

FREE SPEECH: WISDOM OR WEAPON? (GOVT 3770/COMM 3750)

Spring 2024, Millsaps College

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Course Overview and Introduction

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” –First Amendment, U.S. Constitution

These 45 words anchor the Bill of Rights of the U.S. Constitution. Compared to most advanced industrialized democracies, they represent an especially radical commitment to free expression. They are the reason the United States cannot prohibit Holocaust denial (**as in Germany and numerous other European countries**), speech that denigrates religion or religious figures (e.g. insults against the Prophet Muhammad, **as in Austria**), or hate speech against marginalized groups (**as the Council of Europe recommends for EU member-states**). Contrary to perhaps the biggest misconception about the First Amendment, they are the reason why you *can* – in most but not all instances – **yell “Fire!” in a crowded theater**. And they are the reason why former President Trump, despite facing dozens of criminal charges related to election subversion, could never be prosecuted simply for *saying* that the 2020 election was stolen.

Whether or not you agree with this state of affairs, free speech is the cornerstone of civic life in the United States. In this course, you will learn how the U.S. Supreme Court has interpreted the First Amendment – and its provisions concerning free speech and expression, press freedoms, religious exercise, and religious establishment – over the past 100 years. Each Friday, we’ll take a “deep dive” into one major Supreme Court case; during the final two substantive weeks of the semester, this will be the format for each of our class periods.

Along the way, we’ll cover a number of important legal concepts – none more pivotal than the “two tracks” of analysis that guide First Amendment law. (That is, the Court protects speech from content or viewpoint-based discrimination – but tolerates content-neutral “time, place, and manner” restrictions that serve a compelling government interest.) We’ll examine the Court’s decisions on different categories of speech and expression: obscenity, political speech, symbolic speech, and press freedoms (to name just a few). We’ll pay particular attention to hate speech – probably the least popular form of speech currently protected by the First Amendment. Finally, we’ll discuss the tension between religious freedom and church-state separation – one perennially unsettled domain of First Amendment jurisprudence.

Yet this class is not just about the Supreme Court’s interpretation of the First Amendment. **Debates about free speech are neither new nor unique to the United States.** Thus, we’ll consider not only Supreme Court law – but also the historical and philosophical context for free speech debates.

We'll approach this discussion not as Supreme Court Justices bound by precedent – but as democratic participants affected by the Court's decisions. By the end of this class, you'll be able to explain:

- Why the concept of “free speech” is fundamental to liberal democracy, even though the parameters of free speech are hotly contested.
- Why the United States' commitment to free speech is considered especially radical – even by the U.S.' allies in other liberal democracies.
- The difference between free speech as a civil liberty and free speech as a cultural norm – and why it's easy to confuse the two concepts.
- How the U.S. Supreme Court has interpreted the First Amendment's provisions on freedom of speech and expression – and how the Court decides when speech or expression are *not* protected.
- Why U.S. politics sometimes treats freedom of religion and freedom of speech as synonymous concepts – and why this has been a winning legal strategy for religious conservatives.

Like all good classes, GOVT 3770/COMM 3750 will probably leave you with more questions than answers – questions that cut to the heart of democratic citizenship, political tolerance, and the tension between equity and freedom. **However, you will develop *exactly* the skills that democratic citizenship (not to mention law school) demands:** analytical reasoning, critical thinking, and (through a mock *amicus curiae* brief and in-class presentation) oral and written communication skills. It won't be easy – but I promise it will be worth your time.

Course Connect

You should familiarize yourself with [the Course Connect page](#) for this class. You'll use Course Connect to submit your take-home midterm exam, mock *amicus curiae* brief, and reflection memos. I'll post the PDFs of assigned Supreme Court cases on Course Connect. You can always use Course Connect to see your current grade. And from time to time, I may also post optional additional readings (like news articles and essays germane to class discussion).

Emails

Throughout the semester, I will use email to communicate with the class. **Please check your Millsaps email at least once per day**, even if you usually use a different email account. Emails will often contain important announcements, updates, or clarifications about the course material.

Structure

For most of the semester, Monday's and Wednesday's classes will cover several chapters from one of the assigned books; Friday's class will apply what we've read to the Supreme Court case assigned for that week. In this way, you'll first learn about the historical and social context for free speech debates – and then learn how jurists (working within this context) have thought about these debates.

Textbooks and Assigned Supreme Court Cases

This course has **three required books**. Mchangama's *Free Speech* is available in eBook version through Saps Supplies; you will receive physical copies (through the Millsaps Bookstore) of Strossen's *HATE* and Bérubé and Ruth's *It's Not Free Speech*. Copies are also available through online vendors like [Amazon](#) and [Book Scouter](#).

- Jacob Mchangama, *Free Speech: A Global History from Socrates to Social Media* (Basic Books, 2022)
- Nadine Strossen, *HATE: Why We Should Resist It With Free Speech, Not Censorship* (Oxford University Press, 2020)
- Michael Bérubé and Jennifer Ruth, *It's Not Free Speech: Race, Democracy, and the Future of Academic Freedom* (Johns Hopkins University Press, 2022)

Alongside these texts, we will read sixteen (16) major Supreme Court rulings on various facets of the First Amendment. **The Opinion of the Court (along with any concurring and dissenting opinions) will be posted on Course Connect.** You should come to class prepared to discuss the Court's decision for that day – and to consider the decision in light of the other assigned readings.

Supreme Court opinions are long and dense documents. *I* love reading them; you may disagree. In any event, **there's no need to read the entire opinion**. On the first day of class, I'll provide some tips on how to tackle these assigned readings (e.g., focusing on the summary of the case, reviewing the case documentation at <https://oyez.org>, or listening to portions of the oral arguments). **I will also post lecture slides (from the last time I taught this class) that summarize each of the Court's decision;** these aren't a substitute for perusing the opinions yourself, but they should help anchor your reading.

Attendance Policy

Irregular attendance under normal circumstances indicates that a student may be having difficulties adjusting to the course or to the College. Email your professors with any questions/concerns about engaging in courses when you miss classes due to illness.

In-person attendance for all class meetings is the expectation for all students. Students should notify their instructor of the need to miss a class prior to the meeting time and provide a valid reason why they will be absent. Faculty will be regularly reporting attendance to the College, regardless of whether or not that attendance is a factor in a student's grade.

Students will be excused from class in cases of documented illness, family emergency, religious observance, or participation in a co-curricular activity. Students should provide documentation of illness (e.g., a valid doctor's note or documentation that you visited the Health Center) to be excused from the participation requirement for missed classes.

If you accumulate three (3) unexcused absences, I will ask that Dr. Lewton-Yates (Assistant Dean of Student Success) issue you a yellow card; after five (5) unexcused absences, I will request that the Office of Records drop you from the class roster with an F. Please remember that attendance and active engagement in the course is central to your participation score.

Office Hours

Regardless of your performance in this class, I encourage you to stop by my Office Hours. During this time, I will certainly help students that might be struggling in GOVT 3770/COMM 3750. However, I am also interested in your professional and intellectual development. Please see me as a *resource* and ally as you progress through your academic careers.

My Office Hours are **Mondays and Wednesdays (2:00-3:30pm)**, in the GOVT offices (first floor, Sullivan-Harrell). I'm also available by appointment; to make an appointment to see me, send me an email at schmier@millsaps.edu. However, **you can drop by my office even if you haven't made an appointment**. If I'm not in a meeting or otherwise occupied, I'll be happy to speak with you.

Emergency Remote Instruction Plan

In the event campus shifted to remote instruction (either for a shorter period of time or for the remainder of the semester), we would hold class over Zoom at the regularly scheduled time and dates. I would continue to communicate with the class by email; the Zoom link to attend class would be available on Course Connect. Insofar as possible, I would still expect students to participate in class discussion with their cameras on. End-of-semester presentations would take place over Zoom. If students were unable to participate in class due to Internet connectivity issues, I would address those situations on a case-by-case basis. Otherwise, grading policies and assignment deadlines would remain unchanged.

Course Requirements and Grading

Grading

Your final grade will be weighted as follows:

- **Reflection Memo 1**, 5 percent
- **Reflection Memo 2**, 5 percent
- **Reflection Memo 3**, 5 percent
- **Midterm Exam (Take-Home)**, 25 percent
- **Mock Amicus Brief (Written Component)**, 35 percent
- **Mock Amicus Brief (In-Class Presentation)**, 10 percent
- **Participation**, 15 percent.

Please note that **there will not be opportunities to earn extra credit** in this course.

Final grades will be assigned as follows, based on your final weighted percentage in the class:

Percentage	Grade	Percentage	Grade	Percentage	Grade
100-93	A	92-90	A-	89-87	B+
86-83	B	82-80	B-	79-77	C+
76-73	C	72-70	C-	69-67	D+
66-63	D	62-60	D-	59-0	F

Note: Before final grades are reported to the registrar, your weighted percentage will be rounded to the nearest whole number. For example, a student who finishes the class with 89.7% would earn an A- (90%); a student with an 89.1% would earn a B+ (89%). Grades on individual assignments will not be rounded.

Participation (15% of Grade)

All our classes will be round-table discussions. **I take students seriously as intellectuals** – and I expect you to dialogue both with me and your classmates about the topics we’re discussing. I recognize that participating in class can be intimidating. However, **confident class participation requires practice**. When necessary, I may call on students to share their insights about the material or respond to one of their classmates’ points. Don’t worry about being perfectly articulate or 100-percent confident about everything you say. Just *try* – and trust me that you will be rewarded for trying. On the other hand, if you make no effort to contribute to class discussion, your participation score will be significantly affected.

Students will receive a participation grade for each substantive **week** of classes. You can earn up to ten participation points each week (10 = excellent; 8 = adequate; 0-6 = needs improvement). If you have questions about the quality of your participation, please see me during my Office Hours. In addition, note that if you miss class without a legitimate excuse (or are late to one or more classes), it will be impossible for you to earn full participation points for the week.

Reflection Memos (15% of Grade; 5% Each)

Three times during the semester, you must write a **Reflection Memo** on the readings for the upcoming week. The memos must demonstrate that you have read the assigned readings, thought critically about the author or authors’ questions and arguments, and considered how you might contribute to class discussion.

Memos should be approximately 3-4 paragraphs, although you’re welcome to write more than this. Keep the following template in mind:

1. **Identify a specific quotation or passage** from the assigned readings. Don’t just pick any random passage; choose something that sparked your interest. At least at the beginning of the semester (before we become more familiar with Supreme Court jurisprudence), I *strongly* encourage you to pick a passage from the assigned book for that week (i.e. Mchangama, Strossen, or Bérubé and Ruth).

2. **Explain what you found interesting about the passage you selected** – and unpack your thoughts further. For example, do you agree or disagree with the authors' claims? Does the passage (and the assigned readings in general) challenge your preconceived notions about free speech and/or the First Amendment? Do the authors leave anything out of the conversation that you would like to address in class? Have we encountered other perspectives that challenge the author(s)' claims – and if so, how might we reconcile these competing views? Do you bring a different perspective to the conversation – based on your lived experiences, your political attitudes, or your knowledge from another course? Did the passage cause you to think about the course topic in a new or challenging way? (**You do not need to answer all these questions!** But some of them might come in handy if you're struggling to collect your thoughts.)

Note that students are assigned, based on the first letter of your last name, to one of three groups. These groups correspond with weeks for which group members must submit memos to Dr. Schmidt. On weeks that you're scheduled to submit a Reflection Memo, you must **submit your memo on Course Connect by 7:30pm (CST) on Sunday evening**. Either type your memo in the online text box associated with the assignment or upload it as a .doc or .docx (Microsoft Word) file.

Group A (Last names A-B): memos due Weeks 2, 5, and 10

Group B (Last names C-D): memos due Weeks 3, 6, and 11

Group C (Last names E-Z): memos due Weeks 4, 8, and 13

No later than the first week of the semester, I will post a rubric on Course Connect that outlines my expectations for these memos.

Take-Home Midterm Exam (25% of Grade)

You are required to complete a midterm, take-home exam that covers all the material up to that point. The exam will be posted on Course Connect; you have three days to write and submit your exams (see **Course Schedule**, below). You **are** allowed to reference your notes, assigned readings, and any slides posted on Course Connect. Exams should be uploaded to Course Connect as a .doc or .docx (Microsoft Word) file.

The exam will contain three (3) essay questions; your response to each question should be about three to four (3-4) double-spaced pages. Each exam question will draw *heavily* on our class discussions – asking you to make a principled, creative argument that engages with the course topic. As such, an “A” exam will demonstrate not just knowledge of course material – but also your unique insights about free speech (or the First Amendment in particular) and your willingness to consider alternate perspectives. Remember to proofread your exam for grammatical, spelling, and punctuation errors.

No later than the first week of the semester, I will post a rubric on Course Connect that describes my expectations for the exam essays.

Mock Amicus Brief (Final Paper) (35% of Grade)

Amicus curiae is Latin for “friend of the court.” In judicial proceedings, interested parties submit amicus briefs to offer an informed opinion on how the court should rule. Amicus briefs are often

filed by interest groups, purporting to represent people with an interest in the outcome of the case. For example, the American Civil Liberties Union (ACLU) and American Center for Law and Justice (ACLJ) routinely file competing amicus briefs in Establishment Clause cases. The ACLU typically argues that the government has violated the Establishment Clause by appearing to endorse religion; the ACLJ counters that ceremonial religious gestures do not violate the Establishment Clause.

The Supreme Court is not required to read amicus briefs; some Justices take them more seriously than others. Nevertheless, amicus briefs are hard work. *Amici curiae* must present a principled argument – defended not with political flourishes, but with legal reasoning and (often) data.

For your final project, you must write a **mock amicus brief** for a First Amendment-related Supreme Court case. You must choose a Supreme Court case that was decided (or argued, pending the Court's decision) within the past twenty-five (25) years. But here's the catch: **you can choose the Supreme Court case you write about, but I (Dr. Schmidt) will decide whether your amicus brief supports the petitioner or respondent.** Don't worry: I won't automatically assign you to a position I know you don't hold; at my Office Hours, we'll use statistical software to *randomly* assign you to one of the two sides. Once you know which side you're required to defend, you may choose which organization your brief purports to represent (e.g., the American Civil Liberties Union; the U.S. Conference of Catholic Bishops; the Federalist Society).

Bottom line: don't choose a case unless you're prepared to make a principled, "friend of the court" argument for *either* side. If you'd feel uncomfortable writing a brief that supports the Westboro Baptist Church's right to protest, don't pick *Snyder v. Phelps* (2011). It's really that simple.

Your brief should be 12-13 pages (double-spaced, 12-point font). Cite **all** sources, using MLA format for **in-text citations** and your **Works Cited page**. While this is shorter than the typical amicus brief, you should still follow the standard conventions:

1. **Explain why your organization has a legitimate interest in the outcome of the case – and why you bring significant expertise to bear on the legal question.** Everyone has opinions; describe why yours is not *just* an opinion. Why does your organization *care* so much about this case? What group or groups do you claim to represent – and why should the Court believe that you represent them? As the Justices make their decision, why should they listen to you? What information can you provide the Court that it would not otherwise have? What credentials or expertise do you bring to the question?
2. **Summarize your organization's argument** in several pages. This is your chance to *preview* your argument – and (depending on the patience of the Justices) might be the only part of your brief that they read. Keep it short, but make it count.
3. **Defend each component of your argument with data and/or legal reasoning.** Typically, *amici curiae* make 2-4 distinct arguments, each constituting a separate section of their brief. Your argument is not an opinion column; it is grounded in **research**. Explain how the Court's decision will affect the people that your organization represents; how your organization interprets the facts of the case and/or the legal question facing the Court; and/or why you believe the government does (or does not) have a compelling interest in the policy-in-question.

For example, consider *United States v. Alvarez* (2012). In that case, the Court considered whether it was constitutional for Congress to prohibit Americans from falsely claiming to have won military

awards (e.g., the Purple Heart, the Bronze Star). If you were writing an *amicus curiae* brief on behalf of the Military Order of the Purple Heart, you might make the following arguments:

1. The Stolen Valor Act addresses a serious public problem; people falsely claim to have received military decorations much more frequently than people realize.
2. Congress has a legitimate public interest in preventing this *particular* type of fabrication. At a time when veterans still face significant employment discrimination, decorated war heroes have been accused of fabricating or embellishing their records.

On the other hand, if you were writing on behalf of the American Civil Liberties Union, you might argue that the Stolen Valor Act criminalizes constitutionally protected speech:

1. The First Amendment of the U.S. Constitution protects an individual's right to publicly misrepresent their accomplishments.
2. Congress has no "compelling government interest" in prohibiting people from embellishing or fabricating their military record.

Note that these are two different kinds of arguments. When people argue that the government can restrict speech, they often cite the *harm* that this speech causes. That is, they attempt to show that the First Amendment should not cover the speech-at-issue. In contrast, when people argue that the government can't restrict speech or expression, they appeal to the First Amendment itself. As *amici curiae* arguments, both arguments should be appropriately nuanced, thoughtful, and academic. Nevertheless, to defend restrictions on speech or expression, you'll need to justify (often with data) the government's interest in these restrictions. To oppose such restrictions, you'll need to explain why the restrictions don't survive "strict scrutiny." (Don't worry, you'll learn what that is.)

This assignment will be challenging but rewarding. As the semester proceeds, plan to meet with me several times (at my Office Hours or by appointment) to discuss your progress. **No later than the second week of the semester, I will post a rubric to Course Connect that describes my expectations in more detail.**

Mock Amicus Brief (Oral Presentation) (10% of Grade)

Alongside your mock *amicus curiae* brief, you must prepare a short class presentation that outlines your arguments. Presentations should be approximately 10-12 minutes; slides or visual aids might help you organize your thoughts, but these are not required. Be sure to leave 2-3 minutes to answer questions from your instructor and classmates.

These presentations are not intended to simulate oral arguments before the Supreme Court. However, they *are* an opportunity to practice your oral communication skills. Approach your presentation as if you were given the opening statement in a public debate on behalf of the group represented in your brief. Begin by describing the facts of the Supreme Court case at-issue. Introduce your group's interest in the outcome of the case. Then, outline the arguments in your amicus brief as cogently, systematically, and persuasively as possible. **This is a formal presentation**; avoid casual asides, in-jokes, references to our class, or commentary on the project itself. Presentations will be graded on professionalism, organization, and relevance to the course topic.

No later than the second week of the semester, I will post a rubric on Course Connect that describes my expectations for this assignment.

Course Schedule

PART 1: HISTORY OF FREE SPEECH, WITH CONTEMPORARY APPLICATIONS

Week 1 (Wednesday, January 17 - Friday, January 19): Course Introduction. Note: classes will be online this week; here's the Zoom link for our meeting: <https://us06web.zoom.us/j/4477690757>

- **Read:** Course syllabus. (Remember that **syllabi are contracts** between the student and instructor; you are responsible for **carefully** reading this syllabus, reviewing the course requirements, and asking your instructor to clarify anything that is unclear.)

Week 2 (Monday, January 22 - Friday, January 26): Basic Theories and Approaches to Free Speech; Political Speech; Fighting Words and Direct Incitement

- Reflection memos due from Group A (on Sunday, January 21, 7:30pm)
- **Monday and Wednesday:** Mchangama, *Free Speech*, Introduction + Chapters 1-2
- **Friday:** *Brandenburg v. Ohio* (1969)
 - **Optional additional cases:** *Schenk v. United States* (1919), *Abrams v. United States* (1919), *Debs v. United States* (1920), *Gitlow v. New York* (1925), *Chaplinsky v. New Hampshire* (1942), *Watts v. United States* (1968)

Week 3 (Monday, January 29 - Friday, February 2): Symbolic Speech

- Reflection memos due from Group B (on Sunday, January 28, 7:30pm)
- **Monday and Wednesday:** Mchangama, *Free Speech*, Chapters 3-5
- **Friday:** *Texas v. Johnson* (1989)
 - **Optional additional cases:** *Minersville School District v. Gobitis* (1940), *West Virginia State Board of Education v. Barnette* (1943), *United States v. O'Brien* (1969), *Tinker v. Des Moines* (1969), *Cohen v. California* (1971)

Week 4 (Monday, February 5 - Friday, February 9): Time, Place, and Manner and the "Two Tracks" of Analysis

- Reflection memos due from Group C (on Sunday, February 4, 7:30pm)
- **Monday and Wednesday:** Mchangama, *Free Speech*, Chapters 6-8
- **Friday:** *Police Department of City of Chicago v. Mosley* (1972)
 - **Optional additional cases:** *Reed v. Town of Gilbert* (2015), *Minnesota Voters Alliance v. Mansky* (2018)

Week 5 (Monday, February 12 - Friday, February 16): Obscenity

- Reflection memos due from Group **A** (on Sunday, February 11, 7:30pm)
- **Monday and Wednesday:** Mchangama, *Free Speech*, Chapters 9-10
- **Friday:** *Miller v. California* (1973)
 - **Optional additional cases:** *FCC v. Pacifica Foundation* (1978), *Reno v. ACLU* (1997), *United States v. American Library Association* (2003), and *Ashcroft v. ACLU* (2004)

Week 6 (Monday, February 19 - Friday, February 23): Freedom of the Press

- Reflection memos due from Group **B** (on Sunday, February 18, 7:30pm)
- **Monday and Wednesday:** Mchangama, *Free Speech*, Chapters 11-13 + conclusion
- **Friday:** *New York Times v. Sullivan* (1964)
 - **Optional additional cases:** *New York Times v. United States* (1971), *Hustler v. Falwell* (1987)

Week 7 (Monday, February 26 - Friday, March 1): Exam Review; Take-Home Midterm Exam

- On Monday, February 26, we'll hold an **exam review session**. Ideally, the review session will put you in the strongest possible position to write your midterm exam.
- On Wednesday and Friday, we won't meet in-person. You should use our regularly scheduled class time to work on your take-home exam. **The exam is due on Friday, March 1 at 7:30pm CST.**

Your TAKE-HOME MIDTERM EXAM will be posted on Course Connect on Tuesday, February 27 at 8:00am CST. The exam will cover all the material through Week 6.

Exams are due on Friday, March 1 at 7:30pm CST. You must submit your complete exam on Course Connect in .doc or .docx format.

(Almost) Mid-Semester Check-In

Have you met with Dr. Schmidt about your mock amicus brief?

Have you picked the Supreme Court case that your amicus brief will discuss?

Have you asked Dr. Schmidt to randomly select which side your brief will defend?

If the answer to any of these questions is “no,” get to it!

PART 2: HATE SPEECH: A BRIDGE TOO FAR?

Week 8 (Monday, March 4 - Friday, March 8): Hate Speech, Week 1 of 4

- Reflection memos due from Group C (on Sunday, March 3, 7:30pm)
- **Monday and Wednesday:** Nadine Strossen, *HATE*, Introduction + Chs. 1-2
- **Friday:** *Beauharnais v. Illinois* (1952)

Week 9 (Monday, March 11 - Friday, March 15): Spring Break; no class.

Due to spring break, we will not meet the week of March 11. Class will reconvene on Monday, March 18.

Week 10 (Monday, March 18 - Friday, March 22): Hate Speech, Week 2 of 4

- Reflection memos due from Group A (on Sunday, March 17, 7:30pm)
- **Monday and Wednesday:** Nadine Strossen, *HATE*, Chapters 3-9
- **Friday:** *Wisconsin v. Mitchell* (1993)

Week 11 (Monday, March 25 - Friday, March 29): Hate Speech, Week 3a of 4

- Reflection memos due from Group B (on Sunday, March 24, 7:30pm)
- **Monday and Wednesday:** Bérubé and Ruth, *It's Not Free Speech*, Introduction + Chs. 1-3
- **Friday:** No class; campus closed for Good Friday.

REMINDER: Your last day to drop GOVT 3770/COMM 3750 is Wednesday, April 3. If you believe you must withdraw from the course (or are in danger of failing), I **strongly** encourage you to consult myself and your academic advisor **in advance** of this deadline.

Week 12 (Monday, April 1 - Friday, April 5): Hate Speech: Week 3b of 4

- **Monday:** *Snyder v. Phelps* (2011)
- **Wednesday and Friday:** No class; Dr. Schmidt will be traveling.

Week 13 (Monday, April 8 - Friday, April 12): Hate Speech: Week 4 of 4

- Reflection memos due from Group C (on Sunday, April 7, 7:30pm)
- **Monday:** No class; Dr. Schmidt will be traveling.
- **Wednesday:** Bérubé and Ruth, *It's Not Free Speech*, Chs. 4-6
- **Friday:** *R.A.V. v. St. Paul* (1992); optional additional case is *Virginia v. Black* (2002)

PART 3: FREEDOM OF RELIGION: A (VERY BRIEF) INTRO

Week 14 (Monday, April 15 - Friday, April 19): The Establishment Clause: “Wall of Eternal Separation” or Something Weaker?

- **Monday:** *Engel v. Vitale* (1962)
 - **Optional additional cases:** *Murray v. Curlett* (1963), *Lemon v. Kurtzman* (1971), *Edwards v. Aguillard* (1987), and *Santa Fe Independent School District v. Doe* (2003)
- **Wednesday:** *Hein v. Freedom from Religion Foundation* (2007)
 - **Optional additional cases:** *Marsh v. Chambers* (1983), *Board of Education of Westside Community Schools v. Mergens* (1990), *Good News Club v. Milford Central School* (2001), *Elk Grove Unified School District v. Newdow* (2004)
- **Friday:** *Kennedy v. Bremerton School District* (2022)

Week 15 (Monday, April 22 - Friday, April 26): Free Exercise and Government Interference with Religious Practice

- **Monday:** *Wisconsin v. Yoder* (1972)
- **Wednesday:** *Employment Division v. Smith* (1990)
 - **Optional additional cases:** *Church of the Lukumi Babalu Aye v. City of Hialeah* (1993); *Gonzales v. O Centro Espírita Beneficente União do Vegetal* (2006), *Cutter v. Wilkinson* (2005), *Christian Legal Society v. Martinez* (2010)

- **Friday:** *303 Creative LLC v. Elenis* (2022)
 - **Optional additional cases:** *Burwell v. Hobby Lobby Stores* (2013), *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018)

Your mock amicus brief (written component) is due on Friday, April 26 at 7:30pm CST. You must submit your paper on Course Connect in .doc or .docx format.

Week 16 (Monday, April 29 - Tuesday, April 30): Wrapping Up; Final Projects, Presentations.

- **Monday, April 29:** No new reading. We'll reflect on everything we've learned this semester and how you might apply your knowledge in new situations moving forward.
- **Tuesday, April 30:** each student should prepare a 10-12 minute presentation that presents the central arguments of their *amicus curiae* brief. Be sure to leave additional time for 3-4 minutes of questions.
- **Note:** the College is treating Tuesday, April 30 (the last day of classes) as a *Friday*; this means that during the last week of classes, we will meet two days in a row.

Campus Resources and Policies

Course Connect Support

Course Connect is Millsaps' learning management system. Your courses in Course Connect will provide access to syllabi and important course information. To access Course Connect, visit <https://courses.millsaps.edu> and login with your Millsaps username and password.

For questions about using Course Connect, visit the Course Connect LibGuide for Students: <https://libguides.millsaps.edu/courseconnectstudents>. If you experience issues with Course Connect, contact Rachel Long, Instructional Technology Librarian, at rachel.long@millsaps.edu or librarian@millsaps.edu.

Honor Code

Millsaps College is an academic community dedicated to the pursuit of scholarly inquiry and intellectual growth. The foundation of this community is a spirit of personal honesty and mutual trust. Through their Honor Code, **the students of Millsaps College** affirm their adherence to these basic ethical principles.

An Honor Code is not simply a set of rules and procedures governing students' academic conduct. It is an opportunity to put personal responsibility and integrity into action. When students agree to abide by an Honor Code, they liberate themselves to pursue their academic goals in an atmosphere of mutual confidence and respect.

The success of the Honor Code depends on the support of each member of the community. Students and faculty alike commit themselves in their work to the principles of academic honesty. When they become aware of infractions, both students and faculty are obligated to report them to the Honor Council, which is responsible for enforcement. Important information pertaining to the Honor Code can be accessed using the following link: http://www.millsaps.edu/__resources/documents/2018-major-facts-academics.pdf.

The pledge affirmed by all students upon entering the College is as follows:

As a Millsaps College student, I hereby affirm that I understand the Honor Code and am aware of its implications and of my responsibility to the Code. In the interest of expanding the atmosphere of respect and trust in the College, I promise to uphold the Honor Code and I will not tolerate dishonest behavior in myself or in others.

Each examination, quiz, or other assignment that is to be graded will carry the affirmed pledge: “**I hereby certify that I have neither given nor received unauthorized aid on this assignment. (Signature)**” The abbreviation “Pledged” followed by the student’s signature has the same meaning and may be acceptable on assignments other than final examinations.

The following is a representative, but not exhaustive list of academic offenses and violations covered by this Millsaps Academic Honor Code:

- At Millsaps College, **plagiarism** includes, but is not limited to, the following actions:
 - using *words* or *ideas* that are not your own without citing the source
 - copying from a text word for word without both using quotation marks *and* citing the source
 - paraphrasing or summarizing a source without citing the source
 - using language or sentence structures that are *too close* to the original text even while the paraphrase has *mostly* your own language
 - using online paraphrasing tools and artificial intelligence (AI) generators to generate all or part of your assignment, unless you have specific and direct permission from the instructor
 - copying pictures, charts, graphs, or other illustrations without citing the source
 - using your own work from a past class without citation or approval from the instructor
- Dishonesty on examinations and tests
 - Using any outside materials deemed not usable by the professor of the course
 - Giving or receiving answers while taking a test
 - Revealing the content of an exam before others have taken it
- Dishonesty on assignments
 - Receiving unauthorized help on an assignment
 - Submitting the same paper for two classes unless approved by the professors of both classes

- Interfering with another student’s course materials
- Lying about academic matters, including missed assignments or absences
- Unauthorized use of a computer file, program, username, or password
- Unauthorized use of, tampering with, or removing community materials from laboratories or the library

It is the responsibility of students and faculty to report offenses to the Honor Council in the form of a written report. This account must be signed, the accusation explained in as much detail as possible, and submitted to **AcademicAffairs@millsaps.edu**.

Honor Council Members Spring 2024:

Student Members

Kegan Peschke, Chair, senior
Caroline Eschete, Vice-Chair, junior
Elyse Warren, Sergeant-At-Arms, sophomore
Hannah Henderson, senior
Jack Gaar, sophomore
Shagun Gautam, first-year

Faculty Members:

Dr. Krissy Rehm
Dr. Priscilla Fermon
Dr. Shalini Bhawal

Value of Diverse Perspectives, Backgrounds, and Identities

As your instructor, I am committed to diversity, equity, and inclusion at Millsaps. Ultimately, **inclusion is a quality-of-life issue**. Students are unlikely to succeed in (let alone enjoy) an educational environment where their contributions are neither valued nor noticed. More than ever, liberal arts education must celebrate students with under-represented racial and ethnic backgrounds, sexual orientations or gender identities, religious beliefs, and socioeconomic statuses. Students with physical or learning disabilities must be fully included in campus life. And instructors must proactively *and quickly* address discrimination in all its forms.

Just as importantly, if you feel under-valued and unnoticed in class, this is probably not your fault. Rather, it is your instructor’s responsibility to promote an inclusive learning environment. During the semester, I will do my utmost to promote diverse perspectives, backgrounds, and identities in the classroom. But if I ever fall short, please let me know. Like everyone at Millsaps, I am still learning; like everyone, there are “blind spots” in my cultural sensitivity and awareness. For this reason, I value *any* feedback that makes my classroom more inclusive – and would consider it a privilege to learn from you.

Pronouns and Identity

Class rosters are provided to us with the students' legal names. Because all people have the right to be addressed in accordance with their personal identity, the instructor will gladly honor your request to address you by an alternate name or gender pronoun. Please let him know how you would prefer to be addressed as soon as possible.

Millsaps-Wilson Library

Library resources can be found on the library's webpage: <https://www.millsaps.edu/library/>. Once on the webpage, you can find the library search engine Big Search, a list of scholarly databases, librarian-created research guides, the hours, and many other resources. Library hours are also available through this link: <https://www.millsaps.edu/library/hours-calendar/>.

Librarians are available to assist with research requests Monday-Friday. We encourage you to visit the library. You can email us at librarian@millsaps.edu to ask questions or to set up a meeting.

Help Desk

ITS HelpDesk is the resource for technical support for students. Services provided include: email, wireless, Office 365 software installation, ID card access, smart classroom - audio visual, faculty staff office computer and network printing and also the College telecom system. The Helpdesk is located in AC100 and can be reached by phone 601-974-1144 or by email (help@millsaps.edu).

The Centers for Writing and Academic Success

All students are strongly encouraged to visit the Writing Center and CASE (the Center for Academic Success and Excellence). Both centers are staffed by peers trained as academic consultants who support learning and writing across all disciplines of study. Both centers offer appointments in-person as well as limited virtual availability. The Writing Center and CASE share a common appointment scheduler at <https://millsaps.mywconline.com>. To select a consultant in a specific subject area, select that subject area from the "limit to" dropdown menu to view hours and availability in that subject area. Not all consultants offer all types of appointments. For assistance connecting to an academic consultant, contact Prof. Liz Egan at eganee@millsaps.edu. Both centers will open on January 22, 2024.

- **The Millsaps Writing Center**

- The Writing Center is located in John Stone Hall, with satellite locations in the library and in CASE. Writing Consultants work with all writers, in all disciplines, at all skill levels, and in all stages of the writing process. We recommend visits **early in the writing process**, such as when you first receive your assignment or are just beginning your research or first-drafting work. Visit <https://millsaps.mywconline.com> for more information about hours, locations, and upcoming events. The Writing Center will open on January 22, 2024.

- **CASE (Center for Academic Support and Excellence)**

- CASE is located in Academic Complex suite 109 and offers one-to-one consultations and small group study sessions for all students in a range of disciplines, such as math, economics, chemistry, biology, and languages. (Writing Consultants also serve at the CASE location.) Visit <https://millsaps.mywconline.com> for more information about hours, locations, and upcoming events. CASE will open on January 22, 2024.

Title IX

As an instructor, one of my responsibilities is to help create a safe learning environment on campus. I also have a mandatory reporting responsibility as a member of the faculty. I will seek to keep information you share private to the greatest extent possible. However, if I am made aware of information regarding sexual misconduct or information about a crime that may have occurred on campus, I am required to share it with the College. If students wish to speak with someone confidentially, they should contact Student Life at 601-974-1200.

ADA Accommodations

Under the requirements of the Americans with Disabilities Act (ADA) and Section 504, accommodations can be made for students with disabilities or learning differences. If you require accommodations or have questions about academic accommodations, please contact the Student Support Coordinator at ada@millsaps.edu.

Accommodations will not be granted until you meet with the Coordinator, your letters/documentation are processed, and you meet with your instructor.

CARE

If you find yourself struggling with managing your coursework, physical or mental health, finances, relationships on or off campus, or any other aspect of being a student, Millsaps has resources available to help you. Our team of campus professionals can help you get connected to these free resources. Likewise, if you're concerned about the well-being of a friend or classmate, you can report using this online form – https://millsaps-advocate.symlicity.com/care_report – and we can get them connected to the help they need. All emergency concerns should be reported to Campus Safety 601-974-1234.

College COVID-19 Information

If a student becomes ill or needs to be quarantined/isolated during the semester, they should use the [student reporting forms](#). It is the responsibility of the student to notify their faculty members that they will be absent from class due to illness. If a faculty member wishes to verify that a student is quarantining or isolating, they may request confirmation from StudentLife@millsaps.edu.