

Course description and objectives

This is a course about the theory and practice of “freedom of speech” as it has shifted and changed in the US over the past century or so. Some of the major questions we’ll examine this semester include:

- Where does the idea of “free speech” come from?
- Why is it something our culture values? Is it something our culture **really** values?
- What responsibilities (if any) go along with the right to free speech?
- What limits (if any) do we need to place on free speech?
- How do we distinguish “expression” from “action”?

None of the big questions we’ll address this semester have easy answers. What you learn will depend on (1) your ability to think **critically** about the ideal role of free speech in a democratic society, and (2) your ability to **argue** your positions on those issues persuasively, rather than your ability to memorize and repeat the “right” answers.

Content warning

This is a tough course. That’s not simply a way of saying that there’s a lot of hard work involved (though that’s also true). Rather, it’s a way of saying that, by necessity, the substance of the course is controversial and often emotionally challenging. Free speech cases don’t arise around lighthearted subjects that make people feel all warm and fuzzy inside. They involve language that many people find to be foul and offensive, and ideas that many people believe to be dangerous and threatening. We will spend most of the semester reading and talking about bigots, communists, evangelicals, flag burners, libertarians, pacifists, performance artists, pornographers, protesters, revolutionaries, sex offenders, socialists, strippers, white supremacists, and other controversial characters. The odds that you will feel perfectly comfortable with **all** of these topics are small.

It’s important to acknowledge up front that this course deals with very tough issues. At the same time, there are several things we can all do to minimize the emotional stress of addressing those issues:

- Debate the issues, rather than personalities. It’s possible to express your disagreement with what someone else has said or written without attacking them personally.
- Be extra patient with each other. Recognize that making mistakes is an important part of the learning process, and that those around you (as well as yourself, of course) may say and write things that seem wrong. You don’t have to be silent at such moments, but any intervention you make should aim for something closer to “helping them see the light” than to “calling them out.”
- Show mutual respect to each other. For the next four months, we need to share the spaces of the course (both physical and virtual) and work together productively. It is unlikely that we will all agree on all the major questions and issues at the heart of the course, but we can all still treat one another with the same care and respect that we would want for ourselves.

Philosophy

Any good course is like a gym membership: what you get out of the experience will depend on how much time and effort you put into it. Ideally, there are at least three kinds of things that you will learn in this class:

- new facts (i.e., information about the world that you have not encountered before)
- new viewpoints (i.e., ways of seeing and understanding the world that are different than your own)
- new skills (i.e., techniques and abilities that are either new to you or that help you improve existing skills)

To make this kind of learning happen, you will need to:

- Read a lot. Many -- if not most -- of the new facts and new viewpoints you’ll encounter this semester will come from the readings. Those facts and viewpoints will help you build the arguments you’ll need to make in your written work. If you don’t do the reading (or do it too casually), you will have a very hard time making strong contributions to our discussions or writing well-informed, persuasive essays.
- Speak a lot. One of the major skills you should learn during your college years is the ability to express yourself effectively in a public forum. This is a difficult skill to learn, however, if you don’t practice it. Additionally, one of the most important ways that you will be exposed to new viewpoints this semester is by engaging with what your classmates think about the course material . . . but in order for everyone to get this benefit, **everyone** (including you) has to contribute to our discussions on a regular basis.

- Listen a lot. Beyond that, listen carefully and respectfully. You should have something productive to contribute to our discussions every time we meet -- but so should all your classmates. You need to pay attention to what **everyone** says, and treat it with the same care and respect that you want for yourself.
- Write a lot. As with speaking, one of the major skills that any college graduate should have is the ability to write clearly and persuasively. And, again, the best way to learn this skill is by practicing it. No one becomes a better writer without actually writing a lot. Our online discussions will provide one version of that kind of practice, but the more formal writing associated with the major assignments for the course are (ideally) where you will get the most -- and best version -- of that kind of practice.
- Expect to make mistakes. It's unrealistic to assume that you (or anyone else) will be perfect in everything that you say, write, and do all semester long. Mistakes are a normal part of any learning process. You should assume you will make them, and that it's okay to do so, as long as you can learn from them in ways that help you make fewer of them at the end of the course than you do at the start.

Workload

This is a 3 credit hour course, which means that you should plan on **at least 9 hours of work per week** to earn a passing grade. N.B.: This figure is both an **estimate** (since actual reading/writing speeds vary) and an **average** (some weeks may require more work than others). It reflects the **minimum** amount of work needed to pass the course. If you want an above-average grade, you may need to spend more than 9 hours/week on this course.

Don't overburden yourself. 12-15 credit hours translates into at least 36-45 hours of work per week: i.e., the equivalent of a full-time job. If you're enrolled in **more** than 15 credit hours, you may be taking on more than is wise. This is especially true if you have other major life responsibilities (e.g., jobs, internships, parenting, family care). There are only 168 hours in a week. If your schedule requires more than 80 hours/week for school, work, and other major responsibilities, then you may want to find ways to ease your load.

COVID-19

The pandemic is a challenge for all of us. Sadly, we have no magic wand to wave that will end it for good. But there are things that we can still do to keep all of us safe and healthy all semester long. To that end, and with the guidance that the group provided in responding to the pre-semester survey (thanks for that!), these are course-specific rules and policies related to the pandemic:

- Wear the highest quality face mask you can, and wear it properly and consistently.
- No eating is allowed in class.
- Only "quick sip" drinking is allowed.
- "Social distance" as much as space and numbers allow.
- Keep each other honest -- but do so with kindness and respect.

Ideally, we will get to conduct the course in person all semester long. But if the past two years have taught us anything, it's that we should expect the unexpected. As such, the course is structured in a way that (hopefully) will make it relatively easy (which, to be clear, is not the same thing as "good" or "desirable") for us to pivot to an online version of the course if that becomes necessary.

Canvas

If you're on the course roster, you should already have access to the course's Canvas site. Log in to the [U's main Canvas page](#) and select "COMM 3631" from either the Dashboard or the Courses menu. Canvas offers additional information about how to use the platform in both [text](#) and [video](#) formats

We will use Canvas for several things this semester:

- access to the official course documents
- access to all the required readings
- Discussion Forums where you will contribute posts and comments about the course material
- a repository for various media examples relevant to our required readings
- the delivery mechanism for your major writing assignments
- business-related announcements about the course

There are Canvas apps for both Android and iOS, though these are **not** the most efficient way to use the site, and I would **strongly** advise you not to use these apps as your primary platform for accessing the course content.

Times

All listed times are US Central Time. If you find yourself in some other time zone at some point during the semester, it is your responsibility to do whatever timezone math is necessary to sync up with US Central Time.

Deadlines for the written assignments are automatically enforced by Canvas. In particular, please note that Canvas will **lock** the Discussion Forums at the end of each Block.

Office hours will happen by appointment using Zoom. I am happy to meet with any/all of you one-on-one to discuss the course. But the last two years have made it clear that dedicated Zoom office hours are not much help to anyone. The openings in my weekly schedule that I could reliably use for regular office hours will not always overlap with your availability, which makes such scheduling less helpful for you. And Zoom office hours where no one shows up are no fun for me. If there turns out to be strong demand for regularly scheduled office hours **and** people actually show up for those, I will be very happy to set those up.

Blocks

The course is organized in 7 two-week Blocks, each of which will use the following schedule:

- Day 1 (1st Tue) 9:00 am Block begins // Discussion Forum opens for business
- Day 1 (1st Tue) 11:15 am In-person class meeting #1
- Day 3 (1st Thu) 11:15 am In-person class meeting #2
- Day 7 (1st Mon) 5:00 pm DC mini-deadline
- Day 8 (2nd Tue) 11:15 am In-person class meeting #3
- Day 10 (2nd Thu) 11:15 am In-person class meeting #4
- Day 14 (2nd Mon) 5:00 pm Block ends // Discussion Forum automatically locked

Grades

This course follows the University's published standards for A-F grading:

- A: "achievement that is outstanding relative to the level necessary to meet course requirements"
- B: "achievement that is significantly above the level necessary to meet course requirements"
- C: "achievement that meets the course requirements in every respect"
- D: "achievement that is worthy of credit even though it fails to meet fully the course requirements"
- F: "signifies that the work was either (1) completed but at a level of achievement that is not worthy of credit or (2) was not completed"
- I: incompletes will only be given under "extraordinary circumstances" (i.e., major life emergencies)
- S/N: only students who have registered for the course on an S/N basis are eligible for these grades

You will assign yourself a final grade for this course. Sort of. There are **baseline requirements** that you **must** meet in order to earn a final grade of C- (i.e., the minimum for the course to count toward degree requirements):

- 20+ participation credits accumulated over 4+ Blocks
- 10+ discussion credits accumulated over 4+ Blocks
- Reflection Essay (1000+ words)
- 2+ Case Study assignments (1000+ words each)
- Self-Assessment Essay (1500+ words)

For any grade above a C-, you should produce a quantity and quality of work above and beyond those baseline requirements that matches the University standards quoted above. [Bonus tip: The easiest path to justifying any grade above a C+ involves earning credit for more than 2 CSs.]

My working assumption is that the grade you assign yourself will be the grade that I officially assign you at the end of the semester -- but that assumption depends on your backing up your claim with solid evidence and a persuasive argument. I reserve the right to assign you a different final grade -- higher or lower -- if there is a significant gap between the grade you assign yourself and your actual performance. [The history here is admittedly brief, but I have never assigned a student a lower grade than they have claimed they deserved.]

If you fall short of **any** of the baseline requirements, the highest grade you can earn for the course is a D+. In such a scenario, precisely what grade you will earn will depend on how far short of those requirements you fall.

Important side note: Canvas' gradebook is **not** well equipped to handle unconventional grading systems. It makes a lot of questionable assumptions about how grades should be calculated, and reports grades to you based on those assumptions -- and this can be **very** misleading if you're not careful in how you read the numbers it feeds you. Its flaws notwithstanding, Canvas is still the easiest way for me to keep you informed of your running totals with respect to participation and DC credits.

Participation

This is **not** a lecture-based course. Our class meetings will be structured around discussions, so you'll need to:

- attend class regularly,
- do the required readings carefully,
- come to class prepared to discuss those readings in thoughtful ways,
- contribute to in our in-class discussions/exercises in a non-trivial fashion.

On any given day, I will do my best to make sure that everyone gets a chance to make meaningful contributions to our conversations. This may mean that I will call on you if you have been exceptionally quiet or, alternately, that I will ask you **not** to speak for a while if you have been extra talkative and other students have not been heard from.

Your in-class participation needs to be significant, thoughtful, and on-topic. Simply occupying a seat in the room and/or offering a few vague generalities during our discussions is not enough. For grading purposes, if you are "present in name only" (PINO) for one of our class meetings, you will **not** earn participation credit for that day. As the name implies, a PINO day happens when you are physically present, but you do not contribute to our discussion in a substantive fashion. This includes (but is not limited to) days when:

- you are present for less than half of a given class meeting,
- you have clearly not done the assigned reading, and/or
- you are primarily a passive spectator in our in-class activities.

Decisions about what counts as a PINO day will be based on my assessment of your in-class performance, and I will email you about any such decision within 24 hours of the class meeting in question.

We have 28 scheduled class meetings this semester, each of which allows you to earn 1 participation credit, and you need at least 20 participation credits in order to meet the baseline requirements for passing the course.

In an ideal world, everyone is present for -- and contributes productively to -- every class meeting all semester long. In the real world, this never happened, even before the pandemic. In our current world, it's even less likely to happen. The course is set up, as best as possible, to minimize the impact that missing class will have on your ability to earn a passing grade -- with the important caveat that your grade is not the same thing as your learning experience. Here are important guidelines for how to handle any class meetings you may miss this semester, for whatever reason.

- **When in doubt, stay home.** Being in class is important for your learning experience. But your health -- and the health of those around you -- is more important than that.
- **Contact me.** I don't need (or want) documentation for your absences, and I can't re-enact everything that happened in class for you. But staying in touch will make it easier for me to help you stay on top of things.
- **Don't panic.** The baseline requirement for in-class participation means that you can miss 8 class meetings (the equivalent of 4 weeks) and still pass the course. Ideally, of course, you don't miss anywhere near that much time. But there's a **lot** of slack built in to the system, and that's deliberate.
- **Make extra DCs.** When you miss a class meeting, the main impact on your grade is that you lose an opportunity to earn participation credits. For any class that you miss, you can earn back the participation credit you missed with 1 extra DC. That extra DC can happen at any point in the semester. [N.B.: You can **not** use extra DCs to make up for PINO days.]
- **Support each other.** There's no real substitute for being part of a live, in-person discussion, and there are limits to what someone else's account of a class meeting can tell you about what actually happened in that space for 75 minutes. That said, it is still a good idea to have a "buddy" (or two! or three!) in class who can share their notes and/or summaries of sessions you miss.

Discussion contributions (DCs)

Each Block will have its own discussion forum, which will be open for your contributions from 9:00 am on Day 1 (1st Tuesday) until 5:00 pm on Day 14 (2nd Monday).

The discussion forum works best when it becomes a space for interactive conversations among the group, rather than a mere collection point for “one-way” messages that no one else responds to. But that doesn’t happen effectively if too many people wait until the end of the Block to share their DCs. To avoid that unhappy scenario, there is a mid-Block deadline (5:00 pm on Day 7 (1st Monday)) that affects how many DC credits you can earn for that Block. As long as you earn 1 DC credit before that deadline, you can earn as many DC credits as you like for that Block. If you miss that deadline, the maximum number of DC credits you can earn for that Block is 2.

In order to earn credit, any given DC:

- must be **at least 250 words** long (quotations and extended “filler” prose will **not** count toward that total)
- should stake out a clear position on a **major course-related issue** raised by whatever you are responding to
- should support that position with a **persuasive argument**

DCs that (1) are primarily summaries of the readings, (2) focus on minor facets of the readings and/or on topics unrelated to the course, or (3) offer simple statements of (dis)agreement without any substantive commentary of your own will **not** meet this requirement.

There are 4 types of DCs you can make.

- Type #1: respond to **one** of the current Block’s required **readings**
- Type #2: respond to an in-class **exercise or discussion**
- Type #3: respond to a DC made by one of your **classmates**
- Type #4: respond to **at least two** of the required **readings** (at least one from the current Block) in ways that put those readings in meaningful conversation with each other

For any given Block, you can only earn credit for a second (or third) DC of any particular type if you have also earned credit for each of the other 3 types during that Block.

Canvas will automatically close the forums at the end of each Block (i.e., 5p on Day 14).

Tips:

- Good DCs involve an approach to writing that is more formal than the average in-class discussion but less formal than a standard research paper. You do not need to approach your DCs as if you were producing a publishable essay, but you should still craft your words with enough care and thought for them to be productive additions to a larger conversation. Think about what you want to say **before** you start writing. After you’ve written something, re-read and edit it for clarity and style before you post it.
- In order to respond to your classmates’ DCs appropriately, you will need to read them with the same care and thought that you give to the required readings. You are **not** obligated to read every DC that gets posted, but you should still do your best to follow as much of the full conversation as you can.
- Your DCs should be respectful and constructive -- especially (though not exclusively) if you are disagreeing with something one of your classmates has written.

Reflection essay (RE)

In a well-crafted and thoughtful essay of **at least 1000 words**, explain what you (think you) already know about freedom of speech. This is **not** a research paper. It is a deliberately open-ended essay in which you summarize your current knowledge, opinions, and questions you have about the course’s central theme. It will provide a useful touchstone when you write your Self Assessment Essay at the end of the semester. Some questions that you might want to consider in your RE include:

- Does free speech matter? Why or why not? What (if any) are the dangers in placing restrictions on free speech? What (if any) are the dangers in **not** placing any restrictions on free speech?
- What kinds of speech (if any) should **not** be permissible? What sorts of penalties should be imposed on people who engage in such speech? Why should these kinds of speech be subject to more severe restrictions than other speech?
- Whose responsibility (if anyone’s) is it to impose and enforce restrictions on speech? What makes them the best choice to take on such a task?

To be clear, this isn’t an exhaustive list of questions to think about, nor are you obligated to address them all.

This paper is due by **5:00 pm on 31 Jan**. Please remember that the RE is one of the **baseline requirements** you **must** meet for the course. To that end, the following rules also apply:

- Every day (or fraction thereof) that your RE is late will add 1 participation credit to the total that you will need in order to meet the baseline requirements.

- Every 100 words (or fraction thereof) that your RE falls short of the 1000 word requirement will add 1 participation credit to the total that you will need in order to meet the baseline requirements.
- REs that stray too far from the prompt will **not** count as successful fulfillment of the requirement, and you will need to submit a fresh RE that addresses the prompt properly. That “second chance” RE will be subject to the same penalties described above for lateness and/or shortness.

Case studies (CSs)

I will post 10 different CS narratives on Canvas -- 1 per week, starting on 15 Feb -- each of which will describe a hypothetical free speech case. For each of these, you can write and submit a report that explains how you would resolve the case in question and why you think your solution is the best one.

For each CS that you submit, your completed report must consist of two parts:

- Two **lists** -- one for each side of the case -- of the most important facts and arguments that support those sides. Each list must include **at least 5 items**, each of which must consist of **complete sentences**.
- An **essay of at least 1000 words** that explains how you would resolve the case in question and -- most importantly -- presents a **persuasive argument** in support of your chosen resolution. Your argument should demonstrate that you are familiar with the required readings most relevant to the case in question. [N.B.: Your lists do **not** count towards the 1000-word requirement.]

You **must** submit **at least 2** successful CSs in order to meet the baseline requirements for the course. You are free to submit as many additional CSs as you like -- and should almost certainly do so if you are aiming for a course grade higher than a C-. The final -- firm and non-negotiable -- deadline for all CSs is **5:00 pm on 11 May**. The only **potential** exceptions to this rule involve situations where you have a **documented** major life emergency.

CSs will **not** be assigned formal grades -- either they meet the requirements and earn credit, or they don't -- but I will return CSs submitted prior to 4 Apr with constructive feedback. In the event that a CS submitted prior to that deadline does not earn credit, you will have the chance to revise and resubmit it in ways that bring it in line with the assignment's requirements. Such revisions will be due by **5:00 pm on 11 May**.

At least one CS is due by **5:00 pm on 21 Mar**. Please remember that this is one of the **baseline requirements** you **must** meet for the course. To that end, the following rules also apply:

- Every day (or fraction thereof) that your first CS is late will add 1 participation credit to the total that you will need in order to meet the baseline requirements.
- Every 100 words (or fraction thereof) that any CS falls short of the 1000 word requirement will add 1 participation credit to the total that you will need in order to meet the baseline requirements.

Other CS rules/tips:

- There is no single “right” answer that I look for with respect to CS essays. To the best of my ability, I've written the scenarios so that strong arguments can be made for either of the major positions involved, and so the overall quality of **your** argument matters more than which position you take. That said, some positions are much harder to defend successfully than others. Whatever position you take should be well supported by (a) the available facts and (b) a persuasive, well-constructed argument.
- Remember that your goal isn't simply to demonstrate that you have an opinion: it's to persuade your reader **why** your position on the issue at hand is the best one (or, at the very least, a better one than most others). CSs that merely assert a position without arguing it will **not** meet the requirements of this assignment. That same rule applies to any CS essay that presents extended summaries of the cases or the readings, rather than an argument of your own.
- Take relevant arguments from our required readings into account when you write your CS essays. You are **not** obligated to agree with those arguments, but you also aren't allowed to simply ignore them. And even if you **do** agree with those arguments, you still need to make **a persuasive argument of your own** for how and why the reading in question is the most appropriate guide to resolving the scenario in the CS.
- Do **not** attempt to respond to the CSs by inventing additional “facts” that magically make the complications and tensions in the case disappear (e.g., a new amendment to the Constitution, ratified just last week, that somehow settles the case at hand in a clear and obvious way).
- The items on your lists should focus on the specific details of the case in question, rather than generic claims related to free speech. (Example: “The First Amendment protects speech” is not a helpful list item, but “The SCOTUS has consistently held that parades (such as the one in this CS) count as a kind of speech and are subject to First Amendment protection” would be.)

Revisions

Any CSs that you submit prior to 4 Apr will come back to you with feedback from me no later than 3 May, and you can -- if you so desire -- revise and resubmit those CSs in order (a) to meet the baseline requirements and/or (b) help justify a higher final grade for the course. Any such revisions are due by **5:00 pm on 11 May**.

In general, the kind of revision that you should aim for involves more substantial work than just minor proofreading or copy-editing corrections. Precise details will vary, but you should assume that any suitable revision will involve reorganizing and/or restructuring your original essay, discarding sections that didn't work well, writing fresh prose, rethinking key pieces of your original argument, and/or undertaking fresh research. Put simply, if your initial version of an essay is so strong that all it really needs to improve it is for you to fix a few typos (or something similarly minor), I will tell you so explicitly in my feedback.

Self-assessment essay (SAE)

In a well-crafted and thoughtful essay of **at least 1500 words**, tell me the final course grade that you deserve, and make a persuasive argument to support that claim. Some important things to consider in your SAE include:

- The quantity of the work you did. How far above and beyond the baseline requirements did you go? If you barely exceeded them (e.g., 21 DCs spread over 5 Blocks, with only 2 CSs), you'll have a much harder time justifying an A than if you earned credit for 5 CSs and 40 DCs spread over all 7 Blocks.
- The quality of the work you did. Did you write exceptionally strong and polished CSs? Or did you do just enough to meet the technical requirements? Did my feedback on your work describe it as excellent, or did I suggest that you make significant revisions to it?
- The University's listed standards for grades. You can find these on page 3 of this syllabus. Did your work go "significantly above" the course requirements (e.g., earn a B), or was it "outstanding" relative to those requirements (e.g., earn an A)?
- What you actually learned. Reread your RE before you start writing your SAE. Remind yourself of what you knew (or didn't know) in January, and then compare that with what you know in May. One way to make a strong case for a particular grade is to evaluate the distance you've traveled between the start and end of the semester and/or to write an essay that visibly demonstrates what you've learned.

To be clear, this is not an exhaustive list of issues to cover in your SAE, nor are you obligated to address them all.

Your SAE is due by **5:00 pm on 11 May**. Please remember that the SAE is one of the **baseline requirements** you **must** meet for the course. To that end, every 100 words (or fraction thereof) that your SAE falls short of the 1500 word requirement will result in a penalty of a fractional grade deducted from your course grade (e.g., if you otherwise would have earned a B, but your SAE is only 1420 words long, you will receive a B- for the course).

Word counts

Your goal for any given assignment should be to submit high quality work, rather than a certain quantity of words. The word count requirements for any given assignment represent the **minimum** amount of writing necessary to produce acceptable work. Your main goal should be to write **strong** DCs and essays, rather than ones that simply trickle past the listed minimum by a few words.

Some additional word count rules/tips:

- The minimum word count requirement for any given assignment is **firm**. If what you've written falls short of the required word count, you will **not** receive credit for that assignment.
- Different apps/programs use different rules for counting certain kinds of text (e.g., hyphenated words, abbreviations, numbers). As such, the same essay may have different word counts depending on which program is doing the counting. Aiming to write DCs and essays that are just barely long enough is bad practice in general, but it also comes with the risk that what looks to be long enough on your end will fall short of the minimum requirement on my end -- and the latter is the count that matters.
- Don't pad out your writing with "empty" words. If more than 10% of any given piece of written work consists of filler prose (e.g., extended summaries of the readings, generic greetings, etc.), **only the non-filler words will count** toward meeting the requirement in question: e.g., a 1200-word CS essay that includes 200 words that summarize the case and another 200 words of filler (e.g., "I thought for a long time about the best way to resolve the case, because the issues at stake are very complicated and could reasonably be decided in either direction, but it's so very important to protect the values embodied in the First Amendment so that we can have a great democracy and healthy society, and this is why I needed to think long and hard about how to decide this case . . .") will count as an 800-word essay.

- **For DCs:** Only your own words count: e.g., 75 words from you plus 250 words quoted from elsewhere will count as 75 words, rather than 325.
- **For the RE, CSs, and the SAE:** Only the main body of your text counts. Headers, footers, titles, and reference lists do not count. Quotes from other sources **do** count, but **only** if those quotes are trimmed to an appropriate length (e.g., do **not** quote a 75-word passage from one of our readings if only 10 of those words are actually necessary for your argument to work well).

Academic dishonesty

The following is a partial list of examples of academic dishonesty:

- plagiarism in any of its forms
- copying another student's work (in whole or in part)
- having someone else do any of the course's required work on your behalf
- knowingly assisting someone else in their efforts to engage in any of the above practices

The **minimum** penalty for academic dishonesty is a grade of **zero (0)** for the Block in question. For more details, please see the U's information page on [student integrity](#).

Miscellaneous

- Our discussions will cover topics that are likely to evoke strong differences of opinion. I don't expect our class meetings to produce unanimous agreement about those topics, but I do expect our discussions to be characterized by mutual respect and collegiality. Strong opinions are acceptable. Verbal bullying and personal attacks, on the other hand, will not be tolerated under any circumstances.
- Significant disruptions of the normal flow of course-related business -- e.g., using cell phones in class, excessive side chatter, premature leave-taking behavior -- may result in grade penalties.
- The contents of this course -- both in-person and online -- are not intended for public circulation or distribution. You can make audio and/or video recordings of class meetings for your personal use, provided you do so without disrupting the ordinary flow of the class. You can download and make personal backup copies of online materials to help you complete the course successfully, but not otherwise. The purchase and/or sale of either written notes or recordings of class meetings is strictly prohibited.
- I will make every reasonable effort to accommodate students' needs relating to religious holidays and/or documented disabilities. By University policy, you must provide me with written notice (for religious holidays) and/or official documentation (for disabilities), and you must do so with enough lead time for such accommodations to be arranged.
- Please pay attention to the U's official notices regarding:
 - [policy statements for syllabi](#)
 - [policy regarding makeup work](#)
 - [COVID-19 policies and guidelines](#)

In particular, please note that the last link is subject to updates as the pandemic situation changes.

Reading schedule

Block #1	18-31 Jan	Keywords: philosophical and historical background
18 Jan	no reading	
20 Jan	Blasi, "Milton's <i>Areopagitica</i> and the Modern First Amendment"	
25 Jan	Mill, <i>On Liberty</i> (chs. I-II)	
27 Jan	Declaration of Independence US Constitution (including Amendments) Bragg, "Equality" Lessig, "What Things Regulate" "A Too-Brief Guide to the US Supreme Court"	
Block #2	1-14 Feb	Keywords: clear & present danger / fighting words / political speech
1 Feb	Schenck v. United States (1919) Gitlow v. New York (1925) Whitney v. California (1927) Brandenburg v. Ohio (1969)	

- 3 Feb** Chaplinsky v. New Hampshire (1942)
Terminiello v. Chicago (1949)
Cohen v. California (1971)
- 8 Feb** Debs v. United States (1919)
Stromberg v. California (1931)
De Jonge v. Oregon (1937)
- 10 Feb** Watkins v. United States (1957)
Lamont v. Postmaster General (1965)
- Block #3** **15-28 Feb** **Keywords: prior restraint / emotional distress / expressive conduct**
- 15 Feb** Near v. Minnesota (1931)
New York Times v. United States (1971)
Miami Herald v. Tornillo (1974)
- 17 Feb** New York Times v. Sullivan (1964)
Hustler v. Falwell (1988)
Snyder v. Phelps (2011)
- 22 Feb** Minersville v. Gobitis (1940)
West Virginia v. Barnette (1943)
United States v. O'Brien (1968)
- 24 Feb** Street v. New York (1969)
Texas v. Johnson (1989)
United States v. Eichman (1990)
- Block #4** **1-21 Mar** **Keywords: public space / hate speech**
- 1 Mar** Tinker v. Des Moines (1969)
Minnesota Voters Alliance v. Mansky (2018)
- 3 Mar** City Council v. Taxpayers for Vincent (1984)
Ladue v. Gilleo (1994)
- 15 Mar** Forsyth County v. Nationalist Movement (1992)
Hurley v. Irish-American Gay Group of Boston (1995)
- 17 Mar** R.A.V. v. St. Paul (1992)
Wisconsin v. Mitchell (1993)
Virginia v. Black (2003)
- Block #5** **22 Mar - 4 Apr** **Keywords: obscenity / nudity / pornography**
- 22 Mar** Jacobellis v. Ohio (1964)
Miller v. California (1973)
- 24 Mar** Barnes v. Glen Theatre (1991)
Erie v. Pap's (2000)
- 29 Mar** Stanley v. Georgia (1969)
Osborne v. Ohio (1990)
- 31 Mar** New York v. Ferber (1982)
Ashcroft v. Free Speech Coalition (2002)
- Block #6** **5-18 Apr** **Keywords: radio / television / internet**
- 5 Apr** FCC v. Pacifica Foundation (1978)
- 7 Apr** FCC v. Fox TV (I) (2009)
FCC v. Fox TV (II) (2012)
- 12 Apr** Reno v. ACLU (1997)
United States v. American Library Association (2003)
- 14 Apr** Packingham v. North Carolina (2017)

Block #7 **19 Apr - 2 May** **Keywords: government speech / disparagement / false statements**

19 Apr
Board of Education v. Pico (1987)
Rosenberger v. University of Virginia (1995)
NEA v. Finley (1998)

21 Apr
Pleasant Grove City v. Summum (2009)
Walker v. Sons of Confederate Veterans (2015)

26 Apr
Matal v. Tam (2017)
Iancu v. Brunetti (2019)

28 Apr
United States v. Alvarez (2012)
Susan B. Anthony List v. Driehaus (2014)

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11 May **Final deadline for all CSs and SAE**
5:00 pm