

Law of Mass Communication

JOURNALISM 61-412

(Tuesday and Thursday, 9:40 to 11:10 a.m.; Sage 4215)

Fall Semester 2013

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Office hours: Tuesday and Thursday, 8:30 to 9:30 a.m., and 1 to 3 p.m.; Wednesday, 9 to 11 a.m. (and 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 Bradley Manning and Edward Snowden. And issues and cases involving the nomination of Supreme Court justices, WikiLeaks, Craigslist and exit polling, among others. And 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 learn much more in 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*, **18th Edition**, 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 (total of 195 points). They will consist of multiple choice and true/false questions, and brief essay questions. In the essay questions, students will be expected to display knowledge, in some detail and by including examples, of the issues, rules, analyses and conclusions of court opinions. Issues in the news also will provide for class discussions, and thus exam questions.

REPORT ON THE LAW AND LEAKING SECRET GOVERNMENT DOCUMENTS

** Students will be assigned to write a report assessing the impact and legality of recent incidents involving the leaks of classified government documents. It will need to include background information on the issue, how the news media and the courts become involved, how the government has responded, and the impact on national security and individual privacy. Some reflection on what the future holds because of these actions will be needed. Additional details will be provided during the semester (45 points).

SMALL-GROUP PRESENTATIONS

** Students will be assigned to groups that will make class presentations on a variety of topics related to mass media law (30 points).

PARTICIPATION/POTENTIAL QUIZZES

** Students cannot contribute to the discussions if they are not in class. Attendance will be taken (30 points).

GRADING

Grades will be determined by your performance on three exams (about 65 percent of the course grade), the report on Citizens United and the presidential election (15 percent), the group presentations (10 percent), and participation/quizzes/outside activity (10 percent). The course grade will be determined in this manner: 93 and above, A; 91-92, A-; 89-90, B+; 84-88, B; 82-83, B-; 80-81, C+; 74-79, C; 72-73, C-; 70-71, D+; 65-69, D; 63-64, D-; 62 and below, F.

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.

“The framers of the constitution knew human nature as well as we do. They too had lived in dangerous days; they too knew the suffocating influence of orthodoxy and standardized thought. They weighed the compulsions for restrained speech and thought against the abuses of liberty. They chose liberty.”

—William O. Douglas

LAW OF MASS COMMUNICATION COURSE SCHEDULE

Sept. 5	Syllabus review Assignment: The Supreme Court Readings: Chapters 1 and 2
Sept. 10, 12	Readings: Chapter 3
Sept. 17, 19	Readings: Chapter 4 Assignment: Prepare for first exam
Sept. 24, 26	Exam 1 Readings: Chapter 5
Oct. 1, 3	Readings: Chapter 6
Oct. 8, 10	Readings: Chapters 7 and 8
Oct. 15, 17	Readings: Chapter 9 Assignment: The amendments
Oct. 22, 24	Assignment: Prepare for second exam
Oct. 29, 31	Exam 2 Readings: Chapter 10
Nov. 5, 7	Readings: Chapter 11
Nov. 12, 14	Readings: Chapter 12
Nov. 19, 21	Readings: Chapter 13
Nov. 26	REPORT ON LEAKED CLASSIFIED DOCUMENTS DUE Readings: Chapter 14
Dec. 3, 5	Readings: Chapter 15
Dec. 10, 12	Finish discussions Exam 3