



**COM 429 -- Freedom of Expression®:**  
*The First Amendment's contested role  
in democracy, society & the marketplace*

**Spring 2010**  
TR -- 12:30-1:45 p.m.  
LAU 113 & other places

## **I. Introduction**

### **Description**

Freedom of Expression® (COM 429 seminar) examines the origins and uniqueness historically of the First Amendment, the evolution in interpretations of its freedoms over time, and the contemporary challenges to one of the United States' most basic laws. These challenges include technological change, a seemingly endless war, religious influence in the political sphere, and, as Neil Postman persuasively argued, the ignorance that results from a society's members "amusing ourselves to death."<sup>1</sup> The course also examines the role and rule of law in American society.

### **Learning outcomes**

By the end of this course, my goal is for students to demonstrate an understanding and appreciation of the:

- First Amendment and its role in society
- law's role in society, including the many negotiated meanings of "rule of law"
- legal and philosophical principles underlying the freedom of expression
- scope and applicability of the First Amendment "free speech" clause, including freedom of expression on the Internet
- lawful limits on freedom of expression
- tensions in society, law and policy that challenge the First Amendment's vitality
- importance of research for adding new knowledge, and an ability to employ a variety of research techniques for analysis and interpretation

## **II. Stuff you need to know**

Instructor: Dr. Brian Carroll, Laughlin Building 100  
Office phone: 706.368.6944 (anytime)  
E-mail: bc@berry.edu  
Home page: <http://www.cubanxgiants.com>  
Office hours: MWF 10am-noon, TR 2-4pm | by appt. | walk-ins always welcome

Course Web site and online syllabus (memorize this, be one with it and refer to it often):  
<http://www.cubanxgiants.com/berry/expression>.

## **III. What you will need (required)**

- Kembrew McLeod, *Freedom of Expression®: Overzealous Copyright Bozos and Other Enemies of Creativity* (Doubleday, 2005).

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<sup>1</sup> Neil Postman, *Amusing Ourselves to Death: Public Discourse in the Age of Show Business* (New York: Penguin, 1986).

- Anthony Lewis, *Freedom for the Thought We Hate: A Biography of the First Amendment* (Basic Books, 2007)
- Richard A. Parker (ed.), *Free Speech on Trial* (U. of Alabama Press, 2003)

#### IV. What you may want (recommended, not required)

- *Black's Law Dictionary*
- *Christianity and American Democracy*, Hugh Heclo
- *Freedom of Speech in the United States*, Thomas L. Tedford & Dale A. Herbeck
- *Free Speech on Trial: Communication Perspectives on Landmark Supreme Court Decisions*, Richard A. Parker (ed.)
- *Religious Freedom and the Constitution*, Christopher Eisgruber & Lawrence G. Sager
- *Restoring Free Speech and Liberty on Campus*, Donald Alexander Brown
- *Taking on the Pledge of Allegiance*, Ronald Bishop

#### V. Class format

The course will meet twice weekly. This is a seminar course, so discussion will make or break our collaboration. It is not designed as a data dump, therefore, but as a joint exploration of some of our country's founding principles. Because discussion, conversation and debate will be the lifeblood of the course, come prepared and primed to participate. This means reading the assigned readings, and it means not being a wallflower.

#### VI. Policies

- **Attendance:** Attendance is a part of your grade. Be here every day on time, just as you would for a job, surgery or a haircut. Everyone gets two unexcused absences and/or late arrivals >> no questions asked. Stuff happens. After that, unexcused absences or lateness will result in point deductions from the "professionalism and participation" portion of your grade -- one point for each unexcused absence or late arrival. What is excused is at the instructor's discretion, so you are best served by discussing situations and extraordinary circumstances prior to class whenever possible.
- **Distractions:** This instructor is easily distracted. Ringing cell phones, therefore, will be lobbed out of the classroom window or run over with a truck. Chatter during lecture will result in "professionalism and participation" point deductions, as will Facebooking, texting or any other Internet use during class, particularly after warnings have been issued. Do homework for other classes somewhere else. If you have to arrive late or leave early, clear it with the instructor beforehand whenever possible. Note that professionalism and participation represent 10% of your course grade.
- **Preparation:** Complete the assignments, do the readings and be ready to tackle the activities of the day. Be ready to discuss and debate ideas and approaches.
- **Academic integrity:** Because academic integrity is the foundation of college life at Berry, academic dishonesty will result in automatic failure on the assignment in question. Academic dishonesty includes, but is not limited to, the following: cheating, unauthorized collaboration, plagiarism, fabrication, submitting the same work in multiple courses, and aiding and abetting. For definitions of these terms, please consult the instructor. Additionally, violators will be reported in writing to

the Provost. Students who are sanctioned for violating the academic integrity policy forfeit the right to withdraw from the class with a grade of "W."

## VII. How you will be graded

Blog posts & reading quizzes	25%
Abstracts	10%
FIP (First in practice)	25%
Research project	30%
Professionalism, participation, attendance	10%
	100%

To compute your final grade, add up your point totals, apply the appropriate percentages, then refer to the following grading system, widely but not uniformly used on campus:

A = 93-100	A- = 90-92	B+ = 88-89	B = 83-87
B- = 80-82	C+ = 78-79	C = 73-77	C- = 70-72
D+ = 60-69	F = 59 and below		

Definitions of the grades can be found in the Berry College Catalog. "A" students will demonstrate an outstanding mastery of course material and will perform **far above** that required for credit in the course and **far above** that usually seen in the course. The "A" grade should be awarded sparingly and should identify student performance that is relatively unusual in the course.

## VIII. Viking Honor Code

It is not just policy. It is foundational to the academic environment we enjoy and in which scholarship thrives. It is in force in this classroom and during all lab sessions. For the complete Viking Code, please consult the student handbook. In short, each student is "expected to recognize constituted authority, to abide by the ordinary rules of good conduct, to be truthful, to respect the rights of others." The College's mission, in part, commits to a community of integrity and justice. During an era when ethics are sometimes suspect, there seems no higher goal toward which students ought to strive than that of personal honor.

## IX. Assignments (tentative)

- A. Exercising your freedom of expression: We will blog to respond to lectures, discussions, readings, nagging questions and each other. The blog format allows more introverted students to thoughtfully express themselves, facilitates conversation outside the classroom and, therefore, decompresses our contact time. It also puts into practice several central assumptions of the course, including that to express oneself is in part to exist (blogito, ergo sum!), and that in the marketplace of ideas, truth should win the day. The blog can be found at <http://wanderingrocks.wordpress.com>.
- B. **Case and article abstracts.** You will read a case and/or law journal article and abstract it for your colleagues and for the professor.
- C. **First Amendment in practice.** After you identify a public issue about which you feel strongly, a subject that may or may not have anything to do with freedom of expression, you will prepare a project proposal that explains how you intend to

express your views about the issue and attempt to influence public opinion and perhaps even public policy on the issue. Specific methods or means of expression you may choose from include filing a Freedom of Information Act request for government information, staging a protest, organizing and conducting a debate, writing a series of letters to the editor, or volunteering in a political campaign. The goals are to connect thinking globally with acting locally and to gain first-hand First Amendment experience and literacy. Students will research their issues and the rights, responsibilities, and limitations associated with their chosen manner(s) of expressing their views.

- D. A **research project** flowing out of the work you did for (C.) above will involve investigation and research, contemplation, and resolution of a real-world, contemporary First Amendment tension or challenge. The product of this project will be a research paper, preferably on the public issue you identified for the “First Amendment in practice” component in (C.). Students will have to reason out a solution and argue an outcome, basing the argument on philosophical thought, and legal precedent and practice.

**Deadlines:**

- When an assignment is due, it is due. This reflects the reality of many mass communication professions and work environments. Late assignments will not be accepted unless permission for extension has been granted prior to deadline. Turn in whatever has been done by the deadline.
- **Please note:** If a student misses a class when an assignment is due and that student has a legitimate excuse, I will accept the late assignment without penalty at my discretion. I define what constitutes a legitimate excuse and reserve the right not to grant full credit for assignments turned in under these circumstances. The same holds true for exams.

**X. Students with special needs**

If you have special needs of any kind, including learning disabilities, please let me know. Come discuss it with me. I want to make sure on the front end that we prevent any problems associated with the course. From Martha Van Cise, director of the Academic Support Center: *“Students with disabilities who believe that they may need accommodation in this course are encouraged to contact the Academic Support Center in Krannert Room 301 as soon as possible to ensure that such accommodations are implemented in a timely fashion.”*

**Finally, I believe we are here for a good time, not a long time, so let’s have some fun.**

