Course Description

This course blends philosophy, history, political science, and legal studies into a semester-long meditation on the meaning of the freedom of expression, especially in the United States, but also globally. It pays special attention to the forms of reasoning about free expression developed by the U.S. Supreme Court during the 20th and 21st centuries. However, the primary theme of the course is the transition from a traditional, conservative society in the 19th century to a modern liberal one in the twentieth, and the consequences of this transition for how Americans understand the freedom of expression. Part and parcel of this transition has been a greater interest in the protection of individual rights, but also more consideration for social and cultural difference, especially racial and ethnic difference, but economic, religious, and other forms of difference as well. Thus, while the course covers basic areas of free expression law, including prior restraint, libel, obscenity and time-place-manner restrictions, commercial speech and hate speech, it does so in an expansive way.

JMC Learning Outcomes

The School of Journalism and Mass Communication is committed to your academic and professional success. In line with this commitment, we have identified particular learning outcomes that every student should obtain by the time they earn a JMC degree. You can find more information about these learning outcomes here: http://clas.uiowa.edu/sjmc/undergraduate-programs/assessment. We regularly assess the curriculum to determine whether students are achieving these outcomes.

This course contributes to these learning outcomes by helping you achieve proficiency in understanding and applying the principles and laws of freedom of speech and press in real space and cyberspace. Achieving these outcomes means the ability to:

- demonstrate knowledge of the history of the First Amendment and awareness of the rights protected by the First Amendment in different media contexts; and,
- demonstrate knowledge of the main areas of media law, including libel, invasion of privacy, obscenity, commercial speech, intellectual property, and the freedom of the press.
GE Learning Outcomes

This course satisfies the CLAS general education requirement in the Diversity & Inclusion Area. As such, it achieves the following student outcomes:

- Helps students explore the historical and structural bases of inequality
- Assists students in learning about the benefits and challenges of diversity
- Invites students to reflect critically on their own social and cultural perspectives
- Increases students’ ability to engage with people who have backgrounds or ideas different from their own.

Texts:

This book is available at the campus bookstore. I will also make a copy available at the reserve desk of the main library and of the JMC resource center.

You will note that a few assigned readings are not from these texts. Instead, I have made them available on the ICON site (as designated in the syllabus).

Assignments & Grading:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
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<tbody>
<tr>
<td>Attendance</td>
<td>100</td>
</tr>
<tr>
<td>Quizzes (20 x 5 points)</td>
<td>100</td>
</tr>
<tr>
<td>Minor Writing Assignments (2 x 50 points)</td>
<td>100</td>
</tr>
<tr>
<td>First Midterm:</td>
<td>200</td>
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<tr>
<td>Second Midterm:</td>
<td>200</td>
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<tr>
<td>Final Exam:</td>
<td>300</td>
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<tr>
<td>Total Points:</td>
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Points Final Grade

<table>
<thead>
<tr>
<th>Points Range</th>
<th>Final Grade</th>
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<tbody>
<tr>
<td>930-1000</td>
<td>A</td>
</tr>
<tr>
<td>900-929</td>
<td>A-</td>
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<tr>
<td>860-899</td>
<td>B+</td>
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<tr>
<td>810-859</td>
<td>B</td>
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<tr>
<td>800-809</td>
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<td>760-799</td>
<td>C+</td>
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<tr>
<td>710-759</td>
<td>C</td>
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<tr>
<td>700-709</td>
<td>C-</td>
</tr>
<tr>
<td>600-699</td>
<td>D</td>
</tr>
<tr>
<td>Under 599</td>
<td>F</td>
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</tbody>
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Attendance in this class is mandatory. We will take attendance every day in this class. It is your responsibility to get your signature on the attendance sheet that will be circulated at the beginning
of class. If you have 0-1 unexcused absences, you will earn 100 attendance points. If you have 2 unexcused absences, you will earn 80 attendance points. If you have 3 unexcused absences, you will earn 70 attendance points. If you have 4 unexcused absences, you will earn 50 attendance points. If you have 5 or more unexcused absences, you will earn 0 attendance points. An unexcused absence is any absence for which you cannot account with a note detailing to me why it was necessary for you to miss. If you are sick, get a note from your doctor. If your car breaks down, show me the repair receipt. **This is important: I will not accept documentation of absences more than a week after the absence.** You will not be allowed to make up any assignments missed due to an unexcused absence. **If for any reason you must miss a midterm, you should notify me a week in advance.** Except in the case of emergencies, I will not accept last-minute requests to take make-up exams.

**Quizzes:** Beginning in week 2, we will take **20 quizzes** during the semester. Each quiz is clearly marked in the syllabus below. It will consist of five multiple choice questions on the readings listed for that day. Each question is worth 1 point, each quiz is worth 5 points, and the quizzes en total are worth 100 points. The quizzes will be available on ICON a week before they are due. The deadline for taking each quiz is the start of the day of class in which that material will be discussed. You will have two opportunities to take each quiz. I will record the higher of these two grades.

**Minor writing assignments** consist of 1 type-written, 1” margin, single-spaced page response to a prompt of my devising. Evaluations of these responses consist of a √/– system. Good faith efforts to respond to the prompt earn a √. A lack of effort earns a √–, and not turning in this assignment earns a –. You will complete two of these assignments during the semester. Points are awarded according to the following criteria: √’s = 50 points. √–’s = 35 points; and failure to turn in an assignment = 0 points.

**Midterms.** These will be held in class on the dates listed below in the syllabus. They will consist of matching, multiple-choice, and essay questions. I will have more to say about each midterm during class. Each midterm is worth 200 points.

The final exam will be cumulative and integrative. It will ask you to trace themes across the curriculum in a series of short and long essay questions. This final exam is worth 300 points.

**A Note on Technology.** This class is a technology-free environment. Please do not use laptops or tablets to take notes, and please put your cell phones away at the start of class. On a case-by-case basis, I may make exceptions to this rule. But generally all computer technology should be stowed away.

**Resources for Students**

Students will find the Writing Center and the Speaking Center very useful for this course; the Tutor Iowa site is also very valuable for students seeking extra help:

Writing Center: [http://writingcenter.uiowa.edu/](http://writingcenter.uiowa.edu/)
Speaking Center: http://clas.uiowa.edu/rhetoric/for-students/speaking-center
Tutor Iowa: http://tutor.uiowa.edu/

The College of Liberal Arts and Sciences: Important Policies and Procedures

Administrative Home
The College of Liberal Arts and Sciences is the administrative home of this course and governs matters such as the add/drop deadlines, the second-grade-only option, and other related issues. Different colleges may have different policies. Questions may be addressed to 120 Schaeffer Hall, or see the CLAS Academic Policies Handbook.

Electronic Communication
University policy specifies that students are responsible for all official correspondences sent to their University of Iowa e-mail address (@uiowa.edu). Faculty and students should use this account for correspondence (Operations Manual, III.15.2, Scroll down to k.11).

Accommodations for Disabilities
A student seeking academic accommodations should first register with Student Disability Services and then meet with the course instructor privately in the instructor’s office to make particular arrangements. See http://sds.studentlife.uiowa.edu/ for more information.

Academic Honesty
All students taking CLAS courses have, in essence, agreed to the College's Code of Academic Honesty: "I pledge to do my own academic work and to excel to the best of my abilities, upholding the IOWA Challenge. I promise not to lie about my academic work, to cheat, or to steal the words or ideas of others; nor will I help fellow students to violate the Code of Academic Honesty." Any student committing academic misconduct is reported to the College and placed on disciplinary probation or may be suspended or expelled (CLAS Academic Policies Handbook).

CLAS Final Examination Policies
The date and time of every final examination is announced by the Registrar generally by the fifth week of classes. No exams of any kind are allowed during the last week of classes. All students should plan on being at the UI through the final examination period. It is the student's responsibility to know the date, time, and place of the final exam.

Making a Suggestion or a Complaint
Students with a suggestion or complaint should first visit with the instructor (and the course supervisor), and then with the departmental DEO. Complaints must be made within six months of the incident (CLAS Academic Policies Handbook).

Nondiscrimination in the Classroom
The University of Iowa is committed to making the classroom a respectful and inclusive space for all people irrespective of their gender, sexual, racial, religious or other identities. Toward this goal, students are invited to optionally share their preferred names and pronouns with their instructors.
and classmates. The University of Iowa prohibits discrimination and harassment against individuals on the basis of race, class, gender, sexual orientation, national origin, and other identity categories set forth in the University’s Human Rights policy. For more information, contact the Office of Equal Opportunity and Diversity, diversity@iowa.edu or visit diversity.uiowa.edu.

Understanding Sexual Harassment
Sexual harassment subverts the mission of the University and threatens the well-being of students, faculty, and staff. All members of the UI community have a responsibility to uphold this mission and to contribute to a safe environment that enhances learning. Incidents of sexual harassment should be reported immediately. See the UI Comprehensive Guide on Sexual Harassment for assistance, definitions, and the full University policy.

Reacting Safely to Severe Weather
In severe weather, class members should seek appropriate shelter immediately, leaving the classroom if necessary. The class will continue if possible when the event is over. For more information on Hawk Alert and the siren warning system, visit the Public Safety website.

Course Calendar

Week One

August 20: Introduction
Bill of Rights [ICON]

Minor Writing Assignment #1 made available on ICON [due Wed, Aug 29, in class].

August 22: Why Free Speech?
John Stuart Mill, On Liberty, Chapter II, "On Liberty of Thought and Discussion." [ICON]

Quiz #1 [On Bill of Rights]

Week Two

August 27: Why Free Speech? Cont’d
Finish reading John Stuart Mill, On Liberty, Chapter II, "On Liberty of Thought and Discussion." [ICON]

Quiz #2
August 29: Colonial America & the First Amendment

William Blackstone, “Freedom of the Press,” Commentaries (1765) [ICON]

The Declaration of Independence [ICON]

Federalist #10 [ICON]

Quiz #3

Minor Writing Assignment #1 due Tuesday of this week on ICON.

Week Three

No Classes Monday, Sept 3, University Holiday

September 5: Free Speech in the 19th Century

Rogers Smith, “The Meanings of American Citizenship” [ICON]

Quiz #4

Week Four

September 10: Dissidence & the Modern Tradition

Schenck v. US (1919)
Abrams v. U.S. (1919)
Gitlow v. NY (1925)

Quiz #5

September 12: Dissidence & the Modern Tradition

Whitney v. CA (1927)
Brandenburg v. Ohio (1969)

Quiz #6

Week Five

September 17: Summing Up

September 19: Midterm #1
Week Six

September 24: Prior Restraint

Near v. Minnesota (1931)

Minor Writing Assignment #2 Made Available [ICON]

Quiz #7

September 26: A Dual Theory of Free Speech

Chaplinsky v. New Hampshire (1941)
Terminiello v. Chicago (1948)

Quiz #8

Week Seven

October 1: A Dual Theory cont’d

Cohen v. CA (1971)

Quiz #9

October 3: Content-Based Distinctions

Stromberg v. CA (1931)
West Virginia Board of Education v. Barnette (1942)
U.S. v. O’Brien (1968)

Quiz #10

Week Eight

October 8: Libel

Beauharnais v. IL (1952)

Quiz #11
October 10: Libel cont’d

No reading for today

Week Nine

October 15: Obscenity

Roth v. U.S. (1957)
Miller v. CA (1973)

Quiz #12

October 17: Obscenity cont’d

No reading for today

Week Ten

October 22: Commercial Speech

VA Pharmacy Board v. VA Consumer Council (1976)
44 Liquormarket v. RI (1996)

Minor Writing Assignment #2 Due [ICON]

Quiz #13

October 24: Commercial Speech cont’d

No reading for today

Week Eleven

October 29: Summing Up

October 31: Midterm #2 [in-class]
Week Twelve

November 5: An Alternative Path

Sunstein, Ch. 2 [ICON]

Quiz #14

November 7: A Hard Case: Campaign Finance Reform

Buckley v. Valeo (1976)

Quiz #15

Week Thirteen

November 12: Campaign Finance Reform

McConnell v. FEC (2003) (Stevens/O’Connor Opinion, sections I, III—skip footnotes!) [ICON]

Quiz #16

November 14: Campaign Finance Reform

Citizens United v. FEC (2010) [ICON]

Quiz #17

No classes November 19-20, Thanksgiving

Week Fourteen

November 26: Hate Speech


Quiz #18

November 28: Hate Speech on College Campuses

Quiz #19

Week Fifteen

December 3: Hate Speech on College Campuses

FIRE, “The State of Speech on College Campuses: Spotlight on Speech Codes,” Philadelphia, PA, 2017. [This report can be found at the following URL: https://www.thefire.org/spotlight-on-speech-codes-2017/].

Quiz #20

December 5: Summing Up

Final Exam: TBD