**POLS BC 3254 Lecture Course on First Amendment Values**
Tuesdays, 4:10 - 6:00pm | Milbank 328

Professor Paula Franzese
Office Hours: Tuesdays, 6:00 - 7:00pm
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**Course Description:** This course examines contemporary applications of the first amendment rights of speech and freedom of the press. Analysis of landmark U.S. Supreme Court rulings and scholarly commentary will provide the basis for exploring the theoretical antecedents as well as contemporary applications of first amendment values and many issues related to the importance of a free and open marketplace of ideas. Topics explored include: freedom of the press, libel law, ideological insularity, "fake news," the effects of social media, media monopolies, the commodification of information, the role of the academy, campaign finance, and hate speech.

**Requirements**: Students must attend all classes. I understand that there may be occasions where illness or an emergency keeps you from attending class. Please notify me of such as soon as possible.  Class participation is also required; you must be prepared to discuss the readings during each class session. Finally, the Take-home Midterm Exam will count for 40% of your overall course grade, the Take-home Final Exam will count for 40%, and your class participation will count for the remaining 20%.

**Laptops:** Please do not use your laptops or cell phones during class. For a description of the pedagogical reasons *see* Kevin Yamamoto's "Banning Laptops in the Classroom," *Journal of Legal Education* (2007). If you have questions or require an accommodation please see me.

**Learning Objectives:** This course will provide students with a working knowledge of the legal method of inquiry as it pertains to consideration of first amendment guarantees. Students will:
1. Identify the various constitutional standards of judicial review.
2. Apply legal and analytical constructs to contemporary issues of free speech and association, while critically examining historical and theoretical underpinnings of libel law, hate speech, freedom of the press, virtual speech, political discourse, obscenity, bias in the media, and free speech on campus.
3. Evaluate the merits and shortcomings of the major theoretical debates within the first amendment narrative.
4. Analyze and assess contemporary scholarly and journalistic writings on free speech values by critically examining their strengths, weaknesses, and applicable counterpoints.

**Grading:** Overall course grades will be calculated as follows:  I. Class participation: 20%, II. Take home Midterm Exam: 40%, and III. Take-home Final Exam: 40%.
Exams will be graded holistically on the following basis: inclusivity of assigned readings; clarity and precision of arguments; depth and rigor of analysis.

**Teaching Assistant:** Ali Syed, PhD Candidate
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**Discussion Section:** Discussion Section will be held after class every other week from 6:15 - 7:00pm starting WEEK 2. An alternate Discussion Section time will be made available based on student availability. Discussion Section questions will also be posted on Canvas where students unable to attend section may contribute to the course discussion.

**Texts: (all are available on reserve at the Barnard library, Amazon, and at the Columbia University bookstore).**
- ASH, T. *FREE SPEECH* (2016)
- CHEMERINSKY, E. & GOODWIN, H. *FREE SPEECH ON CAMPUS* (2017)
- MAYER, J. *DARK MONEY* (2016)
- RAUCH, J. *KINDLY INQUISTORS* (1993)
- RICH, F. *THE GREATEST STORY EVER SOLD* (2006)
- WALDRON, J. *THE HARM IN HATE SPEECH* (2012)
- WU, T. *THE ATTENTION MERCHANTS* (2016)
- YOUNG, K. *BUNK* (2017)

*All readings marked with an asterisk on the schedule below will be made available on Canvas.

**Readings and Class Schedule:**

1/16    **WEEK 1**    **First amendment jurisprudence: relevant legal antecedents**

1/23    **WEEK 2**    **The appropriate aims of the marketplace of ideas**
RAUCH, J. *KINDLY INQUISTORS*
*Excerpt from MILL, J.S. *On Liberty* (1859)
*BALDWIN, J. "As Much Truth as One Can Bear," *NYT* (1962)
*MORRISON, T. "Life in His Language," *NYT* (1987)

1/30    **WEEK 3**    **Free speech regulation and restrictive norms**
CHEMERINSKY, E. & GOODWIN, H. *FREE SPEECH ON CAMPUS*
*Doe v. University of Michigan*, 721 F. Supp. 852 Dist. Court, ED MI (1989)

2/6    **WEEK 4**    **The harm in hate speech**
WALDRON, J. *THE HARM IN HATE SPEECH*
*DANIELS, J. "Race, Civil Rights, and Hate Speech in the Digital Era." (2008)

2/13    **WEEK 7**    **The rise of hoaxes, post-facts, and fake news**
YOUNG, K. *BUNK*

2/20    **WEEK 6**    **The ways journalists and government actors frame facts and tell stories**
RICH, F. *THE GREATEST STORY EVER SOLD*
*Excerpt from HAMILTON, J.T. *All the News That's Fit to Sell* (2004)

2/27    **WEEK 7**    **Balancing freedom for the thought that we hate against the harm in hate speech, hoaxes, and post-facts**
*Excerpt from BAUMAN, Z. *A Chronicle of Crisis 2011-2016* (2017)

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3/6     **WEEK 8**     **Freedom of the press: legal and theoretical frameworks**
\*Excerpt from GREENHOUSE, L. *JUST A JOURNALIST* (2017)
**\****New York Times Co. v. Sullivan*, 376 U.S. 254 (1964)

**MIDTERM DUE (via Canvas and in hard copy)**

**No Class 3/13** | *Spring Holidays 3/10 – 3/18*

3/20     **WEEK 9**     **Contemporary applications of first amendment values:**
*Journalism's role in the #MeToo movement*
\*Readings on Canvas

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3/27     **WEEK 10**    **Money talks: campaign contributions as "speech" (*Citizens United*)**
MAYER, J. **_DARK MONEY_**
\*Excerpt from Youn, M. *Money, Politics, and the Constitution* (2015)

4/3      **WEEK 11**    **The commodification of attention**
WU, T. **_THE ATTENTION MERCHANTS_**

4/10     **WEEK 12**    **Toward a unified theory of first amendment values**
ASH, T. **_FREE SPEECH_**
Chapters: Ideals, Knowledge, Journalism

4/17     **WEEK 13**    **Toward a unified theory of first amendment values**
ASH, T. **_FREE SPEECH_**
Chapters: Violence, Diversity, Privacy, Courage

4/24     **WEEK 14**    **The future of first amendment values**
\*Excerpt from ABRAMS, F. **_THE SOUL OF THE FIRST AMENDMENT_** (2017)

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**FINAL DUE 5/8 (via Canvas)**