

09-22 Class Session: First Amendment—Freedom of Expression and Assembly Case Studies, Grading Policies, and Classroom Operations

Classroom Context, Participants, and Setup

- Session focus: First Amendment—Freedom of Expression and Freedom of Assembly case studies, with films illustrating protest rights and community responses.
- Recording: Openly conducted per principal directive with posted signage; instructor uses dual devices and later posts summaries on class webpages for extra notes, IEP support, study resources, and make-up references.

Grading Status, Policy, and Classroom Operations

- Freedom of Speech case studies: Overall quality disappointing.
 - Zeros for submissions with no answers.
 - About 6.5 points for partial first-question responses.
 - Minimal two–three word answers penalized for lack of critical thinking and detail.
 - Two students earned full credit for strong work.
- Standing policy (21 years): One-week window to revise and resubmit graded work if initially submitted; no late recovery for missing initial submissions (grade remains zero).
- Current grades: Two D's, no F's yet, recent drop in submission rates; reminder to check Infinite Campus.
- Administrative notes:
 - Google Classroom used for grading; missing work at grading time receives a permanent zero.
 - Likely grading window before next class (e.g., Tuesday evening).
- Classroom conduct: Minimize chatter, avoid distractions (e.g., eating snacks), prioritize case studies before non-class tasks (e.g., yearbook photos).

- Technical issue: One classroom computer has a failing fan (loud noise); computers ~3 months old; switch to another device and apply pending system updates.

Instructional Focus: First Amendment—Freedom of Assembly

- Aim: Clarify lawful assembly and protest rights and highlight community responses that preserve dignity while accommodating rights.
- Films:
 - Segment 1: Westboro Baptist Church (WBC) protests at military funerals; Supreme Court precedent affirming public street protest rights; buffer zone laws in many states (100–150 yards).
 - Segment 2: Patriot Guard Riders (PGR) shielding families from disruption while respecting protest rights.
- Adult language warning: Strong language present in films for pedagogical impact; planned viewing ~25–30 minutes.

Case Study 1: Westboro Baptist Church (WBC)

- Composition: Largely one extended family; led by pastor Fred Phelps (deceased) and daughter Shirley Phelps (lawyer, mother of 11).
- Beliefs and messaging:
 - Anti-LGBTQ rhetoric (“God hates fags”); condemns sexual activity outside “one man, one woman” marriage.
 - Frames adultery as inclusive of homosexual acts; predicts national doom for public acceptance of LGBTQ identities.
 - Members described as “evil angels” delivering God’s judgment; all outcomes framed as perfect judgments.
- Tactics:
 - Picketing soldiers’ funerals since Iraq War era; claim deaths are divine judgment.
 - Personalizing protests by researching fallen soldiers; use incendiary signs and confrontational rhetoric.
- Legal framework:
 - Supreme Court upheld WBC’s right to protest on public street corners; states enforce buffer zones near funerals.
- Community responses:
 - Student-led counter-protests; CSU Father’s Weekend example with extra credit.

- Neighbors painting houses across from WBC in rainbow and transgender flag colors (Equality House, 2014); occasional neighborly exchanges (e.g., small talk at mailbox).
- Incident: Pride flags stolen from Equality House and hung at WBC; WBC returned the flags.
- Social implications:
 - Family excommunications for internal dissent; severe social control.
 - Concerns for welfare of children (schooling, bullying risks, social isolation).

Case Study 2: Patriot Guard Riders (PGR)

- Mission: Non-political group honoring fallen service members and shielding families from protest disruption.
- Tactics: Flag lines and motorcycle formations to block visibility; revving engines to drown out chants; strict legal compliance.
- Membership: Over 186,000 nationwide; diverse backgrounds; many non-veterans; Vietnam veterans motivated by past mistreatment.
- Operations: Attend in harsh weather (freezing, rain, snow, sleet, wind); deep commitment to families.
- Impact narratives:
 - Example: Army Sgt. Brennan Gibson killed by IED; funeral aligned with his 27th birthday; families describe PGR as “the cavalry,” preventing escalation and preserving dignity.
- Instructor note: Video produced by the NRA; acknowledged bias; legislative segment omitted as no longer relevant.

Classroom Reflections and Conclusions

- Instructor stance: Uphold protest rights on public property when there’s no harm or trespass; prefer accommodating protests while using respectful community tactics (like PGR) to protect grieving families and decorum.
- Student viewpoints:
 - PGR viewed positively as respectful and community-oriented.
 - Moral critique of WBC’s theology and tactics; calls for factual/scriptural consistency.
- Ethical and civic takeaways:
 - Dual commitment to First Amendment protections and compassionate mitigation strategies.
 - Counter-speech and community organization can balance rights and minimize harm.

Freedom of Expression: Artist Liability, Evidence, and Government Funding

- Artist liability for audience actions:
 - Core principle: Artists are not liable for audience behavior unless they intentionally incite imminent lawless action with intent to cause it (Brandenburg v. Ohio).
 - Ozzy Osbourne example:
 - Lyrics (“get the gun and shoot,” “try it”) in “Suicide Solution” cited after a suicide.
 - Courts focus on immediacy and intent; generalized song lyrics are protected expressive art, not direct personal commands.
 - Hypothetical: Direct, in-person command to act “right now” could meet incitement criteria.
 - Protected expression includes music, art, tattoos, haircuts; absent intentional imminent incitement, artists aren’t responsible for audience actions.
- Rap lyrics and courtroom evidence:
 - Using lyrics to prove crimes is problematic; emerging standards aim to prevent artistic content from serving as standalone evidence without corroboration.
 - Fiction analogy: Violent themes in art do not imply commission of the acts described.
 - Unverified anecdotes (e.g., “David” and alleged crimes) used to discuss art vs. evidence and character judgments.
- Government funding and viewpoint neutrality:
 - Government isn’t obligated to fund art, but if it does, it must avoid viewpoint discrimination.
 - Brooklyn Museum (1999) example (“Holy Virgin Mary” with elephant dung):
 - Mayor threatened funding cuts and eviction despite no public funding for that exhibit.
 - Tension between free expression and public sensibilities in publicly owned spaces; selection discretion vs. viewpoint neutrality.
 - Students debated city authority vs. artist/museum rights.
- Public forum and social media:

- Analogy: Park soapbox vs. TikTok as modern town square; strong presumption to protect expression in such spaces.
- Policy debates: National security concerns over TikTok's ownership; regulatory justifications (e.g., health in tattoo case) can be used to restrict disliked activities.
- Observations: Platforms shape content via algorithms; users voluntarily share personal data.

Operational Logistics and Miscellaneous Notes

- Bell ringer: WBC vs. PGR thinking sheet (two questions requiring thoughtful, full answers).
- Work time: Extended for First Amendment case studies (Freedom of Expression and Freedom of Assembly); complete, detailed answers expected—not minimal responses.
- Post-lunch: Music allowed if students actively work; otherwise withheld.
- Student Q&A:
 - Submission confusion clarified via Google Classroom; zeros if no answers present; confer if a mistake is suspected.
 - Travel chat: Student visiting Ireland; jet lag explained (long flight, time zones).
 - Social note: Instructor commented on Carlos and Anora photo from Fort Collins Old Town; offers to share photos.
- Comfort and culture:
 - Room noted as cold—bring a sweatshirt.
 - Light banter about music drops, social media names; bell signals end of class.

Assignments, Deadlines, and Expectations

- Immediate tasks:
 - Complete Bell Ringer: WBC vs. PGR thinking sheet with substantive responses.
 - Submit all remaining Freedom of Expression case studies by end of current class to avoid a zero.
- Upcoming due:
 - Freedom of Speech case study (second one) due next class period.
 - Freedom of Assembly and Freedom of Expression case studies due next class; complete, critical answers required.
- Grading improvement:

- One-week resubmission window for improving graded work if an initial submission exists; older work (e.g., from August 1) not eligible for regrading.
- Extra credit and attendance:
 - October cycle begins; leaving class once for restroom uses the month's allowance and forfeits extra credit.
 - Extra credit offered for quiet, focused work; some leniency granted for brief hallway use without charging the allowance.
- Action items:
 - Check Infinite Campus for current grades and missing work.
 - Switch devices if encountering computer fan issues to continue work.