**FREEDOM OF EXPRESSION**  
**JMC:2600:0AAA**  
**SPRING 2018**  
**Monday and Wednesday, 10:30-11:20 in 101 BCSB**

Dr. Thomas Oates  
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Office: w331 Adler Journalism Building and 728 Jefferson Building  
Office hours: Tuesdays 10-11:30 am in 728 JB, Wednesdays 1:30-3 in w331 AJB, and by appointment.

Graduate Assistants

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Office Hours:

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Office: e331 AJB  
Office Hours:

**Course Objectives.** This course offers an introduction to the legal decisions that have shaped journalism content and ownership in the United States by identifying key historical 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](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 protected by the First Amendment in different media contexts. You should also be able to 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.

**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](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 books are 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.
  - Engage fully to our collective work of learning. Please do not engage in behavior that detracts your (and possibly others’) attention from the course. 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.

In the unlikely event that you miss a class, please remember the following:

- Unexcused absences from discussion meetings will lower your participation grade. It’s impossible to participate when you are absent, you may be out of the loop in future discussions because of something you missed. If you have an excused absence, please consult with me about a make up assignment.
- Exam questions will frequently be drawn from course lectures and discussions, so it’s your responsibility to obtain notes, assignment sheets, and whatever else you might have missed – do not ask me for them if you missed class. It might be a good idea to find a partner and agree to fill each other in when you miss class. Never, ever (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 absences 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. Before each exam I will distribute a review sheet a week before the exam. 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 ten designated debates this semester. Every student will participate in five. Each debate will include 3-4 propositions that relate to the most recent set of readings. For two of these debates, you will be assigned to serve as an advocate arguing for or against one of the 3-4 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 1-3 page paper that you will turn in on the day of the debate. For the other three debates, you will be assigned to serve as a judge. You should review the entirety of the debate and issue a 1-3 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 is expected, regardless of whether you are participating in the debate. Each student has the option of writing a judgement for a debate for which they are not assigned to replace the lowest “debate judgement” grade.

Course rules and responsibilities

- Some of the policies relating to this course are governed by its administrative home, the College of Liberal Arts and Sciences, 120 Schaeffer Hall.

- **Registration Deadlines** – Last day to drop without a W: Jan. 29. Last day to drop with a W: April 2.

- **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.

- **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+.

- **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. The Writing Center and the Speaking Center are valuable resources for this course.

  - Writing Center: https://writingcenter.uiowa.edu/
  - Speaking Center: https://speakingcenter.uiowa.edu/

- **Academic Fraud** – We are bound by the Code of Academic Honesty, in which each of us agreed 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." Attempting to disguise another’s work as your own is therefore strictly forbidden. Words that are not your own must be clearly identified by the use of quotation marks. Paraphrased material must be properly cited. We examine papers carefully for signs of plagiarism and will prosecute offenders to the fullest extent of university policies. Consciously or unconsciously plagiarizing is lazy, foolish, self-defeating, and extremely ill-advised. The University provides penalties for plagiarism ranging from disciplinary probation to dismissal from the University. We will review the proper techniques to research and write papers and tests correctly to avoid even accidental plagiarism. If you are in doubt as to whether you may be plagiarizing, ask me for help. Ignorance or indifference to these guidelines is not a defense. For more information, see http://clas.uiowa.edu/students/handbook/academic-fraud-honor-code.

- **Computer responsibilities** — You are responsible for knowing how to use a computer. This includes 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. You must have a uiowa.edu account and be able to receive e-mail there. Check this account regularly and forward to your primary account if necessary. All email communication for the course (both sent and received mail) must move through your uiowa.edu account. Course announcements will also be posted on ICON, so be sure to check in regularly.

- **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.

- **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.
• **Special accommodations** – I want to hear from anyone who has a disability that may require some modification of seating, testing or other class requirements. Please contact me during my office hours, by e-mail or after class. Special academic arrangements for students with disabilities are handled in cooperation with Student Disability Services (https://sds.studentlife.uiowa.edu/). Students who feel they need special accommodations for any aspect of the course are encouraged to contact SDS and to speak with the instructor and/or TAs early in the semester, so that accommodation can be made as soon as possible.

• **Conflict resolution** – Should conflict arise, please seek to resolve them with me directly. Students seeking to resolve a conflict should first contact myself, then, should the issue remain unresolved, David Ryfe (DEO, School of Journalism and Mass Communication).

• **Sexual harassment policy** – Sexual harassment will not be tolerated. We all have a duty to report incidents of sexual harassment immediately. See the UI Comprehensive Guide on Sexual Harassment at for assistance, definitions, and the full University policy. Immediately report any concerns to Professor Oates or to the DEO of the School of Journalism and Mass Communication, David Ryfe.

• **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.

**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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<tbody>
<tr>
<td>Professionalism &amp; Section Attendance</td>
<td>35</td>
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<tr>
<td>Reading Quizzes</td>
<td>35</td>
<td>Periodic (unannounced)</td>
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<tr>
<td>Debate as advocate (2 x 40 each)</td>
<td>80</td>
<td>TBA</td>
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<tr>
<td>Debate judgement (3 x 25 each)</td>
<td>75</td>
<td>TBA</td>
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<tr>
<td>Midterm Exam</td>
<td>50</td>
<td>March 7</td>
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<tr>
<td>Final Exam</td>
<td>75</td>
<td>TBA</td>
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<tr>
<td><strong>Course total</strong></td>
<td><strong>350</strong></td>
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**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.

January 17
Introductions and course overview

Section
Section Overview

Matt Ridley, Johan Nordberg, David Runciman, Laura Kuenssberg, “The New Optimism”

January 22
John Milton, Aeropagitica

January 24
John Stuart Mill, On Liberty, Chapter 2: On Liberty of Thought and Discussion”

Introduce Debate #1

Section
Debate #1

January 29
Tedford & Herbeck, Chapter 1: Freedom of Speech: The English Heritage

January 31
The Constitution of the United States of America


Introduce Debate #2

Section
Debate #2

February 5
Tedford & Herbeck, Chapter 2: Freedom of Speech in America to World War I

February 7
Tedford & Herbeck, Appendix I: Federal Court System of the United States.

Section
Review of the U.S. court system

February 12

February 14
Introduce Debate #3

Section
Debate #3

February 19
Tedford & Herbeck, Chapter 9: Prior Restraint

February 21
Introduce Debate #4

Section
Debate #4

February 26
Menand, “History Written in Lightening: The NAACP’s Bid to Ban Birth of a Nation.

February 28
Introduce Debate #5

Section
Debate #5
<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
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<tbody>
<tr>
<td>March 5</td>
<td>Review for Midterm Exam</td>
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<td>March 7</td>
<td>Midterm Exam</td>
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<td>Section</td>
<td>Review of Exam</td>
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<td>March 12</td>
<td>Spring Break</td>
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<tr>
<td>March 14</td>
<td>Spring Break</td>
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<td>March 19</td>
<td>Tedford &amp; Herbeck, Chapter 8: Commercial Speech</td>
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<td>March 21</td>
<td>Tedford &amp; Herbeck, Chapter 6: Religio-Moral Heresy: From Blasphemy to Obscenity</td>
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<td>Introduce Debate #6</td>
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<td>Section</td>
<td>Debate #6</td>
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<td>March 26</td>
<td>Tedford &amp; Herbeck, Chapter 4: Defamation</td>
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<td>March 28</td>
<td>Introduce Debate #7</td>
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<td>Section</td>
<td>Debate #7</td>
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<td>April 2</td>
<td>Tedford &amp; Herbeck, Chapter 10: Special Problems of a Free Press</td>
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<td>April 4</td>
<td>Tedford and Herbeck, Chapter 11: Constraints of Time, Place, or Manner</td>
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<td>Introduce Debate #8</td>
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<td>Section</td>
<td>Debate #8</td>
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<td>April 9</td>
<td>Tedford &amp; Herbeck, Chapter 13: Copyright</td>
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<td>April 11</td>
<td>Tedford &amp; Herbeck, Chapter 12: Institutional Constraints: Freedom of Speech in the Schools, the Military, and Prisons</td>
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<td>Introduce Debate #9</td>
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<td>Section</td>
<td>Debate #9</td>
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<tr>
<td>April 18</td>
<td>“‘There’s No Such Thing as Free Speech’: An Interview with Stanley Fish”</td>
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<td>Wendy Kaminer, John McWorter, Shaun Harper, Jason Stanley,</td>
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<td>“Free Speech is Challenged on Campus”</td>
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<td></td>
<td>Introduce Debate #10</td>
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<td>Section</td>
<td>Debate #10</td>
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<td>April 23</td>
<td>Tedford &amp; Herbeck, Chapter 14: Access</td>
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<tr>
<td>Date</td>
<td>Event</td>
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<tr>
<td>April 25</td>
<td>&quot;Debating the Constitution: Technology and Privacy&quot;</td>
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<td>Section Make-up</td>
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<td>April 30</td>
<td>Course Wrap-up and Review</td>
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<td>May 2</td>
<td>Review for Final Exam</td>
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<td></td>
<td>Section Wrap-Up</td>
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<tr>
<td>Finals Week</td>
<td>Final Exam</td>
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