

Law of Mass Communication

JOURNALISM 61-412

(Tuesday and Thursday, 9:40 to 11:10 a.m.; Sage 3215)

Spring Semester 2013

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Office hours: Tuesday and Thursday 11:30 a.m.-1:30 p.m.;
Wednesday, 1-3 p.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 an emphasis on recent events that illustrate the reality of some of these legal issues. Classes will include discussions of people like Robert H. Bork, Douglas Ginsburg, Anthony M. Kennedy and Elena Kagan, among others. Issues and cases including WikiLeaks, sexting, fighting words, "Catcher in the Rye," executive orders and executive privilege. Congress and the U.S. Supreme Court, and state vs. federal authority. Also, 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 SUPREME COURT AND EVOLVING SOCIAL ISSUES

** Students will be assigned to write a report on two related cases before the U.S. Supreme Court during spring semester. The justices will hear oral arguments in March on a California ban on gay marriage, and on a New York court ruling striking down a key element of the federal Defense of Marriage Act. Students will review background details on the cases, why the court agreed to hear the cases, follow up on the oral arguments, and assess how the court might rule and for what reasons. 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/OUTSIDE ACTIVITIES

** Students cannot contribute to the discussions if they are not in class. Attendance is important (30 points).

GRADING

Grades will be determined by three exams (65 percent of the course grade), the report on cases under review by the Supreme Court (15 percent), group presentations (10 percent), and participation/quizzes/outside activity (10 percent). The course grade will be determined this way: 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

Jan. 29, 31	Syllabus review Assignment: The Supreme Court Readings: Chapters 1 and 2
Feb. 5, 7	Readings: Chapter 3 Assignment: First group presentation
Feb. 12, 14	Readings: Chapter 4 Assignment: Prepare for first exam
Feb. 19, 21	Exam 1 Readings: Chapter 5
Feb. 26, 28	Readings: Chapter 6
March 5, 7	Readings: Chapters 7 and 8
March 12, 14	Readings: Chapter 9 Assignment: The amendments
March 26, 28	Readings: Chapter 10 Assignment: Prepare for second exam
April 2, 4	Exam 2 Readings: Chapters 11 and 12
April 9, 11	Readings: Chapter 13
April 16, 18	Readings: Chapter 14
April 23, 25	Readings: Chapter 15
April 30, May 2	SUPREME COURT REPORT DUE Continue chapter discussions
May 7, 9	Finish chapter discussions Exam 3