

CO445 SEMINAR ON FREEDOM OF EXPRESSION (HONORS)
TTH 3:00-4:15 P.M., 21 CAMPANELLA WAY 528
FALL 2008

DALE HERBECK

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COURSE DESCRIPTION. This course will use three notable court cases to illuminate enduring controversies involving the freedom of expression. The decisions to be studied this semester include *Paladin Enterprises v. Rice* ("Hitman"), *Morse v. Frederick* ("Bong Hits 4 Jesus"), and *Fox Broadcasting v. Federal Communications Commission* ("fleeting expletives"). Course grades will be based on three oral arguments, an annotated bibliography and an outline, and a legal research paper.

READINGS.

1. Smolla, Rod. *Deliberate Intent: A Lawyer Tells the True Story of Murder by the Book*. New York: Crown, 1999. (Out of print; loaner copies will be provided.)
2. Readings on Freedom of Expression. As an alternative to the traditional reader, the readings have been posted to Blackboard Vista (not to be confused with Microsoft Vista). The Blackboard Vista course management system is available at the following URL:

<https://cms.bc.edu/webct/entryPageIns.dowebct>

If you have trouble accessing Blackboard Vista, please consult the "Student FAQs" prepared by Instructional Design and eTeaching Services:

http://idesweb.bc.edu/ides/website/teaching_tools/bb_vista/stu_support

The accompanying schedule provides specific reading assignments for each class session.

WARNING: Honors seminars require the active involvement of all participants. This means you are expected to read the assigned material before class and that you are prepared to actively participate in all discussions. If you are unable to participate because you did not complete the reading, you will be counted as absent and that may adversely affect your course grade. (See the "Attendance Policy" section of this syllabus.)

WARNING: The course material is controversial and may be offensive. We will discuss difficult issues (murder for hire), profane and offensive language (expletives), and divisive social problems (human sexuality and drug use). So too, our discussions may become spirited on occasion. While full and active participation is expected, an atmosphere of mutual respect and good will must prevail for the class to succeed.

ASSIGNMENTS. Course grades will be based on two different types of assignments:

1. **APPELLATE ADVOCACY.** After our classroom discussion of each case, all students will participate in an appellate advocacy exercise. Three students will be randomly assigned as advocates to each side of the case. The advocates will be prepare a three-page brief

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outlining their arguments and present that brief to a panel of judges. Two advocates will present, one advocate will serve as rebuttalist, and all three advocates will answer questions. The panel of judges will be composed of the other six students in the class.

PARTICIPATION POLICY. Since the advocacy exercises involve six advocates, an exercise cannot be conducted if any single advocate is absent. Once the exercises have been scheduled, all advocates are expected to participate. Failure to participate *will* result in an appropriate reduction in your grade for the exercise. Only those not present on the assigned date and time will be penalized.

2. **RESEARCH PAPER.** The course requires a major scholarly paper (25 pages with footnotes or endnotes) concerning one of three (see attached handout) current controversies involving freedom of expression. As part of the paper preparation process, an annotated bibliography and an outline must be submitted before the paper. Detailed information regarding the annotated bibliography (100 points, 10% of course grade), the outline (100 points, 10% of course grade), and the paper (500 points, 50% of course grade) is attached to this syllabus. The annotated bibliography will be due on Tuesday, 21 October at 3 p.m.; the outline will be due on Tuesday, 20 November at 3 p.m.; and the finished paper will be due on Monday, 15 December at 9 a.m. (our scheduled final examination period).

LATE POLICY. Since the due date for all written assignments is known from the outset of the class, there is no reason why the assignments cannot be completed on time. Moreover, it would be unfair to selectively grant extensions. As a result, all late work will be penalized. Assignments received from one to three days late *will* be penalized one letter grade. Assignments received from four to seven days late *will* be penalized two letter grades. *No* assignments will be accepted more than one week late. Failure to submit the final paper will result in automatic failure for the course.

GRADING. Number grades will be assigned according to the following scale.

90% to 100%	A	=	Excellent
80% to 89%	B	=	Very Good
70% to 79%	C	=	Average
60% to 69%	D	=	Below Average
00 to 59%	F	=	Failing

In assigning course grades assignments will be weighed according to the following formula:

Appellate Brief & Argument #1	100	possible points
Appellate Brief & Argument #2	100	possible points
Appellate Brief & Argument #3	100	possible points
Annotated Bibliography	100	possible points
Outline	100	possible points
Research Paper	500	possible points
TOTAL	1000	POSSIBLE POINTS

Individual assignment scores will be totaled to determine course grades. In the past, scores between 900 and 1000 points have received an “A,” 800 and 899 have received a “B,” 700 and 799 a “C,” 600 and 699 a “D,” and between 0 and 599 a “F.” This scale may be adjusted upward as necessary when assigning grades. Scores in the lower 30% to 40% of a range will receive a “minus” qualifier. Scores in the upper 10% of a range will receive a “plus” qualifier. An excessive number of absences may result in the reduction of a final course grade.

COURSE REQUIREMENTS. This course will be governed by the “Academic Regulations” delineated in the Boston College Undergraduate Catalog and by the policies of the Communication Department. Two of these policies are of particular importance:

Department of Communication Attendance Policy

Attendance is required as a condition of successful completion of all courses in the Communication Department. After missing any class session, a student is responsible for finding out about assignments, due dates, announcements, handouts, and material covered during the missed session, and for making up any missed work. The student is also responsible for obtaining class notes from a classmate for the session, and for learning the material from that session for any relevant exams or quizzes.

The equivalent of 2 weeks (4 classes) of absence from this course will reduce a student's course grade by one full letter grade. Students missing the equivalent of 3 weeks (6 classes) will fail the course. Absences for any reason, including illness, employment, personal crises, athletics or other extra-curricular activities are included in this total.

Department of Communication Policy on Academic Integrity

The Communication Department holds the highest standards of academic honesty for all students. The maintenance of these standards is essential to the basic functioning of the department as an academic community, and makes possible the conduct of fair, meaningful, and worthwhile educational experiences. Because the faculty of this department takes academic honesty so seriously, we remind all students in all Communication courses of the academic integrity statement signed by all students upon matriculation at Boston College.

Instances of cheating, plagiarism, dishonesty or collusion will be treated seriously within the Communication Department. Sanctions for such breaches of academic integrity will include failure of the course, ejection from the major, and/or expulsion from Boston College. All cases will be referred to the Department Chairperson or the Dean of the College of Arts and Sciences.

In order to help ensure honesty in written work submitted as part of the course requirements for courses within the Communication Department, the department requires that ALL written assignments for ALL department courses be handed in on diskette as well as on paper. The diskettes will routinely be checked for plagiarized material through a professional service that analyzes the content of the work against a broad range of Internet and on-line databases. Written work will not be accepted unless it is accompanied by a diskette version.

Statement on Academic Integrity from the College of Arts and Sciences:

The College of Arts and Sciences expects all students to adhere to the accepted norms of intellectual honesty in their academic work. Any forms of cheating, plagiarism, or dishonesty or collusion in another's dishonesty is a fundamental violation of these norms.

CHEATING is the use or attempted use of unauthorized aids in any exam or other academic exercise submitted for evaluation. This includes data falsification; the fabrication of data; deceitful alteration of collected data included in a report; copying from another student's work; unauthorized cooperation in doing assignments or during an examination; the use of purchased essays, term papers, or preparatory research for such papers; submission of the same written work in more than one

course without prior written approval from the instructor(s) involved; and dishonesty in requests for either extensions or papers or make-up examinations.

PLAGIARISM is the deliberate act of taking the words, ideas, data, illustrative material, or statements of someone else, without full and proper acknowledgment, and presenting them as one's own.

COLLUSION is assisting or attempting to assist another student in an act of academic dishonesty.

As part of your scholarly development, you must learn how to work cooperatively in a community of scholars and fruitfully utilize the work of others without violating the norms of intellectual honesty. You have a responsibility to learn the parameters of collaboration and the proper forms for quoting, summarizing and paraphrasing.

Faculty members who detect any form of academic dishonesty have the responsibility to take appropriate action. The faculty member also has the responsibility to report the incident and penalty to the Department Chairperson and the appropriate Class Dean. The report will remain in your student file until you graduate.

If the gravity of the offense seems to warrant it or if the faculty member prefers that another academic authority decide the matter, he or she may refer the case to a Dean. In addition, if the student is unwilling to accept the faculty member's decision, he or she may choose to have the matter adjudicated either by an Associate Dean or by an Administrative Board. The section of the College of Arts and Sciences in the Boston College Undergraduate Catalogue has further details about this process.

**CO445 SEMINAR ON FREEDOM OF EXPRESSION
TENTATIVE COURSE SCHEDULE
Fall 2008**

<u>DATE</u>	<u>TOPIC</u>
2 September	Introduction to the course
4 September	The Free Speech Clause (handout #1)
	Reading
	<ul style="list-style-type: none"> • 1a: Justice Oliver Wendell Holmes (dissenting), <i>Abrams v. United States</i>, 250 U.S. 616 (1919). • 1b: Alexander Meiklejohn, "Political Speech and the First Amendment" • 1c: Justice Marshall (concurring), <i>Procunier v. Martinez</i>, 416 U.S. 396 (1974).

*CASE ONE:
PALADIN V. RICE (4TH CIR. 1997)*

<u>Date</u>	<u>Topic</u>
9 September	Background on Incitement (handout #2) VIDEO: 60 Minutes segment on <i>Paladin v. Rice</i>
	Reading
	<ul style="list-style-type: none"> • Smolla, <i>Deliberate Intent</i>, pp. 1-87 • Rex Feral, <i>Hitman: A Technical Manual for Contract Killers</i>, pp. 1-35, 71-86, and 95-109
11 September	The District Court (handout #3)
	Reading
	<ul style="list-style-type: none"> • Smolla, <i>Deliberate Intent</i>, pp. 88-148 • 3a: <i>Brandenburg v. Ohio</i>, 395 U.S. 444 (1969) • 3b: <i>Rice v. Paladin Enterprises</i>, 940 F. Supp. 836 (D. Md. 1996)
16 September	The Fourth Circuit (handout #4)
	Reading
	<ul style="list-style-type: none"> • Smolla, <i>Deliberate Intent</i>, pp. 149-272 • 4a: <i>Rice v. Paladin Enterprises</i>, 128 F.3d 233 (4th Cir. 1997) • 4b: <i>Rice v. Paladin Enterprises</i>, 523 U.S. 1074 (1998)
18 September	Workshop: Appellate Advocacy
23 September	Appellate Advocacy (Round 1)
25 September	Appellate Advocacy (Round 2)
30 September	MOVIE: <i>Deliberate Intent</i>

2 October The *Paladin* Legacy (handout #5)
VIDEO: Excerpts from *The Warriors* and *Natural Born Killers*

7 October Workshop: Writing the Legal Research Paper (part 1) (handout #6)

Reading

- 6a: Pamela Samuelson, "Good Legal Writing: Of Orwell and Window Panes," *University of Pittsburgh Law Review* 46 (Fall 1984): 149-169

9 October Workshop: Basics of Legal Research (Lexis/Nexis) (handout #7)

**CASE TWO:
MORSE V. FREDERICK (2007)**

14 October Background: Tinker, Bethel & Hazelwood (handout #8)
AUDIO: Oral arguments from *Tinker vs. Des Moines School District*

Reading

- 8a: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969)
- 8b: *Bethel School District v. Fraser*, 478 U.S. 675 (1986)
- 8c: *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988)

16 October The District Court and 9th Cir. (handout #9)

Reading

- 9a: *Frederick v. Morse*, 439 F.3d 1114 (9th Cir. 2006)

21 October The Supreme Court (handout #10)
DUE DATE: ANNOTATED BIBLIOGRAPHY

Reading

- 10a: *Morse v. Frederick*, 551 U.S. ____ (2007)

Supplemental reading (to help with appellate advocacy)

Merits Briefs

- 10b: Brief for Petitioner Deborah Morse
- 10c: Brief for Respondent Joseph Frederick

Amicus Briefs

- 10d: Brief for DARE in support of Petitioner
- 10e: Brief for National School Board Association in Support of Petitioner
- 10f: Brief for National Coalition Against Censorship in Support of Respondent
- 10g: Brief for Student Press Law Center in Support of Respondent

23 October Appellate Advocacy (Round 3)

28 October Appellate Advocacy (Round 4)

30 October The *Morse* Legacy (handout #11)

Reading

- 11a: Erwin Chemerinsky, “How Will *Morse v. Frederick* Be Applied?” *Lewis and Clark Law Review* 12 (2008): 17-26.

CASE THREE:
FOX V. FCC (2ND CIR. 2007)

4 November Background on Obscenity and Offensive Speech (handout #12)
AUDIO: Selections from Lenny Bruce and George Carlin

Reading

- 12a: *Cohen v. California*, 403 U.S. 15 (1971)
- 12b: *Miller v. California*, 413 U.S. 15 (1973)

6 November *FCC v. Pacifica Foundation* (handout #13)

Reading

- 13a: George Carlin, “Filthy Words”
- 13b: *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726 (1978)

11 November The Second Circuit Decision (handout #14)
VIDEO: “2004 Super Bowl” and “Without a Trace”

Reading

- 14a: *Fox Television Stations v. Federal Communications Commission*, 489 F.3d 444 (2nd Cir. 2007)
- 14b: *CBS Corporation v. Federal Communication Commission*, 2008 U.S. App. LEXIS 16692 (3rd Cir. 2008)

13 November Anticipating the Supreme Court Decision (handout #15)

Reading

- 15a: Petition for a Writ of Certiorari (FCC), *Federal Communications Commission v. Fox Television Stations*
- 15b: Brief in Opposition (Fox), *Federal Communications Commission v. Fox Television Stations*

Supplemental reading (to help with appellate advocacy)

Merits Briefs

- 15c: Brief for Petitioner Federal Communications Commission
- 15d: Brief for Respondent Fox Television Stations
- 15e: Brief for Respondents NBC, CBS, and ABC

Amicus Briefs

- 15f: Brief for Morality in Media in Support of Petitioner
- 15g: Brief for Parents Television Council in Support of Petitioner

18 November	MOVIE: <i>Lenny</i>
20 November	NO CLASS, NATIONAL COMMUNICATION ASSOCIATION CONVENTION DUE DATE: OUTLINE
25 November	Paper Conferences
27 November	NO CLASS, THANKSGIVING VACATION
2 December	Appellate Advocacy (Round 5)
4 December	Appellate Advocacy (Round 6)
9 & 10 December	STUDY DAYS
15 December	FINAL EXAM (Monday, 9 a.m.; Class breakfast) DUE DATE: FINAL PAPER
19 December	Final grades posted (before 12 noon)

**CO445 SEMINAR ON FREEDOM OF EXPRESSION
RESEARCH PAPER
Fall 2008**

DESCRIPTION. A variety of cases raising profound First Amendment questions are currently pending in the courts. In an effort to gain insight into the issues raised by these controversies, each student will write a research paper about *one* of the following case studies.

PAPER CHOICES.

OPTION ONE:
*Crime Facilitating
and/or Dangerous Web Sites*

Using a search engine, an interested party can easily locate information on the Internet about how to commit crimes or engage in dangerous activity. There are, for example, web sites that describe how to make guns, synthesize drugs, commit murder, engage in sabotage, and evade taxes. Although they do not involve crime per se, there are also web sites that describe how to cheat on tests, how to commit suicide, and how to develop an eating disorder.

Select any crime-facilitating web site or a web site that advocates or encourages dangerous or immoral behavior. Since the Supreme Court has never considered the limits on such expression, use the cases (*Brandenburg v. Ohio* and *Paladin v. Rice*) discussed in class and related cases to develop a standard for assessing the free speech issues raised by crime facilitating and/or dangerous web sites.

RESEARCH QUESTIONS:

What distinguishes a crime facilitating and/or dangerous web sites? What free speech issues are raised by such sites? What is the appropriate legal standard for judging such sites? Should victims be allowed to sue for damages?

STARTING CITATIONS:

Supreme Court Decision: *Brandenburg v. Ohio*, 395 U.S. 444 (1969)
Nuremberg Files Case: *Planned Parenthood of the Columbia/Willamette v. American Coalition of Life Activists*, 290 F. 3d 1058 (9th Cir. 2003)
Natural Born Killers Case: *Byers v. Edmondson*, 712 So. 2d 681 (La. Ct. App. 1998)
Hitman Case: *Rice v. Paladin Enterprises*, 128 F.3d 233 (4th Cir. 1997)

OPTION TWO:
Expressive T-Shirts

Students at Poway High School (Poway, CA) were encouraged to wear T-shirts conveying pro-gay messages to celebrate the school district's "Day of Silence" event in 2004. Sophomore Tyler Chase Harper, a devout Christian, objected to the event and the toleration of homosexuality it encouraged. Rather than wearing a pro-gay shirt, Harper voiced his opposition by wearing a shirt with "I WILL NOT ACCEPT WHAT GOD HAS CONDEMNED" taped on the front, and "HOMOSEXUALITY IS SHAMEFUL. ROMANS 1:27" taped on the back.

Fearing that Harper's t-shirt might disrupt classes or lead to physical violence, school officials encouraged Harper to remove his shirt. In an effort to persuade Harper, they warned him about the potential for confrontation. They also explained that other students might be offended by Harper's language. When Harper refused to change his shirt or remove the message, the principal ordered him

to remain in the main office. Harper was not suspended, the incident was not added to his disciplinary record, and he was not counted as absent.

Rather than trying to wear another shirt, Harper initiated a lawsuit against the Poway Unified School District alleging that school officials violated his right to free speech. He requested an injunction barring the Poway School District from discriminating against religious expression. Citing the substantial disruption test set out in *Tinker*, a federal district judge refused to grant the injunction. On appeal, the Ninth Circuit affirmed the district court.

The Supreme Court granted certiorari, but rather than scheduling oral argument, the court vacated the Ninth Circuit decision. Since Harper had graduated, the Justices concluded the case was moot. This meant that the Court dispensed with the case without ruling on the underlying issue.

RESEARCH QUESTIONS:

Did Harper have the right to wear his shirt to school? Did Poway school officials engage in viewpoint-based discrimination? How should schools deal with potentially offensive expression like Harper's t-shirt?

STARTING CITATIONS:

Supreme Court decisions: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), *Bethel School District v. Fraser*, 478 U.S. 675 (1986), *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988), and *Frederick v. Morse*, 551 U.S. ____ (2007)
District Court: *Harper v. Poway Unified School District*, 345 F.Supp. 2d 1096 (S.D. Cal. 2004).
Ninth Circuit: *Harper v. Poway Unified School District*, 445 F.3d 1166 (9th Cir. 2006).

OPTION THREE: *Fleeting Expletives*

When the Supreme Court upheld the rules on broadcast indecency in *Federal Communications Commission v. Pacifica Foundation* in 1978, the Justices emphasized that their decision “does not speak to cases involving the isolated use of a potentially offensive word.” To accommodate this reservation, the FCC created an exception for “isolated, non-literal, fleeting expletives,” especially if the utterance occurred during a live broadcast.

Following celebrities' use of indecent language at various award shows in 2002 and 2003, the FCC announced that it planned to change the “fleeting expletive rule.” Under the new rule, broadcasters would be held responsible for indecent language that was unintentionally broadcasting during live coverage of newsworthy events. Fox Television and the other network successfully challenged that FCC's proposed policy on First Amendment ground. In *Fox Broadcasting v. FCC*, the Second Circuit held the FCC's indecency rules were “undefined, indiscernible, inconsistent, and consequently, unconstitutionally vague.”

Before issuing a final ruling, the Court remanded the case and offered the FCC another opportunity to provide a “reasonable explanation” justifying the new policy. Instead of trying to satisfy the Second Circuit, the FCC and the Department of Justice petitioned the Supreme Court to hear the case. The Supreme Court granted certiorari and oral arguments have been scheduled for December 2009.

RESEARCH QUESTIONS:

Does the First Amendment protect indecent speech? Does this protection extend to broadcasting? Are “fleeting expletives” entitled to First Amendment protection? How

should the Supreme Court rule in *Fox Television Stations v. Federal Communications Commission*”?

STARTING CITATIONS:

Supreme Court: *Cohen v. California*, 403 U.S. 15 (1971), and *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726 (1978)
2nd Circuit: *Fox Television Stations v. Federal Communications Commission*, 489 F.3d 444 (2nd Cir. 2007)
2004 Super Bowl: *CBS Corporation v. Federal Communication Commission*, 2008 U.S. App. LEXIS 16692 (3rd Cir. 2008)

ASSIGNMENT. After carefully studying all aspects of your case, write a 25-page research paper that contains the following:

1. A detailed history of the case including a summary of the relevant court decisions.
2. A comprehensive discussion of all the First Amendment issues raised by the case.
3. A resolution of the case that addresses the free speech concerns.

GRADING CRITERIA. The research paper is worth 500 points (40% of your grade for the course). The following criteria will be used for evaluating papers:

1. Your ability to summarize the case and identify the relevant legal issues.
2. The quality and sophistication of your analysis of the First Amendment questions raised by the case.
3. The quality of your research. (NOTE: Your paper should contain a minimum of twenty different sources. No more than one-third (six of twenty) of your sources should be World Wide Web addresses. Items retrieved from Lexis/Nexis such as court case, newspaper articles, or law reviews are counted as print sources.)
4. The analytical and evidentiary support offered for conclusions.
5. The quality of writing, attention to recognized footnote and bibliographical forms, and spelling and/or grammatical mistakes.

DUE DATE. Monday, 15 December, at 9 a.m. (our scheduled final examination period).

LATE POLICY. Papers received from one to three days late *will* be penalized one letter grade. Paper received from four to seven days late *will* be penalized two letter grades. No papers will be accepted more than one week late. Failure to submit the research paper will result in automatic failure for the course.

CO445 SEMINAR ON FREEDOM OF EXPRESSION ANNOTATED BIBLIOGRAPHY ASSIGNMENT Fall 2008

DESCRIPTION OF THE ASSIGNMENT. Prepare an annotated bibliography of materials relevant to your case study. The bibliography should contain a minimum of 15 different sources and should include both primary and secondary sources. No more than one third of your citations may be from electronic resources such as computer bulletin boards or World Wide Web pages. Each entry should be annotated so as to summarize the essence of the item being cited. Bibliographies must be typed and prepared according to the form described in a recognized style manual. Entries in a bibliography are always alphabetized.

SAMPLE CITATIONS. The following examples illustrate the nature of an annotated bibliography:

1. Godwin, Mike. *Cyber Rights: Defending Free Speech in the Digital Age*. New York: Times Books, 1998.

Mike Godwin, counsel to the Electronic Frontier Foundation, is one of the leading advocates of "cyber rights." In this 1998 book, Godwin sets out the case for a liberal construction of constitutional freedoms in digital forums. This far-ranging book includes chapters on censorship in cyberspace, defamatory and hateful speech posted on computer bulletin boards, the use and abuse of intellectual property on the World Wide Web, the controversial Rimm Study of sexually explicit images on the Internet, and the ill-fated "indecency" provision of the Communication Decency Act. Absent zealous efforts to defend the freedom of speech, Godwin concludes that a valuable new forum for expression will be sacrificed to majoritarian fears of dangers that might be lurking in cyberspace.

2. *MLA Style*. Modern Language Association. 9 July 1998.
<http://www.mla.org/main_stl.htm#sources>.

This page contains guidelines prepared by the Modern Language Association for documenting resources located on the World Wide Web. These guidelines are important, as the "MLA Style" has been widely adopted by leading colleges and universities. This page includes both rules and examples for citing web pages, as well as answers to frequently asked questions about the MLA Style.

3. *Schenck v. Pro-Choice Network of Western New York*, 519 U.S. 357 (1997).

Early in 1996, the United States Supreme Court granted review in a case resulting from efforts to limit political protest at abortion clinics. On 19 February 1997, the Supreme Court, by a vote of 6 to 3, upheld the constitutionality of restrictions excluding protesters from entering into a 15-foot fixed buffer zone around driveways and entrances to abortion clinics. In the same decision, by a vote of 8 to 1, the Court struck down a 15-foot "floating" buffer that would have prevented protesters from approaching clients and staff entering or leaving a clinic. The 15-foot fixed buffer zone around driveways and entrances, the Court reasoned, was justified by the need to maintain "public safety and order." At the same time, the Court held that "floating" buffer zones went too far as they would limit political speech that lies of the "heart" of the First Amendment.

GRADING CRITERIA. The bibliography is worth 100 points (10% of course grade). The following criteria will be used for evaluating bibliographies:

1. Assignment requirements. Does the bibliography meet the requirements of the assignment? Are the articles germane to the case study?
2. Quality, diversity and quantity of the sources evaluated. Does the bibliography include representative selection of articles? Does the bibliography contain the necessary number of sources?
3. Form of the citations. Are the citations complete? Are the articles properly cited?
4. Quality and completeness of the annotations. Do the annotations fully summarize the articles? Are the annotations thorough and detailed? Are the annotations well-written?

DUE DATE. 21 October 2008, at 3 a.m. (the beginning of class)

LATE POLICY. Assignments received during class or at the end of class will be penalized one-half letter grade. Assignments one to three days late will be penalized one letter grade. Assignments four to seven days late will be penalized two letter grades. No annotated bibliography will be accepted more than one week late.

**CO445 SEMINAR ON FREEDOM OF EXPRESSION
OUTLINE ASSIGNMENT
Fall 2008**

DESCRIPTION OF THE ASSIGNMENT. Based on your research, prepare a preliminary outline of your paper. The outline should be three or four pages in length (double-spaced), it should account for the major sections of the paper and summarize significant lines of argument, and it should contain enough detail to demonstrate that you are actively working on your paper. Use footnotes or references to identify and place sources that you intend to cite in your final paper. The outline should include fifteen or more sources and reference most of the items previously submitted on your annotated bibliography.

(NOTE: Your final paper may deviate from the outline that you submit, but your outline should reflect your thinking in mid-November. If you are still working on your conclusions, indicate the potential lines of argument that you are considering.)

GRADING CRITERIA. The outline is worth 100 points (10% of course grade). The following criteria will be used for evaluating outlines:

1. **Assignment requirements.** Does the outline meet the requirements of the assignment? Does the outline identify the major sections of the paper? Does the outline contain sufficient detail?
2. **Research.** Does the outline identify sources? Have items from the bibliography been integrated into the outline? Is there adequate original research to support major claims and conclusions?
3. **Progress.** Is the outline sufficiently sophisticated to prove that progress is being made on the paper?

DUE DATE. 20 November 2008, at 3 a.m. (the beginning of class)

LATE POLICY. Assignments received during class or at the end of class will be penalized one-half letter grade. Assignments one to three days late will be penalized one letter grade. Assignments four to seven days late will be penalized two letter grades. No outlines will be accepted more than one week late.