

HIST099: FREE SPEECH IN TWENTIETH-CENTURY AMERICA

Monday through Thursday, 3.15-5.15 PM

Location: ICC 120

Instructor

Chad D. Frazier

Office: TBD.

Email: cdf32@georgetown.edu

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. 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 has changed since the start of the twentieth century. Lab sessions, meanwhile, will afford you an opportunity to interact with many sources that historians use to understand the past, including archival records, newspapers, oral history, audio and visual media, 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 learn how history functions as a scholarly discipline. 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 see that, rather than a succession of names, dates, locations, and other "facts," history consists of the evidence-based analysis of human experiences, interactions, and relationships as they change over time.

In terms of the content of this course, our focus will be on four 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. All of the readings for this course will be available online through Canvas. You can access them by clicking on the links embedded below.

Course Requirements

The course requirements consist of two 750-word 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 30%
- Mock-trial exercise (including a 500-word reflection paper) 15%
- Two 750-word lab reports 30%
- 750-word final paper/op-ed 25%

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. 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 23 will test your oral communication skills and your grasp of the content of the course. As a class, we will roleplay the 1973 trial of Daniel Ellsberg and Anthony Russo under the Espionage Act for leaking the Defense Department’s secret history of US military involvement in Vietnam to *The New York Times*, *The Washington Post*, and close to a dozen other newspapers across the country. In this exercise, I will be playing the role of the trial judge, while each student will 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 15. 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. You will write a 500-word reflection paper in which you use historical empathy to examine the different points of view surrounding Ellsberg and Russo’s leaking and trial. Your reflection paper must be uploaded to Canvas by 12 PM on Friday, July 25.

Lab Reports. You will write a total of two 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. The lab

reports assigned for Weeks 2-5 will also require you to integrate the week's assigned readings into your response. Lab reports must be uploaded to Canvas by 12 PM on the following Monday.

You will have the option to revise and resubmit either one of your lab reports for a higher grade. Your revised lab report will be graded both on its own merits and on how well you address the issues that I raised in my feedback on the original. Lab reports with minimal revisions will receive lower grades than they originally received if there are obvious areas of improvement left unaddressed. If the grade you earn on your revision is lower than the grade you received on your original paper, your original paper grade will stay the same. This option will be available only to those who earned a B+ or lower on their original lab report. You should print your revised lab report and bring it (along with a physical copy of the original, including my feedback) with you to class on Thursday, August 8.

Final Paper/Op-ed. You will write a 750-word op-ed similar to those that appear in *The Washington Post*, *The New York Times*, 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. However, before you begin writing your op-ed, you must meet with me to discuss your topic and receive final approval. Your final paper/op-ed must be uploaded to Canvas before 5 PM on Wednesday, August 14.

Attendance

Attendance is mandatory for all lectures, discussions, and other class meetings. You are entitled to one unexcused absence during the semester. 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, including documented medical or family emergencies. 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.

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 Georgetown 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 US-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 course schedule is a draft and may be revised at the instructor's discretion at any point before or during the summer session.

Week 1: The First Amendment and the Evolution of US Speech and Press Law

- Jul. 8 Lecture 1: The First Amendment and the Limits of Free Speech in the Nineteenth-Century United States.
- Jul. 9 Lecture 2: The Supreme Court, the First Amendment, and the Growth of Free Speech in the Twentieth-Century United States.
- Jul. 10 History Lab 1: Briefing a Supreme Court Decision.
- 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:
 1. [Near v. Minnesota, 283 U.S. 697 \(1931\)](#).
 2. [Herndon v. Lowry, 301 U.S. 242 \(1937\)](#).
 3. [Thornhill v. Alabama, 310 U.S. 88 \(1940\)](#).
 4. [The Associated Press v. United States, 326 U.S. 1 \(1941\)](#).
 5. [West Virginia State Board of Education v. Barnette, 319 U.S. 624 \(1943\)](#).
 6. [American Communications Assn. v. Douds, 339 U.S. 382 \(1950\)](#).
 7. [Roth v. United States, 354 U.S. 476 \(1957\)](#).
 8. [New York Times v. Sullivan, 376 U.S. 254 \(1964\)](#).
 9. [Tinker v. Des Moines Independent Community School District, 393 U.S. 503 \(1969\)](#).
 10. [New York Times Co. v. United States, 403 U.S. 713 \(1971\)](#).
- Jul. 11 Discussion 1: Free Speech and the Rule of the Law in US Society.

- Read: A.V. Dicey, *Introduction to the Study of the Law of the Constitution*, 3rd ed. (New York: Macmillan and Co., 1889), [171-192](#).
- Read: Alexis de Tocqueville, *Democracy in America*, trans. Henry Reeve, vol. 1 (New York: Henry G. Langley, 1845), [194-203](#), [204-212](#), [295-314](#).

Week 2: Free Speech at Work

- Jul. 15 Lecture 3: Free Speech, the Labor Movement, and the Rise of the New Deal Order.
- ***Lab Report 1: Briefing a Supreme Court Decision Due on Canvas before 12 PM.***
- Jul. 16 Watch in Class: *Native Land*, directed by Leo Hurwitz and Paul Strand (1942; Los Angeles: Flicker Alley, 2016), DVD.
- Jul. 17 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 15, 2019, <http://bit.ly/1supUyu>.
 - Read: Oral History Association, *Principles for Oral History and Best Practices for Oral History*, Adopted October 2009, accessed February 15, 2019, <https://bit.ly/2DE43ff>.
 - Each student will be asked to read or listen to one of the following oral histories from the Southern Oral History Project before class: [Cary J. Allen, Jr.](#); [Geddes Elam Dodson](#); [Clay East](#); [Alice P. Evitt](#); [Vesta and Sam Finley](#); [Joseph Fry](#); [Eva Hopkins](#); Eula McGill ([Interview 1](#), [Interview 2](#), and [Interview 3](#)); [Dora Scott Miller](#); and [Joseph D. Pedigo](#).
- Jul. 18 Discussion 2: Labor and the Changing Definition of Free Speech in the Twenty-first Century.
- Read: Matthew Forys, “Symposium: Free Speech for Public Employees Restored—Justice Alito Plays the Long Game,” *SCOTUS Blog*, June 28, 2018, accessed February 15, 2019, <https://bit.ly/2Gxqjvp>.
 - Read: Jedediah Purdy, “The Bosses’ Constitution,” *The Nation*, September 12, 2018, accessed February 15, 2019, <https://bit.ly/2Mu74Bb>.

Week 3: Free Speech and the News Media

- Jul. 22 Lecture 4: Journalism, the Vietnam War, and the Crisis of the New Deal Order.
- ***Lab Report 2: Using Oral History Due on Canvas before 12 PM.***
- Jul. 23 Mock-Trial Exercise: The Pentagon Papers Case.
- Jul. 24 History Lab 3: Using Newspapers.

- Read: Steel Wagstaff and Michelle Niemann, “Prowling the Periodicals: Newspapers, Magazines, Journals,” *Learning Historical Research*, accessed February 15, 2019, <http://bit.ly/2H926Zm>.
- Each student must read one of the following stories that *The Washington Post* printed on the Watergate Burglary and the ensuing cover-up by the Nixon Administration before class:
 1. [Alfred E. Lewis, "5 Held in Plot to Bug Democrats' Office Here," *The Washington Post*, June 18, 1972, A1.](#)
 2. [Bob Woodward and Carl Bernstein, "GOP Security Aide Among Five Arrested in Bugging Affair," *The Washington Post*, June 19, 1972, A1.](#)
 3. [Carl Bernstein and Bob Woodward, "Bug Suspect Got Campaign Funds," *The Washington Post*, August 1, 1972, A1.](#)
 4. [Carl Bernstein and Bob Woodward, "Mitchell Controlled Secret GOP Fund," *The Washington Post*, September 29, 1972, A1.](#)
 5. [Carl Bernstein and Bob Woodward, "FBI Finds Nixon Aides Sabotaged Democrats," *The Washington Post*, October 10, 1972, A1.](#)
 6. [Laurence Stern and Haynes Johnson, "3 Top Nixon Aides, Kleindienst Out; President Accepts Full Responsibility; Richardson Will Conduct New Probe," *The Washington Post*, May 1, 1973, A1.](#)
 7. [George Lardner, Jr., "Cox, 61, Agrees to Serve as Special Prosecutor," *The Washington Post*, May 19, 1973, A1.](#)
 8. [Carl Bernstein and Bob Woodward, "Dean Alleges Nixon Knew of Cover-Up Plan," *The Washington Post*, June 3, 1973, A1.](#)
 9. [Bob Woodward and Carl Bernstein, "Break-In Memo Sent to Ehrlichman," *The Washington Post*, June 13, 1973, A1.](#)
 10. [Lawrence Meyer, "President Taped Talks, Phone Calls; Lawyer Ties Ehrlichman to Payments," *The Washington Post*, July 17, 1973, A1.](#)

Jul. 25 Discussion 3: National Security, Whistleblowers, and the Press in the Twenty-first Century.

- ***Reflection Paper on the Pentagon Papers Case Due on Canvas before 12 PM.***
- Read: Sam Lebovic, “Limited War in the Age of Total Media,” in *Understanding the US Wars in Afghanistan and Iraq*, eds. Beth Bailey and Richard H. Immerman (New York: New York University Press, 2015), [220-237](#).
- Read: Malcolm Gladwell, “Daniel Ellsberg, Edward Snowden, and the Modern Whistle-Blower,” *The New Yorker*, December 19 & 26, 2016, Issue, accessed February 15, 2019, <https://bit.ly/2MW2tZg>.

Week 4: Free Speech and the Bedroom

Jul. 29 Lecture 5: The Sexual Revolution, Pornography, and the Rise of the Conservative Movement.

- ***Lab Report 3: Using Newspapers Due on Canvas before 12 PM.***

- Jul. 30 Watch in Class: *The Pill*, directed by Chana Gazit (Alexandria, VA: PBS Home Video, 2003), DVD.
- Jul. 31 History Lab 4: Using Quantitative Evidence.
- Read: Jacquelyn Gill and Abigail Popp, “Quantitative Evidence: Learning to Link Qualities to Quantities,” *Learning Historical Research*, accessed February 15, 2019, <https://bit.ly/2Kz49aG>.
 - Each student will be asked to read one of the following selections from US Commission on Obscenity and Pornography, *Technical Report of the Commission on Obscenity and Pornography*, 9 vols. (Washington, DC: Government Printing Office, 1971), before class:
 1. [John J. Sampson, "Commercial Traffic in Sexually Oriented Materials in the United States \(1969-1970\)," Volume 3, 125-176.](#)
 2. [M. Marvin Finkelstein, "The Traffic in Sex-Oriented Materials in Boston," Volume 4, 99-154.](#)
 3. [Louis A. Zurcher and Robert G. Cushing, "Participants in Ad Hoc Anti-pornography Organizations: Some Individual Characteristics," Volume 5, 143-215.](#)
 4. [Quality Educational Development, Inc., "Sex Education Programs in the Public Schools of the United States," Volume 5, 295-338.](#)
 5. [H. Abelson, R. Cohen, E. Heaton, and C. Suder, "National Survey of Public Attitudes Toward and Experience With Erotic Materials. Findings," Volume 6, 1-3, 7-49.](#)
 6. [C. Eugene Walker, "Erotic Stimuli and the Aggressive Sexual Offender," Volume 7, 91-147.](#)
 7. [James L. Howard, Clifford B. Reifler, and Myron B. Liptzin, "Effects of Exposure to Pornography," Volume 8, 97-132.](#)
 8. [Donald L. Mosher, "Psychological Reactions to Pornographic Films," Volume 8, 255-312.](#)
 9. [Alan S. Berger, John H. Gagnon, and William Simon, "Pornography: High School and College Years," Volume 9, 165-208.](#)
 10. [Alan S. Berger, John H. Gagnon, and William Simon, "Urban Working-Class Adolescents and Sexually Explicit Media," Volume 9, 209-271.](#)
- Aug. 1 Discussion 3: Pornography, Scientific Research, and the Culture Wars in the Twenty-first Century.
- Read: Whitney Strub, “Utah and the War on Porn: Our Long National History of Condemning ‘Obscenity’ as Public Enemy #1,” *Salon*, April 24, 2016, accessed February 15, 2019, <https://bit.ly/2GnRCrG>.
 - Read: Philip Zimbardo, Gary Wilson, and Nikita Coulombe, “How Porn Is Messing With Your Manhood,” *Skeptic*, April 13, 2016, accessed February 15, 2019, <https://bit.ly/2S6AvvS>.
 - Read: Maggie Jones, “What Teenagers Are Learning From Online Porn,” *The New York Times Magazine*, February 7, 2018, accessed February 15, 2019, <http://nyti.ms/2BLzdD2>.

Week 5: Free Speech on College Campuses

- Aug. 5 Lecture 6: *In Loco Parentis*, the Civil Rights Movement, and the Freedom of Speech on College Campuses.
- ***Lab Report 4: Using Quantitative Evidence Due on Canvas before 12 PM.***
- Aug. 6 History Lab 5: Using Archival Sources.
- Read: Jesse Grant and Brian Hamilton, “Manuscripts and Archives: Unpublished, Unfiltered, Unfound,” *Learning Historical Research*, accessed February 15, 2019, <http://bit.ly/2Ea99yW>.
 - Read: The [Special Collections Use Policy](#) for the Booth Family Center for Special Collections as well as the Access Policies for [Manuscript Collections](#) and [the University Archives](#).
- Aug. 7 Class Visit to the Booth Family Center for Special Collections in Lauinger Library.
- Aug. 8 Discussion 5: Free Speech, Diversity, and Twenty-first Century College Life.
- 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 15, 2019, <http://bit.ly/2eg9nfC>.

Lab Report 5: Using Archival Sources on Canvas before 12 PM on Monday, August 12.

Final Paper/Op-ed Due on Canvas before 5 PM on Wednesday, August 14.