



JRN352 Media Law

Section 1

Spring 2016

Founders Hall, Nash

MW 9:10-10:10

Instructor Name: Dr. Les Sillars
Office Location: Hodel Center, 2nd Floor
PHC Email Address: ldsillars@phc.edu
Office Phone: 441 8230
Office Hours: MWF 1-4

I. CATALOG COURSE DESCRIPTION

This course will introduce students to the basic legal issues of everyday journalistic practice, such as libel, defamation, and fair comment, focusing on print media. It will also discuss the history of the development of the concept of “freedom of the press” and the First Amendment, as well as contemporary legal cases relating to press freedom. (S)

II. ASSUMPTIONS

This course requires no background in journalism or previous knowledge of Constitutional legal issues, although it does help to have taken Constitutional Law.

III. COURSE LEARNING OBJECTIVES

By the end of this course, the student will:

1. understand the major principles of media law that apply to journalism, the legal framework in which media operate as well as the central concepts that will affect him or her as a journalist (First Amendment/press freedom, libel, invasion of privacy, protection of sources, coverage of judicial proceedings, content regulation and copyright), as measured by weekly essays and a final exam J2, J6
2. analyze some of the landmark cases that shape today's media environment, as measured by weekly essays J2, J6
3. analyze and apply biblical principles to one significant current case involving media law, as measured by a research paper J1
4. Develop and apply a biblical standard of journalistic ethics and a strong commitment to journalistic integrity by applying biblical principles to media law issues as measured by a research paper and a response essay. J1, J7

IV. REQUIRED TEXT / MATERIALS

Pember and Calvert, *Mass Media Law* McGraw-Hill 18th ed.

Marvin Olasky, Prodigal Press Chapter 6 "Libel: Utilitarian Justice vs. Biblical Truth-telling" (available online at <http://www.worldmag.com/world/olasky/Prodigal/c6.html>)

Les Sillars, "Say anything," WORLD March 27, 2004 (on CAMS course documents)

V. FORMAT & PROCEDURES

The textbook will provide the bulk of the content in this course. Each week you will write a 2 page (double-spaced) response to the assigned chapter(s). These will be due Monday at the start of class and will form the basis for class discussion that week.

VI. COURSE REQUIREMENTS

1. Reading and essay responses/class participation: 40%

On the schedule, below, is a question for each assigned chapter in the textbook. For each, write a 2 page response, double-spaced, **due in hard copy on Mondays**. I will grade and return your papers the next class period.

Obviously these cannot be detailed, but they **must** show **familiarity and engagement with the concepts in the text**. Failure to engage the material in the text indicates, essentially, that you did not read it. I have posted on CAMS course hyperlinks documents two items that you will find helpful for Chapter 5 on Libel: Proof of Fault. You should consider these part of the assigned reading.

You will receive 4 for an excellent paper, 3.5 for a very good paper, 3 for fulfilling the assignment, or something less for weaker submissions. You may improve and resubmit the next class after your graded papers are returned to receive the **next higher** grade. There are 13 weekly essay assignments, each worth a possible 4 points; I will count your 11 highest scores up to a maximum of 40 points. **You must complete the assignments for chapters 4 and 5.**

You must be present and attend the class to receive credit unless you make previous arrangements with me.

2. Research paper on a current case 30%

A formal academic paper of about 2,700 words analyzing a recent or current case (that is, a case either decided in the last decade or currently awaiting a decision at any level) involving libel, invasion of privacy, protection of news sources, or press freedom/judicial proceedings. **To allow me to approve your topic, submit a brief, informal topic proposal on describing your case and the resources available for it on Feb. 22 on CAMS under the major paper heading.** You are not graded on the proposal, but failure to submit it on time will result in a 2-point penalty.

In the first two-thirds of the paper summarize case itself, including a discussion of the case's **major legal principles** (with reference to important precedents) and a **thorough search** of news/legal sources (start with Lexis Nexis) for **as much detail on the case** as you can find.

In the last third of the paper you will analyze the case using biblical principles as your ethical guide, and apply those insights to the practice of journalism. That is, answer these two questions: 1. Was the case decided justly, from a biblical perspective? 2. What guidance for ethical behavior and practice does this analysis provide for a Christian in journalism? (Non-journalism majors may adjust this section of the paper to discuss how these principles affect their anticipated vocation.)

You can find current cases using Lexis Nexis or through the Media Law Journal (in library). A well-researched paper should include, in addition to the case itself and news media reports about it, at least **five other relevant and scholarly sources** (books on your topic and articles from law reviews and other peer-reviewed journals about your topic, if not on your specific case; that is, should your case involve invasion of privacy, look up articles/books describing significant and relevant concepts about invasion of privacy and apply those to the facts of your specific case. Your text, for example, should be one obvious source).

Use proper research paper format (title page, page numbers, etc.) and document your sources using footnotes and a bibliography (Turabian). Be prepared to present your findings to the class informally on one of the last two class days. You must also provide a handout to each member of the class summarizing your most important points. The presentation itself is not graded, but failure to present your paper or provide a handout will result in a 2-point deduction from your final score on the paper. **Due April 18.** Submit to me via **CAMS** please.

3. Response essay 15%

Part I: In 5-6 pages (double-spaced) describe how a Christian who is a journalist should regard his role in society. To begin, consider the following questions: What should be my purpose as a Christian in journalism (or a related field)? How do I as a Christian apply a biblical worldview to journalism? What concepts are most helpful to me in understanding how to do that? What did I learn during my internship experiences that will help me to apply a biblical worldview to journalism? You may find it helpful to refer to books and materials from J1 and J2.

Once you've thought through these issues, synthesize your answers into a well-crafted, thoughtful essay that articulates a rational, coherent, and biblically-faithful approach to journalism.

Part II: Given your biblical approach to journalism, and taking into account our discussions **to date** in Media Law covering topics such as libel, invasion of privacy, and so on, describe in 2-3 pages how a Christian media professional should understand and apply "journalistic integrity." **Due March 30 on CAMS.**

Non-journalism students have an option: to write the essay as described, only with reference to your anticipated vocation, or to extend your formal research paper by six pages and several sources, making it a 4,200-word paper worth 45% of your grade.

4. Final Exam 15%

Based on the text, lectures, and class discussions.

VII. GRADING

1. Reading and essay responses/class participation: 40%
2. Research paper on a current case 30%
3. One response essay 15%
4. Final Exam 15%

Late submission policy:

No weekly assignments will be accepted late unless you have made prior arrangements with me. Papers will be penalized two points per day unless an extension has been granted at least two days in advance of the due date. Busyness because of other assignments or responsibilities is not an acceptable reason for an extension.

The following system is used College-wide and can be found in the College Catalog:

Letter Grade	Quality	Percent Grade	Quality Points
A	Superior	93-100	4.00
A-		90-92	3.67
B+		87-89	3.33
B	Above Average	83-86	3.00
B-		80-82	2.67
C+		77-79	2.33
C	Average	73-76	2.00
C-		70-72	1.67
D+		67-69	1.33
D	Below Average	63-66	1.00
D-		60-62	.67
F	Failure	Less than 60	0.00
WF	Withdrawal While Failing		0.00
XF	Academic Disciplinary Failure		0.00

Not Included in GPA Calculation:

P: Pass

I: Incomplete

W: Withdrawal

WP: Withdrawal while Passing

X: Audit

N: Non-credit course

T: Transfer

VIII. ACADEMIC INTEGRITY (PLAGIARISM AND CHEATING)

As found in the Patrick Henry College Catalog

Integrity of Scholarship

The principles of truth and honesty are recognized as absolutely essential in every community of learning. It is expected that these principles will be scrupulously followed in all academic endeavors at Patrick Henry College, including, but not limited to, the preparation of all papers and reports and the taking of examinations. All academic work must be done by the student without unauthorized aid. Any compromise of truth or honesty, including, but not limited to, plagiarism, unauthorized collaboration, violation of guidelines under which the work is to be done, fabrication of data, unauthorized use of computer data, submission of a paper twice for the same course, submission of the same paper for multiple courses, and excessive revision by someone other than the student, may be considered sufficient grounds for suspension or expulsion from the College. Students may be given a grade of "XF" if it is determined that they have plagiarized or cheated in a course. The "XF" on a transcript indicates that a student violated integrity of scholarship policies. Students who successfully retake a course for which they have received an "XF" will have the "X" removed from their transcripts although the "F" will remain. The "XF" (or "F") and the grade earned in the retaken course will be used to calculate the grade point average.

IX. ATTENDANCE POLICY

As found in the Patrick Henry College Catalog

Attendance

Students are **STRONGLY** encouraged to attend each and every class scheduled during the semester. There is no better way to perform well in any class than by attending the regularly scheduled lectures. However, there may be times when students cannot make a lecture, due to illness, participation in a sanctioned college event, or other conflicting commitments. While students should strive to avoid such conflicts, college is a very busy time and conflicts may occur. Patrick Henry College does not mandate an academic penalty for a student who misses a class, although a zero may be received for any unfulfilled class requirements. Students participating in college sanctioned events will know about any conflicts well in advance and are expected to discuss these with their professors to arrange for dealing with affected assignments prior to the absence.

Freshmen and Sophomores who log two absences not attributed to being involved in a college sanctioned event will be subject to an interview with any professor teaching a core course. It is the expectation of the College that students will grow more mature in managing their schedules as they progress through their time at Patrick Henry College. After graduation, this kind of time management will be an indispensable skill, and the College seeks to train students in this skill while they are enrolled.

X. TENTATIVE COURSE SCHEDULE

Date	Title	Ch.	Essay/Reading Response Topic
1/18, 20	American legal system	Ch. 1	Rank the five sources of law according to order of importance; defend your answer with one reason for each ranking. Explain how you define “important.”
1/25, 27	First Amendment	Ch. 2	1. Describe in a brief paragraph each three major kinds of limits on freedom of expression in American history described in this chapter: community censorship, seditious libel, prior restraint 2. Which of the 7 FA theories of interpretation do you find most compelling? Why?
2/1, 3	FA: Contemp. Probs.	Ch. 3	Taking into account school censorship, time/place/manner restrictions, and other areas discussed in the text, is government-driven prior restraint in general increasing or decreasing over the past 50 years?
2/8, 10	Libel: Est. a case	Ch. 4	The text describes 4 of the 5 elements of libel a plaintiff must prove: publication, identification, defamation, falsity. For each of the 4, describe in a paragraph or so one difficulty or ambiguity the courts often face in attempting to deliver a just decision.
2/15, 17	Libel: Proof of fault	Ch. 5	Was <i>NY Times v. Sullivan</i> a just decision? Why or why not? Besides the text, read also the chapter by Olasky (course hyperlinks) and the article by Sillars (course documents).
2/22, 24	Libel Defenses	Ch. 6	Rank the libel defenses (statutes of limitations, truth, privilege, opinion) from most consistent with a biblical approach to journalistic ethics to least consistent; explain your ranking. (Paper topic proposal due Feb. 22)
2/29, 3/2	Spring Break		
3/7, 9	Privacy: Appropriation and Intrusion	Ch. 7	Is privacy, as described in the text, a value consistent with biblical teaching? In other words, does the Bible support the idea that people have a right to control information about themselves? If so, under what circumstances?
3/14, 16	Privacy: Priv. Info and False Light	Ch. 8	Summarize “legitimate public concern” as it relates to Invasion of Privacy, Publication of Private Information; does the law place too much value on the free flow of information? Why or why not?
3/21, 23	Gathering Info	Ch. 9	The text laments a “growing government resistance” to public access to much state-held information; should reporters therefore have special Constitutional protection for newsgathering activities? Why or why not?
3/30 no class Mon	Protection of News Sources	Ch. 10	Summarize how much protection reporters now have under the law to protect confidential sources or materials; should they have more? If so, what sort of protection would be appropriate? Response Essay due.

4/4, 6	Free Press v. Fair Trial	Ch. 11/12	In what way does a free press undermine the right to a fair trial and in what way does a free press encourage the right to a fair trial and just outcomes?
4/11, 13	Copyright	Ch. 14	Describe and evaluate from a biblical perspective the historical rationale for state protection of copyright.
4/18	Obscenity	Ch. 13	The authors of our text seem very concerned about protecting sexual expression from government intrusion; are they justified? Given the ruling precedents for this issue, are the standards for defining obscenity likely to become more or less restrictive? Why? Paper due
4/20	Paper presentations		
4/25	Review		