

COAS E104, Section 0147
FREEDOM OF SPEECH IN THE UNITED STATES
Fall 2001
MW 2:30 – 3:20 p.m.
BH 109

Instructor: Paul Newman
Office: Memorial Hall 327
Office phone: 855-7447
e-mail: pnxxpn@indiana.edu
Office Hours: By appointment

Associate Instructor: Manuel Triano-Lopez
Office: Memorial Hall 327
Office phone: 855-7447
e-mail: mtrianol@indiana.edu
Office Hours: M 11:00–12:00; T 2:30–4:30
Web page: <http://www.indiana.edu/~freespch/home.html>

Classmates' names, phone numbers, and e-mail addresses:

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Course Objectives. This course is designed to stimulate and increase students' analytical reasoning and critical thinking abilities through the study of the concept and practice of free speech in the United States as embodied in the First Amendment. By the end of the semester, students who have successfully completed the course should have a firm grasp of why free speech is important and what limits exist on free speech in this country. They should also be able to analyze and critically assess freedom of speech arguments and to identify areas where freedom of speech conflicts with other societal values.

Required Textbook and Readings

1. Thomas L. Tedford and Dale A. Herbeck, *Freedom of Speech in the United States*, 4rd ed., State College, PA, Strata Publishing, 1997. [T&H]

2. Decisions of actual court cases:

http://www.bc.edu/bc_org/avp/cas/comm/free_speech/decisions.html

Conduct of the Course

Attendance. Class attendance is compulsory. Unexcused absences will result in a lowered grade. Excessive absences will be grounds for an F in the course. Students are expected to arrive on time. Class will begin promptly at 2:30 p.m. (and will end promptly at 3:20 p.m.). Readings for the day's topic should be completed before the class period for which they are assigned.

Mid-term examination. A Mid-term examination is scheduled for Wednesday, October 10th during the normal class period. Plan to be in class and healthy that day.

Final examination. A comprehensive final examination covering material from the entire course will be given on Monday, December 10th 7:15 p.m. – 9:15 p.m. Barring catastrophic circumstances, no alternative time for the final examination will be scheduled. You should thus make your end-of-semester travel plans accordingly. The final examination will probably be “closed-book / open-note”, that is, you will not be allowed to use the textbook, but you will be allowed to use any notes that you personally created for the course.

Writing assignments. Two relatively short writing assignments will be required. The first will be a critical content analysis of news media coverage of free speech issues. (This will involve monitoring a news source daily for three weeks and writing a report describing what free speech issues have been covered.) The second will be a discussion of a free speech issue of the student's choice. The student will look at the issue from all/both sides and then give a thoughtful explanation of his/her own opinion. The papers must be handed in on time.

Papers must be typed double-spaced on 8 1/2 x 11 inch paper with one-inch margins on all four sides. Font size must be 12 point. Papers of more than one page must be numbered and stapled. Do not put your paper in a folder, cover, or binder.

Papers must be original work for this class. They must be your own work and not someone else's. You may use material from other writers provided that you give proper credit for what you have used. Direct quotations must be enclosed in quotation marks. If you do not give credit for the language or ideas of others, this constitutes *plagiarism*, a serious breach of the code of academic conduct. Plagiarism will result in an “F” in the course.

Class participation. Students will be expected to participate in class discussions. While active participation is encouraged, students, in large classes need to understand that they may not monopolize the discussions or debates, and that they should make a concerted effort to be considerate of and courteous to other, sometimes shy and less out-going, students.

Grading Policy

(a) The following represents the approximate relative contribution of the various assignments to the calculation of the grade in the course based on a 100 point scale. The final letter grade will be determined using a flexible curve.

First paper	18
Second paper	12
Mid-term examination	20
Final examination	<u>50</u>
Total	<u>100</u>

(b) Students may earn up to 10 bonus points for oral presentations and class participation, especially in the discussion groups. (As mentioned above, unexcused absences will result in the loss of points.)

Weekly Class Schedule and Reading Assignments

1. (Aug. 27 – Sept. 1) Introduction to the course and legal process
Readings: [a] T&H, pp. 440–41.
[b] The Bill of Rights, esp. the First Amendment
2. (Sept. 3 – 8) History of free speech (Why free speech?)
Readings: T&H, Ch. 1–2
3. (Sept. 10–15) Sedition, clear and present danger doctrine
Readings: T&H, Ch. 3
4. (Sept. 17–22) Obscenity
Readings: [a] T&H, Ch. 5
[b] *Roth v. United States*, 354 U.S. 476 (1957)
5. (Sept. 24–26) The media and the internet (indecentcy)
Readings: T&H, Ch. 13, pp. 366–71; 388–99.
6. (Oct. 1–6) Fighting words, hate speech, offensive speech
Readings: T&H, Ch. 6
7. (Oct. 8 –10) Offensive speech (cont.) / Oct. 10 - MID-TERM EXAM
- 8 (Oct. 15–17) Copyright and Plagiarism
Readings: T&H, Ch. 12
9. (Oct 22–24) Use of languages other than English
Readings: To be assigned
10. (Oct 29–31) Defamation
Readings: [a] T&H, Ch. 4, pp. 77–104
[b] *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964)
11. (Nov. 5–7) Defamation (cont.)

- Readings: [a] T&H, Ch. 4, pp. 77–104
[b] *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964)
12. (Nov. 12 -14) Symbolic speech (action vs. speech)
Readings: [a] T&H, Ch. 10, pp. 280–88
[b] *Texas v. Johnson*, 491 U.S. 397 (1989) Flag Burning
13. (Nov. 19 – *Thanksgiving break*) Class on Monday! Symbolic speech (cont.)
Readings: [a] T&H, Ch. 10, pp. 280–88
[b] *Barnes v. Glen Theatre*, 501 U.S. 560 (1989) [Lexis-Nexis]
14. (Nov. 26 – Dec. 1) Commercial speech
Readings: T&H, Ch. 7
15. (Dec 3-5) Freedom of speech in the schools
Readings: T&H, Ch. 11, pp. 297-318.

December 10th (Monday) 7:15 – 9:15 p.m. **Final Examination**