JOUR 365
MEDIA AND THE LAW
COM 451
COMMUNICATION AND LAW
SPRING 2007
GRG 215
MWF 8:30 - 9:20

INSTRUCTOR: GERALD KATO
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OFFICE HOURS:
MW 9:30 - 10:30
TR 9:00 - 10:00
OR BY APPOINTMENT

Congress shall make no law...abridging the freedom of speech, or of the press.
First Amendment

PREREQUISITES:
This course is cross-listed as Media and the Law (JOUR 365) and Communication and Law (COM 451).
Upper-division standing for JOUR 365, COM 201 and junior standing required for COM 451.

COURSE DESCRIPTION:
This course provides a survey of laws and government regulations that affect the mass media in the United States. It examines what has been described as that “delicate balance” between freedom and control of the mass media. The First Amendment of the U.S. Constitution is the major guarantee of Freedom of Expression. We will explore the historical and philosophical foundation and development of Freedom of Expression in America especially as it relates to libel, privacy, broadcast regulation, access to government records and meetings and access to court proceedings.

COURSE OBJECTIVES:

• To introduce students to the American legal system, including types and sources of American law and the civil and criminal judicial processes.

• To understand basic principles and theories of the First Amendment and key legal concepts such as libel and privacy.

• To familiarize students with the legal and ethical framework within which they will be expected to work as professional communicators so that they can assert their rights and avoid needless legal entanglements.

• To help students develop legal reasoning and analytical ability.

REQUIRED TEXTS AND MATERIALS:


COURSE OVERVIEW:

JOUR 365/COM 451 is primarily a lecture course intended to convey facts and ideas about the law of mass communications. Class sessions are designed to explain, expand upon and update material in the textbooks. The most important and significant cases and points from the textbooks will be the emphasis of lectures and discussions.

Discussions are encouraged. If called on, you will be expected to intelligently discuss the facts behind key cases; the legal principles, and the significance of the case. It's important that you be able to think about and think through the implications of the law as it affects your work in mass communications.

To grasp what's going on in class and to effectively participate, it's of critical importance that you keep up with the reading assignments. I have prepared a Course Outline to provide you with a general map of what we will be doing this semester. It should be clear from this outline that the reading is extensive. This is not a class where you can or should read the book only before a scheduled exam. Reading the textbook is an essential element to keeping up with what is going on in the course.

In addition to the Course Outline, I have put together a Study Guide to give you a means of preparing for the exams. These tools were designed to help you through this course. Use them wisely.

Since my background is primarily in professional journalism, a lot of what we do in this course revolves around journalists and journalism. The fundamental principles of the law, however, are applicable to anyone who is engaged in communications.

If you do not understand a particular point, do what a good journalist would: Ask questions. My office is in Crawford Hall, home of the School of Communications. If my office hours are inconvenient, talk to me and we can work out some mutually agreeable time.

ATTENDANCE POLICIES:

Attendance at classes is mandatory. Law is a complex, continually changing subject. Classes are designed to expand upon, illuminate and update material in the textbooks. The most important and significant cases and points from the textbooks will be discussed and emphasized in lectures and discussions. You are expected to be present for class. If you are not present, you remain responsible for what was covered in the classes you missed.

Excused absences will be allowed only in the case of illness or in the case of the death of an immediate family member. If you must miss class for one of these reasons, or for another compelling reason not listed that you believe should qualify as an excused absence, you are obligated to let the instructor know as soon as possible. The instructor reserve the right to request appropriate documentation.

Be on time. It is inconsiderate to the instructor and your fellow students to distract them by entering late. If you must leave class early, do so in an inconspicuous manner so as not to disturb the class. The instructor takes note of these matters because they reflect on your respect for yourself and your classmates.

Students who show up late for exams will be penalized. If you are late for an exam, your score will be reduced in proportion to how late you arrived, and, if it is unreasonably late, the instructor reserves the right to not administer the exam to you. If you're not present at an exam without a compelling reason made before the exam, you may safely assume that there will be no makeup. If you believe you have a compelling reason then you must explain that reason to the instructor in writing. The instructor is the final arbiter of whether your reason is compelling or not.

Students with disabilities and those involved in university activities should submit official documentation to the instructor at the start of the semester.

Turn phones, pagers and other electronic devices off during class.
GRADING:

There will be three examinations: two midterms and a cumulative final. Each exam is a multiple-choice and true-false format. Books and notes are not allowed during the exams. To restate what was said in the Attendance Policies, exams must be taken at the scheduled time, except for those who have compelling reasons such as illness serious enough to require hospitalization. Exams may not be made up if missed due to work conflicts, car trouble or oversleeping, for example. Allow sufficient time to get to campus even if your car is temperamental or your job is demanding.

The instructor reserves the right to deduct points for failure to follow instructions.

Grades will be based on a point system. Two of the exams are worth 50 points each, for a total of 100 points, and the final exam is 100 points. There is no extra credit. Generally, the percentage breakdown is:

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\begin{align*}
A &= 200 - 170 \\
B &= 169 - 140 \\
C &= 139 - 110 \\
D &= 109 - 100
\end{align*}
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The cutoff score for an A, B or C may be changed as necessary to produce a fair grade distribution. However, the minimum score for a “D”, which is 50 percent (100 out of a possible 200 points), will not be lowered.

OTHER COMMENTS:

Read and understand the Student Conduct Code in the University of Hawai'i at Manoa catalog (p. 584). We will scrupulously observe the provisions on Academic Honesty. As a journalist, your credibility is essential; maintain the highest standards for yourselves and require highest standards of credibility from others.

**Media and the Law**

**SPRING 2007 SCHEDULE**

The schedule will give you guidance as to the order in which you should study the chapters in the textbooks, Law of Mass Communications and Mass Communication Law in Hawaii.

The schedule is subject to change to accommodate guest speakers and other unforeseen events that may require adjustments. Unless you hear otherwise from the instructor, you should keep up with the reading assignments as scheduled or, even better, read so that you’re a few days ahead.

I. **The American Legal System and the System of Free Expression**

**Week One: (Jan. 8, 10, 12)**

Introduction to the course.

The Legal System.

- Read relevant sections of Study Guide
- Teeter: Appendices A, B, C
- Portnoy: p. 121 on Hawaii Courts

**Week Two: (Jan. 17, 19)**

The Meaning of the First Amendment.

Historical Background of the First Amendment

- Teeter: Chapter One
Week Three: (Jan. 22, 24, 26)

Historical Background of the First Amendment
   Teeter: Chapter Two

Week Four: (Jan. 29, 31 Feb. 2)

The First Amendment and Prior Restraint
   Teeter: Chapters Two and Three pp. 31-124

Week Five: (Feb. 5, 7, 9)

Boundaries of Constitutional Protection and Obscenity
   Teeter: Chapter Three pp. 124-180
   Portnoy: Chapter Three

***February 9, 2007***
EXAM #1
(Covering Chapters 1, 2, 3 and Portnoy)

II. Media Law and Individual Rights

Week Six: (Feb. 12, 14, 16)

The Law of Defamation: An Overview
   Teeter: Chapter Four
   Portnoy: Chapter One

Week Seven: (Feb. 21, 23)

The Law of Defamation
   Teeter: Chapter Five

Week Eight: (Feb. 26, 28 March 2)

Defamation Defenses
   Teeter: Chapter Five

Week Nine: (March 5, 7, 9)

Invasion of Privacy
   Teeter: Chapter Six
   Portnoy: Chapter Two

Week Ten: (March 12, 14, 16)

Invasion of Privacy
   Teeter: Chapter Seven

***March 16, 2007***
EXAM #2
(Covering Chapters 4, 5, 6, 7 and Portnoy)
III. Newsgathering and Citizens' Rights

Week Eleven: (March 19, 21, 23)

Fair Trial - Free Press
Teeter: Chapter Nine
Portnoy: Chapter Eight

*****SPRING RECESS March 26-30, 2007*****

Week Twelve: (April 2, 4)

Protection of News Sources
Teeter: Chapter Ten
Portnoy: Chapter Seven

Week Thirteen: (April 9, 11, 13)

Access to information.
Teeter: Chapter Eight
Portnoy: Chapter Five

The Electronic Media
Teeter: Chapters Eleven, Twelve, Thirteen

IV. Mass Communication and Government

Week Fourteen: (April 16, 18, 20)

The Electronic Media
Teeter: Chapters Eleven, Twelve, Thirteen

Week Fifteen: (April 23, 25, 27)

Intellectual Property
Teeter: Chapter Fifteen

Week Sixteen: (April 30 May 2)

Intellectual Property and Review
Teeter: Chapter Fifteen

FINAL EXAM*

*****7:30-9:30 Monday, May 7, 2007, George 215*****

*The Final Exam is comprehensive, covering the spectrum of the subject from the beginning to the end of the semester. However, emphasis on the final will be on what we have covered since the last exam.