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:

Attendance: 100 points
Quizzes (20 x 5 points): 100 points
Participation: 100 points
First Midterm: 200 points
Second Midterm: 200 points
Final Exam: 300 points
Total Points: 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-
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.

Here is the CLAS official policy on attendance: Students are responsible for attending class and for contributing to the learning environment of a course. Students are also responsible for knowing their course absence policies, which will vary by instructor. All absence policies, however, must uphold the UI policy related to student illness, mandatory religious obligations, including Holy Day obligations, unavoidable circumstances, or University authorized activities (https://clas.uiowa.edu/students/handbook/attendance-absences). Students may use this absence form to aid communication; the instructor will decide if the absence is excused or unexcused (https://clas.uiowa.edu/sites/default/files/ABSENCE%20EXPLANATION%20FORM2019.pdf).

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.

Participation: Participation is a requirement for this course, and the Packback Questions platform will be used as an online discussion tool to foster your participation.

Your contributions on Packback will count for 100 points available for participation in this course. Meeting the required level of participation each week means offering 1 Question and 2 Answers relevant to our class subject matter. You will see in the syllabus that I ask you to do this in each of thirteen weeks of the class. There is a Sunday 11:59 PM deadline for submissions in your community each week.

To earn the full 100 participation points, you must meet the minimum participation threshold of 1 Question and 2 Answers in at least 12 of the 13 weeks. To earn 80 participation points, you must
meet the threshold in 11 of the 13 weeks. If you meet the minimum threshold in 10 of the 13 weeks you will earn 50 participation points. If you meet the threshold in 9 or fewer weeks, you will earn 0 participation points.

Before you start posting, be sure to read the Community Guidelines found in the tutorial on Packback. If your post doesn’t follow the Packback Community Guidelines, there is a chance it will be removed and you won’t receive credit for that post.

**Note:** it takes 24 hours for the Packback team to moderate a post and send a coaching email. If by any reason your post is moderated because it does NOT meet the Community Guidelines, you will need to edit and re-publish your post to receive credit for the week. This is why it is important that you complete your Packback questions and responses far before the deadline in case your post is moderated.

**How to Register on Packback:**

You will receive a welcome email from holla@packback.co prompting you to finish registration. Packback has already created an account for you with your school email, *all you need to do is reset your password*. This email may be directed to spam or filtered out, so make sure you do a thorough scan of your inbox if you can’t find the email.

**Backup Registration Instructions:**

If you search your inbox and still can’t find the welcome email, or if you are new to the course, you may manually register by following the instructions below:

1. Navigate to [https://questions.packback.co](https://questions.packback.co) and click “Register as a new student”.
   a. Note: If you already have an account on Packback you can login with your credentials.
2. Make sure to register with your SCHOOL email address and real first name and last name.
3. Enter our class community’s Community Lookup Key into the “Join a new Community” module on your dashboard. Please note, the following Community Lookup Key is only for locating the community; it is NOT a coupon code or access code.
   
   **Our Community Lookup Code:** b02b8078-1218-4a4d-a7eb-4c7755058858

4. Follow the instructions on your screen to finish your registration.

**If you have ANY questions or concerns regarding Packback throughout the semester, please contact the customer support team at holla@packback.co!**

For a brief introduction to Packback Questions and why we are using it in class, watch this video: [vimeo.com/packback/Welcome-to-Packback-Questions](vimeo.com/packback/Welcome-to-Packback-Questions)
**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.

**Final Exam.** 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.

**Academic Integrity**
All undergraduates enrolled in courses offered by CLAS have, in essence, agreed to the College's [Code of Academic Honesty](https://clas.uiowa.edu/students/handbook/academic-fraud-honor-code). Misconduct is reported to the College, resulting in suspension or other sanctions, with sanctions communicated with the student through the UI email address (https://clas.uiowa.edu/students/handbook/academic-fraud-honor-code).

**Accommodations for Disabilities**
UI is committed to an educational experience that is accessible to all students. A student may request academic accommodations for a disability (such as mental health, attention, learning, vision, and physical or health-related condition) by registering with Student Disability Services (SDS). The student is then responsible for discussing specific accommodations with the instructor. More information is at [https://sds.studentlife.uiowa.edu/](https://sds.studentlife.uiowa.edu/).

**Administrative Home of the Course**
The College of Liberal Arts and Sciences (CLAS) is the administrative home of this course and governs its add/drop deadlines, the second-grade-only option, and related policies. Other colleges may have different policies. CLAS policies may be found here: [https://clas.uiowa.edu/students/handbook](https://clas.uiowa.edu/students/handbook).

**Communication and the Required Use of UI Email**
Students are responsible for official correspondences sent to the UI email address (uiowa.edu) and must use this address for all communication within UI ([Operations Manual, III.15.2](https://clas.uiowa.edu/students/handbook/student-rights-responsibilities)).

**Complaints**
Students with a complaint about an academic issue should first visit with the instructor or course supervisor and then with the Chair of the department or program offering the course; students may next bring the issue to the College of Liberal Arts and Sciences. For more information, see [https://clas.uiowa.edu/students/handbook/student-rights-responsibilities](https://clas.uiowa.edu/students/handbook/student-rights-responsibilities).

**Final Examination Policies**
The final exam schedule is announced around the fifth week of classes; students are responsible for
knowing the date, time, and place of a final exam. Students should not make travel plans until knowing this information. No exams of any kind are allowed the week before finals. Visit [https://registrar.uiowa.edu/final-examination-scheduling-policies](https://registrar.uiowa.edu/final-examination-scheduling-policies).

**Nondiscrimination in the Classroom**
UI 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.uiowa.edu](https://diversity.uiowa.edu)).

**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 must uphold the UI mission and contribute to a safe environment that enhances learning. Incidents of sexual harassment must be reported immediately. For assistance, please see [https://osmrc.uiowa.edu/](https://osmrc.uiowa.edu/).

**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/)
Course Calendar

Week One

August 26: Introduction

Bill of Rights [ICON]

August 28: Why Free Speech?

John Stuart Mill, On Liberty, Chapter II, "On Liberty of Thought and Discussion." [ICON]

Quiz #1 [On Bill of Rights]

Monday, September 2nd, Labor Day, No Class

Week Two

September 4: Why Free Speech? Cont’d

Finish reading John Stuart Mill, On Liberty, Chapter II, "On Liberty of Thought and Discussion." [ICON]

Quiz #2

[First Pack Back Questions/Responses due by midnight, September 8th]

Week Three

September 9: Colonial America & the First Amendment

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

The Declaration of Independence [ICON]

Federalist #10 [ICON]

Quiz #3

September 11: Free Speech in the 19th Century

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

Quiz #4
Second Pack Back Questions/Responses due by midnight, September 15th

Week Four

September 16: Dissidence & the Modern Tradition

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

Quiz #5

September 18: Dissidence & the Modern Tradition

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

Quiz #6

[Third Pack Back Questions/Responses due by midnight, September 22nd]

Week Five

September 23: Summing Up

September 25: Midterm #1

[Fourth Pack Back Questions/Responses due by midnight, September 29th]

Week Six

September 30: Prior Restraint

Near v. Minnesota (1931)

Quiz #7

October 2: A Dual Theory of Free Speech

Chaplinsky v. New Hampshire (1941)
Terminiello v. Chicago (1948)
Quiz #8

[Fifth Pack Back Questions/Responses due by midnight, October 6th]

Week Seven

October 7: A Dual Theory cont’d

Cohen v. CA (1971)

Quiz #9

October 9: Content-Based Distinctions

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

Quiz #10

[Sixth Pack Back Questions/Responses due by midnight, October 13th]

Week Eight

October 14: Libel

Beauharnais v. IL (1952)

Quiz #11

October 16: Libel cont’d

No reading for today

[Seventh Pack Back Questions/Responses due by midnight, October 20th]
Week Nine

October 21: Obscenity

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

Quiz #12

October 23: Obscenity cont’d

No reading for today

[Eighth Pack Back Questions/Responses due by midnight, September 27th]

Week Ten

October 28: Commercial Speech

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

Quiz #13

October 30: Commercial Speech cont’d

No reading for today

[Ninth Pack Back Questions/Responses due by midnight, November 3rd]

Week Eleven

November 4: Summing Up

November 6: Midterm #2 [in-class]

[Tenth Pack Back Questions/Responses due by midnight, November 10th]
Week Twelve

November 11: An Alternative Path

Sunstein, Ch. 2 [ICON]

Quiz #14

November 13: A Hard Case: Campaign Finance Reform

Buckley v. Valeo (1976)

Quiz #15

[Eleventh Pack Back Questions/Responses due by midnight, November 17th]

Week Thirteen

November 18: Campaign Finance Reform

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

Quiz #16

November 20: Campaign Finance Reform

Citizens United v. FEC (2010) [ICON]

Quiz #17

No classes November November 25-29, Thanksgiving

[Twelfth Pack Back Questions/Responses due by midnight, December 1st]
Week Fourteen

December 2: Hate Speech


Quiz #18

December 4: Hate Speech on College Campuses


Quiz #19

[Thirteenth Pack Back Questions/Responses due by midnight, December 8th]

Week Fifteen

December 9: Hate Speech on College Campuses


Quiz #20

December 11: Summing Up

*Final Exam: TBD*
Stay up-to-date on deadlines, events, scholarships, internships, alumni & more!

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