

Freedom of Speech and Association

Spring 2024

Professor Ryan Snyder
320 Hulston Hall
Ryan.Snyder@missouri.edu

“Congress shall make no law ... abridging the freedom of speech[.]”
U.S. CONST. AMEND. I.

Class Meetings

Preparing For Class

The casebook for this course is EUGENE VOLOKH, *THE FIRST AMENDMENT AND RELATED STATUTES: PROBLEMS, CASES AND POLICY ARGUMENTS* (7th ed. 2020). You will also need the 2023 Supplement and some additional materials, which I will post on Canvas.

At the end of this syllabus is a list of topics and readings that I plan to cover this semester. At the end of each week, I'll tell you more specifically what we're going to cover the following week. For each class, you should read those materials and be prepared to discuss them. I will update this list throughout the semester.

Be forewarned: some of these materials contain outrageous and deeply offensive language. In my view, we can't fully understand the nature and implications of the First Amendment without asking whether the law should protect hateful or offensive speech. Likewise, I think it's impossible to fully understand the U.S. Supreme Court's jurisprudence without knowing precisely which speech the Court has, and hasn't, treated as warranting constitutional protection.

Attendance & Participation

We'll meet on Tuesdays and Thursdays from 10:20 am to 11:10 am in Room 109. I won't be livestreaming the class on Zoom, so you'll need to attend in person.

Because this class has only 12 students, you'll need to attend and participate in class discussion regularly. Indeed, you should expect to say something in almost every class. I say that for several reasons:

- First, it helps you hone your ability to speak in public and think on your feet. You'll need those skills no matter what career path you pursue, and you're better off learning them now.
- Second, it gives you valuable feedback about how well you understand the material. You might think you understand something, but unless you try explaining it to someone else, you'll never know for sure.
- Third, it's good for your classmates. Each of you has a unique perspective, and the more perspectives we hear, the better.
- Fourth, class participation is 50% of your final grade.

If you won't be able to attend class or discuss the day's material, please email me by no later than 9:00 am.

Finally, you should feel free to ask questions at any time during class.

Electronic Devices

You may use a laptop during class to take notes and access course materials. Many professors believe that laptops encourage poor notetaking, and that students would be better off taking notes by hand. You should consider that possibility, but ultimately, you know your own learning style better than anyone else.

That said, you may not use a laptop for any purpose unrelated to class, including accessing the internet, playing games, or reading or sending email. Using your laptop for personal reasons distracts you, distracts those around you, and prevents you from participating fully in class. For the same reasons, you may not use any other electronic devices during class.

Recordings

You may not make audio or video recordings of course activity, unless you have received a disability-related accommodation allowing you to do so.

Communicating Outside Class

I enjoy talking with students outside of class, so feel free to reach out. We can talk about anything: the course, law school, or life in general.

I'll hold office hours from 3:00 pm to 5:00 pm on Thursdays in my office (Room 320). If that time doesn't work for you, or if you want to meet with me one-on-one, feel free to schedule an appointment or just drop by my office to see if I'm around.

I encourage you to come to office hours regularly. You don't need to have a question; you can come just to say hello.

You can also email me at Ryan.Snyder@missouri.edu. If I need to send a message to the entire class, I'll do so by creating an announcement on Canvas. You should check your notification settings in Canvas to make sure you're receiving emails about any announcements.

Finally, if there is anything that I can do to improve the class, please let me know. I welcome feedback.

Grades

Your grade will be based on class participation (50%) and a paper (50%).

To receive a good participation grade, you must regularly prepare for class, attend class, and contribute to class discussion.

Your paper must be at least 25 double-spaced pages and must be entirely your own work—you may not use any form of artificial intelligence. We will discuss the paper in more detail during the first week of class.

Accommodations

If I can reduce disability-related barriers to this course, and you feel comfortable sharing your needs with me, please feel free to contact me in person or by email. Some accommodations require time to provide, so the earlier I know about them, the better.

If you require accommodations that I can't individually provide (such as a notetaker, extended time on exams, or professional captioning), please contact the Law School Registrar, Denise Boessen, and the Associate Dean for Academic Affairs, Ben Trachtenberg. They'll advise you on the steps you need to take, such as establishing an Accommodation Plan with the Disability Center.

Honor Code

Academic integrity is fundamental to the activities and principles of Mizzou Law. All members of the law-school community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law-school community regards breaches of Mizzou Law's Honor Code as extremely serious matters. Sanctions for such a breach may include academic

sanctions, such as failing the course, and disciplinary sanctions ranging from probation to expulsion. If you have any doubt about whether your work complies with the Honor Code, please consult me.

Disagreeing Agreeably

Throughout history, people have usually resolved conflict through violence or the threat of violence. Our legal system helped to change that, giving us a more peaceful way of resolving societal and individual disputes. Lawyers have a duty to protect and improve that system, and one of the main ways that we can do that is to disagree agreeably with others. Here's what that means to me:

- First, be humble. Always consider the possibility that the other person knows something that you don't.
- Second, show grace. Assume that the other person is acting in good faith and embrace the value of interacting with someone who sees the world differently than you do.
- Third, avoid personal attacks. Explain why you disagree with the other person's ideas, but don't attack their character.

I'm personally committed to these principles, and I encourage you to abide by them in this course.

University-Wide Policies

Mizzou has adopted several policies that apply to all courses. You can read those policies [here](#).

Assignments

I. Introduction and Overview

Syllabus

First-Day Survey (on Canvas)

CB v–vii

CB 1–2

Brown v. California Department of Transportation (on Canvas)

White Buffalo Ventures, LLC v. University of Texas (on Canvas)

II. Exceptions From Full Protections

A. *Incitement*

CB 3–57

Supp. 1

CB 494–566
Supp. 12–21

VI. Government Acting In Special Capacities

A. *Government as Employer*

CB 587–601
Supp. 22

B. *Government as Educator*

CB 601–19
Supp. 22–28

C. *Government as Landlord/Subsidizer/Speaker*

CB 619–90
Supp. 29–33

D. *Government as Regulator of the Airwaves*

CB 690–96