

Journalism 618  
First Amendment and Society  
Spring Semester, 2020  
January 22 to May 6, 2020, M/W, 3:00 pm to 4:15 pm, Stauffer-Flint 101

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315 Stauffer-Flint  
Office Hours: M/W10:30 to 12  
and by appointment

To ensure success in reaching the instructor, 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, Eighth Edition.

**Course Objectives:**

- Appreciate the First Amendment and the freedoms it represents.
- Think critically about expression of ideas.
- Understand the organization and function of the legal system.

**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. Students must obtain instructor approval of their topic.

**Grading:**

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

**Use of Electronics:**

Students may use laptops or tablets for note-taking. Use of phones or smartphones in class is not allowed. Students may audio-record lectures.

**Misconduct:**

Students 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 students 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).

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 22 & 27	First Amendment: the Basics  Free Speech Prior to the Revolutionary War	Chapter 15  Chapter 1 Chapter 2, pp. 18-21
January 29, February 3 and 5	Adoption of the Constitution and the Bill of Rights	Chapter 2, pp. 21-28  Additional Reading: Alexander Hamilton, Federalist No. 84; George

	Early Challenges: The Alien and Sedition Acts	Mason, Objections to the Constitution The Alien and Sedition Acts; the Kentucky and Virginia Resolutions
February 10 & 12	Role of the Judiciary in Resolving Free Speech disputes; Analysis of legal decisions	Appendices, pp. 446-449  Excerpts from Marbury v. Madison (on Blackboard)
<b>RESTRICTIONS ON FREE SPEECH</b>		
February 17 & 19	Sedition: criticizing the government  Civil War Speech Restrictions; World War One & the Red Scare; Through Today	Chapter 2, pp. 28-39  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 24 & 26	Content Restrictions  Clear and Present Danger  Fighting Words	Chapters 3 and 7
March 2 & 4	Restrictions on speech due to Time, Place, and Manner of the communication	Chapter 11
<b>Topics for Research Papers must be Approved by March 6</b>		
March 16	Restrictions on speech due to the institution in which the communication occurs  (military and schools)	Chapter 12
March 18	Prior Restraints	Chapter 9  Near v. Minnesota
March 23 & 25	Obscene Language and Behavior	Chapter 1, pp. 10-11  Chapter 6

	Distinction between Indecency and Obscenity	Epilogue from Bocaccio, <u>The Decameron</u>
<b>March 30: Mid-Term Exam</b>		
<b><u>LIBEL AND RELATED ISSUES</u></b>		
April 1 & 6	Libel: historical development and current status  Elements of Libel	Chapter 4
April 8 & 13	Invasion of Privacy  False Light Intrusion Upon Seclusion Right of Publicity Appropriation	Chapter 5
April 15	Copyright and Trademark	Chapter 13
<b><u>COMMERCIAL SPEECH, ADVERTISING, AND CAMPAIGN FINANCE</u></b>		
April 20 & 22	Regulation of Commercial Speech  Advertising	Chapter 8
<b>Research Paper due April 22</b>		
April 27 & 29	Campaign Finance; Elections	Excerpts from Supreme Court campaign finance cases and election cases
May 4	Access: courtrooms, public meetings, public records  Reporter's Privilege	Chapter 10  Recent court decision on reporter's privilege; Kansas reporter's privilege law
May 6	Right of Assembly; Right of Petition  The Extremes of Free Expression: funeral picketing, exotic dancing, et al.	Materials posted in Course Documents
<b>FINAL EXAM, MAY 15</b>		

