Texas Division of the Sons of Confederate Veterans (2015)
Turner v. Commonwealth (VA 2016)
New Jersey v. Burkert (NJ 2017)
Marquardt v. Carlton (6th Cir. 2020)
David Riesman, "Democracy and Defamation: Control of Group Libel," Columbia Law Review (1942)
Marvin Glass, "Anti-Racism and Unlimited Freedom of Speech," Canadian J. of Phil. (1978)
Richard Delgado, "Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling," Harvard Civil Rights-Civil Liberties Law Review (1982)
Mari J. Matsuda, "Public Response to Racist Speech: Considering the Victim's Story," Michigan Law Review (1989)
Charles R. Lawrence III, "If He Hollers Let Him Go: Regulating Racist Speech on Campus," Duke Law Journal (1990)
Nadine Strossen, "Regulating Racist Speech on Campus: A Modest Proposal," Duke Law Journal (1990)
Robert Post, "Racist Speech, Democracy, and the First Amendment," William & Mary Law Review (1992)
Catharine A. MacKinnon, Only Words (1993)
Steven Shiffrin, "Racist Speech, Outsider Jurisprudence, and the Meaning of America," Cornell Law Review (1994)
Laura Beth Nielsen, License to Harass (2004)
Jeremy Waldron, The Harm in Hate Speech (2012)
Tim Garton Ash, Free Speech (2016)

8. Time, Place, and Manner Regulations

In re Anderson (NE 1903)
Lovell v. City of Griffin (1938)
Kovacs v. Cooper (1949)
Metromedia Inc. v. San Diego (1981)
Forsyth County v. National Movement (1992)
City of Ladue v. Gilleo (1994)

Suggested:

Cox v. New Hampshire (1941)
Jones v. City of Opelika (1942)
Talley v. State of California (1960)
Glasson v. City of Louisville (6th Cir., 1975)
Young v. American Mini Theatres Inc. (1976)
Collin v. Smith (1978)
City Council v. Taxpayers for Vincent (1984)

City of Renton v. Playtime Theater (1986)
Boos v. Barry (1988)
Frisby v. Schultz (1988)
City of Lakewood v. Plain Dealer Publishing Co. (1988)
Ward v. Rock against Racism (1989)
Burson v. Freeman (1992)
McIntyre v. Ohio Elections Commission (1995)
Schenck v. Pro-Choice Network of Western New York (1997)
Buckley v. American Constitutional Law Foundation Inc. (1999)
Hill v. Colorado (2000)
Watchtower Bible & Tract Society v. Stratton (2002)
City of Los Angeles v. Alameda Books (2002)
Bl(a)ck Tea Society v. City of Boston (1st Cir., 2004)
Menotti v. City of Seattle (9th Cir., 2005)
Reed v. Town of Gilbert (2015)
Rideout v. Gardner (1st Cir., 2016)
Fields v. City of Philadelphia (3rd Cir. 2017)
United States v. Johnson (7th Cir. 2017)
McCraw v. City of Oklahoma City (10th Cir. 2020)

9. Expressive Conduct

United States v. O'Brien (1968)
Village of Schaumburg v. Citizens for a Better Environment (1980)
Texas v. Johnson (1989)
Barnes v. Glen Theatre (1991)
City of Erie v. Pap's A.M. (2000)
Universal City Studios v. Corley (2nd Cir., 2001)
Anderson v. City of Hermosa Beach (9th Cir., 2010)
Defense Distributed v. Department of State (5th Cir., 2016)

Suggested:

Mutual Film Corp. v. Industrial Commission of Ohio (1915)
Stromberg v. California (1931)
Joseph Burstyn Inc. v. Wilson (1952)
NAACP v. Alabama (1958)
NAACP v. Button (1963)
Freedman v. Maryland (1965)
Schacht v. United States (1970)
Spence v. Washington (1974)
South Florida Free Beaches v. City of Miami (S.D. Fla. 1982)
Roberts v. United States Jaycees (1984)
People v. Hollman (NY 1986)
Boy Scouts of America v. Dale (2000)
Tunick v. Safir (2nd Cir., 2000)
Doe v. Reed (2010)
Anderson v. City of Hermosa Beach (9th Cir., 2010)

Tagami v. City of Chicago (7th Cir. 2017)
Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale (11th Cir. 2018)
McGraw v. City of Oklahoma City (10th Cir. 2020)
Dean Alfange Jr., “Free Speech and Symbolic Conduct: The Draft-Card Burning Case,”
Supreme Court Review (1968)
Melville B. Nimmer, “The Meaning of Symbolic Speech under the First Amendment,”
UCLA Law Review (1973)
John Hart Ely, “Flag Desecration: A Case Study in the Roles of Categorization and
Balancing in First Amendment Analysis,” Harvard Law Review (1975)
Lawrence B. Solum, “Freedom of Communicative Action: A Theory of the First
Amendment Freedom of Speech,” Northwestern University Law Review (1988)
Jed Rubinfeld, “The First Amendment’s Purpose,” Stanford Law Review (2000)
Jack M. Balkin, “Digital Speech and Democratic Culture: A Theory of Freedom of
Expression for the Information Society,” NYU Law Review (2004)

10. Protest

Schneider v. State of New Jersey (1939)
Hague v. CIO (1939)
Martin v. City of Struthers (1943)
Edwards v. South Carolina (1963)
Frisby v. Schultz (1988)
International Society for Krishna Consciousness v. Lee (1992)
Grider v. Abramson (6th Cir., 1999)

Suggested;

In re Frazee (MI 1886)
State v. Butterworth (NJ 1928)
Thornhill v. Alabama (1940)
Giboney v. Empire Storage & Ice Co. (1949)
Cox v. Louisiana I (1963)
Cox v. Louisiana II (1965)
Adderley v. Florida (1966)
Gregory v. City of Chicago (1969)
Shuttlesworth v. Birmingham (1969)
Coates v. City of Cincinnati (1971)
Clark v. Committee for Creative Non-Violence (1984)
Frisby v. Schultz (1988)
Bay Area Peace Navy v. United States (9th Cir., 1990)
Madsen v. Women’s Health Center (1994)
Hill v. Colorado (2000)
Bl(a)ck Tea Society v. City of Boston (1st Cir., 2004)
Scheidler v. National Organization of Women (2006)
Citizens for Peace in Space v. City of Colorado Springs (10th Cir., 2010)
Amnesty International v. Battle (11th Cir. 2009)
McCullen v. Coakley (2014)
Cleveland v. McCardle (OH 2014)

State v. E.J.J. (WA 2015)
Survivors Network of those Abused by Priests, Inc. v. Joyce (8th Cir. 2015)
Weed v. Jenkins (8th Cir. 2017)
Edrei v. Maguire (2nd Cir. 2018)
Brindley v. City of Memphis, Tennessee (6th Cir. 2019)
Kenneth Karst, "Equality as a Central Principle in the First Amendment," University of Chicago Law Review (1975)

11. Student Speech

Tinker v. Des Moines Independent Community School District (1969)
Norton v. Discipline Committee of East Tennessee State University (6th Cir., 1969)
Healy v. James (1972)
Papish v. University of Missouri (8th Cir., 1972)
Gay Alliance of Students v. Matthews (4th Cir., 1976)
Pro-Life Cougars v. University of Houston (S.D. Tex., 2003)
Axson-Flynn v. Johnson (10th Cir., 2004)
ACLU v. Mote (4th Cir., 2005)

Suggested:

F.W. Clarke, "Free Speech in Universities," Science (1901)
American Association of University Professors, Declaration of Principles (1915)
American Association of University Professors, Statement of Principles on Academic Freedom and Tenure (1940)
Kalven Committee Report on the University's Role in Political and Social Action (1967)
Bayless v. Martine (5th Cir., 1970)
Report of the Committee on Freedom of Expression at Yale (1974)
Kleinienst v. Mandel (1972)
Bazaar v. Fortune (5th Cir., 1973)
Cooper v. Ross (E.D. Ark, 1979)
State of New Jersey v. Schmid (NJ 1980)
Widmar v. Vincent (1981)
Perry Education Association v Perry Educators' Association (1983)
Bethel School District No. 403 v. Fraser (1986)
Hazelwood School District v. Kuhlmeier (1988)
Parate v. Isibor (6th Cir. 1989)
Westside Community Board of Education v. Mergens (1990)
Bishop v. Aronov (11th Cir., 1991)
Rosenberger v. University of Virginia (1995)
Dambrot v. Central Michigan University (6th Cir. 1995)
Edwards v. California University of Pennsylvania (3rd Cir., 1998)
Urofsky v. Gilmore (4th Cir., 2000)
Brister v. Faulkner (5th Cir., 2000)
Good News Club v. Milford Central School (2001)
Brown v. Armenti (3rd Cir., 2001)
Saxe v. State College Area School District (3rd Cir., 2001)
Bonnell v. Lorenzo (6th Cir., 2001)

Bauer v. Sampson (9th Cir., 2001)
Kincaid v. Gibson (6th Cir., 2001)
Brown v. Li (9th Cir., 2002)
Rumsfeld v. Forum for Academic and Institutional Rights Inc. (2006)
Morse v. Frederick (2007)
McCauley v. University of the Virgin Islands (3rd Cir., 2010)
Christian Legal Society Chap. of Hastings v. Martinez (2010)
B.H. v. Easton Area School District (3rd Cir., 2013)
Hardwick v. Heyward (4th Cir., 2013)
People v. Marquan M. (NY 2014)
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Compelled Speech

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Free Press and Judicial Process

Respublica v. Oswald (PA 1788)
Stuart v. People (IL 1842)
State v. Morrill (AR 1855)
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State ex rel. Haskell v. Faulds (MT 1895)
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Bridges v. California (1941)
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Estes v. Texas (1965)
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Branzburg v. Hayes (1972)
Nebraska Press Association v. Stuart (1976)
National Labor Relations Board v. Robbins Tire & Rubber Co. (1978)
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Herbert v. Lando (1979)
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Commercial Speech

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Virginia State Board of Pharmacy v. Virginia Citizen's Consumer Council (1976)
Carey v. Population Services International (1977)
Linmark Associates, Inc. v. Township of Willingboro (1977)
Bates v. State Bar of Arizona (1977)
Friedman v. Rogers (1979)
Central Hudson Gas & Electricity v. Public Service Commission (1980)
NAACP v. Claiborne Hardware Co. (1982)
Bolger v. Youngs Drugs Prods. Corp. (1983)
Lowe v. Securities and Exchange Commission (1985)
Posadas de Puerto Rico Associates v. Tourism Co. of Puerto Rico (1986)
City of Cincinnati v. Discovery Network (1993)
Rubin v. Coors Brewing Co. (1995)
Florida Bar v. Went for It., Inc. (1995)
44 Liquormart v. Rhode Island (1996)
Greater New Orleans Broadcasting Association v. United States (1999)
Lorillard Tobacco Co. v. Reilly (2001)
United States v. United Foods (2001)
Lorillard Tobacco Co. v. Reilly (2001)
Procter & Gamble Co. v. Amway Corp. (5th Cir., 2001)
Hoffman v. Capital Cities/ABC, Inc. (9th Cir., 2001)
Thompson v. Western States Medical Center (2002)
Conant v. Walters (9th Cir., 2002)
Mattel, Inc. v. MCA Records, Inc. (9th Cir., 2002)
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Government Property

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Commonwealth v. Davis (MA 1895)
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Saia v. New York (1948)
Amalgamated Employees Union v. Logan Valley Plaza (1968)
Police Department of City of Chicago v. Mosley (1972)
Saxbe v. Washington Post (1974)
Southeastern Promotions v. Conrad (1975)
Hudgens v. NLRB (1976)
Greer v. Spock (1976)
Houchins v. KQED (1978)
United States v. Grace (1983)
Regan v. Taxation with Representation (1983)
Cornelius v. NAACP Legal Defense Fund (1985)
Board of Airport Commissioners of City of Los Angeles v. Jews for Jesus (1987)
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United States v. Kokinda (1990)
State of Iowa v. Lacey (IA 1991)
International Society for Krishna Consciousness v. Lee (1992)
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Privacy

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Nebraska Press Association v. Stuart (1976)
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Sorrell v. IMS Health (2011)
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