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). 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. Course assignments are designed to assess you learning of these objectives.

Books and Materials. The following required books are available in Prairie Lights bookstore:

- Anthony Lewis, Freedom for the Thought That We Hate: A Biography of the First Amendment (Basic Books, 2010). $15.95.

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.
• Excepting officially excused absences or other extraordinary circumstances, you will not be allowed to make up work you missed. 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.

• **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. 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 several opportunities to debate the merits of past legal rulings and the principles on which they rest. You are expected to read all assigned work before the designated debate meetings (see syllabus). For each discussion, you should review the questions posted on the course website. In order to participate, you may simply offer your views by speaking in class on that day. Alternately, you may log on to the discussion board before midnight of the debate day (see syllabus) and converse with your fellow students, using the discussion questions as prompts for conversation. You can earn up to 10 points for participating. You can gain three points for signing the attendance sheet, and can earn five, six or seven points if you make a quality contribution to the debate in person or online (see document marked “Debate Guidelines” for details).

• **Dissenting Opinion Essay** – You must write a 500-750 word (2-3 page) essay explaining your disagreement with any legal ruling referenced in our assigned reading. You must explain your point of view and how your view is rooted in a tradition of legal interpretation and supported by some legal precedent. Your opinion is due one week after the case you choose is discussed in course readings.

**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: Sept. 2. Last day to drop with a W: October 31.

• **Class meetings** – 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.

• **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/](https://writingcenter.uiowa.edu/).
Speaking Center: [https://speakingcenter.uiowa.edu/](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](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/](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.

### Requirements

The schedule of papers and tests, as well as the credit assigned to each, will be as follows:
## Assignment Points Date

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professionalism</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Reading Quizzes</td>
<td>25</td>
<td>Periodic (unannounced)</td>
</tr>
<tr>
<td>Participation in Debates</td>
<td>50</td>
<td>9/7, 9/19, 10/5, 10/19, 11/16, 12/5</td>
</tr>
<tr>
<td>Midterm Exam</td>
<td>75</td>
<td>10/12</td>
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<tr>
<td>Dissenting Opinion Essay</td>
<td>75</td>
<td>Varies</td>
</tr>
<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.

- **Monday, August 22**: Introductions and course overview
- **Wednesday, August 24**: John Milton, *Aeropagitica*
  
  [http://www.dartmouth.edu/~milton/reading_room/areopagitica/text.html](http://www.dartmouth.edu/~milton/reading_room/areopagitica/text.html)

  *There’s No Such Thing as Free Speech: An Interview with Stanley Fish*
  

- **Monday, August 29**: Tedford & Herbeck, Chapter 1: Freedom of Speech: The English Heritage
- **Wednesday, August 31**: Tedford & Herbeck, Appendix 1: Federal Court System of the United States.
- **Monday, September 5**: Tedford & Herbeck, Chapter 2: Freedom of Speech in America to World War I
- **Wednesday, September 7**: Lewis, Chapters 1 and 2

  Debate #1
Monday, September 12  

Wednesday, September 14  
Tedford & Herbeck, Chapter 9: Prior Restraint

Monday, September 19  
Lewis, Chapters 3 and 7

Debate #2

Wednesday, September 21  
Cass Sunstein, “Political Speech and the Two-Tier First Amendment”
Daniel A. Faber, “The Categorical Approach to Protecting Free Speech in American Constitutional Law”

Monday, September 26  
Tedford & Herbeck, Chapter 8: Commercial Speech

Wednesday, September 28  
Menand, “History Written in Lightning: The NAACP’s Bid to Ban Birth of a Nation.”

Monday, October 3  
Tedford & Herbeck, Chapter 6: Religio-Moral Heresy: From Blasphemy to Obscenity

Wednesday, October 5  
Lewis, Chapter 8

Debate #3

Monday, October 10  
Review for Midterm Exam

Wednesday, October 12  
Midterm Exam

Monday, October 17  
Tedford & Herbeck, Chapter 4: Defamation

Wednesday, October 19  
Lewis, Chapter 4

Debate #4

Monday, October 24  
Tedford & Herbeck, Chapter 10: Special Problems of a Free Press

Wednesday, October 26  
Lewis, Chapter 6

Monday, October 31  
Tedford & Herbeck, Chapter 13: Copyright

Wednesday, November 2  
Workshop

Monday, November 7  
Tedford and Herbeck, Chapter 11: Constraints of Time, Place, or Manner

Wednesday, November 9  
Tedford & Herbeck, Chapter 12: Institutional Constraints: Freedom of Speech in the Schools, the Military, and Prisons

Monday, November 14  
Lewis, Chapter 10

Wednesday, November 16  
Stanley Fish, “There’s No Such Thing as Free Speech and It’s a Good Thing Too”

Debate #5
<table>
<thead>
<tr>
<th>Date</th>
<th>Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, November 28</td>
<td>Tedford &amp; Herbeck, Chapter 14: Access</td>
</tr>
</tbody>
</table>
| Wednesday, November 30| Tedford & Herbeck, Chapter 15: Approaches to Free and Responsible Communication  
Lewis, Chapters 11-12 |
| Monday, December 5    | Debate #6                                       |
| Wednesday, December 7 | Review for Final Exam                           |