

# Law of Mass Communication

Journalism 61-412

(1:20 to 2:50 p.m., Tuesday and Thursday; Swart 217)

Spring semester 2009

Professor Mike Cowling

Office: Clow 106K

Contact: 424-7144; [cowling@uwosh.edu](mailto:cowling@uwosh.edu) or [cowling@nytimes.com](mailto:cowling@nytimes.com)

Office hours: Tuesday and Thursday, 9:30 to 11 a.m.;

Wednesday, 9 to 11 a.m.; by appointment

## COURSE DESCRIPTION:

Journalism students must have the ability, and the desire, to read and understand legal and legislative rulings and opinions. The reason is simple: laws and court decisions can greatly impact the work that we do, from gathering news, to writing stories to creating headlines, to taking photographs, to using advertisements. The development and interpretation of the First Amendment means that journalists must comprehend the ever-changing nature of such important issues as prior restraint, libel, defamation, invasion of privacy, shield laws and the use of unnamed sources, open-meetings laws, obscenity, freedom of information, free press/fair trial, copyright, trademarks and a myriad of others.

As we discuss these important elements of media law, we will focus on how legal developments have either enhanced or restricted the ability of journalists to do their jobs. There will be a special emphasis on current or very recent events that illustrate the reality of some of these legal issues. So classes will include discussions of people like John G. Roberts Jr. and Samuel A. Alito Jr. And states like Nevada and Wisconsin, among others, and how differences in their laws affect the work of reporters and editors. And of Congress and the U.S. Supreme Court and state vs. federal authority. And how politics and the partisan party system have an impact on the courts.

Besides these so-called bigger picture issues involved in media law, we will look at numerous individual court cases that have helped to mold the law into the shape it is today. Being able to interpret and thus to understand why certain rulings are considered precedent-setters and others are not is a skill that students need to hone.

When you have successfully completed this course you should be able to:

\*\* Appreciate the importance of the First Amendment as it relates to the civil rights of citizens and the functioning of governments in the political process.

\*\* Discuss knowledgeably the history and development of the First Amendment, and its likely future.

\*\* Demonstrate awareness of some of the case law that has impacted the First Amendment.

\*\* Speak and write intelligently about media law, U.S. Supreme Court and Wisconsin court cases.

\*\* Recognize the kinds of expression that can lead to legal difficulties for journalists, and to suggest ways to avoid such problems.

\*\* Be aware of the connections and differences between laws and ethics, and how each can help to guide journalists in the decision-making process.

#### STUDENT RESPONSIBILITIES:

A tentative course schedule, including reading assignments, is provided. The readings are important to understanding the issues, especially in legal matters involving court rulings, so keep up with them. The class will be more useful if everyone uses the reading material to contribute to the discussions.

You also are expected to keep up to date on events happening in the world, with an eye toward how they are related to events covered in the textbook and in class discussions. Expect additional reading assignments/handouts during the semester.

Class participation is essential. You will get much more out of the course if you share your views with others.

Late assignments will be subject to a penalty of one letter grade for each calendar day after the deadline. Make-up exams will not be given, except in cases of confirmed illness or a verifiable emergency. It is the responsibility of the student to contact the instructor in such instances. Attendance is important in a class that covers such complex issues.

#### TEXTBOOK:

Don R. Pember and Clay Calvert, *Mass Media Law*, 2009/2010, McGraw-Hill. OLDER EDITIONS ARE NOT ACCEPTABLE.

Besides the reading assignments from the textbook, students will be given additional material to read, and at times be asked to gather material for use in class.

## COURSE REQUIREMENTS:

### **EXAMS**

\*\* Three during the semester. They will consist primarily of essay questions, with some glossary terms and multiple-choice questions included. In the essay questions, students will be expected to display their knowledge, in detail and using examples, of the issues, rules, analyses and conclusions of court rulings and opinions. Legal issues in the news also will provide for class discussions, and thus exam questions (total of 210 points).

### **THE SUPREME COURT AND POLITICS PROJECT PAPER**

\*\* Supreme Court justices are appointed for lifetime terms by the president, who represents a political party and thus an ideology. Students will be assigned to produce an in-depth report on the makeup of the court and how it affects judicial decisions, especially in precedent-setting cases. It will involve, among other things, a review of the court's history, current justices, and evaluation of the nomination/confirmation process for justices (45 points).

### **LAW/NEWS QUIZZES, ASSIGNMENTS**

\*\* Expect quizzes/assignments on class discussions and events in the news related to media law, the Constitution, or perhaps recent court decisions (30 points).

### **CLASS ATTENDANCE/PARTICIPATION**

\*\* Students cannot contribute to the discussions if they are not in class. Attendance will be taken (15 points).

## GRADING

Grades will be determined by your performance on the three exams (70 percent of the course grade), the Supreme Court and politics project paper (15 percent), law/news quizzes or assignments (10 percent) attendance/participation (5 percent). The course grade will be determined as follows: 92 percent average and above, A; 90 to 91, A,B; 83-89, B; 80-82, B,C; 73-79, C; 70-72, C,D; 65-69, D.

## ACADEMIC HONESTY

Students are expected to follow ethical practices, which means that plagiarism and cheating will not be tolerated. In a field that values high ethical standards, truth and fairness, there is absolutely no excuse for anything less than personal and professional honesty. University rules on cheating and plagiarism will be strictly enforced.

*--“We don’t help our young people by engaging in censorship. We can’t shelter them from the truth. We must give our students opportunities to develop a built-in BS detector.”*

**Donda West,**  
retired English professor,  
mother of rapper Kanye West, 2007

#### **LAW OF MASS COMMUNICATION COURSE SCHEDULE**

Feb. 3, 5	Syllabus review Assignment: Supreme Court justices Readings: Chapters 1 and 2
Feb. 10, 12	Readings: Chapter 3
Feb. 17, 19	Readings: Chapter 4 Assignment: The amendments
Feb. 24, 26	<b>Exam 1</b> Readings: Chapter 5
March 3, 5	Readings: Chapters 6
March 10, 12	Readings: Chapter 7
March 17, 18	Readings: Chapter 8
March 31, April 2	Readings: Chapter 9
April 7, 9	<b>Exam 2</b> Readings: Chapter 10
April 14, 16	Readings: Chapters 11 and 12
April 21, 23	Readings: Chapter 13
April 28, 30	Readings: Chapter 14
May 5, 7	<b>SUPREME COURT/POLITICS PROJECT PAPER DUE</b> Readings: Chapter 15
May 12, 14	Finish discussions; prepare for last exam <b>Exam 3</b>

