

Journalism 618

First Amendment and Society

Spring Semester, 2017

January 20 to May 7, 2017, TTh, 1:00 pm to 2:15 pm, 2048 Malott

Instructor: Mark Johnson

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305 Stauffer-Flint

Office Hours: T/Th. 11am to 12:30 pm

and by appointment

To ensure success in reaching me, please use both email addresses.

The Course:

The First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Text: Tedford and Herbeck, Freedom of Speech in the United States, Seventh Edition.

Course Objectives:

- Appreciation for the First Amendment and the freedoms it represents.
- Critical thinking about expression of ideas.
- Understand the organization and function of the legal system.
- Understand basic First Amendment case law.

Requirements:

There will be a mid-term exam and a final exam. The final exam will be comprehensive, covering all material in the course. The mid-term will include multiple-choice and true-false questions, while the final will be essay-based.

Each student will also prepare an 8-to-10 page research paper (exclusive of bibliography) on a First Amendment-related topic of their choice. I will be available to discuss proposed topics, and you must obtain my approval of your topic.

Grading:

Mid-Term Exam	20%
Final Exam	40%
Research Paper	40%

Use of Electronics:

You may use laptops for note-taking. However, use of phones, smartphones, or tablets is not allowed (my experience is that such devices are used to consult email, texts, social media, and the Internet, not to take notes). If I see you using one of the forbidden devices, I will politely ask you to turn it over to me and I will return it to you at the end of class.

You may audio-record my lectures.

Misconduct:

You are bound by the University rules on academic misconduct. If you have any questions about what constitutes cheating, please ask BEFORE your endeavor.

Policy on Plagiarism and Fabrication/Falsification

The William Allen White School of Journalism and Mass Communications does not tolerate plagiarism, fabrication of evidence, or falsification of evidence.

Penalties for plagiarism, fabrication, or falsification can include a failing grade for the course and expulsion from the School of Journalism and Mass Communications.

If you have any questions about what constitutes plagiarism, fabrication, or falsification, please consult the professor of the course.

The following definitions are from Article II, Section 6, of the University Senate Rules and Regulations, revised FY98.

Plagiarism

Knowingly presenting the work of another as one's own (i.e., without proper acknowledgement of the source). The sole exception to the requirement of acknowledging sources is when the information or ideas are common knowledge.

Fabrication and Falsification

Unauthorized alteration or invention of any information or citation in an academic exercise.

Journalism School Policy on Classroom Attendance:

No student may add a journalism class after the 20th day of a semester.

The KU Office of Student Financial Aid is required by federal law to determine whether students who receive aid are attending each class in which they are enrolled. Instructors are required to report to that office absences of students who have stopped attending and names of those who have enrolled but never have attended. Students who do not attend classes may be required to repay federal and/or state financial aid.

Students who receive any form of financial aid should learn all requirements including minimum hours of enrollment and grades to qualify for and retain that aid.

Inclement Weather and Special Needs - In the event of inclement weather, the decision to cancel classes is made by KU officials. To determine whether snow or icy conditions have resulted in the cancellation of classes, call 864-7669 (864-SNOW). The Office of Disability Resources (DR), 22 Strong Hall, 785-864-2620, coordinates accommodations and services for KU students with disabilities. If you have a disability for which you may request accommodation in KU classes and have not contacted DR, please do so as soon as possible. Please also contact me privately in regard to this course.

Course Schedule (Subject to change as announced in class):

Readings should be completed BEFORE the assigned date. If non-text readings are assigned, I will post them in Course Documents on the class Blackboard website at least one class period before they are discussed. I will also post a PowerPoint slide deck in Course Documents by Sunday for use in that week's lectures.

CONTENT

READING

(Tedford Text)

**FREE SPEECH: PHILOSOPHY
AND RATIONALE**

January 17 & 19	First Amendment: the Basics Free Speech Prior to the Revolutionary War	Chapter. 15 Chapter 1 Chapter 2, p. 18-21
January 24, 26, and 31	Adoption of the Constitution and the Bill of Rights Early Challenges: The Alien and Sedition Acts	Chapter 2, p. 21-26 Additional Reading: Alexander Hamilton, Federalist No. 84; George Mason, Objections to the Constitution The Alien and Sedition Acts; the Kentucky and Virginia Resolutions
February 2	Role of the Judiciary in Resolving Free Speech disputes; Analysis of legal decisions	Appendices, p. 438-43 Excerpts from Marbury v. Madison (on Blackboard)

<u>RESTRICTIONS ON FREE SPEECH</u>		
February 7 & 9	Sedition: criticizing the government Civil War Speech Restrictions; World War One & the Red Scare; Through Today	Chapter 2, p. 30-33 Chapter 3 Lincoln's letter to Erastus Corning; Schenck v U.S.; Abrams v. U.S.; speech by Robert La Follette, Free Speech in Wartime
February 14 & 16	Content Restrictions Clear and Present Danger Fighting Words	Chapters 3 and 7
February 21 & 23	Restrictions on speech due to Time, Place, and Manner of the communication	Chapter 11
February 28	Restrictions on speech due to the institution in which the communication occurs (military and schools)	Chapter 12
March 2	Prior Restraints	Chapter 9 Near v. Minnesota
Topics for Research Papers must be Approved by March 2		
March 7 & 9	Obscene Language and Behavior Distinction between Indecency and Obscenity	Chapter 1, p. 10-11 Chapter 6 Epilogue from Bocaccio, <u>The Decameron</u>

March 14	Review Session for Mid-Term Exam	
March 16: Mid-Term Exam		
<u>LIBEL AND RELATED ISSUES</u>		
March 28 & 30	Libel: historical development and current status Elements of Libel	Chapter 4
April 4 & 6	Invasion of Privacy False Light Intrusion Upon Seclusion Right of Publicity Appropriation	Chapter 5
April 11	Copyright and Trademark	Chapter 13
April 13	Access: courtrooms, public meetings, public records Reporter's Privilege	Chapter 10 Recent court decision on reporter's privilege; Kansas reporter's privilege law
<u>COMMERCIAL SPEECH, ADVERTISING, AND CAMPAIGN FINANCE</u>		
April 18 & 20	Regulation of Commercial Speech Advertising	Chapter 8
Research Paper due April 18		

April 25 & 27	Campaign Finance; Elections	Excerpts from Supreme Court campaign finance cases and election cases
May 2	Free Rights of “non-persons” (corporations)	Excerpts from Citizens United v. FEC Article on “corporate personhood”
May 4	Right of Assembly; Right of Petition The Extremes of Free Expression: funeral picketing, exotic dancing, et al.	Materials posted in Course Documents
FINAL EXAM, MAY 12		