

Mass Communications Law

COURTS

- **Two types of courts:** Trial courts are fact-finding; appellate courts are law-reviewing.
- **Ideal system of courts:** The United States has state-level and federal-level courts.
- **State courts:** Vary by state constitution but generally consist of small claims or municipal courts, district courts, appellate courts, and a state supreme court.
- **Federal courts:** Composed of 94 district-level courts, 13 circuit courts, and the Supreme Court.
- **Judges:** At the federal level, judges are appointed by the president and confirmed by the Senate; they are appointed for life but can be impeached.
- **U.S. Supreme Court**
 - Composed of nine justices.
 - A case can get to the U.S. Supreme Court by direct appeal, certification, or applying for a writ of certiorari (the most common means), which is an application asking the Supreme Court to order a lower court to send its file on a case to the Supreme Court.
 - The Supreme Court looks for "reversible" when determining which cases to hear in a given term; reverses typically refers to appellate courts reaching contradictory decisions on similar cases.

LAW

- There is a distinction between **civil law** and **criminal law**; the burden of proof is different for each.
 - For civil cases, the burden is the preponderance of the evidence.
 - For criminal cases, the burden is beyond a reasonable doubt.

Where Laws Come From

- **God:** Acknowledged by the Declaration of Independence as a source of law ("[we] are endowed by [our] Creator with certain unalienable rights").
 - **Common law:** Consists of case decisions by judges and can provide principles to guide future cases (called "precedent"); it can lead to the creation of new laws.
 - **Law of equity:** Like common law, also judge-made; however, equity law comes from judicial decrees, such as restraining orders, warrants, or injunctions.
 - **Statutory law:** Derived from legislative action (at the federal, state, or local levels); these laws address larger issues and are collected in codes.
- **Constitutional law:** Derived from the Constitution (at the federal or state levels); addresses what government can and cannot do; there are two major philosophies that guide the interpretation of the Constitution:
 - **Judicial activism** asks, "What does the Constitution mean today?" and believes that our country has changed since the Constitution was ratified; thus the Constitution needs to be interpreted in the light of modern-day considerations.
 - **Constructionism** asks, "What was the original intent of the framers when the Constitution was ratified?" and believes that original intent should be the foundation in terms of how the Constitution is interpreted today.
- **Administrative law:** Crafted by administrative agencies created by enabling legislation and charged with day-to-day oversight of a specific area of government responsibility; their regulations have the force of law.

FIRST AMENDMENT

Background

- **Invention of the printing press:** Rising authorities were faced with the issue of how to address potentially seditious (i.e., critical of the government) material that could be distributed to the masses.
- **"The right of kings":** Rising authorities could engage in **prior restraint** (stopping something before it is published), **censorship** (restricting or editing material to be printed), and **licensing** (a means to regulate what gets printed).
 - **John Milton's Areopagitica:** Presented the first reasoned defense of free speech and free press; argued that rulers should have limited abilities to engage in prior restraint and that certain types of speech (i.e., treasonous, blasphemous, or slanderous) should not be protected.
 - **John Locke:** Prominent philosopher of the late 1600s; believed in a social contract that said it was the role of government to serve the people, not the other way around; argued people were endowed with natural rights and one of the most important was freedom of expression, which government had a responsibility to protect.
- **Zenger case (1735):** Took place in colonial America; John Peter Zenger was clearly guilty of publishing seditious material under British law; jury acquitted him, saying no man should be imprisoned or fined for publishing criticism of the government that was both truthful and fair.

- **William Blackstone's Commentaries on the Law of England (1765-1769):** A primary source for understanding free speech issues during the Revolutionary period; argued against prior restraint and systematically explored categories under which prior restraint might be allowed.

Theories

- **Absolutist theory:** The strict interpretation of the First Amendment section that says, "Congress shall make no law...abridging the freedom of speech, or of the press."
- **Ad hoc balancing theory:** Rights can and often do conflict; proposes that rights in conflict should be weighed against each other on an equal footing.
- **Preferred position balancing theory:** Similar to the ad hoc balancing theory but proposes that First Amendment rights should be given more weight in the balancing process and that other rights need to have a much stronger argument to overcome First Amendment rights.
- **Rational relationships:** Whereas the preferred position balancing theory gives priority to First Amendment rights, this theory gives preference to government regulation as long as the government can show a substantial interest and that the regulation is reasonably related to that interest.
- **Compelling state interests:** Rights that are more fundamental to a society receive a preferred position.
- **Marketplace of ideas:** In an environment of wide-open debate, truth will rise to the top, and the solution to prior restraint is not to restrict debate but to encourage it.
- **Active theory:** Not all people have equal access to having their voices heard; government has a responsibility to ensure fairness in terms of access.
- **Millsaplesian theory:** Free speech and free press should be protected if they aid in the process of successful self-government; determining what types of speech and press relate to the self-governing process is crucial.
- **Self-realization:** Speech is important to the individual, regardless of its impacts on benefits; speech is inherently valuable and should be protected.

MEDIUMS & FREEDOM OF THE PRESS

- The First Amendment does not treat all mediums equally.
 - **Print:** When the First Amendment talks about freedom of "the press," the framers literally meant the printing press—not journalists, as we might conceive of the word today.
 - Historically, this has meant that print has been afforded the highest levels of First Amendment protection.
 - **Broadcast:** Radio and television receive lesser levels of protection.
 - The contrast can be seen in *Miami Herald Publishing Co. v. Tornillo* (1974), addressing newspapers, and in *Red Lion Broadcasting Co. v. FCC* (1969), addressing radio, with respect to the notion of a right of reply.
 - The courts found that newspapers did not have to grant this right but broadcasters did.
 - Broadcast use of the spectrum also justifies regulating broadcast in the public interest.
 - **Internet:** *ACLU v. Reno* (1997) wrestled with whether the Internet was more like print or broadcast.
 - The Supreme Court decided the Internet was more like print mediums and thus was deserving of the highest levels of First Amendment protection.
 - This has made it difficult for Congress to pass legislation concerning the restriction of Internet content.
 - **Film:** At first, film was not granted First Amendment protection (*Mutual Film Corp. v. Industrial Commission of Ohio* [1915]).
 - Film censorship boards were common at the state and local levels, and producers faced the dilemma of potentially having to make changes to movies that differed across multiple markets.
 - The Hays Office and the Hays Code nationalized film censorship.
 - In *Joseph Burstyn, Inc. v. Wilson* (1952), the Supreme Court recognized that film was a significant medium for the communication of ideas and afforded film First Amendment protection.
 - The MPAA rating system, which originated in 1968, is industry self-regulation of content.
 - **New technologies** are constantly pushing media law and stretching the limits of free speech and free press; examples include how to respond to terrorism without infringing on civil liberties, how to address widely disseminated and global entities such as WikiLeaks, and how to address privacy issues raised by social media and portable technologies.

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**William D. Crano, Suellen Ludwig, Gary
W. Selnow**



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Annotated Archive of Communication References William D. Crano, Suellen Ludwig, Gary W. Selnow, 1981 **Mass Media** James B. Martin, 2002 Mass media has become an integral part of the human experience News travels around the world in a split second affecting people in other countries in untold ways Although being on top of the news may be good at least for news junkies mass media also transmits values or the lack thereof condenses complex events and thoughts to simplified sound bites and often ignores the essence of an event or story The selective bibliography gathers the books and magazine literature over the previous ten years while providing access through author title and subject indexes **Catalog of the Communications Library, University of Illinois** University of Illinois at Urbana-Champaign. Library, 1975

Research in Education, 1974 **An Introduction to New Media and Cybercultures** Pramod K. Nayar, 2010-01-11 This introduction to cybercultures provides a cutting edge and much needed guide to the rapidly changing world of new media and communication Considers cyberculture and new media through contemporary race gender and sexuality studies and postcolonial theory Offers a clear analysis of some of the most complex issues in cybercultures including identity network societies new geographies and connectivity Includes discussions of gaming social networking geography net democracy aesthetics popular internet culture the body sexuality and politics Examines key questions in the political economy racialization gendering and governance of cyberculture **Teachers of Children who are Partially Seeing** Abul Hassan K. Sassani, Gertrude (Golden) Broderick, Marjorie Cecil Johnston, Romaine Prior Mackie, Willis Clark Brown, 1956

Resources in Education, 1982-10 *Catalog of the Communications Library* University of Illinois (Urbana-Champaign campus). Library, University of Illinois at Urbana-Champaign. Communications Library, 1975 [Mass Communications Research Resources](#) Christopher Sterling, James K. Bracken, Susan M. Hill, 2016-05-06 This reference book is designed as a road map for researchers who need to find specific information about American mass communication as expeditiously as possible Taking a topical approach it integrates publications and organizations into subject focused chapters for easy user reference The editors define mass communication to include print journalism and electronic media and the processes by which they communicate messages to their audiences Included are newspaper magazine radio television cable and newer electronic media industries Within that definition this volume offers an indexed inventory of more than 1 400 resources on most aspects of American mass communication history technology economics content audience research policy and regulation The material featured represents the carefully considered judgment of three experts two of them librarians plus four contributors from different industry venues The primary focus is on the domestic American print and electronic media industries Although there is no claim to a complete census of all materials on print journalism and electronic media what is available is now too vast for any single guide the most important and useful items are here The emphasis is on material published since 1980 though useful older resources are included as well Each chapter is designed to stand alone providing

the most important and useful resources of a primary nature organizations and documents as well as secondary books and reports In addition online resources and internet citations are included where possible

Bulletin United States. Office of Education,1956

Opinion Control in the Democracies Terence H Qualter,1985-03-04

How to Write about the Media Today Raúl Damacio Tovares,Alla V. Tovares,2010-03-02 A comprehensive and practical guide to writing a successful media paper or report from selecting a topic to submitting the final draft How to Write about the Media Today is the first book to offer students and media practitioners a comprehensive approach for researching and preparing a report paper or presentation on some aspect of today s mass communication How to Write about the Media Today begins with a discussion of different types of media outlets from traditional newspapers and television to the Internet as well as an overview of contemporary directions in media studies This is followed by a series of step by step strategies for selecting topics conducting research and writing cogently and engagingly about media related events and issues Because each chapter stands on its own this resource can be read sequentially or consulted topic by topic as needed

Mediatization and Sociolinguistic Change Jannis Androutsopoulos,2014-09-04 This is the first volume to focus on the role of media in processes of linguistic change one of the most contested issues in contemporary sociolinguistics Its 17 chapters and five section commentaries present cutting edge research from variationist and interactional sociolinguistics media linguistics language ideology research and minority language studies The volume advances our understanding of linguistic change in a mediatized world in three ways First it introduces the notions of sociolinguistic change and mediatization to create a broader theoretical framing than the one offered by the media and language change Second it takes the discussion beyond the notions of influence and effect and the binary distinction of media vs community language Third it examines the relation of sociolinguistic change and mediatization and from five complementary viewpoints media influence on linguistic structure media engagement in interaction change in mass and new media language language ideological change and the role of media for minority languages Bringing these strands of sociolinguistic scholarship together this volume examines their shared references and common lines of thinking

Forbidden Bookshelf Presents Christopher Simpson Christopher Simpson,2018-10-23 Three provocative expos s from a National Jewish Book Award winning journalist address the CIA s recruitment of Nazis and use of psychological warfare The Splendid Blond Beast This groundbreaking investigation into the CIA s post World War II liberation and recruitment of Nazi war criminals including the pivotal role played by CIA director Allen Dulles traces the roots not only of US government malfeasance but of mass murder as an instrument of financial gain and state power from the Armenian genocide during World War I to Hitler s Holocaust through the practice of genocide today Revelatory and shocking Kirkus Reviews Blowback The true story of how US intelligence organizations employed Nazi war criminals in clandestine warfare and propaganda against the USSR anticolonial revolutionaries and progressive movements worldwide that were claimed to be Soviet pawns The story is one that needs to be told and Blowback makes a

major contribution to its telling supplementing a thorough collation of known cases with ample new research The New York Times Science of Coercion Drawing on long classified documents from the Pentagon the CIA and other national security agencies Simpson exposes secret government funded research into psychological warfare and reveals that many of the most respected pioneers in the field of communication science were knowingly complicit as their findings were employed for the purposes of propaganda subversion intimidation and counterinsurgency during the Cold War era An intriguing picture of the relations between state power and the intellectual community Noam Chomsky Massachusetts Institute of Technology

Broadcast Hysteria A. Brad Schwartz, 2015-05-05 In *Broadcast Hysteria* A Brad Schwartz examines the history behind the infamous radio play Did it really spawn a wave of mass hysteria Schwartz is the first to examine the hundreds of letters sent directly to Welles after the broadcast He draws upon them and hundreds more sent to the FCC to recapture the roiling emotions of a bygone era and his findings challenge conventional wisdom Relatively few listeners believed an actual attack was under way But even so Schwartz shows that Welles's broadcast prompted a different kind of mass panic as Americans debated the bewitching power of the radio and the country's vulnerability in a time of crisis Schwartz's original research gifted storytelling and thoughtful analysis make *Broadcast Hysteria* a groundbreaking work of media history "A

Different Sense of Power" Thomas Fink, 2001 This volume analyzes the work of a racially ethnically and geographically diverse group of recent social poets These figures Thylia Moss John Yau Denise Duchamel Carolyn Forché Joseph Lease Gloria Anzaldúa Martin Espada Melvin Dixon and Stephen Paul Miller utilize a diversity of aesthetic strategies to address a number of central problems such as poetic speculations about dangers and opportunities of visual representations by dominant and marginalized groups effacement of specific communities histories and attempts at restoration of history

The Television Studies Reader Robert Clyde Allen, Annette Hill, 2004 The *Television Studies Reader* brings together key writings in the expanding field of television studies providing an overview of the discipline and addressing issues of industry genre audiences production and ownership and representation The Reader charts the ways in which television and television studies are being redefined by new and alternative ways of producing broadcasting and watching TV such as cable satellite and digital broadcasting home video internet broadcasting and interactive TV as well as exploring the recent boom in genres such as reality TV and docu-soaps It brings together articles from leading international scholars to provide perspectives on television programmes and practices from around the world acknowledging both television's status as a global medium and the many and varied local contexts of its production and reception Articles are grouped in seven themed sections each with an introduction by the editors Institutions of Television Spaces of Television Modes of Television Making Television Social Representation on Television Watching Television Transforming Television **The Postwar Decline of American**

Newspapers, 1945-1965 David R. Davies, 2006-07-30 On the surface the American newspaper industry appears to have changed little from 1945 to 1965 remaining both healthy and prosperous The number of newspapers in 1965 was about the

same as in 1945 while during the twenty year period advertising revenues increased substantially despite new competition from television Just as in 1945 the vast majority of newspapers went to press with improved but old fashioned letterpress methods in 1965 And newspaper reporters still professed a strong if now somewhat shaken faith in the federal government at the end of the twenty years But the surface appearance of both stability and profitability obscured profound change In the two decades after World War II the business of newspaper publishing changed significantly in myriad ways By 1965 editors and publishers had recognized the extent of these changes and were beginning to adjust Each of the changes was significant of its own accord and the range of challenges throughout the period combined to transform newspapers and the nation they served by 1965 This transformation was evident to varying degrees in newspapers content their production methods their economic position within the overall media marketplace and their relationship with government Newspapers some more than others made strides to keep up with and overcome some of these challenges But in each of these areas newspapers as a group were slow to respond to the problems facing journalism Telecommunications, Mass Media, and Democracy Robert W. McChesney, 1995-01-26 This work shows in detail the emergence and consolidation of U S commercial broadcasting economically politically and ideologically This process was met by organized opposition and a general level of public antipathy that has been almost entirely overlooked by previous scholarship McChesney highlights the activities and arguments of this early broadcast reform movement of the 1930s The reformers argued that commercial broadcasting was inimical to the communication requirements of a democratic society and that the only solution was to have a dominant role for nonprofit and noncommercial broadcasting Although the movement failed McChesney argues that it provides important lessons not only for communication historians and policymakers but for those concerned with media and how they are used

Media Coverage and Political Terrorists Richard W. Schaffert, 1992-06-30 This book studies what has generally been regarded as intangible the relationship between news media coverage and terrorist success Utilizing his four year database of barricade and hostage and hijacking atrocities by international terrorists and the coverage afforded those events by newspapers from three Western nations Germany Great Britain and the United States Richard W Schaffert observes the effect of media coverage newspaper column space provided articles and photographs published on whether concessions were made to terrorist demands and establishes a strong positive relationship between coverage and terrorist success In Chapter 1 Schaffert establishes a definition of political terrorism by identifying the basic elements that distinguish it from other forms of political violence then rigorously applies this definition throughout his analysis The functions of political terrorism are reviewed with special consideration given to the use of terrorism as an instrument of politics Schaffert evaluates state experiences with political terrorism in terms of the nature of the threat countermeasures employed the media s role and the relationship between public press and government Finally the question of the responsibility of a democratic society s media in the reporting of terrorism is considered Schaffert s extensive database which is included as an appendix will prove

invaluable for further research in the area

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