

Professor Christopher Harper  
Temple University  
JOUR 3101  
Journalism Law and Ethics  
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**Description:** This is a foundation course in personal freedom and professional protection. Through critical thinking, legal reasoning, research, and problem-solving, you should better understand the foundation for freedom of expression and should be able to apply the law to contemporary issues. Students will discuss cases and their ethical implications to better understand how judicial values are linked to the work of mass media professionals and the free expression of citizens.

**Writing Program:** (Recommended). Premium version of [grammarly.com](https://www.grammarly.com).

**Class Procedures:** To succeed in this class, students must be active learners. The instructor's role is to guide student discovery and discussion, encourage inquiry, and assess understanding. Class discussion will focus on applying ethical and legal points that shape the parameters of communication law.

**Video lectures:** You will find the video lectures at <https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

**Sensitivity:** Serious First Amendment discussions often include references to unpopular ideas and offensive expression. Although we will not hide from the hard questions and harsh language, everyone in the class should remain sensitive to individual differences.

### **Grading:**

Legal research exercise: 5 percent

Case brief: One for 10 percent

Impact analyses: Two for 15 percent each, or 30 percent

Final paper: 20 percent

Two exams: 20 percent (10 percent each)

Discussion Board: 15 percent

Late work may earn up to 70 percent of the possible points if handed in within one week of the original assignment. This provision does not include discussions.

Extra credit: Students can earn up to 0.25 percent for a third post to each week of the discussion.

This option might be the only possibility for extra credit, which could amount to 4 percent of the overall grade.

### **Grade Distribution**

A 100-93

A- 92-90

B+ 89-87

- B 86-83
- B- 82-80
- C+ 79-77
- C 76-73
- C- 72-70
- D 69-60
- F 59 and below

**Legal Research:** Because legal research is necessary for briefs and final paper, students will study/discuss research fundamentals and complete an assignment based on legal research material covered in class and online. The open book exercise is due before 5 p.m. Tuesday, Sept. 3. You will find it under Quizzes on Canvas.

**Case abstracts:** Reading and interpreting the words and reasoning of a judge or justice will help you understand how the courts balance competing interests and decide the boundaries we must follow. These assignments will help you locate and understand a judge or a court's reasoning to the extent that you can explain that ruling in writing and discuss it with others. Each student will be assigned three court decisions.

These cases, to be read in their entirety by those assigned, are available online. Some online search engines--[www.law.justia.com](http://www.law.justia.com), [www.findlaw.com/cascode](http://www.findlaw.com/cascode) or [www.law.cornell.edu](http://www.law.cornell.edu)-- provide the entire cases and summaries. With a Temple account, you can access WestLaw through the Temple Library.

Students should upload to Canvas the abstract of 350 to 500 words by 5 p.m. Thursday on the weeks they are assigned. The Word document should be named yourlastnameshortenedcasename.doc or docx. The subject line should be yourlastname casename. Failure to follow these guidelines will result in an automatic 10 percent deduction. Abstracts should follow the format of the example posted under Files on Canvas.

**Case Briefs With Impact Analysis:** The second and third cases will include an abstract and an impact analysis.

--For this assigned case, complete a 350- to 500-word abstract.

--You also are to complete a 600- to 800-word documented impact analysis for this one case. The abstract and the impact analysis should be one document. Upload the material to Canvas by 5 p.m. Thursday. Use the same naming conventions as above.

--Your analysis is to be a research-based assessment of implications of the legal points from this assigned case. This document should not be your personal opinion on whether the court ruled correctly. Include authoritative support and reasoning related to the significance the court's ruling has for the public or for journalists. At least two legal/ethical/professional authorities (not counting the instructor, your textbook authors or a judge/justice ruling in this case) should be identified with complete citations (including source, author, and publication date) to support your

analysis. Please note that material from newspapers and magazines does not qualify as an authoritative source but can be used as a third or fourth source after the two primary sources.

--Your analysis will be graded on the quality of your writing and thinking, reflected in cited authoritative support and your assessment of the professional/societal significance or implications of the assigned case. Each report will be graded on both substance and writing proficiency.

--Please use the style guide of the American Psychological Association, which can be found at [https://www.temple.edu/class/documents/APA\\_Guide\\_Revised.pdf](https://www.temple.edu/class/documents/APA_Guide_Revised.pdf)

**Final Paper:** By 5 p.m. on Monday, Dec. 9, each student will have completed and uploaded via Canvas a legal project focused on a course-related question, issue or topic of personal interest and legal significance to journalism. The paper should be at least 2,000 words. Please send a 100-word outline by 5 p.m. Thursday, Nov. 14, via Canvas. You can provide an outline or a summary of your project. Failure to send your idea for approval will result in a 10 percent reduction.

The bulk of this project's research and writing should be presented as a traditional research paper that poses, describes, and answers a specific, course-related question that pertains to an ethical or legal issue. The paper must include the formalities of sound research—a bibliography of books, court cases, journals, or primary sources and adherence to complete and correct form for footnotes/documentation. At least three legal/ethical/professional authorities (not counting the instructor, your textbook authors or a judge/justice ruling in this case) should be identified with complete citations (including source, author, and publication date) to support your analysis. Please use APA guidelines for the citation style.

**Exams:** Two exams, worth 20 percent of the final grade, will focus on legal principles, readings, and cases. (10 points each). You will find these exams under Quizzes on Canvas. STOP

## **COURSE OVERVIEW**

### **Week One: Course Introduction: The Legal System**

Course introduction

Read the U.S. Constitution.

Watch videos for Week 1 at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

--Talley v. California, 362 U.S. 60 (1960)

--Hudgens v. NLRB, 424 U.S. 507 (1976)

--Wooley v. Maynard, 430 U.S. 705 (1977)

-- Pruneyard Shopping Ctr. v. Robins, 447 U.S. 74 (1980)

Discussion responses of at least 200 words due by 5 p.m. Wednesday and Thursday.

Abstract No. 1: I will assign cases from Weeks Three through Six for an abstract of at least 350 words. You will find an example under Files on Canvas. The abstract is due on Thursday of the week in which the case is done. Please upload the files through Canvas.

### **Week Two: First Amendment**

Tuesday, Sept. 3: Legal research exercise due by 5 p.m. via Canvas. The exercise can be found under Quizzes.

Watch videos for Week 2 at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Read the following case in its entirety:

--Citizens United v. FEC, 558 U.S. 310 (2010)

Read abstracts of the following cases:

--Schenck v. United States, 249 U.S. 47 (1919)

--Abrams v. United States, 250 U.S. 616 (1919)

--Gitlow v. People, 268 U.S. 652 (1925)

--Chaplinsky v. New Hampshire, 315 U.S. 568 (1942)

--McCutcheon v. FEC, 572 U.S. \_\_\_\_ (2014)

Discussion responses of at least 200 words due by 5 p.m. Wednesday and Thursday.

### **Week Three: First Amendment Continued**

Watch the videos for Week 3 at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Read the following case in its entirety:

--Brandenburg v. Ohio, 395 U.S. 444 (1969)

Read abstracts of the following cases:

--Texas v. Johnson, 491 U.S. 397 (1989)

--National Socialist Party of America v. Village of Skokie, 432 U.S. 43 (1977)

--United States v. O'Brien, 391 U.S. 367 (1968)

--Snyder v. Phelps, 562 U.S. 443 (2011)

--City Council of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789 (1984)

--Rice v. Paladin Enterprises, 128 F.3d 233 (4th Cir. 1997)

## **Week Four: Prior Restraint**

Watch the videos at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Read the following cases in their entirety:

--Near v. Minnesota, 283 U.S. 697 (1931)

--New York Times Co. v. United States, 403 U.S. 713 (1971)

Read abstracts of the following cases:

--Pell v. Procunier, 417 U.S. 817 (1974)

--U.S. v. Progressive, 486 F. Supp. 5 (W. D. Wis. 1979)

--Abu-Jamal v. Price, 154 F.3d 128 (3<sup>rd</sup> Cir. 1998)

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

## **Week Five: Ethics**

Watch the videos at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

--Read ethics codes of the Society of Professional Journalists, Radio Television and Digital News Association and National Press Photographers Association.

Read [https://rtdna.org/content/rtdna\\_guidelines\\_mass\\_shootings](https://rtdna.org/content/rtdna_guidelines_mass_shootings)

James McAuley, “French newspaper Le Monde will no longer publish photos of terror suspects.” Washington Post, July 27, 2016. [https://www.washingtonpost.com/news/worldviews/wp/2016/07/27/how-one-french-newspaper-is-drawing-the-line-amid-terror-wave/?utm\\_term=.f1626142b711](https://www.washingtonpost.com/news/worldviews/wp/2016/07/27/how-one-french-newspaper-is-drawing-the-line-amid-terror-wave/?utm_term=.f1626142b711)

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

## **Week Six: Defamation**

Watch the videos at <https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

Read the following cases in their entirety:

--New York Times Co. v. Sullivan, 376 U.S. 254 (1964)

--Curtis Pub. Co. v. Butts, 388 U.S. 130 (1967)

Read abstracts for the following cases:

- Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974)
- Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988)
- Milkovich v. Lorain Journal, 497 U.S. 1 (1990)
- Masson v. New Yorker Magazine, Inc., 501 U.S. 496 (1991)
- Weaver v. Lancaster Newspapers 926 A.2d 899, (PA 2007)

Test

You will find the test on Quizzes on Canvas. The exam will be available at 8 a.m. Monday and must be completed in 90 minutes by 5 p.m. Thursday.

### **Week Seven: Privacy**

Watch the videos at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Abstract No. 2 will be assigned to specific individuals.

Read the following cases in their entirety:

- Cox Broadcasting Corp. v. Cohn 420 U.S. 469 (1975)
- Wilson v. Layne 526 U.S. 603 (1999)

Read abstracts of the following cases:

- Time, Inc. v. Hill, 385 U.S. 374 (1967)
- Cantrell v. Forest City Publishing Co., 419 U.S. 245 (1974)
- Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562 (1977)
- Hoffman v. Capital Cities/ABC Inc., 255 F.3d 1180 (9<sup>th</sup> Cir. 2001)
- Bartnicki v. Vopper, 532 U.S. 514 1753 (2001)
- Glik v. Cunniffe, 655 F.3d 78 (1<sup>st</sup> Cir. 2011)
- ACLU of Illinois v. Alvarez, 679 F.3d 583 (7<sup>th</sup> Cir. 2012)

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

### **Week Eight: Copyright, Fair Use and Unfair Competition**

Watch the videos at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Specific cases will be assigned for Abstract No. 2.

Read abstracts of the following cases:

- New York Times Co. v. Tasini, 533 U.S. 483 (2001)
- MGM Studios, Inc. v. Grokster, Ltd., 545 U.S. 913 (2005)
- Litchfield v. Spielberg, 736 F.2d 1352 (9<sup>th</sup> Cir. 1984)
- Harper & Row v. Nation Enterprises, 471 U.S. 539 (1985)
- Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1993)
- Castle Rock Entertainment v. Carol Publishing, 150 F.3d 132 (2<sup>nd</sup> Cir.1998)
- Moseley v. V Secret Catalogue, Inc., 537 U.S. 418 (2003)
- Arista Records LLC v. Doe 3, 604 F.3d 110 (2<sup>nd</sup> Cir. 2010)
- Peters v. West, 692 F.3d 629 (2012)

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

### **Week Nine: Obscenity and indecency**

Watch the videos at <https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Specific cases will be assigned for Abstract No. 2.

Read the following case in its entirety:

- Miller v. California, 413 U.S. 15 (1973)

Read abstracts for the following cases:

- Ginsberg v. New York, 390 U.S. 629 (1968)
- New York v. Ferber, 458 U.S. 747 (1982)
- Reno v. ACLU, 521 U.S. 844 (1997)
- U.S. v. Matthews, 209 F.3d 338 (4<sup>th</sup> Cir. 2000)
- Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002)
- U.S. v. American Library Association, 539 U.S. 194 (2003)
- U.S. v. Williams, 553 U.S. 285 (2008)

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

### **Week 10: Access to the Media and Broadcast Regulation**

Watch the videos at <https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Specific cases will be assigned for Abstract No. 2.

Read the following case in its entirety:

- FCC v. Pacifica Foundation 438 U.S. 726 (1978)

Read abstracts of the following cases:

- Red Lion Broadcasting Co., Inc. v. FCC, 395 U.S. 367 (1969)
- Miami Herald Pub. Co. v. Tornillo, 418 U.S. 241 (1974)
- CBS v. Democratic Nat'l Committee, 412 U.S. 94 (1973)
- Meredith v. FCC, 809 F.2d 863, 13 (D.C.Cir.1987)
- Radio-Television News Dirs. Ass'n v. FCC, 229 F.3d 269 (D.C.Cir. 2000) (with background from 184 F.3d 872 (D.C.Cir. 1999))
- Knights of the Ku Klux Klan v. Curators of the Univ. of Missouri, 203 F.3d 1085 (8<sup>th</sup> Cir. 2000)
- Brown v. Entertainment Merchants Assoc., 564 U.S. 08-1448 (2011)
- FCC v. Fox Television Stations, 567 U.S. \_\_ (2012)

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

### **Week 11: Free Press/Fair Trial, Cameras in the Courtroom and Media Access**

Watch the videos at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

A 100-word proposal for your final paper is due by Thursday. Failure to submit the proposal will result in a 10 percent deduction.

Specific cases will be assigned for Impact Analysis.

Read the following case in its entirety:

- Nebraska Press Ass'n v. Stuart 427 U.S. 539 (1976)

Read abstracts of the following cases:

- Estes v. Texas, 381 U.S. 532 (1965)
- Sheppard v. Maxwell, 384 U.S. 333 (1966)
- Red Lion v. FCC, 395 U.S. 367 (1969)
- Richmond Newspapers v. Virginia, 448 U.S. 555 (1980)
- Chandler v. Florida, 449 U.S. 560 (1981)
- Globe Newspaper Co. v. Superior Ct., 457 U.S. 596 (1982)
- Detroit Free Press v. Ashcroft, 303 F.3d 681 (6<sup>th</sup> Cir. 2002)
- North Jersey Media Group, Inc. v. Ashcroft, 308 F.3d 198 (3<sup>rd</sup> Cir. 2002)

Discussion responses of at least 200 words due by 5 p.m. Tuesday and Wednesday.

### **Week 12: Access to Information and Court Reporting**

Watch videos for Week 12 at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu> (Links to an external site.)Links to an external site.

FOIA  
Right-to-Know Law  
Consent laws  
Covering crime and courts

### **Week 13: Journalists' Privilege**

Watch the videos at

<https://www.youtube.com/playlist?list=PL48ywZUEnrB6aebzx-jyofBKv1DSSB7Gu>

Specific cases will be assigned for Abstract No. 3.

Read the following cases in their entirety:

- Branzburg v. Hayes, 408 U.S. 665 (1972)
- Cohen v. Cowles Media Co., 501 U.S. 663 (1991)

Read abstracts of the following cases:

- Bridges v. California, 314 U.S. 252 (1941)
- Woodhaven Lumber v. Asbury Park Press, 589 F.2d 135 (NJ 1991)
- Pennsylvania v. Bowden, 838 A.2d 740 (Pa. 2003)
- United States v. Sterling, 724 F.3d 482 (2013)

No discussion questions

### **Week 14: Thanksgiving Break**

#### **Week 15:**

Test due by 5 p.m. Thursday, Dec. 5.

Final paper due by 5 p.m. Monday, Dec. 9, via Canvas.

### **Academic Rights And Responsibilities**

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The university has a policy on Student and Faculty Academic Rights and Responsibilities (Policy #03.70.02) which can be accessed at [policies.temple.edu](http://policies.temple.edu).

### **Academic Honesty**

Cheating and plagiarism on any examination or assignment will result in automatic failure of the course and recommendation to the University Disciplinary Committee for further disciplinary action.

Please note that plagiarism includes fictitious quotes and/or sources, work copied from others without proper credit, including websites.

### **Students with Disabilities**

Any student who has a need for accommodations based on the impact of a documented disability or medical condition should contact Disability Resources and Services (DRS) in 100 Ritter Annex (drs@temple.edu; 215-204-1280) to request accommodations and learn more about the resources available to you. If you have a DRS accommodation letter to share with me, or you would like to discuss your accommodations, please contact me as soon as practical. I will work with you and with DRS to coordinate reasonable accommodations for all students with documented disabilities. All discussions related to your accommodations will be confidential.