

COMS 3300: Free Speech and the First Amendment

Syllabus for January 2013

Professor Contact Information:

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Required Texts and Materials:

1. Tedford, T. L., & Herbeck, D. A. (2009). *Freedom of speech in the United States* (6th ed.). State College, PA: Strata.
2. JusticeLearning.org. (2005). *The United States Constitution: What it says, what it means: A hip pocket guide*. New York: Oxford University Press.
3. Access to Blackboard for supplemental readings and additional course materials.

Rationale:

This course examines the philosophy, court cases, and issues relevant to the First Amendment right to free expression. In this class, students will learn the functions of speech in society, the development of communication policy, and current communication laws and rules. Among others, topics discussed in this class include:

- Is racist and hateful speech protected by law?
- Can advertisers intentionally lie in a television commercial?
- Can the government ban protesting at military funerals?
- Can a university shut down a student newspaper if administrators disapprove of the content?
- Do Internet users have a constitutional right to privacy?
- Can you be sued for defamation for critiquing a politician on Twitter?
- Can judges restrict lawyer's communication to limit pre-trial publicity?
- Do MPAA film ratings have a "chilling effect" on how films are made?
- Can a broadband provider slow down Netflix streaming if it conflicts with the provider's own cable television offerings?

This class is essential for any student seeking a career in communication, politics, journalism, law, or advertising, or for those who simply want to know about their communication rights. As students consider a career in a communication field, it is important that they understand the centrality of communication in human life and the foundational role of free speech in society.

Course Objectives:

1. To learn the constitutional, statutory, and case law affecting the communication professions, including access, broadcasting, cable, commercial speech, copyright, defamation, free press vs. fair trial, fighting words, heresy, incitement, obscenity, political speech, prior restraint, privacy, public forums, special settings, symbolic speech, threats, and time-place-manner restrictions.
2. To understand the historical development of First Amendment law through legislation, cultural conflicts, and judicial assessment.
3. To apply current communications laws/rules to situations.
4. To examine that landmark court cases and laws which influenced communications law.
5. To consider the role and function of freedom of speech in American society.

Course Requirements

Course Reading

The required textbooks are available at the SMU bookstore or you can purchase them from Amazon or B&N.com. Additional and supplemental readings are on Blackboard. It is essential that you read and study the textbook supplements on blackboard. The schedule of readings is on the course schedule and you should read and understand each reading *before* class each day. Additional readings may be assigned depending on the specific needs of the class. Please note that the subject matter for this course is extremely complex and it would be difficult, if not impossible, to master any appreciable portion of the text in a single extended sitting. Do not try and “cram” for this class.

Midterm Exams

There will be two midterm exams in this course. Each will consist of multiple choice, matching, true and false, and short answer questions. These exams will cover material from the readings and lecture, including free speech theories and theorists, terms and concepts, specific court cases and their impact, and the rules of free speech in the various contexts. You will be allowed to prepare and use one 3”x5” index card for each exam. It must be hand written and you can only write on one side. Cards will be collected with exams. The review sheet for each exam is attached to this syllabus. Each midterm exam is worth 300 points.

Final Exam

The culmination of your learning will be a cumulative final exam. This exam will be similar in format and design to the two midterms and will consist of multiple choice, matching, true and false, and short answer questions. The review sheet for the exam is attached to this syllabus. The final exam is worth 400 points.

Grading

Assignment	Points
Exam 1	___ / 300
Exam 2	___ / 300
Final Exam	___ / 400
Total	___ / 1000

Grade scale:

A	= 940 – 1000 points
A-	= 900 – 939 points
B+	= 870 – 899 points
B	= 840 – 869 points
B-	= 800 – 839 points
C+	= 770 – 799 points
C	= 740 – 769 points
C-	= 700 – 739 points
D+	= 670 – 699 points
D	= 640 – 669 points
D-	= 600 – 639 points
F	= 0 – 599 points

NOTE: The final grade you earn is based entirely on the total points you earn on the three exams—the individual “letter grades” are not as important as your final point total. There will be no extra credit or “curving” of grades, so take each exam seriously because they are all critical.

Policies

Attendance Policy

Faithful attendance is expected and required in this class (lecture material not in the readings will appear on exams). You are allowed **1** absence, after which you will lose **ten** points per additional absence from your final point total (for example, if you have 5 absences, 30 points will be deducted from your final grade). It is your responsibility to sign the attendance sheets – if you don't sign the sheet you are considered absent (there is no way to “prove” you were in class a day you didn't sign the sheet). I am not in the business of excusing absences (with the only exceptions being documented official University events, religious observances, and *long term* illnesses), you're either present and contributing or you're not. If you must miss a class, it is your responsibility to get notes and materials from a classmate--it is not the instructor's responsibility to see that you are caught up. You will receive a 'zero' for any activity scheduled for a day that you are absent. Any make-ups will be at the professor's discretion, will almost always involve a grade penalty, and must be completed within a week of the date. If you fall asleep during class time, mess around on your laptop, text, study for another class, etc., you will be asked to leave (it is too distracting for the instructor and other students and is disrespectful to the class). If you miss 1/3 of the total class meetings, you cannot pass the class, regardless of your point total. The professor reserves the right to implement a tardy policy if tardiness becomes a problem.

Disability Accommodations

Students needing academic accommodations for a disability must first be registered with Disability Accommodations & Success Strategies (DASS) to verify the disability and to establish eligibility for accommodations. Students may call 214-768-1470 or visit www.smu.edu/alec/dass to begin the process. Once registered, students should then schedule an appointment with the professor to make appropriate arrangements.

Religious Observance

Religiously observant students wishing to be absent on holidays that require missing class should notify their professors in writing at the beginning of the semester, and should discuss with them, in advance, acceptable ways of making up any work missed because of the absence. (See University Policy No. 1.9.)

Excused Absences for University Extracurricular Activities

Students participating in an officially sanctioned, scheduled University extracurricular activity should be given the opportunity to make up class assignments or other graded assignments missed as a result of their participation. It is the responsibility of the student to make arrangements with the instructor prior to any missed scheduled examination or other missed assignment for making up the work. (University Undergraduate Catalogue)

Harassment Policy

During class you will be expected to treat others with courtesy & dignity. All members of the SMU community and this class are protected from harassment, including, but not limited to, members according to their race, ethnicity, age, gender, disability, sexual orientation, and religion. You should familiarize yourself with the SMU policies on Harassment and Sexual Harassment.

Assignment Due Dates

All assignments, papers, outlines, and exams must be completed on the date assigned. If you turn in a paper late or do not come to class on an exam day, you will receive a **zero** for the assignment. You must turn papers in class—do not put papers under my door or e-mail papers.

General Guidelines for Written Assignments

All papers must be typed, stapled, double-spaced, on one side only, have one-inch margins and use 12 point font (Times New Roman). Title your paper and have your name on the cover page as well. Do not use plastic covers or folders. Carefully proofread your paper and check for spelling and grammar errors. Papers should be formatted according to APA style, including in-text citations and end citations on a reference page. Guidelines

for paper length are estimates of what is required to fully address the elements of the assignment—concise, well argued papers are better than long and disorganized papers.

Academic Integrity

Part of this class is learning how to properly cite previous research and practice academic integrity. This course has a zero-tolerance policy regarding plagiarism and academic dishonesty. Students who violate the SMU honor code will be brought to the honor council and will be handled according to SMU policy. In this course, we will follow SMU policy as enumerated in the Faculty Handbook (pp. 28-29):

Academic dishonesty is behavior which misrepresents the origin or nature of one's activities in the University, or which violates the integrity of one's activities in the University, or which violates the integrity of one's relationship to the University community, whether by design or by accident. Within this broad definition, academic dishonesty includes (but is not limited to):

- a. Cheating, using unauthorized material, or copying on a quiz, test, or examination, or other class exercise that is required to be performed independently and individually.*
- b. Misrepresenting one's academic standing or record.*
- c. Misrepresenting the causes for missing quizzes, tests, etc., or for lateness in completing assigned work.*
- d. Aiding or concealing acts of dishonesty by other persons.*
- e. Acts of theft or unauthorized access to academic materials belonging to others, whether students or faculty.*
- f. Soliciting, aiding, or attempting to aid another in planning or committing an act of academic dishonesty.*
- g. Submitting as one's own work materials that have been wholly or partially prepared by others.*
- h. Representing that one's work is the result of research or study which one has not been personally performed.*
- i. Stealing or defacing library books.*
- j. Plagiarism.*
- k. Turning in the same paper for two different courses is only acceptable with the prior permission of both instructors.*

Please ask if you have any questions regarding the rules of academic honesty. I will be happy to answer all questions. Ignorance is not an excuse for academic dishonesty and plagiarism.

Office Hours

I will always be available to meet during my office hours or after class to discuss the readings, your projects, or other concerns you may have. If you need help, please ask! I do not know if you are having difficulties unless you make me aware of them. Please make use of my office hours or make an appointment if my office hours don't work for your schedule.

Tentative Schedule

Reading assignments are by page number unless otherwise indicated and should be completed for class on the day which they appear on the syllabus. Additional readings will be assigned later in the semester. **You are responsible for knowing the material in the texts even if it is not discussed in class.**

<u>Day & Date:</u>	<u>Topic:</u>	<u>Reading and Assignments:</u>
M 1-7	Introduction to the course The US Constitution The English Heritage Free Speech to WWI	Constitution; Text, 452-456 Textbook, 3-16 Textbook, 17-40
T 1-8	From WWI to WWII From the Smith Act to the Present Speech that Defames Speech that Invades Privacy	Textbook, 43-58 Textbook, 58-73 Textbook, 75-101 Textbook, 101-112
W 1-9	Religio-Moral Heresy Obscenity Provocation to Anger Words that Wound	Textbook, 113-125 Textbook, 125-160 Textbook, 161-172 Textbook, 173-181
R 1-10	<u>Exam 1</u> Deceptive Advertising Commercial Speech Prior Restraint National Security	Textbook, 181-191 Textbook, 191-209 Textbook, 213-225 Textbook, 225-234
F 1-11	Free Press vs. Fair Trial Time, Place, and Manner Private Forum/Speech Plus Institutional Constraints (Schools) Institutional Constraints (Military/Prisons)	Textbook, 235-257 Textbook, 259-279 Textbook, 279-294 Textbook, 295-319 Textbook, 319-332
M 1-14	<u>Exam 2</u> Copyright Law Broadcasting & Access Theory	Textbook, 335-358 Textbook, 359-398
T 1-15	Free Speech and the Internet Free Speech Theories	Textbook, 399-428 Textbook, 431-450
W 1-16	<u>Final Exam</u> The Future of Communications Law	