Note: This proposal asks that Journalism 4101 be renumbered Journalism 4771 so the course can be taken for graduate credit. The Speech Communication Department has requested this change in order that the course can be included as an elective in its graduate program. It may also be appropriate as an elective in other graduate programs such as political science.

1. Catalog Description
   (a) Journalism 4771
   (b) Communication Law
   (c) 3-0-3
   (d) On demand
   (e) Comm Law
   (f) The study of the history and development of media law in the United States. Major emphasis will be placed on speech and press theories, libel, invasion of privacy, copyright, broadcast and advertising regulation, access to government records and meetings, access to court proceedings, and legal rights and limitations of new media.
   (g) Prerequisite: Junior standing

2. Objectives and Evaluation of the Course
   (a) Course objectives
      • To study the history and development of the free speech and free press clauses of the First Amendment and their incorporation into the 14th Amendment
      • To study how courts have interpreted the First Amendment in relation to such issues as prior restraint, advocacy of violence or law violation, fighting words, commercial speech, obscenity and indecency, time, place and manner regulations, and access to court proceedings
      • To study all aspects of libel, invasion of privacy and other tort actions that impact the work of journalists
      • To study the role of the Federal Communications Commission in regulating broadcasting and cable
      • To study and apply the Illinois Open Meetings Act and the Illinois Freedom of Information Act, along with other state and federal access statutes.
      • To study the basics of copyright law and how the law applies to journalists
   (b) NA
   (c) Methods of assessing students’ achievement of objectives:
      • Exams assessing students’ knowledge of the law and their ability to apply legal principles to hypothetical situations. Exams will include both objective and essay questions.
      • Quizzes on assigned U.S. Supreme Court cases to assess students’ awareness of and interpretation of the precedents established by the cases
      • Written abstracts (summaries and analyses) of assigned chapters in the textbook
   (d) Students taking JOU 4771 for graduate credit will be evaluated using higher standards (a 95-85-75 grading scale) and will be required to complete a 2,500-to-3,000-word research paper on a topic approved by the instructor.
   (e) Writing-active: Writing assignments and activities are designed primarily to assist students in mastering course content, secondarily to strengthen students’ writing skills.

3. Outline of the Course (two 75-minute class sessions per week):
   (a) Week 1: The American legal system
      • Types of law (common law, law of equity, statutory law, administrative law, constitutional law)
      • Civil law versus criminal law
      • The federal and Illinois court systems
Introduction to the First and 14th Amendments
• The concept of “state action”
• Incorporation of the 1st Amendment into the 14th Amendment

Week 2: Prior restraint
• Near v. Minnesota
• N.Y. Times v. U.S.
• The Progressive Magazine case
Advocacy of violence or law violation
• The “clear and present danger” doctrine: Schenck v. U.S.
• Justice Holmes dissent in Abrams v. U.S.
• Development of the “incitement test” solidified in Brandenburg v. Ohio
• Contemporary application of Brandenburg: The “Hitman” case

Week 3: Fighting Words;
• Chaplinsky v. New Hampshire
• Narrowing the definition: Terminello v. Chicago, Cohn v. Calif., Gooding v. Wilson
Time, place and manner regulations
• Heffron v. International Society
• Application of the Heffron test

Week 4: Commercial speech
• Development of 1st Amendment protection for commercial speech
• Creation and application of the “Central Hudson” test
Students and the First Amendment
• The demise of “in loco parentis”: Tinker v. Des Moines Ind. Sch Dist.
• The “public forum” analysis
• Distinguishing Tinker: Bethel School District v. Fraser, Hazelwood v. Kuhlmeier
• Applying the 1st Amendment in the college and university environment

Week 5: Exam
Introduction to libel
• The elements of libel

Weeks 6, 7 and 8: Libel
• Applying the 1st Amendment to state libel law: N.Y. Times v. Sullivan and Gertz v. Welch. Application of Gertz by the Illinois Supreme Court
• Actual malice versus negligence
• Determining who is a public official or public figure
• The fair reports privilege
• Fact versus opinion; the special problem of parody: Hustler v. Falwell

Week 9: Exam;
The law and new technologies
• Applying the 1st Amendment in cyberspace: Reno v. A.C.L.U.
• Applying traditional concepts of tort law in cyberspace

Week 10: Invasion of privacy and other tort actions
• Appropriation of a persons name or likeness for commercial advantage; related “right of publicity” statutes
• Intrusion into a person’s solitude or seclusion; the companion tort of trespass; Illinois’ eavesdropping statute
• Publication of “private facts”
• Publicity that places a person in a “false light”

Week 11: Protection of news sources
• Reporters’ privilege and the 1st Amendment: Branzburg v. Hayes
• Illinois shield law; What is a source?
• Newsroom searches

Week 12: Newsgathering and the law: access to information
• Illinois Open Meetings Act
• Illinois Freedom of Information Act
Week 13: Prejudicial crime reporting and access to courts and court records
- Traditional judicial remedies for prejudicial publicity
- Prior restraint as a remedy: Neb. Press Asso. v. Stuart
- Cameras in the courtroom

Week 14: Broadcast and cable regulations
- Regulatory history of broadcasting
- Indecency on the airwaves: FCC v. Pacifica
- The Equal Time Rule
- The rise and fall of the Fairness Doctrine; applying fairness concepts to print: Miami Herald v. Tornillo

Week 15: Copyright
- The basics of copyright
- Fair Use: using copyrighted materials in reporting, commentary and parody

(b) NA

4. Rationale
(a) Whereas legal issues are incorporated in many journalism courses, this course is designed to give journalism students an in-depth exposure to legal issues and concepts that impact journalists.
(b) Since the course is designed for journalism students as a capstone course, the 4000-level designation is appropriate. The prerequisite for the course is junior standing.
(c) This is a revision of an existing course. No effect upon programs in other departments.
(d) The course is required for all journalism majors and minors, and for Speech Communication majors pursing a Broadcast News Concentration. Also, pre-law minors must take this course or Business 2750. Some graduate students, particularly those in Speech Communication or Political Science, may take the course for graduate credit.

5. Implementation
(a) James Tidwell
(b) NA
(c) Texts:
    Available for purchase at Copy Express
(d) Spring 2004

6. Community College Transfer: A community college course may not be judged equivalent to this course.

7. Date approved by the department: November 21, 2002

8. Date approved by CAH Curriculum Committee: December 18, 2002

9. Date approved by CAA: February 6, 2003

10. Date approved by CGS: February 4, 2003