



**MEDIA LAW**  
COM 416 WI, FALL 2011  
DR. BRIAN CARROLL

MWF 1-1:50  
LAUGHLIN 113  


*"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*

--The First Amendment of the U.S. Constitution

**Catalog Description:** Constitutional and legislative foundations of freedom of speech and press, with special emphasis on the law of privacy, libel, censorship, access, and broadcast regulation.

**Introduction:** We will examine the delicate balance that exists between freedom and control of the mass media in the United States. The First Amendment of the U.S. Constitution is the major guarantee of freedom of expression. Since the courts, especially the U.S. Supreme Court, are ultimately responsible for interpreting the First Amendment and maintaining the balance between freedom and control, our study will focus on judicial decisions and reasoning. It is essential to recognize, though, that other very significant sources of press freedoms and controls exist. Therefore, we also will consider other factors that influence the balance between freedom and control of mass communication, including statutory law, executive and administrative actions, and ethical concerns. Non-Communication majors, please note that this course does not take a case study approach, though judicial case review is an emphasis.

**Learning outcomes:**

- Develop an understanding of and appreciation for the First Amendment by studying related theory and law
- Develop knowledge of legal constraints on reporting and publishing
- Develop analytical skills and judgment through case study and research
- Become familiar with landmark cases in communication legal history and understand how they relate to modern practice
- Gain an understanding of the current status of American press freedom and responsibilities
- Begin to grapple with how information and media technologies are creating new fora for expression and distribution while forcing tensions in our understandings of privacy, publication and even journalism

**What you will need (required):** Traeger, Russomano, Ross. *The Law of Journalism & Mass Communication*, 2d edition (CQ Press).

**What you may want (not required):**

- Index cards (for case summaries)
- *Black's Law Dictionary*
- *Blue Book of Law Citation*
- *Law of the Student Press* (Arlington, Va.: Student Press Law Center, 2000).
- Lisby, Gregory C., *Mass Communication Law in Georgia* (Stillwater, Okla.: New Forums Press, 2001).

### Stuff you need to know:

Instructor: Dr. Brian Carroll  
Laughlin Building 100  
Office phone: 368.6944 (anytime)  
E-mail: [bc@berry.edu](mailto:bc@berry.edu) OR [bc@unc.edu](mailto:bc@unc.edu)  
Home page: <http://www.cubanxgiants.com>  
Office hours: MWF 2-5 p.m., Thur. 1-5pm | or by appointment | walk-ins welcome

Course Web site and online syllabus (memorize this, be one with it and refer to it daily):  
<http://www.cubanxgiants.com/berry/416>.

**Methods of Instruction:** This class will combine lecture with discussion, research, and writing, including a writer's workshop. You should read the assigned chapters and cases before class in order to be prepared to participate. You will also conduct independent research and write legal argument on a communication topic of your choosing.

### Policies

- **Attendance:** Attendance is a part of your grade. Be here every day on time, just as you would for a job, surgery or a haircut. Everyone gets one unexcused absence, maybe two >> no questions asked. Stuff happens. After that, unexcused absences and/or lateness will result in deductions from the "professionalism and participation" portion of your grade -- one point for each unexcused absence and/or late arrival. What is excused is at the instructor's discretion, so you are best served by discussing situations and extraordinary circumstances prior to class whenever possible.
- **Late submissions:** Because the due dates for written assignments are known well in advance, there is no reason why the assignments cannot be completed on time. Moreover, it would be unfair to selectively grant extensions. All late work, therefore, will be penalized. Assignments received from one to three days late will be penalized one letter grade. Assignments received four to seven days late will be penalized two letter grades. No assignments will be accepted more than one week late. Failure to submit the final paper will result in automatic failure for the course.
- **Distractions:** This instructor is easily distracted. Ringing cell phones, therefore, will be lobbed out of the classroom window. Chatter during lecture will result in "professionalism and participation" point deductions, particularly after a warning has been issued. If you have to arrive late or leave early, clear it with the instructor beforehand whenever possible. Do homework for other classes somewhere else. No texting, Facebooking or lapping not DIRECTLY related to what we are doing in class. Basic civility is what is expected here; if you are at all unclear as to what "basic civility" implies, the instructor would be more than happy to elaborate.
- **Readings:** All reading assignments should be completed before the class period for which they are assigned. You may be called on in class to answer questions related to the day's readings. In addition, I will expand upon and update the material in the texts. It will be extremely difficult for you to follow the lectures, participate in discussion, respond to my questions and ask intelligent questions if you come to

class ill prepared. This is especially true for our mock trials, during which your classmates will be depending on you to pull your weight.

- **Academic integrity:** Because academic integrity is the foundation of college life at Berry, academic dishonesty will result in automatic failure on the assignment in question. Academic dishonesty includes, but is not limited to, the following: cheating, unauthorized collaboration, plagiarism, fabrication, submitting the same work in multiple courses, and aiding and abetting. For definitions of these terms, please consult the instructor. Additionally, violators will be reported in writing to the Provost. Students who are sanctioned for violating the academic integrity policy forfeit the right to withdraw from the class with a grade of "W."

### How you will be graded:

|                                 |                       |
|---------------------------------|-----------------------|
| Midterm                         | 25%                   |
| Final                           | 25%                   |
| Research paper                  | 40% (breakdown below) |
| Professionalism & participation | 10%                   |
| <b>Total</b>                    | <b>100%</b>           |

### Course assignments

**Exams:** The professor favors short-answer and essay questions. However, depending on the size of the class, it is possible that machine-graded answer sheets will be used. You might, therefore, be tested using multiple-choice and true/false questions, as well, but I hope not.

**Mock trials:** At least once, you will try a case. You will familiarize yourself with the facts of the case and the legal questions in play. As a member of a legal team comprised of some of your classmates, you will argue an outcome before the judge (the professor). Preparation and participation in these mock trials, which previous classes have found rewarding and even fun, are components of your professionalism and participation grade.

**Research paper:** In most cases, students will choose a mass media-related legal case that has not yet been decided at the U. S. Supreme Court level. Students will argue one side or the other, but remember that we are champions of the First Amendment. Students will need to read the actual court documents; these are the primary sources. Students will base arguments on research found in peer-reviewed law journals and reviews.

This paper will, therefore, be persuasive in nature, demonstrating research in support of a legal position on a mass media-related legal issue. The paper should be typed in 12-point Times New Roman. The format should be double-spaced. The length should be about 10 pages (give or take a page). Style guidelines will be discussed in class, but generally the style used is up to the author. Simply identify somewhere on the paper the style being used. The important thing is to choose one (APA, MLA, Blue Book, or Chicago), then to strictly and consistently adhere to that style.

Both your topic and your approach or argument must be approved by the professor. This is to protect you. If for the topic (and title) submission you do not have a workable topic, one may be assigned to you. Again, this is to help you. Students in the past have surrendered precious research time floundering with a complex topic. A full bibliography must

accompany the paper or the paper will not be graded. Copies of the full peer-reviewed articles might be requested, as well. Finally, the student's signature somewhere on the submitted paper is required and will signify adherence to the Honor Code.

Breakdown of research paper project:

|                                         |           |                   |
|-----------------------------------------|-----------|-------------------|
| Topic & Paper Title                     | 10 points |                   |
| Detailed outline with research question | 10        |                   |
| Tentative Bibliography                  | 15        |                   |
| Rough draft writing workshop            | 15        |                   |
| Final paper                             | 50        |                   |
| <b>Total</b>                            |           | <b>100 points</b> |

Your final point total (X/100) will be multiplied by .40 to yield the 40% component of your final course grade.

To compute your final grade, add up your point totals, apply the appropriate percentages, then refer to the Communication department suggested grading system, summarized here:

|            |                |          |          |
|------------|----------------|----------|----------|
| A = 93-100 | A-= 90-92      | B+=88-89 | B=83-87  |
| B- = 80-82 | C+= 78-79      | C=73-77  | C-=70-72 |
| D+= 60-69  | F=59 and below |          |          |

Definitions of the grades can be found in the Berry College Catalog. "A" students will demonstrate an outstanding mastery of course material and will perform **far above** that required for credit in the course and **far above** that usually seen in the course. The "A" grade should be awarded sparingly and should identify student performance that is relatively unusual in the course.

### Viking Honor Code

It is not just policy. The honor code system is foundational to the academic environment we enjoy and in which scholarship thrives. It is in force in this classroom and during all lab sessions. For the complete Viking Code, please consult the student handbook. In short, each student is "expected to recognize constituted authority, to abide by the ordinary rules of good conduct, to be truthful, to respect the rights of others." The College's mission, in part, commits to a community of integrity and justice. During an era when ethics are sometimes suspect, there seems no higher goal toward which students ought to strive than that of personal honor.

### Students with special needs

If you have special needs of any kind, including learning disabilities, please let me know. Come discuss it with me. I want to make sure on the front end that we prevent any problems associated with the course. From Martha Van Cise, director of the Academic Support Center: *"Students with disabilities who believe that they may need accommodation in this course are encouraged to contact the Academic Support Center in Krannert Room 301 as soon as possible to ensure that such accommodations are implemented in a timely fashion."*

Finally, I believe we are here for a good time, not a long time, so let's have some fun!

