Journalism 430 – Law of Mass Communications – Fall 2015

**Instructor**: Dr. Gwen Shaffer

**Office**: LA 4, Suite 206C

**Class Meets**: Tuesdays and Thursdays, 11 am to 12:15 pm in LA4, room 105

**Office Hours**: Monday, 1 pm to 4 pm (and by appointment)

**Contact**: **Phone**: 562.985.5433 or **e-mail**: gwen.shaffer@csulb.edu

**COURSE DESCRIPTION AND OUTCOMES**: The course examines principles and case studies of media law, with an emphasis on constitutional guarantees to free press, prior restraints, libel, contempt, shield laws, and other laws affecting the news media. By the end of the course, students will possess a basic understanding of the legal frameworks under which the media operate. In this course, we will examine key court decisions and statutes in various areas of communication law. We will analyze how they originated and, significantly, how they are applied in contemporary situations.

**LEARNING OBJECTIVES:**

Through our readings, discussions and assignments, this course is designed to help students:

* understand basic court structure and procedure.
* understand the legal standards applied to expression in areas such as libel, privacy, commercial speech and broadcasting.
* read, understand and analyze judicial and administrative opinions.
* construct and evaluate legal arguments.
* apply principles of law of freedom of speech and press for the United States–including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances.
* explore gender, race, ethnicity, sexual orientation and, as appropriate, other forms of diversity in the United States in relation to mass communications.

**REQUIRED TEXTBOOK: *Pember, Don R., and Clay Calvert, Mass Media Law, 18th Edition***

**USEFUL REFERENCE: The Reporters Committee for Freedom of the Press maintains a fantastic list of legal guides covering various areas of media law (from recording phone conversations to accessing police records):**

**http://www.rcfp.org/browse-legal-resources/guides**

**COURSE CALENDAR & READING ASSIGNMENTS:** Students are expected to read the specified material by the Tuesday on which that reading is scheduled. The textbook will be helpful in providing context and background for the cases we cover, as well as for other concepts we discuss during class.I post case-related information on BeachBoard, including links to oral arguments and complete court opinions for each case we study. In addition, I post study guides, hypothetical legal scenarios, and other relevant links on the course BeachBoard site.

**DISCUSSION LEADER:** Over the course of the semester, each student will present on an issue related to the content we are studying in class. Your task is to relate the topic to your personal or professional goals, as well as current events. For example, if your professional goal is to work as a television reporter, you may want to sign up to present on a day that we cover the First Amendment and broadcasting. You must research and present on a current issue relevant to that topic. I will circulate a sign up sheet during the first week of the semester. **NOTE:** You must submit an overview of what you plan to discuss at least one (1) week prior to your presentation. Failure to obtain my approval will result in an automatic reduction of one letter grade.

**EXAMS AND GRADING:** Your final grade will be determined by your performance on:

**--1 exam worth 30 points, and 3 exams worth 40 points each. Exams are a mix of multiple choice, short answer and brief essay questions. Your final exam will not be cumulative, as it will test your knowledge of only the material covered in the final weeks of class.**

**--Written responses to “reaction” questions, each worth 8 points. (Approximately 10 questions will be posed throughout the semester.)**

**-- Each student will identify a current legal issue that aligns with class content and initiate discussion, a 20-point assignment. I will circulate a sign up sheet at the start of the semester.**

**--There will be two in-class exercises, each worth 10 points.**

**--Each student will write a legal brief, an assignment worth 20 points.**

**-- Class participation and attendance will comprise 25 points of your overall grade.**

Discussion is encouraged, so please speak up! Excessive absences will adversely affect your understanding of the legal concepts we cover.

**Grading scale:**

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| **A** 100% –89.5% | **B** 89.4-% -79.5% | **C** 79.4% - 69.5% | **D** 69.4% - 59.5% | **F** 59.4% and below |

***Readings***: It is essential that you keep up with the reading. If you fall behind, you will find it difficult to catch up, and the lecture material may be confusing. Although I post Powerpoint slides on Beachboard following each lecture, *they are not a substitute for reading the text and court opinions*. This course will introduce many new concepts and terms. Don’t hesitate to ask me questions or to seek clarification. I am happy to chat during office hours or by appointment.

***An important note on exams***: If you feel you are not “getting it,” please see me sooner rather than later. If you find that you are seriously studying but still not doing well, talk to me, and we’ll find a study approach that works for you. I encourage you to create a study group with peers, as well.

***Cell phones and laptops***: It should go without saying that cell phones must be in silent mode during class. It is OK to bring in your laptop to take class notes, but any other usage in class time (to check e-mail, peruse Facebook, complete work for another course) is impermissible. To reiterate, the only reason for an open laptop is note taking, and phones should not be visible.

**Course Schedule:**

**Legal Process and Legal Concepts**

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| Week 1 | Tues., Aug. 25 and Thurs., Aug. 27 | Introduction to the course/review syllabus  Text: Chapter 1  For a glossary of legal terms, see pp. 659-666 in the text. |
| Week 2 | Tues., Sept. 1 and Thurs., Sept. 3 | Judicial power; court system structure. |
| Week 3 | Tues., Sept. 8 and Thurs., Sept. 10 | **BeachBoard:** “Reading and Understanding the Law” and “Solving Legal Problems”(print *Gitlow* decision and brief examples, and bring them to class). **In-class exercise**: Writing a legal brief.  **EXAM #1** |

**The First Amendment, Censorship, Punishment and Regulation**

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| Week 4 | Tues., Sept. 15 and Thurs., Sept. 17 | First Amendment and print  Text: pp. 44-77; pp. 446-456  Beachboard: Near v. Minnesota; NYT v. United States; Nebraska Press Association v. Stuart |
| Week 5 | Tues., Sept. 22 and Thurs., Sept. 24 | **Seditious libel**  **Text:** pp. 34-37; pp. 51-68  **BeachBoard:** Schenck v. U.S.; Brandenberg v. Ohio |
| Week 6 | Tues., Sept. 29 and Thurs., Oct. 1 | **First Amendment and broadcasting, Internet and cable**  **Text:** 616-636; pp. 49-50; pp. 512-515; pp. 654-656  **BeachBoard:** Red Lion Broadcasting v. FCC; Miami Herald v. Tornillo; FCC v. Pacifica Foundation; Reno v. ACLU; Playboy v. U.S. |
| Week 7 | Tues., Oct. 6 and Thurs., Oct. 8 | **Wrap up First Amendment and broadcasting, Internet and cable**  **In class exercise:** Solving Legal Problems |
| Week 8 | Tues., Oct. 13 and Thurs., Oct. 15 | **Review and EXAM #2** |

**Libel and Invasion of Privacy**

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| Week 9 | Tues., Oct. 20 and Thurs., Oct. 22 | Elements of libel  Text: Chapter 4 and Chapter 6 |
| Week 9 | Tues., Oct. 27  Thurs., Oct. 29 | **Landmark libel cases**  **Text:** Chapter 5  **BeachBoard:** N.Y. Times v. Sullivan; Gertz v. Robert Welch; Hustler v. Falwell |
| Week 10 | Tues., Nov. 3 and Thurs., Nov. 5 | **Libel defenses**  **Beachboard**: PDFs |
| Week 11 | Tues., Nov. 10 and Thurs., Nov. 12 | **Invasion of Privacy**  **Text:** Chapter 7 and Chapter 8  **BeachBoard:** Milkovich v. Lorain Journal;Cox Broadcasting v. Cohn; Florida Star v. B.J.F;  **Beachboard**: Be familiar with California statutes (appropriation, public disclosure, and intrusion) |
| Week 12 | Tues, Nov. 17 and Thurs., Nov. 19 | **EXAM Review**  **EXAM #3** |
| Week 13 | Mon., Nov. 23 through  Fri., Nov. 27 | **FALL BREAK-NO CLASSES** |

**Obtaining and Protecting Information**

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| Week 14 | Tues., Dec. 1 and Thurs., Dec. 3 | Prison and court access  Text: pp. 320-324; Chapter 12  Beachboard: Pell v. Procunier; Houchins v. KQED; Sheppard v. Maxwell; Richmond Newspapers v. Virginia; Globe Newspapers v. Superior Court; Press Enterprise cases  Watch: <http://www.pbs.org/wgbh/pages/frontline/oj/view/>  “The Perfect Storm” |
| Week 15 | Tues., Dec. 8 | **Open meetings and records laws, shield laws, and FOIA**  **Text:** Ch. 10 (can skim FOIA info and watch the YouTube video)  Branzburg v. Hayes; California open meeting and open records statutes; Cohen v. Cowles Media; Zurcher v. Stanford Daily  **Watch:** Frontline series “Part 5: The Supreme Court’s Ruling”  <http://www.pbs.org/wgbh/pages/frontline/newswar/view/5.html>  **Watch:** How to file a FOIA request:  <http://www.youtube.com/watch?v=X3CtKpXrE1A> |
| Final exam | Thursday, Dec. 10  10:15 am - 12:15 pm | **EXAM #4** |

**Addendum to Course Syllabus: Department of Journalism**

**Policies on Grading, Conduct of Classes, Drops, Absences and Cheating**

**Grading:** The grading policies and practices in this class are explained elsewhere in the syllabus. It is the student’s responsibility to read them and to seek clarification if necessary. The student should be fully aware of what is required for success in the course, such as group participation, writing, speaking, completing assigned readings, etc.

**Seat in Class:** An enrolled student may lose his/her seat in class if he/she misses the first class meeting without notifying the instructor. At the instructor’s discretion, a student who attends the first class but not subsequent classes may also be dropped from the course.

**Withdrawal from Class:** Students may withdraw from a class from the third to the 12th week for “serious and compelling reasons.” Normally these are defined as anything of import that is beyond the control of the student. This includes, but is not necessarily limited to, death or serious illness in a student’s immediate family or a documented change in a student’s work schedule. Poor performance, tardiness and unexcused absences are not considered a serious or compelling reason beyond the student’s control for purposes of withdrawal.

**Absences from Class:** Grades in a course may be adversely affected by absences, and students should seek clarification from the instructor regarding the course absence policy. Make-ups usually are granted in strict accordance with CSULB policy, which defines excused absences as (1) illness or injury to the student; (2) death, injury or serious illness of an immediate family member or the like; (3) religious reasons; (4) jury duty or government obligation; (5) CSULB-sanctioned or approved activities [2002-03 Catalog, p. 75]. *These and any other requests for an excused absence must be documented.*

**CSULB Cheating/Plagiarism/Fabrication Policy:** CSULB takes issues of academic dishonesty very seriously. If you use any deceptive or dishonest method to complete an assignment, take an exam, or gain credit in a course in any other way, or if you help someone else to do so, you are guilty of cheating. If you use someone else’s ideas or work and represent it as your own without giving credit to the source, you are guilty of plagiarism. This does not apply if the ideas are recognized as common knowledge, or if you can show that you honestly developed the ideas through your own work. Any instructor can show you the correct ways of citing your sources, and you should use quotation marks, footnotes or endnotes and bibliographic references to give credit to your sources according to the format recommended by your instructor.

**Responses, Penalties and Student Rights:** Students should consult the appropriate sections of the Catalog for examples of cheating, fabrication and plagiarism, and instructor and/or CSULB response options in such circumstances. The Catalog also outlines student rights. Any instance of academic dishonesty may result in your immediate expulsion from the class with a grade of “F” and/or other sanctions, as the instructor deems appropriate.

***Department Information***

**Advising**: If you are a journalism major or minor, the department recommends that you see one of our advisers at least once a year. We have two experienced advisers – Professor Jennifer Fleming ([Jennifer.Fleming@csulb.edu](mailto:Jennifer.Fleming@csulb.edu)) and Professor Danny Paskin ([Danny.Paskin@csulb.edu](mailto:Danny.Paskin@csulb.edu)) – to assist you with your course selection, answer questions about requirements, help you stay focused on your chosen path to graduation, and offer other relevant advice. Their information and advising hours are posted around the department and available in the department office (LA4-106).

**Internships**: The department recommends that you pursue internships, service-learning experiences, and extra-curricular activities to enhance your career preparedness and marketability when you graduate. Employers will expect to see examples of your work; they prefer applicants with experience. Therefore, you will find all internships and job opportunities that come to the department posted on the department’s BeachBoard site. A binder with hard copies of all internships is also kept in the department office for your review. In addition, internship postings are available online through the CSULB Career Development Center. Students pursuing opportunities through our BeachBoard or CDC sites should be aware that the department and CDC do not screen these opportunities for JOUR 498 credit. If you are seeking JOUR 498 credit, you must attend one of the mandatory orientations conducted the semester prior to your enrollment in JOUR 498. Students enrolled in a section of JOUR 498 will also receive advance notice of the orientations from their instructor.

**Student Media**: The department is home to the *Daily 49er* and *Dig Magazine* and closely tied to *KBeach Radio* and *College Beat TV*. Getting involved in student media will help you hone your skills and give you real-life experiences. Stop by the *Daily 49er* and *Dig Magazine* offices in LA4-201 and talk to the staff. Introduce yourself to the faculty advisers – Professor Barbara Kingsley-Wilson (*Daily 49er*, Barbara.Kingsley-Wilson@csulb.edu), Professor Gary Metzker (*Daily 49er* and *Dig Magazine*, Gary.Metzker@csulb.edu), and Professor John Shrader (*KBeach Radio* and *College Beat TV*, John.Shrader@csulb.edu) – who can answer any questions you may have.

**Bateman Case Study Competition**: Consider joining the *Bateman Case Study Competition Team*. The *Bateman Competition* (http://prssa.prsa.org/scholarships\_competitions/bateman/) is a prestigious inter-collegiate contest, often called the Super Bowl of collegiate public relations competitions. It is one of the most intense and rewarding experiences for our students. Participants on the *Bateman Team* receive JOUR 485 credit. See Professor Joni Ramirez (Joni.Ramirez@csulb.edu), our *Bateman* coach, for more information.

**Student Organizations**: The department is home to three active student organizations – the National Association of Hispanic Journalists, Public Relations Student Society of America, and Society of Professional Journalists. Each group has its own leaders and sponsors a variety of activities, including esteemed professionals as guest speakers. These three groups also work closely with the department to co-sponsor special events, such as Journalism and Public Relations Day. Get involved and have a blast with your classmates! Contact the respective faculty advisers for more information: Professor Danny Paskin ([Danny.Paskin@csulb.edu](mailto:Danny.Paskin@csulb.edu)) for **NAHJ**, Professor Holly Ferris ([Holly@Ferriscomm.com](mailto:Holly@Ferriscomm.com)) for **PRSSA**, and Professor Chris Karadjov ([Chris.Karadjov@csulb.edu](mailto:Chris.Karadjov@csulb.edu)) for **SPJ**.

**Social Media**: Be sure to get connected to the department’s Facebook page (https://www.facebook.com/CSULBJournalism) and website (http://www.cla.csulb.edu/departments/journalism/) for photos and information about department happenings.

**Office Hours**: Each faculty member holds office hours to help you perform well in your classes, answer any of your questions, and offer advice. Take advantage of office hours and get to know your faculty.

**Accreditation**: The Department of Journalism and Mass Communication at California State University, Long Beach is accredited by the *Accrediting Council on Education in Journalism and Mass Communication*s (ACEJMC, https://www2.ku.edu/~acejmc/). Accreditation by ACEJMC is an assurance of quality in professional education in journalism and mass communication. Students in an accredited program can expect to find a challenging curriculum, good facilities, and a competent faculty.

ACEJMC lists 12 **professional values and competencies** that must be part of the education of all journalism, public relations, and mass communication students. Each one of your required courses in the journalism major addresses at least one of the 12 professional competencies. Therefore, graduates who majored in journalism and public relations should be able to do the following:

* understand and apply the principles and laws of freedom of speech and press in the United States, as well as receive instruction in and understand the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances;
* demonstrate an understanding of the history and role of professionals and institutions in shaping communications;
* demonstrate an understanding of gender, race, ethnicity, sexual orientation and, as appropriate, other forms of diversity in domestic society in relation to mass communication;
* demonstrate an understanding of the diversity of peoples and cultures and of the significance and impact of mass communication in a global society;
* understand concepts and apply theories in the use and presentation of images and information;
* demonstrate an understanding of professional ethical principles and work ethically in pursuit of truth, accuracy, fairness and diversity;
* think critically, creatively and independently;
* conduct research and evaluate information by methods appropriate to the communications professions in which they work;
* write correctly and clearly in forms and styles appropriate for the communications professions, audiences and purposes they serve;
* critically evaluate their own work and that of others for accuracy and fairness, clarity, appropriate style and grammatical correctness;
* apply basic numerical and statistical concepts;
* apply tools and technologies appropriate for the communications professions in which they work