



First Amendment Law (GOV-203)

Course Description

This course focuses on the freedoms guaranteed by the First Amendment to the US Constitution, including freedoms of religion, speech, press, assembly and petition. The course covers when those freedoms can be limited and under what circumstances. It also focuses on the “establishment of religion” clause, which prohibits the government from “establishing” a national religion and the “free exercise” clause that prevents the government from prohibiting the free exercise of religion.

Course Learning Outcomes

At the completion of this course, students will be able to:

- Explain the ways in which government may regulate speech;
- Examine the categories of protected speech such as political, religious, artistic, and hate speech, and explain why these types of speech are protected under the First Amendment;
- Discuss how and why the Supreme Court has determined that certain categories of speech, such as incitement, fighting words and obscenity, are deemed unprotected;
- Explain the allowable restrictions on political speech and protest;
- Differentiate between the Free Exercise Clause and the Establishment Clause of the First Amendment;
- Discuss the differences between religious beliefs and religious practices, and how the law regulates them differently;
- Articulate the three principles that guide the assessment of the constitutionality of laws or actions allegedly infringing on the free exercise clause.

Final Exam

Grades and credit recommendations are based solely on a final exam. When students are ready to take the final exam, they should register for a LawShelf account (or simply log in, for those with existing accounts). Go to the video-course page and click “Take the Final Exam” and pay the exam fee, where applicable. Students will be given instructions on how to take the exam. All exams are proctored by the Voice Proctor® proctoring system. An overview of the system is [provided here](#) and it requires no training or learning curve. Grades of 70% or above are considered passing grades and qualify for recommended transfer credit.

The final exam is based on the video course modules. Additional resources detailed in this

syllabus are helpful for background and for building greater understanding of the course materials. Inquiries can be made through the LawShelf Contact form on our website by clicking the “email us” button that appears at the bottom of most LawShelf pages. Transcripts can be ordered via Parchment, as detailed on our website.

Case Studies

Many LawShelf video courses include case studies. These do not necessarily teach new material but are meant to demonstrate how the materials covered in the course are applied by various courts. Concepts covered in the case studies are covered on the final exam, so make sure to watch the case studies before taking the exam. However, it is unnecessary to memorize the facts and details of the cases covered in these case studies.

Self-Quizzes

Video-course modules and case studies feature self-quizzes that consist of practice questions on the materials covered in the videos. These questions are presented for the benefit of the student and are **important to review before taking the final exam** because they are similar in style and substance to the questions on the final exam. These quizzes are not graded or monitored and there is no record of how students answer these questions. Students may answer these questions as many times as they like and are encouraged to keep re-taking the quizzes until they have mastered all the questions.

Study Guide

Introductory Videos

These videos provide background to help students better understand the main parts of the course, which are the video-course modules below.

Constitutional Law and the First Amendment: Freedom of Speech

<https://lawshelf.com/shortvideoscontentview/constitutional-law-and-the-first-amendment-freedom-of-speech/>

Freedom of Speech Exceptions: Categories of Speech NOT Protected

<https://lawshelf.com/shortvideoscontentview/freedom-of-speech-exceptions-categories-of-speech-not-protected/>

The Free Exercise Clause

<https://lawshelf.com/shortvideoscontentview/the-free-exercise-clause/>

Do Bible Lessons in Schools Violate the First Amendment’s Establishment of Religion Clause?

<https://lawshelf.com/shortvideoscontentview/do-bible-lessons-in-schools-violate-the-first-amendments-establishment-of-religion-clause>

Criminal Penalties for Spreading Fake News?

<https://lawshelf.com/blogentryview/criminal-penalties-for-spreading-fake-news/>

Can You Be Fired For Expressing Your Political Views?

<https://lawshelf.com/blogentryview/can-you-be-fired-for-expressing-your-political-views-james-damores-case-against-google/>

Courseware Readings

These courseware readings provide background to help students better understand the main parts of the course, which are the [video-course modules](#) below.

The following sections of “Foundations of Law” [courseware](#):

Constitutional Law

Freedom of Expression & Religion

- o [Freedom of Expression](#)
- o [Limitations on Expression](#)
- o [Freedom of Religion and the Establishment Clause](#)
- o [Freedom of Religion and The Free Exercise Clause](#)

Torts

Defamation

[Constitutional Privileges](#)

Video Course Modules

These videos constitute the [main part of the course](#) and are they sources of the questions on the final exam.

<https://lawshelf.com/videocoursescontentview/first-amendment-law>

Part 1, Module 1: Introduction to the Freedom of Speech

Part 1, Module 2: Protected Speech and Expression

Part 1, Module 3: Unprotected Speech

Part 1, Module 4: First Amendment Rights of Assembly, Petition and Association

Part 1, Module 5: Freedom of the Press and the Right to Privacy

Part 2, Module 1: The Establishment and Free Exercise Clauses

Part 2, Module 2: The Free Exercise Clause

Part 2, Module 3: The Free Exercise Clause in Specific Contexts

Part 2, Module 4: Establishment Clause in Specific Contexts

Part 2, Module 5: Recent Freedom of Religion Jurisprudence

Supplemental Suggested Readings

These materials enable students to achieve a deeper understanding of the course materials and in applying the course to real-life situations.

The Non–First Amendment Law of Freedom of Speech, Harvard Law Review
<https://harvardlawreview.org/2021/05/the-non-first-amendment-law-of-freedom-of-speech/>

Competing Free Speech Values in an Age of Protest, Cardozo Law Review
<http://cardozolawreview.com/competing-free-speech-values-goldberg/>

The Freedom of Speech, Yale Law School lecture by Justice John Paul Stevens
<https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=7484&context=vlj>

Religious Liberty and the Culture Wars, Illinois Law Review
<https://www.illinoislawreview.org/wp-content/ilr-content/articles/2014/3/Laycock.pdf>

Governing Online Speech: From “Posts-As-Trumps” To Proportionality And Probability,
Columbia Law Review
<https://columbialawreview.org/content/governing-online-speech-from-posts-as-trumps-to-proportionality-and-probability/>

The Religious Freedom Restoration Act: A Primer, Congressional Research Service
<https://crsreports.congress.gov/product/pdf/IF/IF11490>