

**First Amendment Seminar,
Dow, Spring 2023,
Second Revised Syllabus
and Course Description.**

The text for this class is Jesse H. Choper, and Frederick Schauer, *The First Amendment: Cases--Comments--Questions* (West Academic Publishing) (7th ed.). Page numbers on this syllabus refer to that text. We will also read a mix of additional cases and scholarship; these additional assignments will be sent to you by email at least 3-4 days in advance of the day we will cover them.

Up to one-third of your grade for this course will be based on class participation. The remainder will be based on an essay the parameters of which I will discuss during the first class. (I will discuss the parameters of the required paper during the first class only, and not subsequently, and I will not have individual conversations with students about the parameters of the paper, so your attendance at the first class session is strongly advised.)

Please direct all administrative questions to my assistant, Charlette Jefferson, CMJeffer@central.uh.edu, 713-743-2120. Any email communication with me must include on the subject line the words "Dow, First Amendment, Spring 2023"; the subject line may also include additional words.

* * * * *

**First Amendment Seminar, Dow, Spring 2022,
Second Revised Syllabus and Course Description.**

Our focus in this class will be on the broad issue of falsity (as in true versus false), and on whether it is correct to hold, as current First Amendment doctrine does, that "there is no such thing as a false idea." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974). Justice Powell insisted the First Amendment "requires that we protect some falsehood in order to protect speech that matters." In this class, we will explore the soundness of that claim, and whether it has limits, and, if it does, what those limits are.

1. Week of Jan. 16:

tu, jan 17. introduction.

th, jan 19. *Gertz*, 418 U.S. 323 (1974).

2. Week of Jan 23:

tu, jan 24. 19-45.

th, jan 26. cont'd.

3. Week of Jan 30:

tu, jan 31.

th, feb 2. 45-54, 137-44.

4. Week of Feb 6:

tu, feb 7. 54-102.

th, feb 9. the German example:

<https://www.cambridge.org/core/journals/german-law-journal/article/can-german-constitutionalism-serve-as-a-model-for-the-united-states/79DE2CF80D1475CA1B2AE4FD4C792DCE>

5. Week of Feb 13:

tu feb 14. 356-79.

th feb 16. **no class**

Paper outlines due by the end of business, Friday, Feb. 17. (Outlines are optional.)

6. Week of Feb 20:

tu feb 21. 385-96, 405-31..

th feb 23. 112-36.

7. Week of Feb 27:

tu feb 28. 293-319

th mar 2. 150-75.

8. Week of Mar 6:

tu mar 7. 323-56.

th mar 9. 223-45.

Week of Mar 13: No class, spring break.

9. Week of Mar 20:

tu mar 21. **no class.**

th mar 23. 259-93, re-read 405-30.

Rough drafts of papers are due by the end of business, Friday, Marsh 25. (Rough drafts are optional.)

10. Week of Mar 27:

tu mar 28. paper sessions.

th mar 30. paper sessions.

11. Week of Apr 3:

tu apr 4. 487-529.

th apr 6. **cont'd.**

12. Week of Apr 10:

tu apr 11. Waldron, The Harm in Hate Speech (excerpts).

th apr 13. **cont'd.**

13. Week of Apr 17:

tu apr 18. **TBA.**

th apr 19. **TBA.**

14. Week of Apr 24: student meetings, papers (optional).

tu apr 25. **no class, student meetings.**

th apr 26. **no class, student meetings.**

Final papers due by 5 p.m., Friday, May 5, 2022.

The University requires the following language to be included in this syllabus. If you have questions about whether specific language is applicable to this class, please ask.

University Mandated Syllabus Language:

Face Covering Policy To reduce the spread of COVID-19, the University strongly encourages everyone (vaccinated or not) to wear face coverings indoors on campus including classrooms for both faculty and students.

Presence in Class Your presence in class each session means that you:

- o Are NOT exhibiting any **Coronavirus Symptoms** that makes you think that you may have COVID-19
- o Have NOT tested positive or been diagnosed for COVID-19
- o Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see **Student Protocols** for what to do if you experience symptoms and **Potential Exposure to Coronavirus** for what to do if you have potentially been exposed to COVID-19. Consult the (select: **Undergraduate Excused Absence Policy** or **Graduate Excused Absence Policy**) for information regarding excused absences due to medical reasons.

Required Language for All Courses

COVID-19 Information Students are encouraged to visit the University's **COVID-19** website for important information including on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

Vaccinations Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent **vaccine information**, consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

Reasonable Academic Adjustments/Auxiliary Aids The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact

the Justin Dart Jr. Student Accessibility Center (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

Excused Absence Policy Regular class attendance, participation, and engagement in coursework are important contributors to student success. Absences may be excused as provided in the University of Houston **Undergraduate Excused Absence Policy** and **Graduate Excused Absence Policy** for reasons including: medical illness of student or close relative, death of a close family member, legal or government proceeding that a student is obligated to attend, recognized professional and educational activities where the student is presenting, and University-sponsored activity or athletic competition. Under these policies, students with excused absences will be provided with an opportunity to make up any quiz, exam or other work that contributes to the course grade or a satisfactory alternative. Please read the full policy for details regarding reasons

for excused absences, the approval process, and extended absences. Additional policies address absences related to **military service, religious holy days, pregnancy and related conditions, and disability.**

Recording of Class Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the **Justin Dart, Jr. Student Accessibility Center.** If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through (specify how students will be notified of changes).

* * * * *