

HIST099: FREE SPEECH IN TWENTIETH-CENTURY AMERICA

Monday through Thursday, 1-3 PM

Location: ICC 120

Instructor

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Office Hours

TBD

This course will introduce you to the art of historical interpretation by looking at the history of speech and press rights in the United States during the twentieth century. Over the next five weeks, we will explore how historians locate and acquire primary sources and how they use those sources to reconstruct various elements of the human experience in particular times and places. We will consider also how engaging with the complicated history of the freedom of speech and the press in the twentieth-century United States can enrich contemporary debates over pornography, worker rights, state secrecy, and other significant issues. In lectures and discussions, we will focus on how Americans' understanding of the freedom of speech and the press in a variety of contexts has changed since the start of the twentieth century through the present day. Lab sessions, meanwhile, will afford you an opportunity to interact with many of the different kinds of sources that historians use to understand the past, including archival records, newspapers, oral history, government publications, and Supreme Court opinions.

Course Goals

The learning goals for this course are consistent with [those](#) of the Georgetown University History Department. Over the next five weeks, you will work to improve your ability to use and assess evidence, develop analytical questions, and participate in conversations inside the classroom and beyond. You will also have the opportunity to view the world from perspectives other than your own and learn about the distinctiveness of the past. You will learn to recognize, compare, and assess different interpretations of the past. In so doing, you will discover that, rather than a succession of names, dates, locations, and other "facts," history consists of the study of human experiences, interactions, and relationships as they change over time.

In terms of the content of this course, our focus will be on three major themes in the history of the freedom of speech and the press in the United States. By the end of the summer, you will be able to comment in depth on (1) the major social and political movements that shaped twentieth-century US history, (2) the interplay between legal and popular understandings of the freedom of speech and the press, (3) the changing treatment of political protest, libel, obscenity, and other categories of speech in US culture, politics, and law, and (4) the different ways in which historians have approached the growth of speech and press rights in America.

Course Readings

This course has no textbook. Nearly all of the readings for this course will be available online through Canvas. You can access them by clicking on links embedded below. If you need to brush

up on twentieth-century US history, I recommend Eric Foner, *The Story of American Freedom* (New York: W.W. Norton & Company, 1998).

Course Requirements

The course requirements consist of four lab reports, a 750-word final paper/op-ed on a current issue or topic related to the freedom of speech and the press in America, and participation in class discussions and activities (including two film days, a mock-trial exercise, and a class visit to the Booth Family Center for Special Collections in Lauinger Library). In the calculation of your final grade, each of these assignments will be weighted as follows:

- Participation in class discussions 20%
- Mock-trial exercise 10%
- Lab reports (four 750-word papers) 40%
- 750-word final paper/op-ed 30%

Letter grades in this course will have the following numerical equivalents: A (94-100); A- (90-93); B+ (87-89); B (84-86); B- (80-83); C+ (77-79); C (74-76); C- (70-73); D+ (67-69); D (64-66); D- (60-63); and F (59 and below). Late assignments will be penalized one-third of a letter grade for every day that they are late. Failure to complete all of the assignments will result in an “F” for the course.

Class Participation. Your participation grade will be based on your contribution to classroom discussion and activities. It is important for everyone to attend all class sessions and demonstrate proficiency in oral discussion. You may miss one class meeting before it begins to affect your grade (see below for more information on my policy regarding unexcused and excused absences). Decent attendance and friendly silence during class will earn you a “B-.” To earn a better grade requires careful listening and thoughtful verbal contributions that leave room for others to participate as well.

Mock-Trial Exercise. The mock-trial exercise on July 24 will test your oral communication skills and your grasp of the content of the course. As a class, we will roleplay the 1960 obscenity trial of Nico Jacobellis, the proprietor of the Heights Art Theatre in Cleveland Heights, OH, in Cuyahoga County Court of Common Pleas, Criminal Division. Jacobellis was charged with violating Ohio’s anti-obscenity law after he showed *The Lovers*, a 1958 French film that portrayed an adulterous affair by the wife of a newspaper editor in a sympathetic light.

In this exercise, I will be playing the role of the trial judge, while each student will be serve as an attorney, a witness, or a juror. We will decide on each student’s assignment and discuss the guidelines for this exercise in more detail at the start of class on July 17. Those of you who are asked to play jurors will decide each case based on your classmates’ arguments. We will take the final 30 minutes of class to discuss how your decision in this case compared to that of your historical counterparts.

Lab Reports. You will write a total of four 750-word lab reports, one of which must be the lab report assigned for Week 1. Each lab report will build on the concepts and skills that we will

discuss in class each Wednesday. In particular, they will help you learn how to evaluate primary sources, to write clearly and concisely, and to construct an argument like a historian. However, each lab report may also require you to integrate the week's assigned readings into your response. I will post detailed instructions for each lab report on Canvas every Monday. Lab reports must be uploaded to Canvas by 12 PM on Thursday.

Final Paper/Op-ed. You will write a 750-word op-ed similar to those that appear in *The Washington Post* or *Wall Street Journal* that discusses a current event or controversy related to the freedom of speech and the press in the United States. You can go in a number of directions in terms of choosing a topic or issue to be the focus of your op-ed. I encourage you to select a topic that excites your interest and allows you to draw on your work with primary sources. Before you begin writing your op-ed, you must meet with me to discuss your topic and receive final approval.

Attendance

Attendance is mandatory for all class meetings. You are entitled to one unexcused absence during the semester. Of course, circumstances can arise that will prevent you from attending class. I am willing to work with students who have to miss additional class meetings for a variety of reasons. If you have more than four total unexcused absences, you will receive a failing grade for participation—and likely for the course.

Accommodations

Students with documented physical, psychological, or learning disabilities should register with [the Academic Resource Center \(ARC\)](#) to arrange for reasonable accommodations under Georgetown University policies and the Americans with Disabilities Act. Those who are not registered with the ARC or who do not comply with its procedures are not entitled to accommodations. Any student with a chronic condition that affects their performance in class should contact the ARC about possible accommodations on future coursework.

Although you may not be eligible for accommodations through the ARC, Georgetown possesses a number of resources for students who may experience life events or academic pressures that cause feelings of anxiety, confusion, depression, or loneliness. You can visit [Counseling and Psychiatric Services \(CAPS\)](#) in Darnall Hall. A free intake can be arranged by walk-in, or by calling 202-687-6985 during normal business hours or 202-444-PAGE (7243) for emergencies. You can also talk to your dean, who can connect you to the appropriate resources and help you work through your academic options. Lastly, you can communicate with me if anxiety or depression have disrupted class attendance and/or productivity.

Sexual Assault and Harassment

As an instructor and a member of the Georgetown University community, I am committed to supporting the survivors of relationship violence, sexual assault, sexual harassment, and other forms of sexual misconduct. I am nonetheless required to communicate any disclosures about sexual misconduct to the Title IX Coordinator, who is responsible for coordinating the

university's response to any incident of sexual misconduct. However, Georgetown possesses a several confidential professional resources that can provide support and assistance to survivors of sexual assault and other forms of sexual misconduct. For more information about campus resources and reporting sexual misconduct, please visit <http://sexualassault.georgetown.edu/>.

Honor Code

You are required under the University Honor Code to uphold academic honesty in all aspects of this course. Different cultures and professions often have their own ideas about what constitutes "plagiarism." We will discuss how U.S.-based historians define and approach plagiarism in class. However, I have a responsibility as an instructor to uphold the Honor System and report all cases of academic dishonesty. If you have any questions about the university's standards of conduct, you should consult [the Honor Council website](#).

Course Schedule

Note: Please note that this syllabus is a draft and may be revised at the instructor's discretion during the summer session.

- Jul. 9 Lecture 1: The First Amendment from *Schenck* to *Sullivan*.
- Jul. 10 Lecture 2: The First Amendment in the Late-Twentieth-Century United States.
- Jul. 11 History Lab 1: Briefing a Legal Opinion.
- **Read:** Kimi King, "How to Brief a Case," in *How to Please the Court: A Moot Court Handbook*, ed. Paul I. Weizer (New York: Peter Lang, 2004), [141-148](#).
 - Each student will be asked to read one of the following Supreme Court decisions before class:
 - [Near v. Minnesota, 283 U.S. 697 \(1931\)](#).
 - [Thornhill v. Alabama, 310 U.S. 88 \(1940\)](#).
 - [The Associated Press v. United States, 326 U.S. 1 \(1941\)](#).
 - [West Virginia State Board of Education v. Barnette, 319 U.S. 624 \(1943\)](#).
 - [Roth v. United States, 354 U.S. 476 \(1957\)](#).
 - [Tinker v. Des Moines Independent Community School District, 393 U.S. 503 \(1969\)](#).
 - [New York Times Co. v. United States, 403 U.S. 713 \(1971\)](#).
 - [Miller v. California, 413 U.S. 15 \(1973\)](#).
 - [Aboud v. Detroit Board of Education, 431 U.S. 209 \(1977\)](#).
 - [Hazelwood School District v. Kuhlmeier, 484 U.S. 260 \(1988\)](#).
- Jul. 12 Discussion 1: The Supreme Court and the Interpretation of the First Amendment.
- **Lab Report 1: Briefing a Legal Opinion Due on Canvas before 12 PM.**
 - **Read:** William James Hull Hoffer, "The Supreme Court," in *The Concise Princeton Encyclopedia of American Political History*, eds. Michael Kazin, Rebecca Edwards, and Adam Rothman (Princeton, NJ: Princeton University Press, 2011), [535-540](#).

- Jul. 16 Lecture 3: Labor Unions, the New Deal Order, and the Freedom of Speech in the Workplace.
- Jul. 17 Watch in Class: *Native Land*, directed by Leo Hurwitz and Paul Strand (Los Angeles: Flicker Alley, 2016), DVD.
- Jul. 18 History Lab 2: Using Oral History.
- Read: Christy DeShano, Kevin Gibbons, and Trish O’Kane, “The Interview Dance: When To Lead, When To Follow,” *Learning Historical Research*, accessed February 11, 2018, <http://bit.ly/1supUyu>.
 - Each student will be asked to read or listen to one of the following oral histories from the WPA Federal Writers’ Project and the Southern Oral History Project before class: **TBD**.
- Jul. 19 Discussion 2: Labor Unions, Agency Fees, and the Expanding Definition of the Freedom of Speech.
- **Lab Report 2: Using Oral History Due on Canvas before 12 PM.**
 - Read: Charles W. Baird, “Labor Law and the First Amendment,” *Cato Journal* 5, no. 1 (Spring/Summer 1985): [203-218](#).
 - Read: Brief of Professors Eugene Volokh and William Baude as *Amici Curiae* in Support of Respondents, *Janus v. AFSCME, Council 31, et al.*, No. 16-1466, [1-21](#).
- Jul. 23 Lecture 4: Pornography, Cold War Social Science, and the Rise of the Conservative Movement.
- Jul. 24 Moot-Court Exercise: The 1960 Obscenity Trial of Nico Jacobellis.
- Jul. 25 History Lab 3: Using Government Publications.
- Read: Liese Dart and Emma Schroeder, “Government Documents: A Whole Other Animal,” *Learning Historical Research*, accessed February 13, 2018, <http://bit.ly/2EnZKnm>.
 - Each student will be asked to read one of the following selections from the studies performed by the US Commission on Obscenity and Pornography before class: **TBD**.
- Jul. 26 Discussion 3: Pornography and Social-Scientific Research in the Twenty-first Century.
- **Lab Report 3: Using Government Publications Due on Canvas before 12 PM.**
 - Read: Gail Dines, “Is Porn Immoral? That Doesn’t Matter: It’s a Public Health Crisis,” *The Washington Post*, April 8, 2016, accessed February 14, 2018, <http://wapo.st/2GdYG6c>.

- Read: Maggie Jones, “What Teenagers Are Learning From Online Porn,” *The New York Times Magazine*, February 7, 2018, accessed February 11, 2018, <http://nyti.ms/2BLzdD2>.
- Jul. 30 Lecture 5: Free Speech, the Newspaper Industry, and the Rise of the National Security State.
- Jul. 31 Watch in Class: *All the President’s Men*, directed by Alan J. Pakula (Burbank, CA: Warner Brothers Home Video, 2006), DVD.
- Aug. 1 History Lab 4: Using Newspapers.
- Read: Steel Wagstaff and Michelle Niemann, “Prowling the Periodicals: Newspapers, Magazines, Journals,” *Learning Historical Research*, accessed February 11, 2018, <http://bit.ly/2H926Zm>.
- Aug. 2 Discussion 4: National Security State and the Press in the Twenty-first Century.
- **Lab Report 4: Using Newspapers Due on Canvas before 12 PM.**
 - Read: Carl Bernstein, “The CIA and the Media,” *Rolling Stone*, October 20, 1977, accessed February 10, 2018, <http://bit.ly/1f1M6Yp>.
 - Read: Glenn Greenwald, *No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State* (New York: Metropolitan Books, 2014), [210-247](#).
- Aug. 6 Lecture 6: *In Loco Parentis*, the Civil Rights Movement, and the Freedom of Speech on College Campuses.
- Aug. 7 Class Visit to the Booth Family Center for Special Collections in Lauinger Library.
- Aug. 8 History Lab 5: Using Archival Sources.
- Read: Jesse Grant and Brian Hamilton, “Manuscripts and Archives: Unpublished, Unfiltered, Unfound,” *Learning Historical Research*, accessed February 7, 2018, <http://bit.ly/2Ea99yW>.
- Aug. 9 Discussion 5: Free Speech, Diversity, and Twenty-first Century College Life.
- **Lab Report 2: Using Archival Sources Due on Canvas before 12 PM.**
 - Read: “And Campus For All: Diversity, Inclusion, and Freedom of Speech at U.S. Universities,” *PEN America: The Freedom to Write*, October 17, 2016, accessed February 7, 2018, <http://bit.ly/2eg9nfC>.

Final Paper/Op-ed Due on Canvas before 12 PM on XXXX.