

**FIRST AMENDMENT HEROES AND VILLAINS
(It's Hard to Tell Them Apart)**

The Fromm Institute

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SYLLABUS

This course will look at individuals who were involved in famous First Amendment controversies. Some of them may be considered heroes, and some villains. They all have interesting stories, but their stories all have a larger point informing the modern understanding of First Amendment freedoms of speech and press. The classes:

Sept. 15: Yetta Stromberg. Subversive speech, the Sedition Act, and symbolic speech from red flags to flag burnings and beyond.

Sept. 22: Jehovah's Witnesses. How and why a religious group came to account for 72 decisions of the U.S. Supreme Court, many enhancing freedoms of speech and press, and what the key decisions mean for all of us: the right *not* to speak; "fighting words" as an exception to the First Amendment; the "clear and present danger" test, etc.

Sept. 29: Dannie Martin. The convict author's battle with the federal prison system, and the extent to which our most despised minority – prisoners – have First Amendment rights. Is censorship required by the needs of prison security?

Oct. 6: Raymond Procnier and Robert H. Schnacke. How the former director of the California prison system went from First Amendment villain to hero. The federal judge who presided over the televising executions case, heard Procnier's testimony, and abdicated the proper judicial role.

Oct. 13: Earl Caldwell. When the New York Times reporter was covering the Black Panthers, he was subpoenaed to a federal grand jury that demanded he disclose his confidential sources, notes and tape recordings. His case, decided by the U.S. Supreme Court, involved whether the press has rights that ordinary citizens do not enjoy.

Oct. 20: Richard Hongisto. How the former San Francisco Sheriff and Police Chief went from First Amendment hero -- in a case involving whether anyone has a First Amendment right to enter government facilities or obtain government information -- to villain when he directed police officers to confiscate newspapers critical of him.

Oct. 27: Larry Flynt. The world's leading pornographer is also a provocateur whose publications and antics skate close to the edge of First Amendment protection. His encounter with Rev. Jerry Falwell in the Supreme Court led to enhanced protection for political cartoonists and for all of us.

Nov. 3: Clinton Fein. Local computer whiz, creator of *annoy.com*, and First Amendment activist has been at the center of challenges to Congressional attempts to regulate content on the Internet.

Recommended reading: The best short discussion of First Amendment history and current issues is Anthony Lewis, *Freedom for the Thought that We Hate* (Basic Books, 2008). Lewis's previous book, *Make No Law* (Vintage, 1991), is a more complete history, and a great story about *New York Times v. Sullivan*. Linda Greenhouse, *Becoming Justice Blackmun* (2005), gives a readable account of how the Supreme Court actually operates. Floyd Abrams, *Speaking Freely* (2005), recounts the author's experience with First Amendment cases, including the Pentagon Papers case. Geoffrey Stone, *Perilous Times* (2004), considers, historically, the main threats to free speech in wartime.