

BIBLIOGRAPHY

ARTICLES

- Abd-Allah, Umar F. "Living Islam with Purpose." 7 *UCLA Journal of Islamic and Near East Law* 17 (2008).
- Adler, Amy M. "Girls! Girls! Girls! The Supreme Court Confronts the G-String." 80 *New York University Law Review* 1108 (2005).
- . "Post-Modern Art and the Death of Obscenity Law." 99 *Yale Law Journal* 1359 (1990).
- . "What's Left? Hate Speech, Pornography, and the Problem for Artistic Expression." 84 *California Law Review* 1499 (1996).
- Alexander, Larry. "Low Value Speech." 83 *Northwestern University Law Review* 547 (1989).
- Amspacher, Catherine L., and Randel Steven Springer. "Humor, Defamation and Intentional Infliction of Emotional Distress: The Potential Predicament for Private Figure Plaintiffs," 31 *William and Mary Law Review* 701 (1990).
- Arrow, Dennis W. "'Rich,' 'Textured,' and 'Nuanced': Constitutional 'Scholarship' and Constitutional Messianism at the Millennium." 78 *Texas Law Review* 149 (1999).
- Arsu, Sebnem. "The Music Started, and the Protest Paused." *New York Times*, June 15, 2013.
- Baker, C. Edwin. "Autonomy and Free Speech." 27 *Constitutional Commentary* 251 (2011).
- . "Commercial Speech: A Problem in the Theory of Freedom." 62 *Iowa Law Review* 1 (1976).
- . "Harm, Liberty, and Free Speech." 70 *Southern California Law Review* 979 (1997).
- Balkin, J. M., and Sanford Levinson. "Constitutional Grammar." 72 *Texas Law Review* 1771 (1994).
- Balkin, Jack M. "Cultural Democracy and the First Amendment." 110 *Northwestern University Law Review* (forthcoming 2016).
- . "Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society." 79 *New York University Law Review* 1 (2004).
- . "Verdi's High C." 91 *Texas Law Review* 1687 (2013).
- Bambauer, Jane. "Is Data Speech?" 66 *Stanford Law Review* 57 (2014).
- Barkin, Elaine, Martin Brody, and Judith Crispin. "Milton Babbitt." In 1 *The Grove Dictionary of American Music* 263 (Charles Hiroshi Garrett ed., 2d ed.). New York: Oxford University Press, 2013.

- Barnes, Bart. "Folk Singer Wanted Everyone to Be Heard." *Washington Post*, January 29, 2012.
- Bartrum, Ian. "Constructing the Constitutional Canon: The Metonymic Evolution of *Federalist 10*." 27 *Constitutional Commentary* 9 (2010).
- Benjamin, Stuart Minor. "Algorithms and Speech." 161 *University of Pennsylvania Law Review* 1445 (2013).
- Bernstein, Adam. "Guitarist Link Wray Dies: Influenced Punk, Grunge." *Washington Post*, November 22, 2005.
- Bezanson, Randall P. "Art and the Constitution." 93 *Iowa Law Review* 1593 (2008).
- Biletzki, Anat, and Anat Matar. "Ludwig Wittgenstein." *Stanford Encyclopedia of Philosophy*. November 8, 2002; rev. March 3, 2014. <http://plato.stanford.edu>.
- Blasi, Vincent. "The Pathological Perspective and the First Amendment." 85 *Columbia Law Review* 449 (1985).
- Blitz, Marc Jonathan. "The Right to Map (and Avoid Being Mapped): Reconceiving First Amendment Protection for Information-Gathering in the Age of Google Earth." 14 *Columbia Science and Technology Law Review* 115 (2012).
- Blocher, Joseph. "Institutions in the Marketplace of Ideas." 57 *Duke Law Journal* 821 (2008).
- . "Public Discourse, Expert Knowledge, and the Press." 87 *University of Washington Law Review* 409 (2012).
- Bonneau, Sonya G. "Ex Post Modernism: How the First Amendment Framed Nonrepresentational Art." 39 *Columbia Journal of Law and the Arts* 195 (2015).
- Bork, Robert H. "Neutral Principles and Some First Amendment Problems." 47 *Indiana Law Journal* 1 (1971).
- Boyle, James. "Anachronism of the Moral Sentiments? Integrity, Postmodernism, and Justice." 51 *Stanford Law Review* 493 (1999).
- Brand, Roy. "Making Sense Speaking Nonsense." 35 *Philosophical Forum* 311 (2004).
- Broussard, J. Austin. "An Intellectual Property Food Fight: Why Copyright Law Should Embrace Culinary Innovation." 10 *Vanderbilt Journal of Entertainment and Technology Law* 691 (2008).
- Carroll, Michael W. "Whose Music Is It Anyway? How We Came to View Musical Expression as a Form of Property." 72 *University of Cincinnati Law Review* 1405 (2004).
- Chafee, Zechariah, Jr. "Book Review." 62 *Harvard Law Review* 891 (1949).
- Charlton, William. "Nonsense." 17 *British Journal of Aesthetics* 346 (1977).
- Chen, Alan K. "Forced Patriot Acts." 81 *Denver University Law Review* 703 (2004).
- Chen, Alan K., and Justin Marceau. "High Value Lies, Ugly Truths, and the First Amendment." 68 *Vanderbilt Law Review* 1435 (2015).
- Cheung, Leo K. C. "The Disenchantment of Nonsense: Understanding Wittgenstein's *Tractatus*." 31 *Philosophical Investigations* 197 (2008).
- Chevigny, Paul G. "Philosophy of Language and Free Expression." 55 *New York University Law Review* 157 (1980).
- Cole, David. "Agon at Agora: Creative Misreadings in the First Amendment Tradition." 95 *Yale Law Journal* 857 (1986).

- Conant, James. "Elucidation and Nonsense in Frege and Early Wittgenstein." In *The New Wittgenstein* 174 (Alice Crary and Rupert Read eds.). New York: Routledge, 2000.
- . "Must We Show What We Cannot Say?" In *The Senses of Stanley Cavell* 242 (Richard Fleming and Michael Payne eds.). Lewisberg, PA: Bucknell University Press, 1989.
- . "Two Conceptions of *Die Überwindung der Metaphysik*: Carnap and Early Wittgenstein." In *Wittgenstein in America* 13 (Timothy McCarthy and Sean C. Stidd eds.). Oxford, UK: Clarendon, 2001.
- Contreras, Felix. "How Santería Seeped into Latin Music." NPR.org, January 7, 2015. http://www.npr.org/2015/01/07/375389153/how-santer-a-seeped-into-latin-music?utm_source=npr_email_a_friend&utm_medium=email&utm_content=20150107&utm_campaign=storyshare&utm_term=
- Copps, Kriston. "Recognizing Jeanne-Claude." *American Prospect*, November 24, 2009. www.prospect.org.
- Corbin, Caroline Mala. "Speech or Conduct? The Free Speech Claims of Wedding Vendors." 65 *Emory Law Journal* 241 (2015).
- Cowell, Henry. "Edgar Varèse." In *American Composers on American Music* 43 (Henry Cowell ed.). New York: Frederick Ungar, 1962.
- Crocker, Thomas P. "Displacing Dissent: The Role of 'Place' in First Amendment Jurisprudence." 75 *Fordham Law Review* 2587 (2007).
- Cummings, Michael J. "Ars Poetica." Cummings Study Guide. Accessed November 23, 2015, www.cummingsstudyguides.net.
- Dain, Edmund. "Contextualism and Nonsense in Wittgenstein's *Tractatus*." 25 *South African Journal of Philosophy* 91 (2006).
- Dewey, Caitlin. "The 'Harlem Shake' Becomes a Protest in Egypt and Tunisia." *Washington Post*, February 28, 2013. www.washingtonpost.com.
- Diamond, Cora. "Logical Syntax in Wittgenstein's *Tractatus*." 55 *Philosophical Quarterly* 78 (2005).
- . "Throwing Away the Ladder: How to Read the *Tractatus*." In *The Realistic Spirit: Wittgenstein, Philosophy, and the Mind* 179. Cambridge, MA: MIT Press, 1991.
- Donadio, Rachel. "A Walled City in Tuscany Clings to Its Ancient Menu." *New York Times*, March 12, 2009.
- du Sautoy, Marcus. "The Magic Numbers: A Fascination with Figures Runs through the Music of Composers from Mozart to Bach." *Guardian*, April 5, 2013.
- Dussias, Allison M. "Ghost Dance and Holy Ghost: The Echoes of Nineteenth-Century Christianization Policy in Twentieth-Century Native American Free Exercise Cases." 49 *Stanford Law Review* 773 (1997).
- Eberle, Edward J. "Art as Speech." 11 *University of Pennsylvania Journal of Law and Social Change* 1 (2007).
- Faigman, David L. "Reconciling Individual Rights and Government Interests: Madisonian Principles versus Supreme Court Practice." 78 *Virginia Law Review* 1521 (1993).
- Fairman, Christopher M. "Fuck." 28 *Cardozo Law Review* 1711 (2007).

- Fiss, Owen M. "Conventionalism." 58 *Southern California Law Review* 177 (1985).
- Frege, Gottlob. "Über Sinn und Bedeutung." 100 *Zeitschrift für Philosophie und Philosophische Kritik* 25 (1892). Translated in 57 *Phil. Rev.* 209 (1948).
- Fromer, Jeanne C. "A Psychology of Intellectual Property." 104 *Northwestern University Law Review* (2010).
- Gey, Stephen G. "The First Amendment and the Dissemination of Socially Worthless Untruths." 36 *Florida State University Law Review* 1 (2008).
- Gioia, Ted. "Are We All Mistuning Our Instruments, and Can We Blame the Nazis?" *The Daily Beast*, June 6, 2015. <http://www.thedailybeast.com/articles/2015/06/06/are-we-all-mistuning-our-instruments-and-can-we-blame-the-nazis.html>.
- Gopnik, Blake. "The Big Debate: Can Food Be Serious Art?" *Washington Post*, September 23, 2009. www.washingtonpost.com.
- Greenman, John. "On Communication." 106 *Michigan Law Review* 1337 (2008).
- Grey, Thomas C. "Holmes and Legal Pragmatism." 41 *Stanford Law Review* 787 (1989).
- Grice, H. P. "Meaning." 66 *Philosophical Review* 377 (1957).
- . "Utterer's Meaning, Sentence-Meaning, and Word-Meaning." 4 *Foundations of Language* 225 (1968).
- Hacker, P. M. S. "Was He Trying to Whistle It?" In *The New Wittgenstein* 353 (Alice Crary and Rupert Read eds.). New York: Routledge, 2000.
- Hamilton, Marci A. "Art Speech." 49 *Vanderbilt Law Review* 73 (1996).
- Harris, Neil. "John Philip Sousa and the Culture of Reassurance." In *Perspectives on John Philip Sousa* 11 (Jon Newsom ed.). Washington, DC: Library of Congress, 1983.
- Haws, Janet Elizabeth. "Architecture as Art? Not in My Neocolonial Neighborhood: A Case for Providing First Amendment Protections to Expressive Residential Architecture." 2005 *Brigham Young University Law Review* 1625 (2005).
- Henderson, Isobel. "Ancient Greek Music." In 1 *The New Oxford History of Music* 336 (Egon Wellesz ed.). Oxford: Oxford University Press, 1957.
- Henkin, Louis. "The Supreme Court, 1967 Term—Foreword: On Drawing Lines." 82 *Harvard Law Review* 63 (1968).
- Holmes, Oliver Wendell, Jr. "Law in Science and Science in Law." 12 *Harvard Law Review* 443 (1899).
- Horsfield, Martin. "This Record Must Not Be Broadcast." *Guardian*, September 20, 2008.
- Hutcheson, Joseph C., Jr. "The Judgment Intuitive: The Function of the 'Hunch' in Judicial Decision." 14 *Cornell Law Quarterly* 274 (1929).
- Inverne, James. "Listen to This Chilling Audio as Crowd at Boston Symphony Learns President Kennedy Is Dead." *Time*, November 11, 2013. <http://nation.time.com/2013/11/11/boston-symphony-kennedy-assassination>.
- "i sing of Olaf glad and big—Themes and Meanings." In *Critical Guide to Poetry for Students* (Philip K. Jason ed.). eNotes.com, 2002. <http://www.enotes.com/topics/sing-olaf-glad-big/themes>, <https://perma.cc/U76Q-DVQP>.
- Itzkoff, Dave. "Rap Group Defends Fans, with Lawsuit." *New York Times*, January 9, 2014.

- Kalven, Harry, Jr. "The Metaphysics of the Law of Obscenity." 1960 *Supreme Court Review* 1 (1960).
- . "The *New York Times* Case: A Note on 'The Central Meaning of the First Amendment.'" 1964 *Supreme Court Review* 191 (1964).
- Kania, Andrew. "The Philosophy of Music." In *Stanford Encyclopedia of Philosophy*. October 22, 2007; rev. July 13, 2012. <http://plato.stanford.edu/entries/music/3>.
- Kavka Gregory S. "Wittgensteinian Political Theory." 26 *Stanford Law Review* 1455 (1974).
- Kelly, Jon. "The Offal Truth about American Haggis." BBC News, January 24, 2013. www.bbc.com.
- Khan, Naureen. "Hummus and Maftoul, with a Side of the Israeli-Palestinian Conflict." Aljazeera America, November 19, 2014. <http://america.aljazeera.com>.
- Koppelman, Andrew. "Free Speech and Pornography: A Response to James Weinstein." 31 *New York University Review of Law and Social Change* 899 (2007).
- . "Veil of Ignorance: Tunnel Constructivism in Free Speech Theory." 107 *Northwestern University Law Review* 647 (2013).
- Kornelis, Chris. "Woody Guthrie Gave Life to Protest Songs He Wrote, Sang." *Washington Times*, October 11, 2012.
- Kozinn, Allan. "Mendelssohn, This Is Your Moment." *New York Times*, February 22, 2009.
- Kreimer, Seth F. "Pervasive Image Capture and the First Amendment: Memory, Discourse, and the Right to Record." 159 *University of Pennsylvania Law Review* 335 (2011).
- Kronman, Anthony T. "Is Poetry Undemocratic?" 16 *Georgia State University Law Review* 311 (1999).
- Kuusela, Oskari. "Nonsense and Clarification in the *Tractatus*—Resolute and Ineffability Readings and the *Tractatus*' Failure." 80 *Acta Philosophica Fennica* 35 (2006).
- Lakier, Genevieve. "Sport as Speech." 16 *University of Pennsylvania Journal of Constitutional Law* 1109 (2014).
- Leedy, Douglas, and Charles Corey. "Tuning Systems." In 8 *The Grove Dictionary of American Music* 276 (Charles Hiroshi Garrett ed., 2d ed.). New York: Oxford University Press, 2013.
- Lehmann-Haupt, Christopher. "Ken Kesey, Author of 'Cuckoo's Nest,' Who Defined the Psychedelic Era, Dies at 66." *New York Times*, November 11, 2001.
- Lemley Mark A., and Eugene Volokh. "Freedom of Speech and Injunctions in Intellectual Property Cases." 48 *Duke Law Journal* 147 (1998).
- Levinson, Sanford, and J. M. Balkin. "Law, Music, and Other Performing Arts." 139 *University of Pennsylvania Law Review* 1597 (1991).
- Liptak, Adam. "Court's Free-Speech Expansion Has Far-Reaching Consequences." *New York Times*, August 15, 2015.
- Long, Lucy M. "Culinary Tourism." In *The Oxford Handbook of Food History* 389 (Jeffrey M. Pilcher ed.). Oxford: Oxford University Press, 2012.

- Los Angeles Philharmonic. "Seven Studies on Themes of Paul Klee." Accessed December 22, 2015, <http://www.laphil.com/philpedia/music/seven-studies-on-themes-of-paul-klee-gunther-schuller>.
- Lucas, Peter J. "From *Jabberwocky* Back to Old English: Nonsense, Anglo-Saxon and Oxford." In 1 *Language History and Linguistic Modeling* 503 (Raymond Hickey and Stanisław Puppel eds.). Boston: De Gruyter Mouton, 1997.
- Lumpkin, Charles L. "Soul Food." In 4 *Encyclopedia of African American History, 1896 to the Present* 338 (Paul Finkelman ed.). Oxford: Oxford University Press, 2009.
- Lury, Alexis A. "Time to Surrender: A Call for Understanding and the Re-evaluation of Heavy Metal Music within the Contexts of Legal Liability and Women." 9 *Southern California Review of Law and Women's Studies* 155 (1999).
- Marceau, Justin, and Alan K. Chen. "Free Speech and Democracy in the Video Age." 116 *Columbia Law Review* 991 (2016).
- Marshall, William P. "In Defense of the Search for Truth as a First Amendment Justification." 30 *Georgia Law Review* 1 (1995).
- McGinn, Marie. "Between Metaphysics and Nonsense: Elucidation in Wittgenstein's *Tractatus*." 49 *Philosophical Quarterly* 491 (1999).
- Meiklejohn, Alexander. "The First Amendment Is an Absolute." 1961 *Supreme Court Review* 245 (1961).
- Mervis, Scott. "Insane Clown Posse Is Back in the Dark Carnival." *Pittsburgh Post-Gazette*, May 20, 2010.
- Mirovalev, Mansur. "Once-Banned Shostakovich Ballet Triumphs." *Washington Post*, June 15, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/06/15/AR2007061501128_pf.html.
- Moi, Toril. "'They Practice Their Trades in Different Worlds': Concepts in Post-structuralism and Ordinary Language Philosophy." 40 *New Literary History* 801 (2009).
- Moore, A. W., and Peter Sullivan. "Ineffability and Nonsense." 77 *Proceedings of the Aristotelian Society (Supplementary Volumes)* 169 (2003).
- Moss, Stephen. "The Hills Are Alive." *Guardian*, November 15, 2001.
- Munkittrick, David. "Music as Speech: A First Amendment Category unto Itself." 62 *Federal Communications Law Journal* 665 (2010).
- Nahmod, Sheldon. "Artistic Expression and Aesthetic Theory: The Beautiful, the Sublime, and the First Amendment." 1987 *Wisconsin Law Review* 221 (1987).
- National Tourette Syndrome Association. "What Is Tourette Syndrome?" Accessed February 25, 2014, www.tourette.org.
- Nimmer, Melville B. "Does Copyright Abridge the First Amendment Guarantees of Free Speech and Press?" 17 *UCLA Law Review* 1180 (1970).
- . "The Meaning of Symbolic Speech under the First Amendment." 21 *UCLA Law Review* 29 (1973).
- Olson, Kirk A. "Constitutional Law: Can Music Be Considered Obscene? *Skywalker Records, Inc. v. Navarro*—The 2 Live Crew, Obscene or Oppressed?" 44 *Oklahoma Law Review* 513 (1991).

- Patterson, Dennis M. "Conscience and the Constitution." 93 *Columbia Law Review* 270 (1993).
- . "Law's Pragmatism: Law as Practice and Narrative." 76 *Virginia Law Review* 937 (1990).
- . "Wittgenstein and Constitutional Theory." 72 *Texas Law Review* 1837 (1994).
- Pleasance, Chris. "ISIS Police Sentence Musicians to 90 Lashes Because They Were Playing an 'Un-Islamic' Electronic Keyboard." *Daily Mail*, January 20, 2015. <http://www.dailymail.co.uk/news/article-2918061/ISIS-police-sentence-musicians-lashes-playing-Islamic-electronic-keyboard.html>.
- Poser, Bill. "The Supreme Court Fails Semantics." *Language Log*, July 7, 2007. <http://itre.cis.upenn.edu/myl/languagelog>.
- Posner, Richard A. "Bork and Beethoven." 42 *Stanford Law Review* 1365 (1990).
- . Introduction to *The Essential Holmes: Selections from the Letters, Speeches, Judicial Opinions, and Other Writings of Oliver Wendell Holmes, Jr.* ix (Richard A. Posner ed.) Chicago: University of Chicago Press, 1992.
- Post, Robert C. "The Constitutional Concept of Public Discourse: Outrageous Opinion, Democratic Deliberation, and *Hustler Magazine v. Falwell*." 103 *Harvard Law Review* 601 (1990).
- . "Participatory Democracy and Free Speech." 97 *Virginia Law Review* 477 (2011).
- . "Participatory Democracy as a Theory of Free Speech: A Reply." 97 *Virginia Law Review* 617 (2011).
- . "Reconciling Theory and Doctrine in First Amendment Jurisprudence." 88 *California Law Review* 2353 (2000).
- . "Recuperating First Amendment Doctrine." 47 *Stanford Law Review* 1249 (1995).
- Predoehl, Eric. "A Short History of the Song 'Louie Louie.'" LouieLouie.net, 1999.
- Prochnik, George. "I'm Thinking. Please. Be Quiet." *New York Times*, August 25, 2013.
- Ramachandran, Gowri. "Freedom of Dress: State and Private Regulation of Clothing, Hairstyle, Jewelry, Makeup, Tattoos, and Piercing." 66 *Maryland Law Review* 11 (2006).
- Redish, Martin H. "The Value of Free Speech." 130 *University of Pennsylvania Law Review* 591 (1982).
- Redish, Martin H., and Gary Lippman. "Freedom of Expression and the Civic Republican Revival in Constitutional Theory: The Ominous Implications." 79 *California Law Review* 267 (1991).
- Redish, Martin H., and Abby Marie Mollen. "Understanding Post's and Meiklejohn's Mistakes: The Central Role of Adversary Democracy in the Theory of Free Expression." 103 *Northwestern University Law Review* 1303 (2009).
- Reed, O. Lou. "Should the First Amendment Protect Joe Camel? Toward an Understanding of Constitutional 'Expression.'" 32 *American Business Law Journal* 311 (1995).
- Rice, Susan Jill. "The Search for Valid Governmental Regulations: A Review of the Judicial Response to Municipal Policies Regarding First Amendment Activities." 63 *Notre Dame Law Review* 561 (1988).

- Rohrer, Finlo. "The Devil's Music." *BBC News Magazine*, April 28, 2006. <http://news.bbc.co.uk/2/hi/4952646.stm>.
- Rohter, Larry. "Musical Nomads, Escaping Political Upheaval." *New York Times*, July 30, 2013.
- Rubinfeld, Jed. "The First Amendment's Purpose." 53 *Stanford Law Review* 767 (2001).
- Rumens, Carol. "Pussy Riot's Punk Prayer Is Pure Protest Poetry." *Guardian*, August 20, 2012. <http://www.theguardian.com/books/2012/aug/20/pussy-riot-punk-prayer-lyrics>.
- Russell, Bertrand. "On Denoting." 14 *Mind* 479 (1905).
- Rutledge-Borger, Meredith E. "Rock and Roll vs. Censorship." Rock and Roll Hall of Fame and Museum. Accessed August 23, 2013, https://rockhall.com/blog/post/8840_censorship-in-rock-and-roll-history.
- Sams, Eric. "Cryptography, Musical." In 6 *The New Grove Dictionary of Music and Musicians* 753 (Stanley Sadie ed., 2d ed.). London: Macmillan, 2001.
- Scanlon, T. M. "Why Not Base Free Speech on Autonomy or Democracy?" 97 *Virginia Law Review* 541 (2011).
- Scanlon, T. M., Jr. "Freedom of Expression and Categories of Expression." 40 *University of Pittsburgh Law Review* 519 (1979).
- Scanlon, Thomas. "A Theory of Freedom of Expression." 1 *Philosophy and Public Affairs* 204 (1972).
- Schauer, Frederick. "The Boundaries of the First Amendment: A Preliminary Exploration of Constitutional Salience." 117 *Harvard Law Review* 1765 (2004).
- . "Categories and the First Amendment: A Play in Three Acts." 34 *Vanderbilt Law Review* 265 (1981).
- . "The Second-Best First Amendment." 31 *William and Mary Law Review* 1 (1989).
- . "Speech and 'Speech'—Obscenity and 'Obscenity': An Exercise in the Interpretation of Constitutional Language." 67 *Georgetown Law Journal* 899 (1979).
- Schumann, Anne. "The Beat That Beat Apartheid: The Role of Music in the Resistance against Apartheid in South Africa." 14 *Vienna Journal of African Studies* 17 (2008).
- Seabrooke, Lily. "Poetry Analysis: E. E. Cummings." Helium.com, 2015. Accessed December 22, 2015, www.helium.com.
- Shegerian, Carney R. "A Sign of the Times: The United States Supreme Court Effectively Abolishes the Narrowly Tailored Requirement for Time, Place and Manner Restrictions." 25 *Loyola of Los Angeles Law Review* 453 (1992).
- Shiffrin, Seana Valentine. "A Thinker-Based Approach to Freedom of Speech." 27 *Constitutional Commentary* 251 (2011).
- Solum, Lawrence Byard. "Freedom of Communicative Action: A Theory of the First Amendment Freedom of Speech." 83 *Northwestern University Law Review* 54 (1998).
- Spottswood, Mark. "Falsity, Insincerity, and the Freedom of Expression." 16 *William and Mary Bill of Rights Journal* 1203 (2008).
- Staff, Rovi. "Biography of Arnold Schoenberg." AllMusic, 2015. Accessed February 2, 2015, <http://www.allmusic.com/artist/arnold-schoenberg-mn0000691043/biography>.

- Stuart, Susan. "Shibboleths and *Ceballos*: Eroding Constitutional Rights through Pseudocommunication." 2008 *Brigham Young University Law Review* 1545 (2008).
- Sunstein, Cass R. "Pornography and the First Amendment." 1986 *Duke Law Journal* 589 (1986).
- Tait, Robert. "Iran's 'Culturally Inappropriate' Rock Hopefuls Struggle to Be Heard." *Guardian*, August 23, 2005.
- Tan, Monica, "Dance Rallies Held across Australia Protest \$105m Cut to Arts Funding Body." *Guardian*, May 22, 2015. www.theguardian.com.
- Tiersma, Peter Meijes. "Nonverbal Communication and the Freedom of 'Speech.'" 1993 *Wisconsin Law Review* 1525 (1993).
- Tilghman, B. R. "Literature, Philosophy and Nonsense." 30 *British Journal of Aesthetics* 256 (1990).
- Torres, Gerald. "Morenitos, Güeros, y Bolillos." 3 *Texas Hispanic Journal of Law and Policy* 61 (1997).
- Tsukayama, Hayley. "'Harlem Shake' Videos Lead to School Suspensions." *Washington Post*, March 4, 2013. www.washingtonpost.com.
- Tushnet, Rebecca. "Copyright as a Model for Free Speech Law: What Copyright Has in Common with Campaign Finance Reform, Hate Speech and Pornography Regulation, and Telecommunications Regulation." 42 *Boston College Law Review* 1 (2001).
- . "Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It." 114 *Yale Law Journal* 535 (2004).
- Varat, Jonathan D. "Deception and the First Amendment: A Central, Complex, and Somewhat Curious Relationship." 53 *UCLA Law Review* 1107 (2006).
- Volokh, Eugene. "In Defense of the Marketplace of Ideas / Search for Truth as a Theory of Free Speech Protection." 97 *Virginia Law Review* 595 (2011).
- . "Speech as Conduct: Generally Applicable Laws, Illegal Courses of Conduct, 'Situation-Altering Utterances,' and the Unchartered Zones." 90 *Cornell Law Review* 1277 (2005).
- Volokh, Eugene, and Brett McDonnell. "Freedom of Speech and Independent Judgment Review in Copyright Cases." 107 *Yale Law Journal* 2431 (1998).
- Waldman, Joshua. "Symbolic Speech and Social Meaning." 97 *Columbia Law Review* 1844 (1997).
- Waldron, Jeremy. "Vagueness in Law and Language: Some Philosophical Issues." 82 *California Law Review* 509 (1994).
- Weinstein, James. "Democracy, Sex and the First Amendment." 31 *New York University Review of Law and Social Change* 865 (2007).
- . "Free Speech Values, Hardcore Pornography and the First Amendment: A Reply to Professor Koppelman." 31 *New York University Review of Law and Social Change* 911 (2007).
- . "Participatory Democracy as the Central Value of American Free Speech Doctrine." 97 *Virginia Law Review* 491 (2011).
- West, Sonja. "NYC's Ban on Dancing." *Huffington Post*, June 30, 2015. www.huffingtonpost.com.

- “What’s in a Meme? The Harlem Shake.” *Economist*, March 9, 2013. www.economist.com.
- Winter, Steven L. “For What It’s Worth.” 26 *Law and Society Review* 789 (1992).
- Wright, Claire. “Reconciling Cultural Diversity and Free Trade in the Digital Age: A Cultural Analysis of the International Trade in Content Items.” 41 *Akron Law Review* 399 (2008).
- Wright, R. George. “What Counts as ‘Speech’ in the First Place? Determining the Scope of the Free Speech Clause.” 37 *Pepperdine Law Review* 1217 (2010).
- Wu, Tim. “Machine Speech.” 161 *University of Pennsylvania Law Review* 1495 (2013).
- Yovel, Jonathan. “What Is Contract Law ‘About’? Speech Act Theory and a Critique of ‘Skeletal Promises.’” 94 *Northwestern University Law Review* 937 (2000).
- Zatorre, Robert J., and Valorie N. Salimpoor. “Why Music Makes Our Brain Sing.” *New York Times*, June 7, 2013. <http://www.nytimes.com/2013/06/09/opinion/sunday/why-music-makes-our-brain-sing.html>.

BOOKS

- Ainslie, Ricardo. *No Dancin’ in Anson: An American Story of Race and Social Change*. Lanham, MD: Jason Aronson, 1995.
- Alexander, Larry. *Is There a Right of Freedom of Expression?* Cambridge: Cambridge University Press, 2005.
- Alexy, Robert. *A Theory of Constitutional Rights*. Translated by Julian Rivers. Oxford: Oxford University Press, 2002.
- Amar, Akhil Reed. *America’s Constitution: A Biography*. New York: Random House, 2005.
- Anscombe, G. E. M. *An Introduction to Wittgenstein’s Tractatus*. 1971. 4th ed. South Bend, IN: St. Augustine’s, 2001.
- Atkinson, James R. *The Mystical in Wittgenstein’s Early Writings*. New York: Routledge, 2009.
- Austin, J. L. *How to Do Things with Words*. Cambridge, MA: Harvard University Press, 1962.
- Ayer, A. J. *Language, Truth, and Logic*. 1936. New York: Dover, 1952.
- Baker, C. Edwin. *Human Liberty and Freedom of Speech*. New York: Oxford University Press, 1992.
- Balkin, Jack M. *Constitutional Redemption: Political Faith in an Unjust World*. Cambridge, MA: Harvard University Press, 2011.
- Berger, Karol. *A Theory of Art*. New York: Oxford University Press, 2000.
- Bezanson, Randall P. *Art and Freedom of Speech*. Urbana: University of Illinois Press, 2009.
- Blecha, Peter. *Taboo Tunes: A History of Banned Bands and Censored Songs*. San Francisco: Backbeat Books, 2004.
- Bollinger, Lee C. *Uninhibited, Robust, and Wide-Open*. Oxford: Oxford University Press, 2010.
- Boyle, James. *The Public Domain*. New Haven, CT: Yale University Press, 2008.
- Carroll, Lewis. *Alice’s Adventures in Wonderland*. Boston: Lee and Shepard, 1869.

- . *Through the Looking-Glass, and What Alice Found There*. London: Macmillan, 1872.
- Cavell, Stanley. *Must We Mean What We Say? A Book of Essays*. Updated ed. Cambridge: Cambridge University Press, 2015.
- Chomsky, Noam. *Syntactic Structures*. The Hague: Mouton, 1957.
- Dewey, John. *Art as Experience*. New York: Minton, Balch, 1934.
- Diamond, Cora. *The Realistic Spirit*. Cambridge, MA: MIT Press, 1995.
- Eggebrecht, Hans Heinrich. *Understanding Music: The Nature and Limits of Musical Cognition*. Farnham, UK: Ashgate, 2010.
- Emerson, Thomas I. *The System of Freedom of Expression*. New York: Random House, 1970.
- Fay, Laurel E. *Shostakovich: A Life*. New York: Oxford University Press, 1999.
- Gioia, Ted. *The History of Jazz*. New York: Oxford University Press, 1997.
- Goss, Glenda Dawn. *Sibelius: A Composer's Life and the Awakening of Finland*. Chicago: University of Chicago Press, 2009.
- Green, Jonathon, and Nicholas J. Karolides. *Encyclopedia of Censorship*. 2d ed. New York: Facts on File, 2005.
- Greenawalt, Kent. *Speech, Crime, and the Uses of Language*. New York: Oxford University Press, 1989.
- Grout, Donald Jay, and Claude V. Palisca. *A History of Western Music*. 4th ed. New York: Norton, 1988.
- Guerrieri, Matthew. *The First Four Notes: Beethoven's Fifth and the Human Imagination*. New York: Knopf, 2012.
- Haas, Michael. *Forbidden Music: The Jewish Composers Banned by the Nazis*. New Haven, CT: Yale University Press, 2013.
- Hacker, P. M. S. *Insight and Illusion: Themes in the Philosophy of Wittgenstein*. Rev. ed. Oxford, UK: Clarendon, 1986.
- Hast, Dorothea E., James R. Cowdery, and Stan Scott. *Exploring the World of Music: An Introduction to Music from a World Music Perspective*. Dubuque, IA: Kendall/Hunt, 1999.
- Hegel, George Wilhelm Friedrich. *Aesthetics: Lectures on Fine Arts*. 2 vols. Translated by T. M. Knox. Oxford, UK: Clarendon, 1975.
- Hochberg, Herbert. *Introducing Analytic Philosophy: Its Sense and Nonsense, 1879–2002*. Frankfurt: Ontos Verlag, 2003.
- Holmes, Oliver Wendell, Jr., and Harold J. Laski. *Holmes-Laski Letters: The Correspondence of Mr. Justice Holmes and Harold J. Laski, 1916–1935*. Edited by Mark DeWolfe Howe. 2 vols. Cambridge, MA: Harvard University Press, 1953.
- Huxley, Aldous. "The Rest Is Silence." In *Music at Night and Other Essays*. London: Chatto and Windus, 1931.
- Jackson, Blair, Dennis McNally, and Stephen Peters. *Grateful Dead: The Illustrated Trip*. London: Dorling Kindersley, 2003.
- Joyce, James. *Ulysses*. Paris: Sylvia Beach, 1922.
- Julius, Anthony. *Transgressions*. Chicago: University of Chicago Press, 2002.

- Kahane, Guy, Edward Kanterian, and Oskari Kuusela. *Wittgenstein and His Interpreters*. Hoboken, NJ: Wiley-Blackwell, 2007.
- Knowles, Mark. *The Wicked Waltz and Other Scandalous Dances: Outrage at Couple Dancing in the 19th and Early 20th Centuries*. Jefferson, NC: McFarland, 2009.
- Korsmeyer, Carolyn. *Making Sense of Taste: Food and Philosophy*. Ithaca, NY: Cornell University Press, 1999.
- Kramer, Lawrence. *Expression and Truth: On the Music of Knowledge*. Berkeley: University of California Press, 2012.
- Levi, Erik. *Music In the Third Reich*. New York: St. Martin's, 1994.
- MacLeish, Archibald. *Collected Poems, 1917–1982*. Boston: Mariner Books, 1985.
- Martin, Linda, and Kerry Segrave. *Anti-Rock: The Opposition to Rock 'n' Roll*. New York: De Capo, 1993.
- Meiklejohn, Alexander. *Free Speech and Its Relation to Self-Government*. New York: Harper, 1948.
- . *Political Freedom*. New York: Harper, 1960.
- Menand, Louis. *The Metaphysical Club: A Story of Ideas in America*. New York: Farrar, Straus and Giroux, 2001.
- Mill, John Stuart. *On Liberty*. London: John Parker, 1859.
- Milton, John. *Areopagitica: A Speech for the Liberty of Unlicensed Printing*. 1644. Edited by H. B. Cotterill. New York: Macmillan, 1959.
- Monk, Ray. *Ludwig Wittgenstein: The Duty of Genius*. New York: Free Press, 1990.
- Moon, Tom. *1,000 Recordings to Hear before You Die*. New York: Workman, 2008.
- Nussbaum, Martha C. *Upheavals of Thought*. Cambridge: Cambridge University Press, 2001.
- Nuzum, Eric. *Parental Advisory: Music Censorship in America*. New York: Perennial, 2001.
- Nyman, Michael. *Experimental Music: Cage and Beyond*. 2d ed. New York: Schirmer Books, 1999.
- Palmer, Robert. *Deep Blues*. New York: Viking, 1982.
- Perlis, Vivian, and Libby Van Cleve. *Composers' Voices from Ives to Ellington*. New Haven, CT: Yale University Press, 2005.
- Piety, Tamara R. *Brandishing the First Amendment: Commercial Expression in America*. Ann Arbor: University of Michigan Press, 2012.
- Plato. *The Republic*. c. 380 BCE. Translated by Benjamin Jowett. 3d ed. 2 vols. Oxford: Oxford University Press, 1908.
- Post, Robert. *Democracy, Expertise, and Academic Freedom*. New Haven, CT: Yale University Press, 2012.
- Ramsey, Frank Plumpton. *The Foundations of Mathematics*. Edited by R. B. Braithwaite. London: Routledge and Kegan Paul, 1931.
- Redish, Martin H. *Freedom of Expression: A Critical Analysis*. Charlottesville, VA: Michie, 1984.
- Rorty, Richard M., ed. *The Linguistic Turn: Essays in Philosophical Method*. Chicago: University of Chicago Press, 1992.

- Rosen, Charles. *Freedom and the Arts: Essays on Music and Literature*. Cambridge, MA: Harvard University Press, 2012.
- Ross, Janice. *Like a Bomb Going Off: Leonid Yakobson and Ballet as Resistance in Soviet Russia*. New Haven, CT: Yale University Press, 2014.
- Russell, Bertrand. *An Inquiry into Meaning and Truth*. New York: Norton, 1940.
- . *The Problems of Philosophy*. Rockville, MD: Arc Manor, 2008.
- Schauer, Frederick F. *Free Speech: A Philosophical Enquiry*. Cambridge: Cambridge University Press, 1982.
- Schopenhauer, Arthur. *The World as Will and Representation*. 2 vols. Translated by E. F. J. Payne. Indian Hills, CO: Falcon's Wing, 1958.
- Schweitzer, Kenneth. *The Artistry of Afro-Cuban Batá Drumming*. Jackson: University of Mississippi Press, 2013.
- Searle, John R. *Expression and Meaning: Studies in the Theory of Speech Acts*. Cambridge: Cambridge University Press, 1979.
- . *Intentionality: An Essay in the Philosophy of Mind*. Cambridge: Cambridge University Press, 1983.
- . *Speech Acts: An Essay in the Philosophy of Language*. Cambridge: Cambridge University Press, 1995.
- Stone, Geoffrey R., Louis Michael Seidman, Cass R. Sunstein, Pamela S. Karlan, and Mark V. Tushnet. *Constitutional Law* (6th ed.). New York: Aspen, 2009.
- Sunstein, Cass R. *Democracy and the Problem of Free Speech*. New York: Free Press, 1993.
- Tompkins, Jane P., ed. *Reader-Response Criticism: From Formalism to Post-Structuralism*. Baltimore: Johns Hopkins University Press, 1980.
- Whistler, James MacNeill. *The Gentle Art of Making Enemies*. New York: J. W. Lovell, 1890.
- Williams, William Carlos. *The Collected Poems of William Carlos Williams*. 2 vols. Edited by Christopher McGowan. New York: New Directions Books, 2001.
- Wittgenstein, Ludwig. *Culture and Value*. Edited by G. H. von Wright. Translated by Peter Winch. Chicago: University of Chicago Press, 1980.
- . *Letters to Russell, Keynes, and Moore*. Edited by G. H. von Wright. Oxford, UK: Basil Blackwell, 1974.
- . *Philosophical Investigations*. Translated by G. E. M. Anscombe. 3d ed. New York: Macmillan, 1969.
- . *Tractatus Logico-Philosophicus*. Edited and translated by C. K. Ogden. New York: Harcourt Brace, 1922.
- . *The Wittgenstein Reader*. Edited by Kenny Anthony. 2d ed. Hoboken, NJ: Wiley-Blackwell, 2006.
- Wolfe, Tom. *The Electric Kool-Aid Acid Test*. New York: Farrar, Straus and Giroux, 1968.

CASES

- Abrams v. United States, 250 U.S. 616 (1919).
- American Booksellers Association, Inc. v. Hudnut, 771 F.2d 323 (7th Cir. 1985).

- Anderson v. City of Hermosa Beach, 621 F.3d 1051 (9th Cir. 2010).
- Animal Legal Defense Fund v. Otter, 118 F. Supp. 3d 1195 (D. Idaho 2015).
- Arcara v. Cloud Books, Inc., 478 U.S. 697 (1986).
- Ashcroft v. ACLU, 535 U.S. 564 (2002).
- Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002).
- Association des Éleveurs de Canards et d'Oies du Québec v. Harris, 729 F.3d 937 (9th Cir. 2013).
- Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991).
- Bery v. City of New York, 97 F.3d 689 (2d Cir. 1996).
- Blanch v. Koons, 467 F.3d 244 (2d Cir. 2006).
- Bleistein v. Donaldson Lithographing Co., 188 U.S. 239 (1903).
- Bridgeport Music, Inc. v. UMG Recordings, Inc., 585 F.3d 267 (6th Cir. 2009).
- Bright Tunes Music v. Harrisongs Music, 420 F. Supp. 177 (S.D.N.Y. 1976).
- Broadrick v. Oklahoma, 413 U.S. 601 (1973).
- Brooklyn Institute of Arts & Sciences v. Giuliani, 64 F. Supp. 2d 184 (E.D.N.Y. 1999).
- Brown v. Entertainment Merchants Association, 564 U.S. 786 (2011).
- Buckley v. Valeo, 424 U.S. 1 (1976).
- California v. LaRue, 409 U.S. 109 (1972).
- Carey v Brown, 447 U.S. 455 (1980).
- Cavel International, Inc. v. Madigan, 500 F.3d 551 (7th Cir. 2007).
- Central Hudson Gas v. Public Service Commission, 447 U.S. 557 (1980).
- Chaplinsky v. New Hampshire, 315 U.S. 568 (1942).
- Chiasson v. New York City Department of Consumer Affairs, 505 N.Y.S.2d 499 (Sup. Ct. N.Y. Cty. 1986).
- Chiasson v. New York City Department of Consumer Affairs, 524 N.Y.S.2d 649 (Sup. Ct. N.Y. Cty. 1988).
- Chinatown Neighborhood Association v. Brown, No. C 12-3759 PJH, 2013 WL 60919 (N.D. Cal. Jan. 2, 2013), *aff'd*, 539 F. App'x 761 (9th Cir. 2013).
- Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520 (1993).
- City of Dallas v. Stanglin, 490 U.S. 19 (1989).
- City of Erie v. Pap's A.M., 529 U.S. 277 (2000).
- City of Newport v. Fact Concerts, Inc., 453 U.S. 247 (1981).
- City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986).
- Clark v. Community for Creative Nonviolence, 462 U.S. 288 (1984).
- Cohen v. California, 403 U.S. 15 (1971).
- Cooley v. Board of Wardens, 53 U.S. 299 (1851).
- Craig v. Masterpiece Cakeshop, Inc., 370 P.3d 272 (Colo. App. 2015), *cert. denied*, No. 15SC738, 2016 WL 1645027 (Colo. Apr. 25, 2016), *petition for cert. filed*, No. 16-111 (U.S. July 22, 2016).
- Discount Inn, Inc. v. City of Chicago, 803 F.3d 317 (7th Cir. 2015).
- Dombrowski v. Pfister, 380 U.S. 479 (1965).
- Eldred v. Ashcroft, 537 U.S. 186 (2003).
- Empacadora de Carnes de Fresnillo, S.A. de C.V. v. Curry, 476 F.3d 326 (5th Cir. 2007).

- Erznoznik v. City of Jacksonville, 422 U.S. 305 (1975).
- First Vagabonds Church of God v. City of Orlando, 610 F.3d 1274 (11th Cir. 2010).
- First Vagabonds Church of God v. City of Orlando, 638 F.3d 756 (11th Cir. 2011).
- Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011).
- Graham v. Connor, 490 U.S. 386 (1989).
- Grayned v. City of Rockford, 408 U.S. 104 (1972).
- Harper & Row, Publishers v. Nation Enterprises, 471 U.S. 538 (1985).
- Heffron v. International Society for Krishna Consciousness, Inc., 452 U.S. 640 (1981).
- Hill v. Colorado, 530 U.S. 703 (2000).
- Hobbs v. County of Westchester, 397 F.3d 133 (2d Cir. 2005).
- Holder v. Humanitarian Law Project, 561 U.S. 1 (2010).
- Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston, Inc., 515 U.S. 557 (1995).
- Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988).
- Illinois Restaurant Association v. City of Chicago, No. 06 C 7014, 2008 WL 8915042 (N.D. Ill. Aug. 7, 2008).
- Jacobellis v. Ohio, 378 U.S. 184 (1964).
- Jenkins v. Rumsfeld, 412 F. Supp. 1177 (E.D. Va. 1976).
- Joseph Burstyn, Inc. v. Wilson, 343 U.S. 493 (1952).
- Kieselstein-Cord v. Accessories by Pearl, Inc., 632 F.2d 989 (2d Cir. 1980).
- Kleinman v. City of San Marcos, 597 F.3d 323 (5th Cir. 2010), *cert. denied*, 562 U.S. 837 (2010).
- Kolender v. Lawson, 461 U.S. 352 (1983).
- Lawrence v. Texas, 539 U.S. 558 (2003).
- Leibovitz v. Paramount Pictures Corp., 137 F.3d 109 (2d Cir. 1996).
- Loper v. New York City Police Department, 999 F.2d 699 (2d Cir. 1993).
- Luke Records, Inc. v. Navarro, 960 F.2d 134 (11th Cir. 1992).
- McCullen v. Coakley, 134 S. Ct. 2518 (2014).
- Miller v. California, 413 U.S. 15 (1973).
- Miller v. Civil City of South Bend, 904 F.2d 1081 (7th Cir. 1990).
- Morse v. Frederick, 551 U.S. 393 (2007).
- Muchmore's Café, LLC v. City of New York, No. 14-cv-05668 RRM-RER (E.D.N.Y. filed Sept. 26, 2014).
- Mutual Film Corp. v. Industrial Commission of Ohio, 236 U.S. 230 (1915).
- NAACP v. Button, 371 U.S. 415 (1963).
- National Endowment for the Arts v. Finley, 524 U.S. 569 (1998).
- Nelson v. Streeter, 16 F.3d 145 (7th Cir. 1994).
- New York State Board of Elections v. Lopez Torres, 552 U.S. 196 (2008).
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964).
- Nurre v. Whitehead, 580 F.3d 1087 (9th Cir. 2009); *cert. denied*, 559 U.S. 1025 (2010).
- Park 'n Fly v. Dollar Park & Fly, 469 U.S. 189 (1985).
- Piarowski v. Illinois Community College District 515, 759 F.2d 625 (7th Cir. 1985).
- Police Department of Chicago v. Mosley, 408 U.S. 92 (1972).

- Princeton University Press v. Michigan Document Services, 99 F.3d 1381 (6th Cir. 1996).
- Public Utilities Commission v. Pollak, 343 U.S. 451 (1952).
- R.A.V. v. City of St. Paul, 505 U.S. 377 (1992).
- Reed v. Village of Shorewood, 704 F.2d 943 (7th Cir. 1983).
- Reno v. ACLU, 521 U.S. 844 (1997).
- Roberts v. United States Jaycees, 468 U.S. 609 (1984).
- Roth v. United States, 354 U.S. 476 (1957).
- Rumsfeld v. FAIR, 547 U.S. 47 (2006).
- Schad v. Borough of Mount Ephraim, 452 U.S. 61 (1981).
- SEIU v. City of Houston, 542 F. Supp. 2d 617 (S.D. Tex. 2008).
- Skywalker Records, Inc. v. Navarro, 739 F. Supp. 578 (S.D. Fla. 1990).
- Sorrell v. IMS Health, Inc., 564 U.S. 552 (2011).
- Southeastern Promotions v. Conrad, 420 U.S. 546 (1975).
- Spence v. Washington, 418 U.S. 405 (1974).
- Stanley v. Georgia, 394 U.S. 557 (1969).
- Stratechuk v. Board of Education, 587 F.3d 597 (3d Cir. 2009).
- Texas v. Johnson, 491 U.S. 397 (1989).
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).
- Towne v. Eisner, 245 U.S. 418 (1918).
- Turner Broadcasting System v. FCC, 512 U.S. 622 (1994).
- Tyson & Brother v. Banton, 273 U.S. 418 (1927).
- United States v. Alvarez, 132 S. Ct. 2537 (2012).
- United States v. Davis, 353 F.2d 614 (2d Cir. 1965); *cert. denied*, 384 U.S. 953 (1966).
- United States v. Eichman, 496 U.S. 310 (1990).
- United States v. Kokinda, 497 U.S. 720 (1990).
- United States v. O'Brien, 391 U.S. 367 (1968).
- United States v. Stevens, 559 U.S. 460 (2010).
- Universal Studios, Inc. v. Corley, 273 F.3d 429 (2d Cir. 2001).
- Valentine v. Chrestensen, 316 U.S. 52 (1942).
- Vance v. Judas Priest, Nos. 86-5844 & 86-3939, 1990 WL 130920, at *4 (Nev. Dist. Ct. Aug. 24, 1990).
- Virginia v. Black, 538 U.S. 343 (2003).
- Ward v. Rock Against Racism, 491 U.S. 781 (1989).
- West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).
- Whitney v. California, 274 U.S. 357 (1927).
- Winters v. New York, 333 U.S. 507 (1948).
- Young v. American Mini-Theatres, 427 U.S. 50 (1976).

GOVERNMENTAL PUBLICATIONS

- United Nations Educational, Scientific, and Cultural Organization and World Intellectual Property Organization. *Model Provisions for National Laws on the Protection of Expressions of Folklore against Illicit Exploitation and Other Prejudicial Actions*. 1985.

United Nations Human Rights Committee. "Wackenheim v. France." Communication No. 854/1999, July 15, 2002, CCPR/C/75/D/854/1999.

U.S. House of Representatives. *Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions*. Report 94-1476. 1976.

MUSIC

Beatles, The. "Come Together." *Abbey Road*. Capitol Records, 1969.

———. "I Am the Walrus." *Magical Mystery Tour*. Capitol Records, 1967.

Beethoven, Ludwig Von. Symphony No. 5 in C Minor. 1808.

Biebl, Franz. *Ave Maria*. 1964.

Buffalo Springfield. "For What It's Worth." *Buffalo Springfield*. ATCO Records, 1967.

Cage, John. 4'33". 1952.

Celentano, Adriano. "Prisencolinensinainciusol." *Nostalrock*. Italdisc, 1973.

Dave Brubeck Quartet, The. "Blue Rondo à La Turk." *Time Out*. Columbia Records, 1959.

Jimi Hendrix Experience, The. "Purple Haze." *Are You Experienced?* MCA, 1967.

Kingsmen, The. "Louie, Louie." *The Kingsmen in Person*. Wand Records, 1963.

Link Wray & His Wraymen. "Rumble." *Link Wray & the Wraymen*. Epic, 1960.

Mann, Barry. "Who Put the Bomp." *Who Put the Bomp*. Written by Barry Mann and Gerry Goffin. ABC-Paramount, 1961.

Prokofiev, Sergei. *Peter and the Wolf*. Op. 67. 1936.

Sachal Studios Orchestra. "Take Five." *Sachal Jazz: Interpretations of Jazz Standards & Bossa Nova*. Sachal Music, 2011.

Schuller, Gunther. *Seven Studies on Themes of Paul Klee*. 1959.

Shostakovich, Dmitri. Symphony No. 11 in G Minor. 1957.

Sibelius, Jean. *Finlandia*. Op. 26. 1899; rev. 1900.

Stravinsky, Igor. *The Rite of Spring*. 1913.

Young, La Monte. *The Well-Tuned Piano*. 1964, 1973, 1981-present.

Zappa, Frank. *Jazz from Hell*. EMI, 1986.