

Communications COM 304 – Spring 2024¹

Freedom of Speech and Press

Class meets Tu-Th 11 am– 12:15 am

Room: Fell Hall 0148

Instructor: Fernando Severino, Ph.D. **Office:** 459 Fell Hall **Office hours:** Tuesday 1-2 PM (by appointment)

• **E-mail:** fseveri@ilstu.edu

COURSE DESCRIPTION

This course will give the students an overview of the First Amendment in the United States and relevant aspects, discussions, approaches, and interpretations about the freedom of speech and the press, but it will not be a traditional Media and Law class. First, we will review some basic historical concepts regarding communication and the law in this country. Then we will understand the First Amendment and relevant cases that have shaped the discussion about freedom of the press and freedom of expression in the United States. However, we will also have a comparative perspective on free speech and media freedom in other regions of the world and the role of journalists in navigating constraints about access to information and censorship in today's mediated society.

Prerequisites: COM 111 or graduate standing

Learning Objectives:

1. Understand the First Amendment from a historical and contemporary perspective.
2. Learn specific cases involving the First Amendment that have shaped its current development.
3. Learn about how communicators and journalists are affected or influenced in their work by First Amendment rulings and court decisions.
4. From a comparative and global perspective, identify the state of freedom of the press and expression in different regions.

COURSE REQUIREMENTS

15 points: Attendance and class participation

30 points: Analysis and/or Quizzes

15 points: Discussion leader

20 points: Paper 1

20 points: Paper 2

Total = 100 points.

¹ Thank you to Professors Chris Terry, Joseph Blaney, Andrew Ventimiglia, Scott Memmel, and VisionPress for the help in putting this class together.

Makeup and late work policy

If a student does not turn in an assignment by the deadline, they may submit it during the following week to receive partial credit, but **ONLY** if the instructor was notified in advance.

Extra Credit

The instructor will announce opportunities for extra credit during the semester (if any).

Attendance and Participation

Students are required to attend all classes and lectures. Students are also expected to participate in class discussions and activities. Unexcused absences will result in a deduction of points.

- All students must stay current with weekly announcements posted for this course on Canvas.
- Students must consistently check their **university e-mail** for information about the class.
- Technology usage. Phones NO, Laptops yes (maybe). Sit in the back if you **must** use the laptop to take notes.

REQUIRED TEXTS & READINGS

- [Hopkins, W., & Lipschultz, J. H. *Communication and the Law*](#). Vision Press (2022 or 2023). However, any edition with matching chapters would be OK. The cheapest version you can get. Considering even sharing the cost with a classmate! Please reach out to me if you have challenges accessing the required textbook.

Also, there is a copy on Milner Library Reserve.

To buy it directly:

<https://vision-press.com/products/communication-and-the-law-2022-ed>

- Cases: Other resources: <https://www.oyez.org/> or <https://law.justia.com/>.
- All other readings will be posted on Canvas.

Writing Center:

We all need a little help with our writing. Please consider using the Visor Center on campus.
<https://universitycollege.illinoisstate.edu/help/tutoring/>

Also, from Milner Library:

<https://guides.library.illinoisstate.edu/>

COVID-19

I will follow these recommendations: <https://coronavirus.illinoisstate.edu/>

IMPORTANT POLICIES AND PROCEDURES (From ISU-CIPD)

Student Access and Accommodation Services:

Any student needing to arrange a reasonable accommodation for a documented disability and/or medical/mental health condition should contact Student Access and Accommodation Services at 350 Fell Hall, (309) 438-5853, or visit the website at StudentAccess.IllinoisState.edu.

Absence

Basic rule: Communicate with me! Do not disappear.

As the Undergraduate Catalog states, you are responsible for attending class and completing all academic work. Make arrangements with me in advance if you will be missing class due to participation in a Sanctioned University Activity or to fulfill a religious obligation.

As responsible adults investing in their future, Illinois State University students are encouraged to take control of their own education, especially when life and health challenges interfere with the planned process. When students need to miss class, they must be swift and proactive in working with their instructors to take advantage of learning opportunities, develop mastery of course materials, meet the learning objectives as outlined in the course, and prepare themselves for more advanced learning.

Also, students must arrive on time and stay until the end of class.

Academic Integrity

You are expected to be honest in all academic work, consistent with the academic integrity policy as outlined in the Code of Student Conduct. All work is to be appropriately cited when it is borrowed, directly or indirectly, from another source. Unauthorized and unacknowledged collaboration on any work, or the presentation of someone else's work, is plagiarism. In certain circumstances, I may be required to refer violations to the Student Conduct and Community Responsibilities, a unit of the Dean of Students Office.

Your work should be original/NEW and created ENTIRELY BY YOU for the assignments on this course/semester. DO NOT SUBMIT THE SAME ASSIGNMENT, ARTICLE, OR PAPER YOU HAVE USED FOR A DIFFERENT CLASS.

Campus Safety

Illinois State University is committed to maintaining a safe environment for the University community. Ask students to ensure they have downloaded the SafeRedbirds app. Also, note the information posted in each classroom about emergency shelters and evacuation assembly areas (both are indicated on stickers inside every classroom).

Classroom Behavior

In the classroom and elsewhere, you are expected to conduct yourself in a manner consistent with Illinois State University's Code of Student Conduct.

Constructive Conversation

Engaging in civil discourse is both a privilege and a responsibility of living in a democratic society. This class will provide both anticipated and unexpected opportunities to engage in this kind of conversation. Thus, we will work to agree on a set of guidelines that ensures that our civil discourse remains civil.

Diversity

ISU remains committed to creating and maintaining a working, learning, and living environment that is welcoming, supportive, respectful, inclusive, diverse, and free from discrimination and harassment.

ICRT

In addition, the Inclusive Community Response Team (ICRT) serves students by fostering an open and inclusive campus and responding to instances of hate and bias. You can learn more about how the team can help and report concerns on the ICRT website.

MCOT

The Multicultural Outreach Team (MCOT) is a group of staff, graduate students, and undergraduate students in Student Counseling Services dedicated to fostering an equitable, diverse, and inclusive university community for our minoritized students. MCOT offers workshops that promote dialogue about identity, empathy, stereotypes, bias, privilege, power, white supremacy, and systemic racism.

Students can learn more about MCOT at <https://counseling.illinoisstate.edu/outreach/multicultural-outreach-team/>

Mental Health

Life at college can get complicated. If you're feeling stressed, overwhelmed, lost, anxious, depressed or are struggling with personal issues, do not hesitate to call or visit Student Counseling Services (SCS). These services are free and completely confidential. SCS is located at 320 Student Services Building, (309) 438-3655.

If you are worried about a friend and don't know how to help, you can call SCS and ask to speak to a counselor. The Kognito simulation, available through SCS's webpage, can also help you learn how to assist your friend in connecting to services.

Student Technology

All students are encouraged to take the Introduction to Technology Online Orientation, found here: IllinoisState.edu/Quickstart. Additionally, technology support can be found at Help.IllinoisState.edu which offers online chat and help articles as well as phone support at (309) 438-HELP (4357). Walk-up support and computer repair & purchases are available from TechZone located on the first floor of the Bone Student Center as well as TechZone.IllinoisState.edu.

Two software packages are available at no additional charge: Microsoft Office 365 (Word, Excel, PowerPoint, etc.) and Adobe Creative Cloud. Students can download these packages for installation on their personal computers.

Students can view IT Help Desk articles for more information on [Microsoft Office 365](#) and [Adobe Creative Cloud](#).

Students who do not have access to the technology they need to be successful in their coursework should contact Help.IllinoisState.edu or (309) 438-HELP (4357) to discuss options.

Student Wellbeing

It's hard to learn if you're hungry or couch surfing. If you are having difficulty affording groceries, accessing sufficient food to eat every day, or securing a safe and stable place to live, help may be available. I urge you to contact the [Dean of Students Office](#) to learn more.

Class Recording

Notice of recording a class session by the instructor

The University wants to make students aware that a course may be recorded by the faculty member for later use. Please understand that each faculty member makes an individual decision on whether recording and/or sharing their class materials is warranted. Any recordings that a faculty member makes available are for use by students enrolled in the class and are for the purpose of individual or group study only. The recordings may not be reproduced, shared with those not in the class, or uploaded to publicly accessible web environments. Please do not independently record the course without prior authorization from the faculty member or an approved accommodation from [Student Access and Accommodations Services](#) office.

Regarding students making their own recordings.

Full denial to record.

Students may not use audio or video devices to record classroom lectures or discussions. Students with disabilities who need to record classroom lectures or discussions must contact the [Student Access and Accommodation Services](#). Students who violate this policy may be subject to both legal sanctions for violations of copyright law and disciplinary action under the University's [Code of Student Conduct](#).

Permission required to record.

Students who wish to use audio or video devices to record classroom lectures or discussions must obtain written permission from the instructor. Such recordings are to be used solely for the purposes of individual or group study with other students enrolled in the class. They may not be reproduced, shared with those not in the class, or uploaded to publicly accessible web environments. Students with disabilities who need to record classroom lectures or discussions must contact the [Student Access and Accommodation Services](#). Students who violate this policy may be subject to both legal sanctions for violations of copyright law and disciplinary action under the University's [Code of Student Conduct](#).

ASSESSMENT PROCEDURES

Attendance and class participation (15 points). This course is much more fun if you come to class and participate in the discussion! I will have an attendance sheet for every class (starting WEEK 2). **The expectation is that you read the assigned chapter weekly.**

Analysis and Quizzes (30 points – 5 points each). We will have at least three quizzes and at least three short analytical assignments during the semester. Detailed instructions and directions with the specific rubric will be provided at least a week in advance. The due dates are listed below in the Course Schedule.

Discussion leader (15 points). Each student will be a discussant leader on a Thursday of the semester. The student will prepare a brief presentation (no more than 5-10 minutes) about one topic of the week's class content that interests you. You need to find an example that might apply or be related to current events and propose at least two discussion questions to the class. **DO NOT SUMMARIZE** the content of your week's topic; rather, focus on a particular issue that interests you. This activity aims to develop your presentation skills and enrich your knowledge about the topic of your interest. We will assign the dates and topics in the first week of class.

Follow these steps:

- Read the assigned book chapters or readings for your selected week.
- Choose a specific topic of the readings that caught your attention. What is of interest to you? **Do not present a law case.**
- Read the news and choose one case (news article, opinion, editorial, etc.) that can be linked to your topic.
- Present to the class highlighting the news story and ask two questions for the class to discuss.

Paper 1 (20 points). This will be a paper to assess your understanding of the class material but, at the same time, will have an analytical and applied component (1,500 to 2,000 words, 12-point font). I will provide detailed instructions and a rubric at least three weeks in advance.

Paper 2 (20 points). This will be a paper to assess your understanding of the class material but, at the same time, will have an analytical and applied component. I will provide detailed instructions and a rubric three weeks in advance. (1,500 to 2,000 words in 12-point font)

The grading scale is a standard ten percentage point scale:

90-100% = A; 80%-89% = B; 70%-79% = C; 60-69% = D; below 60% = F

Explanation of grading scale.² (UNC office of Registrar).

A= Mastery of course content at the highest level of attainment that can reasonably be expected of students at a given stage of development. The A grade states clearly that the students have shown such outstanding promise in the aspect of the discipline under study that he/she may be strongly encouraged to continue.

B= Strong performance demonstrating a high level of attainment for a student at a given stage of development. The B grade states that the student has shown solid promise in the aspect of the discipline under study.

C= A totally acceptable performance demonstrating an adequate level of attainment for a student at a given stage of development. The C grade states that, while not yet showing unusual promise, the student may continue to study in the discipline with reasonable hope of intellectual development.

D= A marginal performance in the required exercises demonstrating a minimal passing level of attainment. A student has given no evidence of prospective growth in the discipline; an accumulation of D grades should be taken to mean that the student would be well advised not to continue in the academic field.

F=For whatever reason, an unacceptable performance. The F grade indicates that the student's performance in the required exercises has revealed almost no understanding of the course content. A grade of F should warrant an advisor's questioning whether the student may suitably register for further study in the discipline before remedial work is undertaken

² [Taken from the UNC office of the registrar.](#)

COURSE SCHEDULE

	Class description	Reading	Assignment	Cases (for reference only!)
Week 1 1/16- 18	<ul style="list-style-type: none"> • Syllabus review, assessment, and feedback. • Discussion leader assignment. • Introductory lecture. 	<i>Class syllabus</i>	<i>Thursday- bring your syllabus feedback for participation points</i>	
Week 2 1/23 - 25	<ul style="list-style-type: none"> • What is the Law? What is the role of the law today? • Introduction to the First Amendment and historical perspectives 	Ch. 1 and 2	Instructions for Analysis #1	<ul style="list-style-type: none"> • Chaplinsky v. New Hampshire, 315 U.S. 568 (1942)
Week 3 1/30 – 2/1	<ul style="list-style-type: none"> • Conduct and Speech 	Ch.3	Analysis #1 (due Sunday midnight)	<ul style="list-style-type: none"> • Schenck v. United States, 249 U.S. 47 (1919) • Abrams v. U.S., 250 U.S. 616 (1919) • Gitlow v. New York, 268 U.S. 652, (1925) • Whitney v. California, 274 U.S. 357 (1927) • Brandenburg v. Ohio, 395 U.S. 444 (1969) • Watchtower Bible and Tract Society of New York v. Village of Stratton, 536 U.S. 150 (2002) • *Frohwerk v. United States, 249 U.S. 204 (1919) (wartime)
Week 4 2/6- 8	<ul style="list-style-type: none"> • Prior Restraint 	Ch. 4		<ul style="list-style-type: none"> • Near v. Minnesota, 283 U.S. 697 (1931) • Grosjean v. American Press Co., Inc., 297 U.S. 233 (1936) • New York Times v. United States, 403 U.S. 713 (1971) • R.A.V. v. City of St. Paul, 505 U.S. 377 (1992) • Virginia v. Black, 538 U.S. 343 (2003) • Snyder v. Phelps, 131 S. Ct. 1207 (2011)
Week 5 2/13 -15	<ul style="list-style-type: none"> • Defamation 	Ch.6	Quiz # 1 (opens)	<ul style="list-style-type: none"> • New York Times Co. v. Sullivan, 376 U.S. 254 (1964)

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			<p>Instructions for Analysis #2</p> <p>Instructions for Paper 1.</p>	<ul style="list-style-type: none"> • Associated Press v. Walker, 388 U.S. 130 (1967) • Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974) • Time, Inc. v. Firestone, 424 U.S. 448 (1976) • Milkovich v. Lorain Journal Co., 497 U.S. 1 (1990) • Masson v. New Yorker Magazine, 501 U.S. 496 (1991)
Week 6 2/20- 22	<ul style="list-style-type: none"> • Privacy rights in an open and changing society 	Ch.14	<p>Analysis #2 (due Sunday midnight)</p>	<ul style="list-style-type: none"> • Time, Inc. v. Hill, 385 U.S. 374 (1967) • Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975) • Zacchini v. Scripps Howard, 433 U.S. 562 (1977) • Florida Star v. B.J.F., 491 U.S. 524 (1989) • Bartnicki v. Vopper, 532 U.S. 514 (2001) • Lawrence v. Texas, 539 U.S. 558 (2003)
Week 7 2/27 - 29	<ul style="list-style-type: none"> • Pornography, obscenity, and indecency 	Ch.5		<ul style="list-style-type: none"> • Roth v. United States, 354 U.S. 476 (1957) • Miller v. California, 413 U.S. 15 (1973) • Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726 (1978) • New York v. Ferber, 458 U.S. 747 (1982) • National Endowment for the Arts v. Finley, 524 U.S. 569 (1998) • Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002) • U.S. v. American Library Association, 539 U.S. 194 (2003) • U.S. v. Williams 553 U.S. 285 (2008)
Week 8 3/5 -7	<ul style="list-style-type: none"> • Regulation of Public Relation and Advertising • Thursday (Class time will be used for additional office hours and 1:1 meeting with you for Paper 1). 	Ch.8 & 9	<p>Paper 1 due Sunday at midnight.</p>	<ul style="list-style-type: none"> • Valentine v. Chrestensen, 316 U.S. 52 (1942) • Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748 (1976) • Central Hudson Gas and Electric v. Public Service Commission of New York, 447 U.S. 557 (1980)

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				<ul style="list-style-type: none"> • Posadas de Puerto Rico Associates v. Tourism Company of Puerto Rico, 478 U.S. 328 (1986) • 44 Liquormart Inc. v. Rhode Island, 517 U.S. 484 (1996) • Citizens United v. Federal Election Commission, 558 U.S. 50 (2010)
Week 9 3/12 -14	SPRING BREAK!!			
Week 10 3/19 -21	<ul style="list-style-type: none"> • Newsgathering • Media systems and Censorship 	Ch. 18		<ul style="list-style-type: none"> • Branzburg v. Hayes, 408 U.S. 665 (1972) • Cohen v. Cowles Media Co., 501 U.S. 663 (1991)
Week 11 3/26- 28	<ul style="list-style-type: none"> • Confidential sources • Journalism practices and constraints in the USA and abroad (Thursday) 	Ch.15	Quiz #2 <i>(opens).</i>	<ul style="list-style-type: none"> • Branzburg v. Hayes, 408 U.S. 665 (1972)
Week 12 4/2	<ul style="list-style-type: none"> • Access to Public Documents and Meetings • Internet surveillance and regulation around the world. Dangers for free press • <u>Professor at Conference 4/4</u> <u>(No class)</u> 	Ch. 17	Instructions for Analysis # 3.	<ul style="list-style-type: none"> • Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989) • Bibles v. Oregon Natural Desert Assn., 519 U.S. 355 (1997) • United States v. Weatherhead, 528 U.S. 1042 (1999) • Taylor v. Sturgell, 553 U.S. 880 (2008)
Week 13 4/9 -11	<ul style="list-style-type: none"> • Access to Court 	Ch. 16	Analysis # 3 <i>(Sunday midnight)</i> Instructions for Paper 2	<ul style="list-style-type: none"> • Al-Adahi v. Obama (2010)
Week 14 4/16 – 18	<ul style="list-style-type: none"> • Student Expression 	Ch. 7		<ul style="list-style-type: none"> • Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503 (1969) • Hazelwood Sch. Dist. V. Kuhlmeier, 484 U.S. 260 (1988)

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				<ul style="list-style-type: none"> • Kincaid v. Gibson, 236 F.3d 342 (6th Cir. 2001) • Hosty v. Carter, 412 F.3d 731 (7th Cir.2005), <i>cert. denied</i>, 546 U.S. 1169 (2006) • Morse v. Frederick, 551 U.S. 393 (2007)
Week 15 4/23- 25	<ul style="list-style-type: none"> • A brief on Broadcasting and Cable Communication • Contemporary debate about First Amendment. 	Ch. 10 & 11 plus select readings from Epps (Freedom of the press) and Calvert, Mass Media Law, 22e, available in Canvas.	Quiz #3 (opens).	
Week 16 4/30 – 5/2	<ul style="list-style-type: none"> • Meeting 1:1 for Paper 2 		Paper 2 due Sunday MAY 5th at midnight.	

Note: This schedule is subject to change. Students will be held accountable for all changes announced by the instructor, both in class and via Canvas.