This course blends philosophy, history, political science, and legal studies into a 4-week 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. It has also spurred 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.

TEXT

This book is available at the University Bookstore. I will also make a copy available at the reserve desk of the main library and of the resource center in the School of Journalism and Mass Communication.

You will note that a few assigned readings are not from this text. Instead, I have made them available on ICON (as indicated).

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

CLAS 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/](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).

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.

Assignments & Grading:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance</td>
<td>100</td>
</tr>
<tr>
<td>Take-home Exam #1 (week 1)</td>
<td>200</td>
</tr>
</tbody>
</table>
Take-home Exam #2 (week 2): 200 points
Take-home Exam #3 (week 3): 200 points
Final Exam (week 4): 300 points

Total: 1000 POINTS

Points Final Grade
930-1000 A
900-929 A-
860-899 B+
810-859 B
800-809 B-
760-799 C+
710-759 C
700-709 C-
600-699 D
Under 599 F

Attendance. Attendance in this class is mandatory. If you have more than 1 unexcused absence in the course, you will earn 0 of your attendance points. If you have more than 2 unexcused absences, you will be dropped from the class.

Class participation. You are responsible for your own learning, and you will learn best if you come to class prepared to discuss readings and motivated to learn. You can show your motivation by fully engaging with class exercises and discussions.

Assignments. There are 4 major assignments in this course, one for each week of the course. All exams are take-home and essay-based, given on the last day of class the prior week and due on the first day of class the next week. The final assignment will function as your final exam. The final exam will be essay-based and cover BOTH the last week's material AND be comprehensive at the same time. I will say more about the logistics of these exams in class.

CLASS CALENDAR

Tuesday, May 14th: Liberalism and the Freedom of Speech

John Stuart Mill, “Of the Liberty of Thought and Discussion” [ICON]

Wednesday, May 15th: The American Context

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

The Declaration of Independence [ICON]
Federalist #10

The Alien & Sedition Act of 1798


**Thursday, May 16th: Dissidence in War Time**

Schenck v. US (1919)
Abrams v. U.S. (1919)
Gitlow v. NY (1925)
Whitney v. CA (1927)
Brandenburg v. Ohio (1969)

_First Take-Home Exam Assigned. Due Monday, May 20th_

**Week 2**

**Monday, May 20th: Prior Restraint**

Near v. Minnesota (1931)

**Tuesday, May 21st: The Dual Theory of the First Amendment**

Chaplinsky v. NY (1941)
Cohen v. CA (1971)

**Wednesday, May 22nd: Content-Based Distinctions**

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

**Thursday, May 23rd: Content-Based Distinctions cont’d**

Cox v. NH (1941)
Edwards v. SC (1963)

_Second Take-Home Exam Assigned. Due Tuesday, May 28th_
Week 3

Monday, May 27th: University Holiday. No Class!

Tuesday, May 28th: Libel

Beauharnais v. IL (1952)
Gertz v. Welch (1974) [ICON]
Hustler Magazine v. Falwell (1988)

Wednesday, May 29th: Obscenity

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

Thursday, May 30th: Commercial Speech

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

Third Take-Home Exam Assigned. Due Monday, June 3rd.

Week 4

Monday, June 3rd: Hard Cases: Pornography & Hate Speech

Sunstein, Ch. 2 (ICON)
American Booksellers v. Hudnut (ICON)

Tuesday, June 4th: Hard Cases: Campaign Finance Reform

Buckley v. Valeo (1976)
McConnell v. FEC (2003) (ICON) (Stevens Opinion)

Wednesday, June 5th: Study Session

Thursday, June 6th: FINAL EXAM