

**SCHOOL OF COMMUNICATION
USC ANNENBERG
DRAFT SYLLABUS**

CENSORSHIP AND THE LAW: Gender, Race and Power

COMM 371
Classroom: ANN209

Time: Tuesday and Thursday, 12:30pm – 1:50pm
Semester: Spring 2015
Professor: Mark Lloyd

Cell Phone: (202) 255-2122
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OFFICE HOURS

Please email me or call my cell phone if you have questions or want to set up an appointment.

COURSE DESCRIPTION:

This is a seminar course on the tensions between freedom of expression and government censorship of expression. Special attention will be paid to the laws and controversies around student speech, reproductive rights, hate speech and national security. The course will examine the shifting interpretation of freedom of speech and freedom of the press in the U.S., and how the ongoing struggles for women's rights and the rights of "racial" and ethnic minorities have affected public policy. The course will also examine government censorship during war. Through an examination of court opinions, scholarly articles, and documentaries, students are expected to learn the foundation of U.S. law that prohibits or punishes certain speech and the impact of public policy on new media. **Warning: some of the required reading material and video screenings may be offensive and disturbing.** The instructor reserves the right to modify or change the class assignments or readings listed in this Syllabus.

COURSE READING:

Beyond the Burning Cross: A Landmark Case of Race, Censorship, and the First Amendment – 1995 by [Edward J. Cleary](#)

Words That Wound: Critical Race Theory, Assaultive Speech, And The First Amendment (New Perspectives on Law, Culture, & Society) 1993 by [Mari J Matsuda](#) & others.

Second front: Censorship and propaganda in the 1991 Gulf War. (Univ of California Press, 2004) by **John R. MacArthur**

No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State by Glenn Greenwald (May 13, 2014)

All additional course readings will be found on Blackboard.

Weeks #1 & 2 (Jan. 12/14 – Jan. 19/21): Course Introduction and Censoring Students and the First Amendment

In Class Video: 50th Anniversary Free Speech Movement UC Berkeley
<https://www.youtube.com/watch?v=NI35STj20Qk>

Course Reader, Section 1/Blackboard

- The First Amendment
- Morse v. Frederick, 127 S. Ct. 2618, 2622 (2007) at <https://supreme.justia.com/cases/federal/us/551/06-278/>
- B.H. ex rel. Hawk v. Easton Area Sch. Dist., 725 F.3d 293, 299 (3d Cir. 2013) at <http://www2.ca3.uscourts.gov/opinarch/112067p.pdf>
- Berkeley Fall: The Berkeley Student Rebellion of 1964, by Mario Savio at <http://content.cdlib.org/view?docId=kt896nb2rx;NAAN=13030&doc.view=frames&chunk.id=d0e217&toc.depth=1&toc.id=d0e217&brand=calisphere>
- A Body on the Gears by Scott Saul at <http://www.thenation.com/article/body-gears#>

After these classes, you should be able to:

1. Explain the Free Speech Movement.
2. Describe the changing interpretations of the “free speech” and “free press” clauses of the First Amendment.
3. Describe the First Amendment issues related to student speech.

Week #3 (Jan. 26/28): Race Protest and Defamation Reading: Burning the Cross, Cleary

Course Reader, Section 2/Blackboard

- New York Times Co. v. Sullivan, 376 U.S. 254 (1964)
<http://supreme.justia.com/cases/federal/us/376/254/case.html>
- Brandenburg v. Ohio, 395 U.S. 444 (1969)
<http://supreme.justia.com/cases/federal/us/395/444/case.html>
- Black and White and Banned All Over: Race, Censorship and Obscenity in Postwar Memphis by Whitney Strub (Journal of Social History, Volume 40, Number 3, Spring 2007)

After this class, you should be able to:

1. Discuss New York Times v. Sullivan
2. Discuss Brandenburg v. Ohio
3. Identify the criteria used by courts to determine if speech is protected.
4. Identify the criteria used to determine whether a libel plaintiff is a public official or a private individual.
5. Explain the relationship between the civil rights movement and free speech.

Week #4 (Feb. 2/4): Hate Speech/Campus Codes

Reading: Words that Wound

In Class Video: Beyond Beats and Rhymes

Course Reader, Section 3/Blackboard

- Doe v. University of Michigan, 721 F. Supp. 852 - Dist. Court, ED Michigan 1989
http://www.bc.edu/bc_org/avp/cas/comm/free_speech/doe.html
- Nadine Strossen, "Regulating Racist Speech on Campus: A Modest Proposal?"
<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3116&context=dlj>
- Censorship and Rap Misogyny
- Censorship and Silencing
- American Hate Radio-NHMC

After this class, you should be able to:

1. Describe the tensions between free speech and hate speech
2. Distinguish between hate speech and offensive speech

Week #5 (Feb. 9/11): Momma's Got the Pill

Reading:

Course Reader, Section 4/Blackboard

- Jennifer Emerling Bone, "One Rebel Woman's Story"
- Margaret A. Blanchard. "The American Urge to Censor: Freedom of Expression Versus the Desire to Sanitize Society - From Anthony Comstock to 2 Live Crew"
- Bolger v. Youngs Drug Products Corp., 463 U.S. 60 (1983) at
<https://supreme.justia.com/cases/federal/us/463/60/case.html>
- Rust v. Sullivan, 500 U.S. 173 (1991) at
<https://supreme.justia.com/cases/federal/us/500/173/>

Week #6 (Feb. 16/18): Indecency, Obscenity, Pornography

Reading:

Course Reader, Section 5/Blackboard

- Middle Ground Between Strossen and MacKinnon
- Politics and Pornography at
<http://home.earthlink.net/~durangodave/html/writing/Censorship.htm>
- Miller v. California, 413 U.S. 15 (1973) at
<https://supreme.justia.com/cases/federal/us/413/15/case.html>
- Cybersmut
- ACLU v. Ashcroft II . ACLU, <http://www2.ca3.uscourts.gov/opinarch/991324.pdf>

After these four classes, you should be able to:

1. Describe the Comstock Laws and modern equivalents.
2. Identify the relationship between the women's movement and free speech.
3. Distinguish between indecent, obscene and pornographic speech.

Week #7 (Feb. 23/25):

Review and Midterm

Week # 8 (March 1/3): Censorship and Hollywood In Class Video:

- The Hollywood Ten (1950), <https://www.youtube.com/watch?v=taancRcLQ8o>
- The Hollywood Blacklist: 1947-1960, <https://www.youtube.com/watch?v=nJzV6-wJ3SQ>
- Hollywood Blacklist Victims Speak Out: 'Our Industry Was Under Attack', <http://www.hollywoodreporter.com/news/hollywood-blacklist-victims-speak-industry-392012>

Course Reader, Section 6/Blackboard

- Vaughn, Stephen. "The Devil's Advocate: Will H. Hays and the Campaign to Make Movies Respectable." Indiana Magazine of History (2005), <http://scholarworks.iu.edu/journals/index.php/imh/article/view/12119/17945>
- Richard Mosk, "Motion Picture Ratings in the U.S."
- Charles Hamilton Houston and the Hollywood Ten
- What to Show the World

After this class, you should be able to:

1. Describe early Hollywood censorship and ratings
2. Explain blacklisting and the Hollywood Ten

Week #9 (March 8/10): The Modern First Amendment/Administrative State

In Class Video: Carlin: George Carlin - 7 dirty words
<https://www.youtube.com/watch?v=vbZhp3sQxQ>

Course Reader, Section 7/Blackboard

- Free Speech and Expertise
- Libraries and Access to Harmful Material
- Reed Hundt, Regulating Indecency
- FCC v. Fox Television, 556 U.S. 502 (2009)
<http://www.supremecourt.gov/opinions/11pdf/10-1293f3e5.pdf>

After this class, you should be able to:

1. Identify the federal agencies that censor or limit speech.
2. Explain how different federal agencies impact speech.
3. Explain FCC speech regulation.

Class #10: (March 22/24): Issues with New Media: Games and Facebook

In Class Video: Game Over, <http://www.mediaed.org/cgi-bin/commerce.cgi?preadd=action&key=205>

Reading:

Course Reader, Section 8/Blackboard

In Class Video: Violent Video Games: Do They Affect Behavior?

- Regulated Youth Access to Violent Video
- The Political Power of Social Media
- Feinstein says Congress May Take Action

After this class, you should be able to:

1. Identify the challenges with new digital media and censorship.

Students must turn in 1-page outline of Final Paper (if not yet submitted) and discuss with instructor during class.

Week #11 (March 29/March 31): Censorship During

War Reading: Second Front – MacArthur

Course Reader, Section 9/Blackboard

- Censorship and the Persian Gulf War

After this class, you should be able to:

1. Explain the tension between national security and press freedom.

Week #12 (April 5/7): Censorship During War – Continued

In Class Video: Control Room: <http://topdocumentaryfilms.com/control-room/>

Course Reader, Section 10/Blackboard

- They bombed al-Jazeera's reporters. Now the US is after our integrity
<http://www.theguardian.com/commentisfree/cifamerica/2010/dec/10/al-jazeera-us-integrity-wikileaks>
- Bombing reports in NYTimes and WashPost

After this class, you should be able to:

1. Explain the relationship between censorship and propaganda.

Week #13 (April 12/14): Free Speech, Privacy and the “War on Terrorism”

In Class Video: Wikileaks: We steal secrets 2013

<https://www.youtube.com/watch?v=P4KSI0vcW9U>

Reading: No Place to Hide, Greenwald

Course Reader, Section 11/Blackboard

- Censorship and Surveillance in Cyberspace
- What Snowden and Assange really think

After this class, you should be able to:

1. Explain the relationship between censorship, surveillance and national security

Week #14 (April 19/21): Review

Week #15 (April 26/28): Final Exam

Students Give Oral Summaries of their Papers in Class

Final Paper due via email to instructor on May 16

HONESTY/PLAGIARISM/ACADEMIC INTEGRITY POLICY

1. USC Statement on Academic Integrity:

USC seeks to maintain an optimal learning environment. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by an instructor, and the obligations both to protect one's own academic work from misuse by others as well as to avoid using another's work as one's own. All students are expected to understand and abide by these principles. SCampus, the Student Guidebook, contains the Student Conduct Code in Section 11.00, while the recommended sanctions are located at <http://scampus.usc.edu/university-governance>. Students will be referred to the Office of Student Judicial Affairs and Community Standards for further review, should there be any suspicion of academic dishonesty. The review process can be found at <http://www.usc.edu/student-affairs/SJACS>

SEXUAL ASSAULT POLICY AND RESOURCES:

The University of Southern California is committed to fostering a safe campus environment for all members of the university community, free from sexual coercion, violence and sexual intimidation. The university's sexual misconduct and sexual assault policies have been developed to reaffirm these principles and to provide recourse for individuals whose rights have been violated (the policy is available in SCampus, section E: <http://scampus.usc.edu/e-integrity-of-the-academic-community/>). To learn more about your reporting options and your rights, or to speak with a counselor confidentially, contact the USC Sexual Assault Resource Center/Center for Women and Men at (213) 740-4900, or contact Student Counseling Services at (213) 740-7711. For more information and resources, including off-campus resources like the Rape Treatment Center, visit the USC Sexual Assault Resource Center website at <https://sarc.usc.edu/resources/>.

DISABILITY ACCOMODATIONS:

Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me as early in the semester as possible. DSP is located in STU 301 and is open 8:30 a.m.- 5:00 p.m., Monday through Friday. The phone number for DSP is (213)740-0776.

ESL STUDENT ACCOMODATIONS:

Please inform me as soon as possible if you require special accommodations based on your understanding of the English language.

STRESS AND ANGST

Students are under a lot of pressure. If you start to feel overwhelmed, it is important that you reach out for help. A good place to start is the USC Student Counseling Services office at 213-740-7711. The service is confidential, and there is no charge.

COURSE REQUIREMENTS AND ATTENDANCE:

This is a seminar, not a lecture. Students are required to do *all* of the reading and come prepared to discuss in class. Class attendance and participation will be factored into the final grade. Students are required to complete all assignments. *Attendance and participation will count as 10 percent of grade.*

Students are advised to attend the first class or the instructors may drop them from their classes. The School of Communication adheres to the university policy, which states “an instructor may replace any student who, without prior consent, does not attend... the first class session of the semester for once-a-week classes. It is then the student’s responsibility to withdraw officially from the course through the Registration Department.”

Personal computers and wireless Internet are a key part of today’s technological culture, but they also can distract you from the class discussion and dampen participation. I expect you to use computers for note-taking purposes only, and to avoid using other mobile devices during class time. Any deviation will result in laptops being banned from the classroom and participation grades being impacted.

You will receive details about each assignment/exam separately. All assignments must be completed and handed in on time to avoid a grade reduction. If you are unable to turn in an assignment due to illness or a personal emergency, you must provide written documentation that will allow you to be excused, or discuss your situation with me in a timely manner. Do not wait until the end of the semester to sort things out. Remember: this is YOUR responsibility.

CLASS WORK:

The class work may include a short written quiz at the start of some classes. Students will be selected in class to propose answers and the entire class will be expected to discuss. This class participation will not be graded but if students demonstrate they have not done the reading, the classroom responses will be factored into the overall grade.

Exams. Two classroom exams will be given. The exams are closed-book tests based on materials from the readings *and* class lectures. Test questions will include true-false, multiple choice, and essay questions. This syllabus lists exam topics. **50 percent of grade (25 percent per exam).**

Oral Presentation. Students are required to give an oral presentation of their research and analysis paper in class. The presentation is not graded but will provide an opportunity for feedback from classmates and an opportunity for the instructor to give guidance to the student on the final written version of the paper.

Final Paper. Students will write a detailed report on a topic of their choosing related to the course material. Minimum length: 3,000 words. The report must include: (1) a clear, concise summary of the issue and its importance; (2) original investigation and analysis; (3) a fair presentation of contrary views; (4) a discussion of the student's views and the support for the student's perspective; and (5) a conclusion that includes a possible resolution of the issue or a prediction of the outcome of the issue. All topics must be approved by the instructor. **40 percent of grade.**

COURSE GRADING POLICY:

The exams will be graded based ability to provide correct answers and clear explanations.

The final paper article will be graded based on accuracy, clarity, organization, and adequate sourcing.

“A” work clearly describes the relevant facts, parties, and legal rules, the key question or issue, and the correct history of the issue, case, or lawsuit, and contains only minor organizational problems or minor errors in describing the facts and legal rules, applying the legal rules to the facts, and includes all of the required number of required sources/research materials.

“B” work requires more than minor reorganization or fails to adequately explain one legal rule or fails to include one required sources/research materials.

“C” work requires major reorganization and misstates more than one legal rule or misapplies the legal rule to the facts several times and fails to include more than one of the required sources/research materials.

“D” work has excessive organizational problems and numerous errors in describing the legal rules and facts and applying the law to those facts or fails to include several of the required sources/research materials.

“F” work has significant organizational problems or errors in describing the legal rules and facts and applying the law to those facts, fails to include any required sources/research materials, or all of the above.

A+	= 97-100	B+	= 89-87	C+	= 79-77	D+	= 69-67
A	= 96-94	B	= 86-84	C	= 76-74	D	= 66-64
A-	= 93-90	B-	= 83-80	C-	= 73-70	D-	= 63-60

KEY DATES:

Exams:

Feb. 25

April 28

Final Paper:

1-page outline and summary due 3/24

Oral summary due on 4/14

Final paper due on 5/10

INSTRUCTOR BIOGRAPHY

Mark Lloyd is a clinical professor in Communication at the USC-Annenberg School of Journalism and Communication. From 2009-2012 he served as an associate general counsel at the Federal Communications Commission. Mr. Lloyd's academic career includes a two years as a visiting scholar at MIT, and several years as an adjunct professor of public policy at the Georgetown University Public Policy Institute. Mr. Lloyd has lectured at Harvard, UCLA, UC-Riverside, NYU, Penn State and other academic institutions in the U.S. and abroad. In addition to publishing numerous articles and contributions to edited volumes, his book, *Prologue to a Farce: Communication and Democracy in America* was published by the Univ. of Illinois Press in 2007.

Previously Mr. Lloyd has been the General Counsel of the Benton Foundation, a domestic policy advisor at the Clinton White House, and an attorney at the DC law firm Dow, Lohnes & Albertson. Before becoming a communications lawyer, Mr. Lloyd was an Emmy Award-winning broadcast journalist, working for public and commercial radio and television, including work at NBC and CNN.

Mr. Lloyd graduated from the University of Michigan-Ann Arbor with a double major in journalism and political science, and from the Georgetown University Law Center.