

Freedom of speech

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Comm 3631 / Spring 2023

Zoom office hours: by appointment

Overview

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 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.

Contact

The most reliable way to reach me is email (rodman@umn.edu). I try to respond to student emails within 24 hours after I first see them (which may be several hours after you contact me, especially if you do so after 10:00 pm). It is also possible to reach me via Canvas (both through the Canvas messaging system and by responding to feedback/comments I’ve left for you there), but Canvas notifications will reach me **much** slower than email does, so please don’t use Canvas for time-sensitive messages.

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.** You can -- and should -- 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.** 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 issues at stake, but we can still treat each other with the same care and respect that we would want for ourselves.

Philosophy

Any course is like a gym membership: what you get out of the experience will largely 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.** Most of those new facts and viewpoints come from the readings. If you read too casually, you’ll find it hard to contribute to our discussions and to write well-informed, persuasive essays and DCs.

- **Speak a lot.** While you can learn a lot by listening to what your classmates have to say, in order to get this benefit, **everyone** (including you) has to **contribute** to our discussions on a regular basis.
- **Listen a lot.** More precisely, listen carefully and respectfully. You should pay attention to what **everyone** in the class says, and treat it with the same care and respect that you want for yourself.
- **Write a lot.** Any college graduate should be able to write clearly and persuasively. And the best way to learn this skill is by practicing it. No one becomes a better writer without actually writing a lot.
- **Expect to make mistakes.** Mistakes are a **normal** part of learning -- and life. You will make mistakes, and that's perfectly okay . . . as long as you learn from them in productive ways.

Time

You should plan on **working at least 9 hours/week** on this course (including time in class). This figure is both an **estimate** (actual reading/writing speeds vary) and an **average** (the workload varies from week to week), and it reflects the **minimum** amount of work needed to earn a passing grade.

Don't overburden yourself. 12-15 credit hours translates into ~36-45 working hours/week: i.e., a full-time job. There are only 168 hours in a week. If your schedule requires 80+ hours/week for school, work, and other responsibilities (e.g., jobs, internships, family care), then you may want to find ways to ease your load.

Plan ahead. Deadlines for written assignments are automatically enforced by Canvas. In particular, please note that Canvas will **lock** the discussion forums at the end of each Block, and you need to **complete** and **submit** any posts before the deadline in order for Canvas to accept them.

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 forums open for business |
| • Day 1 (1st Tue) | 2:30 pm | In-person class meeting #1 |
| • Day 3 (1st Thu) | 2:30 pm | In-person class meeting #2 |
| • Day 7 (1st Mon) | 5:00 pm | DC "halftime" deadline |
| • Day 8 (2nd Tue) | 2:30 pm | In-person class meeting #3 |
| • Day 10 (2nd Thu) | 2:30 pm | In-person class meeting #4 |
| • Day 14 (2nd Mon) | 5:00 pm | Block ends // Discussion forums automatically locked |

Canvas

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 / videos
- 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 point 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 platform. They can push notifications and reminders to you, and they can help you access (some) course content. But even the folks who make Canvas advise people **not** to use these apps as the primary platform for navigating a course.

Grades

Grades don't mean what most people think they mean, and they're less important than most people think they are. It is possible to learn a lot in a course, but still fail (e.g., by not turning in a major paper). It's also possible to learn relatively little in a course, but still wind up with a high grade (e.g., by keeping information in your short term memory just long enough to do well on exams). More importantly, your grades will rarely -- if ever -- matter again once you have earned your degree. What you learn, however, potentially has lasting value for decades to come.

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 (PCs)
- 14+ discussion credits (DCs) accumulated over 4+ Blocks
- 1 Reflection Essay (RE) of 1000+ words
- 2 fifteen-minute Zoom meetings with me (1 during Blocks #1-2, 1 during Blocks #6-7)
- 2+ Case Study (CS) assignments of 1000+ words each
- 1 Self-Assessment Essay (SAE) of 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 on p. 7 below). [Bonus tip: The easiest (though not the only) 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.

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, what grade you will earn will depend on how far short of those requirements you fall.

Participation credits (PCs)

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 extra 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.

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

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 PC 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 during 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.

Ideally, everyone will be present for -- and contribute productively to -- every class meeting all semester long. In reality, this never happens, and the ongoing pandemic makes it even less likely. It **is**, however, still a worthy goal. The course is set up to minimize the impact that missed classes will have on your grade, but the impact of missed classes on your learning experience is much harder to compensate for. Here are important guidelines for how to handle any classes you miss, regardless of why you do so.

- **If you feel sick, 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 help you stay on top of things.
- **Don't panic.** You can miss 8 class meetings (the equivalent of 4 weeks) and still pass the course. Ideally, no one misses that much time. But, by design, there's **lots** of slack built into the system.

- **Post extra DCs.** Missing a class means that you miss an opportunity to earn PC. For any missed class, you can make up for that lost opportunity 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 substitute for being part of an in-person discussion, and there are limits to what someone can tell you about what a room full of people said and did during 75 minutes of class. That said, it's still a good idea to have a "buddy" who can share their notes for classes you miss.

Discussion contributions (DCs)

Each Block has its own discussion forums, 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). Canvas will automatically lock the forums at the end of each Block (i.e., 5:00 pm on Day 14).

Our online discussions work best when they are interactive conversations among the group, rather than a series of "one-way" messages that no one responds to. But that conversation can't happen if everyone waits until the end of the Block to share their DCs. As such, each Block has a "halftime" deadline (5:00 pm on Day 7 (1st Monday)). 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 "filler" prose will **not** count toward that total)
- should take a clear position on a **major course-related issue** raised by whatever you are responding to
- should support that position with a **persuasive argument**

There are 4 types of DCs you can make, and each of types #1-3 has its own forum within each Block.

- 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 **at least two** of the required **readings** (at least one from the current Block) in ways that put those readings in **productive** conversation with each other
- Type #4: respond to a DC made by one of your **classmates**

For any given Block, you can only earn credit for more than one DC of any particular type if you have also earned credit for each of the other 3 types during that Block.

The following approaches to DCs will **not** earn credit:

- **Extended summaries:** Your audience has done the reading, been part of the in-class discussion, or read the DC that you are responding to. They don't need you to repeat those things, but they can benefit from you offering a persuasive argument that helps them see the course material in a new light.
- **Mere (dis)agreement:** You should have something more substantial to say than simply expressing your (dis)approval with what someone else has said or written. This is especially true if your (dis)approval consists mostly of summary (cf. the point directly above) and/or "filler" prose.
- **Simple comparisons:** This is especially important for Type #3 DCs. Merely pointing to similarities and differences between two readings is **not** the same thing as making an argument of your own about the main issues addressed in those readings.
- **Off-topic detours and "small" talk:** Know the difference between the core arguments from a reading or discussion, and the various side issues that might be found in it. Your DCs need to focus on the former, rather than the latter.

Tips:

- Good DCs involve more formal prose than the average in-class discussion, but are less formal than a research paper. You should craft your DCs 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 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 30 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 DC 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 DC 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 -- one per week, starting on 14 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 be **at least 5 items long**, and each item 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 can 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 10 May**.

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 10 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 10 May**.

At least one CS is due by **5:00 pm on 20 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 DC 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 DC 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 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/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.)

File formats

REs, CSs, and SAEs must be **submitted via Canvas as uploaded files**. Acceptable file formats are

- LibreOffice (.odt)
- Microsoft Word (.doc or .docx)
- Rich Text Format (.rtf)

Essays submitted in other formats (PDFs, Microsoft Works, etc.) or as links to online files (Google Drive, Dropbox, etc.) will **not** be accepted.

Revisions

Any CSs that you submit prior to 10 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 10 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.

Zoom meetings

You are **required** to have at least 2 one-on-one Zoom meetings with me (see Canvas for the link): a Check-In meeting during Blocks #1-2, and a Progress meeting during Blocks #6-7. There is no formal grade or evaluation for these meetings, but they are **not** optional. When setting these up, please suggest specific days/times that fit your schedule, keeping the following guidelines in mind:

- My schedule is generally most open on Mondays and Wednesdays from 10:00 am to 7:00 pm. Please aim for those days/times first if you can.
- You should block out 15 minutes for each of these meetings. If you want/need more time than that, please tell me so when setting your meetings up.
- **Do not wait** to set these up. They need to be **completed** (not just scheduled) by the listed deadlines, and the best way to get days/times that fit your schedule is to set up your meetings in advance.

- **Do not miss the deadlines.** Every day (or fraction thereof) that you are late in completing one of these meetings will add 1 DC to your baseline requirements, and I can not guarantee that my post-deadline schedule will be empty enough to keep any such penalty to a single day.

Check-In meeting (17 Jan - 13 Feb)

This meeting is an opportunity to touch base early in the semester, and to help make sure that you get off to a strong start. This would be a good moment for you to raise any questions or concerns that you have about the course (including the readings, the assignments, the in-class discussions). If you have an accommodations letter from the DRC, this meeting would be a good time to discuss that (though if this applies to you, please make sure to send me a copy of that letter at least 24 hours prior to our meeting).

Progress meeting (4 Apr - 1 May)

This meeting is an opportunity for you to make sure that you finish the course well. This would be a good moment for you to raise any questions or concerns that you have about the work you need to do to complete the course successfully and/or to justify the final course grade you are aiming for.

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. Important issues 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 trickled past them (e.g., 21 PCs, 15 DCs, and 2 CSs), you'll have a much harder time justifying an A than if you clearly exceeded them by a lot (e.g., 29 PCs, 40 DCs, and 5 CSs).
- **The quality of the work you did.** Did you write exceptionally strong and polished DCs? Or did you do just enough to meet the technical requirements? Did my feedback on your CSs describe them as excellent, or did I suggest that they needed significant revisions?
- **The kind of "extra" work you did.** There's no simple formula for how much "weight" to apply to the different kinds of work required of you, but it's generally safe to say that CSs are worth significantly more than DCs, and that DCs are worth a little more than PCs. (CSs require you to write a polished essay that's considerably longer than a DC. A good DC generally requires more thought and effort than what is necessary to earn 1 PC.)
- **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 to 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.
- **The University's official standards for grades.** You can find these below. Did you go merely meet the course requirements (e.g., earn a C), or was your work outstanding (e.g., earn an A)?

[N.B.: 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 10 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).

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

Word counts

The word count listed for any given assignment represents 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 required word count by a few words.

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 by even a single word, you will **not** receive credit for that assignment.
- Different apps/programs use different rules for counting words. Submitting work that is just barely long enough comes with the risk that what looks 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 work with "empty" words. If more than 10% of any given text you submit 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 of summary and another 200 words of filler will count as an 800-word essay.
- **For DCs:** Only your own words count: e.g., 175 words from you plus 150 words quoted from elsewhere will count as 175 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).

Scholastic dishonesty

The following is a partial list of examples of scholastic 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

Penalties for scholastic dishonesty range from no credit for an assignment to a final course grade of F. These penalties are independent of any that might be imposed by the U. For more details, please see the U's [student conduct code](#) and the information page on [potential consequences](#) for code violations.

Miscellaneous

- We will cover topics that may evoke strong differences of opinion. I don't expect the group to agree on everything, but I do expect our discussions to be characterized by mutual respect and collegiality. Strong opinions are acceptable, but verbal bullying and personal attacks will **not** be tolerated.
- 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 content of this course -- both in-person and online -- is 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 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 do my best to accommodate your 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) 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 if the pandemic situation changes.

Schedule

Block #1	Philosophical and Historical Background (17-30 Jan)
17 Jan	no reading
19 Jan	Blasi, "Milton's <i>Areopagitica</i> and the Modern First Amendment"
24 Jan	Mill, <i>On Liberty</i> (chs. I-II)
26 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	Clear & Present Danger / Fighting Words / Political Speech (31 Jan - 13 Feb)
31 Jan	Schenck v. United States (1919) Gitlow v. New York (1925) Whitney v. California (1927) Brandenburg v. Ohio (1969)
2 Feb	Chaplinsky v. New Hampshire (1942) Terminiello v. Chicago (1949) Cohen v. California (1971)
7 Feb	Debs v. United States (1919) Stromberg v. California (1931) De Jonge v. Oregon (1937) Healy v. James (1972)
9 Feb	Watkins v. United States (1957) Lamont v. Postmaster General (1965)
Block #3	Prior Restraint / Emotional Distress / Expressive Conduct (14-27 Feb)
14 Feb	Near v. Minnesota (1931) New York Times v. United States (1971) Miami Herald v. Tornillo (1974)
16 Feb	New York Times v. Sullivan (1964) Hustler v. Falwell (1988) Snyder v. Phelps (2011)
21 Feb	Minersville v. Gobitis (1940) West Virginia v. Barnette (1943) United States v. O'Brien (1968)
23 Feb	Street v. New York (1969) Texas v. Johnson (1989) United States v. Eichman (1990)
Block #4	Public Space / Hate Speech (28 Feb - 20 Mar)
28 Feb	Tinker v. Des Moines (1969) Minnesota Voters Alliance v. Mansky (2018) Mahanoy Area School District v. BL (2021)
2 Mar	City Council v. Taxpayers for Vincent (1984) Ladue v. Gilleo (1994)
14 Mar	Forsyth County v. Nationalist Movement (1992) Hurley v. Irish-American Gay Group of Boston (1995) Shurtleff v. Boston (2022)
16 Mar	R.A.V. v. St. Paul (1992) Wisconsin v. Mitchell (1993) Virginia v. Black (2003)

Block #5 Obscenity / Nudity / Pornography (21 Mar - 3 Apr)

21 Mar Jacobellis v. Ohio (1964)

Miller v. California (1973)

23 Mar Barnes v. Glen Theatre (1991)

Erie v. Pap's (2000)

28 Mar Stanley v. Georgia (1969)

Osborne v. Ohio (1990)

30 Mar New York v. Ferber (1982)

Ashcroft v. Free Speech Coalition (2002)

Block #6 Radio / Television / Internet (4-17 Apr)

4 Apr FCC v. Pacifica Foundation (1978)

6 Apr FCC v. Fox TV (I) (2009)

FCC v. Fox TV (II) (2012)

11 Apr Reno v. ACLU (1997)

United States v. American Library Association (2003)

13 Apr Packingham v. North Carolina (2017)

Block #7 Government Speech / Disparagement / False Statements (18 Apr - 1 May)

18 Apr Board of Education v. Pico (1987)

Rosenberger v. University of Virginia (1995)

NEA v. Finley (1998)

20 Apr Pleasant Grove City v. Summum (2009)

Walker v. Sons of Confederate Veterans (2015)

25 Apr Matal v. Tam (2017)

Iancu v. Brunetti (2019)

27 Apr United States v. Alvarez (2012)

Susan B. Anthony List v. Driehaus (2014)

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