**COM 304: Freedom of Speech and Press**

Dr. Joseph Blaney

Summer 2019

Online, May 20-June 14

Office Hours: M-F 9:00 AM-Noon as available.

309-438-5669 (0)

jrblane@ilstu.edu

**Course Description**

This course will expose students to high profile First Amendment cases and reflective essays dealing with freedom of speech, press, and religion. In particular, this summer’s focus will be on the work of deceased United States Supreme Court Justice Antonin Scalia. His “textualist” approach to First Amendment case law will be compared/contrasted with those who ascribe to the notion of the Constitution as a “living document.”

**Required Readings**

Readings will consist of primary sources posted under class Syllabus on ReggieNet.

There are seven book chapters posted here. Additionally, all of the United States Supreme Court Cases you need can be found at the USSC website. You simply enter the case you are looking for in the search field in the upper right corner:

<http://www.supremecourt.gov>

Great supplemental information about high profile cases can be found at the Bill of Rights Institute website:

<http://www.billofrightsinstitute.org/educate/educator-resources/landmark-cases/>

**Americans with Disabilities Act**

Any students needing an accommodation covered under the Americans with Disabilities Act are encouraged to talk with me early in the semester about necessary accommodations. Students may also call ISU’s Office of Equal Opportunity and Access with any concerns they may have: 309-438-3383.

**Course Policies**

I love teaching and want to make your learning experience as fun and enjoyable as possible. Let’s all maintain good humor and respect for each in the course of our interactions.

In this four week online format, late work cannot be accepted. Please turn in your daily papers on time and as assigned.

*The best way to reach me is via email.* I typically return email within an hour or two, but always within 24 hours*.* As a general rule, saying “I tried calling you last night about the paper that was due today” will not be taken seriously.

Academic dishonesty will result in failure for the course. Turning in papers on time with content as requested and reading assigned material will likely lead to a positive grade outcome.

**Grading Scale**

90% and above=A

80% to 89%=B

70% to 79%=C

60% to 69%=D

Below 60%=F

**Assignments**

Daily Reading Reactions (15, each worth five points): 75 Points

Final Exam: Friday, June 14, 9:00-Noon: 25 Points

**Graduate Students Requirement:** Graduate students must be available to attend a three-hour colloquium on Thursday, June 13, 9:00-Noon in Fell 446. At this colloquium, students will present essays of 2,500-3,000 words pertaining to the assigned legal topic. This paper will be pass/fail, but credit for the course cannot be assigned unless Dr. Blaney rates the paper as acceptable.

For each Reading Reaction you will be given a discussion question the day before and your answers will be due on the next day no later than Noon. Answers should be 200-300 words and as clear and concise as possible. However, your answers should be complete. With five points in play for each response, a rating from 1 to 5 will be based on:

-question answered completely

-question answered clearly and with proper language use

-answer references arguments made in the relevant reading

-answer is based on Constitutional text/principles (as opposed to opinions about topics at hand)

-answer demonstrates understanding of the course content as it proceeds

**Course Schedule**

Monday, May 20: Considering Approaches to the Constitution

Tuesday, May 21: Text of the First Amendment; Scalia’s Judicial Philosophy

Ring, Chapter 1

Wednesday, May 22: Scalia and Constitutional Interpretation

Ring, Chapter 2

Thursday, May 23: Scalia and Separation of Powers

Ring, Chapter 3

Monday, May 27: Scalia and Speech

Ring, Chapter 13

Tuesday, May 28: Scalia and Speech (continued)

Ring, Chapter 14

**Speech**

Wednesday, May 29: Clear and Present Danger: Schenck v. United States (1919); Gitlow v. New York (1925)

Thursday, May 30: Fighting Words: Chaplinsky V. New Hampshire (1942); Forced Speech: West Virginia v. Barnette (1943)

Monday, June 3: Speech plus Conduct: United States v. O’Brien (1968); Imminent Lawless Action: Brandenburg v. Ohio (1969)

Tuesday, June 4: Offensive Speech: Cohen v. California (1971); Obscenity: Miller v. California (1973); Flag Burning: Texas v. Johnson (1989)

Wednesday, June 5: Political Canvassing: Watchtower Bible v. Stratton (2002); Campaign Finance Reform: Citizens United v. FEC (2010)

**Press**

Thursday, June 6: Prior Restraint: Near v. Minnesota (1931); New York Times v. US (1971)

Monday, June 10: Libel: Curtis Publishing v. Betts and AP v. Walker (1967); Hustler v. Falwell (1988); New York Times v. Sullivan (1964); Blaney Power Point on Libel, Privacy, and FOI

Tuesday, June 11: Child Pornography: United States v. Hilton (2004); Virtual Child Pornography: Ashcroft v. Free Speech Coalition (2002)

**Religion**

Wednesday, June 12: Ring, Chapter 9; Establishment Clause: Lemon v. Kurtzman (1971); Santa Fe Independent School District v. Doe (2002); Zelman v. Simmons-Harris (2002)

Thursday, June 13: Free Exercise Clause; Employment Division v. Smith (1990); Burwell v. Hobby Lobby (2014)

Friday, June 14: Final Exam Open from 9:00-Noon