FREEDOM OF EXPRESSION
JMC:2600:0001
SPRING 2019
Monday and Wednesday, 10:30-11:20 in 101 BCSB

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Course Objectives. This course offers an introduction to the legal decisions that have shaped legal expression in the United States by highlighting key struggles over those questions. This course fulfills objectives 1 and 2 of the School of Journalism and Mass Communication’s “Law & and Ethics Learning Goal” (https://clas.uiowa.edu/sjmc/undergraduate-programs/sjmc-assessment-plan). Upon successfully completing this course, you should be able to demonstrate knowledge of the history of the First Amendment and awareness of the rights it protects in different media contexts.

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.

Books and Materials. The following required book is available in Prairie Lights bookstore:


Assignments. Throughout the semester, you will be offered a number of opportunities to demonstrate what you have learned and to apply that knowledge to hypothetical and actual legal cases.

- **Professionalism** – You should treat this course with the level of professionalism you would bring to a job. Your do not need to dress up, but please observe the following guidelines for professional behavior:
  - Come ready to class prepared and alert. Do not skip class meetings for trivial reasons. Read the assigned readings before class. Focus carefully on the material when in class. Please do not engage in behavior that detracts from your (and possibly others’) attention. Cellular phones should be silenced and put away for the entirety of class. Laptops and other screens should be used only to advance learning on the topic at hand.
  - Be courteous and professional in your correspondence for this course, using proper grammar and modes of address.
  - It’s your responsibility to obtain notes, assignment sheets, and whatever else you might have missed during an absence. Never (ever!) ask if you missed anything important. Assume that you did and take the necessary steps to catch up.
  - **Reading Quizzes** – There will be several 5-6-point reading quizzes at the start of several class meetings this semester. Quizzes are unannounced and will last for the first seven minutes of the classes on which they are offered. Latecomers and absentees will not be offered the opportunity to make up these quizzes. Although more than 5 quizzes will be administered over the course of the semester, I will only count your five highest scores.
  - **Examinations** - There will be a midterm and a final exam in this course. Exams will consist of multiple-choice questions, as well as short answer, and essay portions. You are responsible for bringing a #2 pencil to the exam, and if you prefer, a pen with which to write essays and short answers. A week before each exam I will distribute a review sheet. All items of the exam will be drawn from the review sheet. Exams will include multiple choice, short answer and essay formats. You will not be permitted to use notes or course materials during the exam. No make-up exams will be offered except under the most extraordinary of circumstances in which some truly unfortunate, unavoidable hardship can be documented and adjudicated by campus administrators. Materials that will help students prepare for exams will be provided.
  - **Participation in Debates** – There will be several debates this semester. For the first five of these debates, propositions and guiding questions will direct the debate. Beginning with the sixth debate, each student will be assigned to serve as an advocate arguing for or against one of the 3 propositions. As an advocate, your job is to familiarize yourself with the details of the claim, the evidence and arguments from the readings, and to offer a convincing and compelling argument, both orally, and summarized in a brief 3-5 page paper that you will turn in on the day of the
debate. For one of the other debates, you will be assigned to serve as a judge. You should review the entirety of the debate and issue a 3-5 page written judgment addressing the guiding question of each debate, explaining which position was more compelling and why. This judgement paper is due exactly one week after debate. Your attendance and attention are expected, regardless of whether you are an advocate, judge or audience member in the debate.

- **Class meetings and attendance** – Meetings are opportunities to review and further develop concepts and themes from the readings and to introduce new concepts, themes, and examples. Lectures will be accompanied by some slides, which I will post on ICON. These slides merely outline the lectures, however, so attendance and careful attention is crucial. Attendance at section meetings is also a class requirement. In accordance with university policy, you will be allowed to make up examinations missed due to illness, mandatory religious obligations, certain University activities, or other unavoidable circumstances, provided you have the required documentation. If you are sick with the flu, please do not come to class until you are well again. You need not bring a doctor’s note in such circumstances. Instead, please use the “Absence from Class” form available here: [https://registrar.uiowa.edu/absence-class](https://registrar.uiowa.edu/absence-class).

- **Deadlines** – Deadlines are to be treated with the utmost seriousness. Papers are due at the start of class on the date marked in the syllabus. Any late paper will be penalized one letter grade, and will be penalized an additional letter grade for each class period that passes without a submission. For example, a paper assessed as a B+, but turned in two class meetings late would receive a D+. You are responsible for maintaining back-up files of your work. Losing an assignment due to failure to back up a file will result in a “zero” for the assignment.

- **Studying** — In addition to the time you spend in class, you should spend 5-6 hours per week working on this course. You should use this time to complete and carefully review the assigned reading, review your notes on readings and lectures, complete written assignments, and prepare for exams. Some weeks will be more work-intensive than others, so plan ahead and budget your time accordingly. Start your written assignment early.

- **Office hours** – You should feel free to stop by during office hours to receive clarification about course concepts or assignments, discuss ideas for projects relating to the course, or just to talk about the course topic in an unstructured way. Come alone or if you prefer, with a group of classmates. Don’t be a stranger.

**Course Rules and Regulations.**

- **Registration Deadlines** – Last day to drop without a W: Jan. 28. Last day to drop with a W: April 1.

- **Administrative Home**
  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 other policies. These policies vary by college ([https://clas.uiowa.edu/students/handbook](https://clas.uiowa.edu/students/handbook)).

- **Reacting Safely to Severe Weather** – If the warning system indicates severe weather, we should immediately seek shelter in the innermost part of the building, if possible at the lowest level. Stay clear of windows and free-standing expanses. The class will reconvene after the severe weather has ended.

- **Electronic Communication**
  Students are responsible for official correspondences sent to their UI email address (uiowa.edu) and must use this address for all communication within UI ([Operations Manual, III.15.2](https://operations.uiowa.edu/documents/operations-manual/3152)).

- **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 should then discuss accommodations with the course instructor (https://sds.studentlife.uiowa.edu).

- **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 at diversity@uiowa.edu or diversity.uiowa.edu.

- **Academic Integrity**
  All undergraduates enrolled in courses offered by CLAS have, in essence, agreed to the College's Code of Academic Honesty. Misconduct is reported to the College, resulting in suspension or other sanctions, with sanctions communicated with the student through the UI email address.

- **CLAS Final Examination Policies**
  The final exam schedule for each semester 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 final exam information. No exams of any kind are allowed the week before finals. (https://clas.uiowa.edu/faculty/teaching-policies-resources-examination-policies.)

- **Making a Complaint**
  Students with a complaint should first visit with the instructor or course supervisor and then with the departmental executive officer (DEO), also known as the Chair. Students may then bring the concern to CLAS (https://clas.uiowa.edu/students/handbook/student-rights-responsibilities).

- **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 must uphold the UI mission and contribute to a safe environment that enhances learning. Incidents of sexual harassment must be reported immediately. For assistance, definitions, and the full University policy, see https://osmrc.uiowa.edu/.

- **Mental Health Resources for Students**
  http://counseling.studentlife.uiowa.edu
  http://studenthealth.uiowa.edu/services/psychiatry
  https://hr.uiowa.edu/livewell/managing-stress-and-behavioral-health
  https://www.jccrisiscenter.org/24-hour-crisis-line/

  24-Hour Crisis Line via The Johnson County Crisis Center
  Hours: Available 24 hours a day, 365 days a year
  Phone: (855) 325-4296; (319) 351-2726

- **Sexual Assault/Domestic Violence**
  If you have been the victim of a sexual assault or domestic violence on or off campus, or you know someone who has been assaulted and you want to find out more about available resources please contact the Rape Victim Advocate Program (RVAP), or Monsoon United Asian Women of Iowa, the UI Campus Police, or the Domestic Violence Intervention Project (DVIP).

  Resources:
  RVAP: (319) 335-6000 http://www.rvap.org/home/
Monsoon: (866) 881-4641 https://monsooniowa.org/programs-services/on-campus-victim-services/
DVIP: (800) 373-1043 http://dvipiowa.org/resources/
Campus Police: (319) 335-5022 https://police.uiowa.edu/police/reporting-sexual-assault

- Resources for Students
  Writing Center: 110 English-Philosophy Building, 335-0188, http://writingcenter.uiowa.edu/
  Speaking Center: 12 English-Philosophy Building, 335-0205, http://clas.uiowa.edu/rhetoric/students/speaking-center
  Mathematics Tutorial Laboratory: 314 MacLean Hall, 335-0810, http://www.math.uiowa.edu/math-tutorial-lab
  Campus Inclusion Team https://inclusionteam.uiowa.edu/
  Student Disability Services: (319) 335-1462 https://sds.studentlife.uiowa.edu/
  Office of Sexual Misconduct Response Coordinator: (319) 335-6200 https://sds.studentlife.uiowa.edu/
  CLAS Academic Programs and Student Development: (319) 335-2633 https://clas.uiowa.edu/students
  Academic Resource Center: (319) 335-1497 https://uc.uiowa.edu/student-success/arc
  Conversation Center: https://clas.uiowa.edu/rhetoric/conversation-center
  TRIO Student Support Services: (319)335-1288 https://diversity.uiowa.edu/unit/trio-student-support-services

Requirements
The schedule of papers and tests, as well as the credit assigned to each, will be as follows:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Professionalism &amp; Section Attendance</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Reading Quizzes</td>
<td>25</td>
<td>Periodic (unannounced)</td>
</tr>
<tr>
<td>Debate as advocate</td>
<td>50</td>
<td>TBA</td>
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<tr>
<td>Debate judgement</td>
<td>50</td>
<td>TBA</td>
</tr>
<tr>
<td>Midterm Exam</td>
<td>75</td>
<td>March 13</td>
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<tr>
<td>Final Exam</td>
<td>100</td>
<td>TBA</td>
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Course total 350

Grading scale
Course grades will be distributed according to the following scale
A  324 and above
A- 323-314
B+ 313-303
B  302-293
B- 292-279
C+ 278-268
C  267-254
C- 253-244
D+ 243-233  
D  232-219  
D- 218-209  
F  208 and below  

**Calendar.** All readings will be discussed on the date indicated below. Readings from one of the required books for the course appear in normal font. Material accessible via the course website or online appears in boldface.

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>January 14</td>
<td>Introductions and course overview</td>
</tr>
<tr>
<td>January 16</td>
<td><em>John Milton, Areopagitica</em></td>
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<tr>
<td>January 17</td>
<td>Section Overview</td>
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<tr>
<td>January 21</td>
<td>No Classes – Martin Luther King, Jr. Day</td>
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<tr>
<td></td>
<td>Introduce Debate #1</td>
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<td>January 24</td>
<td>Debate #1</td>
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<tr>
<td>January 28</td>
<td>Lewis, Chapter 1: “Beginnings”</td>
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<td>January 30</td>
<td><em>The Constitution of the United States of America</em></td>
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<td></td>
<td>Introduce Debate #2</td>
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<tr>
<td>January 31</td>
<td>Debate #2</td>
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<tr>
<td>February 4</td>
<td>Lewis, Chapter 2: “‘Odious and Contemptible’”</td>
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<td>February 6</td>
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<tr>
<td>February 7</td>
<td>Review of the U.S. court system</td>
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<tr>
<td>February 11</td>
<td>Lewis, Chapter 3: “‘As All Life is an Experiment’”</td>
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<tr>
<td>February 13</td>
<td>Lewis, Chapter 7 “Fear Itself”</td>
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<tr>
<td></td>
<td>Introduce Debate #3</td>
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<tr>
<td>February 14</td>
<td>Debate #3</td>
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</tbody>
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February 18  Chokshi, “Behind the Race to Publish the Top-Secret Pentagon Papers”

February 20  Introduce Debate #4

February 21  Debate #4

February 25  Menand, “History Written in Lightening: The NAACP’s Bid to Ban Birth of a Nation (ICON)

February 27  Introduce Debate #5

February 28  Debate #5

March 4  Snow, “The International Jew” (ICON)

March 6  Lewis, Chapter 4: “Defining Freedom”

March 7  Review for Midterm

March 11  Review for Midterm Exam

March 13  Midterm Exam

March 14  Review of Exam

March 18  Spring Break

March 20  Spring Break

March 21  Spring Break

March 25  “Room for Debate: Why Limit Political Donations?”

March 27  Introduce Debate #6

March 28  Debate #6

April 1  McLeod, “Copyright, Authorship, and African-American Culture”

April 3  Introduce Debate #7
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Reading Material</th>
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<tbody>
<tr>
<td>April 4</td>
<td>Debate #7</td>
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<tr>
<td>April 8</td>
<td>Debate #7</td>
<td>Lewis, Chapter 8: “‘Another’s Lyric’”</td>
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<tr>
<td>April 10</td>
<td>Debate #8</td>
<td>Moore, “Whipping Up a Storm: How Robert Mapplethorpe Shocked America”</td>
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<tr>
<td>April 11</td>
<td>Introduction Debate #8</td>
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<tr>
<td>April 15</td>
<td>Debates #8</td>
<td>Lewis, Chapter 10: “Thoughts that We Hate”</td>
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<tr>
<td>April 17</td>
<td>Debates #9</td>
<td>Delgado and Stefancic, “‘The Speech We Hate’: The Romantic Appeal of First Amendment Absolutism” (ICON)</td>
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<tr>
<td>April 18</td>
<td>Debates #9</td>
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<td>April 22</td>
<td>Debates #10</td>
<td>Bollinger, Regardless of Frontiers (ICON)</td>
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<tr>
<td>April 24</td>
<td>Debates #10</td>
<td>Osnos, “Can Mark Zuckerberg Fix Facebook Before it Breaks Democracy?”</td>
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<tr>
<td>April 25</td>
<td>Debates #10</td>
<td></td>
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<tr>
<td>April 29</td>
<td>Course Wrap-up and Review</td>
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<tr>
<td>May 1</td>
<td>Review for Final Exam</td>
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<tr>
<td>May 2</td>
<td>Section Wrap-Up</td>
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<tr>
<td>Finals Week</td>
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