



Jour 618 First Amendment and Society The University of Kansas

Instructor

Jonathan Peters is a professor in the School of Journalism, where he specializes in First Amendment and media studies, with affiliate research positions in the KU Information and Telecommunication Technology Center (exploring Internet policy) and the KU Surveillance Studies Research Center (exploring privacy protections for journalists and others who use cloud services). Peters is the press freedom correspondent for the *Columbia Journalism Review*, and he has blogged about free speech for the *Harvard Law & Policy Review*. He also has written for *Esquire*, *Wired*, *Slate*, *The Atlantic*, *Sports Illustrated*, *The Nation*, and PBS. He is the First Amendment chair of the American Bar Association Civil Rights Litigation Committee, and he practices law during his time off-campus as a volunteer attorney for the Student Press Law Center and the ACLU.

Contacting me

Don't hesitate to contact me with questions or comments, to talk hockey, etc. I'm quick to respond to email (jonathan.w.peters@ku.edu), and my office number is 205D in Stauffer-Flint Hall. My twitter feed is [@jonathanwpeters](https://twitter.com/jonathanwpeters). You're not obligated to follow me, but feel free to tweet at me and/or follow me—I tweet mostly about journalism, media law, and cat memes.

Class sessions

Tuesday and Thursday from 1:00 to 2:15 p.m. in 2048 Malott Hall.

It is the rare fortune of these days that one may think what one likes and say what one thinks.

— Tacitus

As a nation, we've been through too many fights to preserve our rights of free thought to let them go just because some prude with a highlighter doesn't approve of them.

— Stephen King

It seems to be a human trait to want to protect the speech of people with whom we agree. For the First Amendment, that is not good enough.

— Floyd Abrams

A free press is the unsleeping guardian of every other right that free men prize; it is the most dangerous foe of tyranny.

— Winston Churchill

I love teaching this class. First Amendment law is fun and challenging, and the cases are provocative. We'll explore why a court ruled that a law requiring condom use in porn doesn't violate a filmmaker's free speech; whether violent rap lyrics posted to social media can trigger a law that forbids making threats online; how a *New York Times* reporter fought a seven-year effort by the Justice Department to compel him to identify his confidential sources; and why a court held that middle school students may wear "I ♥ boobies" bracelets in class, as part of a breast-cancer awareness campaign. And so much more.

You'll learn how the legal system works and how the law affects what you do as communicators, whether you're in journalism, public relations, or advertising. We'll address both theoretical and practical questions, and I'll urge you to think critically and creatively about legal problems and their solutions. It doesn't interest me much whether you can memorize a laundry list of terms and then reproduce that list on an exam. What interests me is your ability to analyze things: concepts, assumptions, conclusions. I want you to exercise your freedom of thought and have a fun semester.

Required materials and access

You need this textbook:

- Genelle Belmas, *Major Principles of Media Law*, 2015.

You also need:

- Access to Blackboard. Assignments will be posted there, and we will use it for quizzes and instructional videos.

Attendance and electronic devices

Attendance is mandatory. If you're eligible for an excused absence (for a documented illness, a religious observance, or a death in the family), email me in advance and be prepared to provide sufficient proof of the illness, observance, or death. I reserve the right to lower your final grade for repeated unexcused absences.

During class, you may **not** use any electronic device, including your cell phone, unless I've given you permission. Buzzkill, I know. Tinder must wait, and so must your roommate who's texting you about getting turned up at the Hawk. I reserve the right to lower your final grade for the unauthorized use of electronic devices during class.

Assignments and grading

We'll use many learning approaches in this class, and I want you to do well—and I promise to help you in every way I can. Importantly, this is not a class where you can sit back at the start of the semester and hope to make up for lost ground at the midterm or in the second half of the semester. You need to remain engaged week to week if you want to do well.

Total points available: 300 points. They'll come from three sources:

1) *Exams: 200 points total (100 points each)*

- One midterm, one final. Together, they're worth two-thirds of your grade.

2) *Quizzes: 60 points total (30 points each)*

- One before the midterm, one before the final. They'll preview the exams and assess your understanding of key concepts.

3) *FOIA request: 40 points*

- You'll draft a Freedom of Information Act request, based on a scenario I provide you.

Pluses and minuses denote variations in quality within a letter grade, and generally:

- The grade of A will be reported for achievement of outstanding quality.

- The grade of B will be reported for achievement of high quality.

- The grade of C will be reported for achievement of acceptable quality.

- The grade of D will be reported for achievement that is minimally passing, at less than acceptable quality.

- The grade of F will be reported for achievement that is poor and not passing.

Letter Grade	Percentage Points
A+	100 – 97
A	96.9 – 93
A-	92.9 – 90
B+	89.9 – 87
B	86.9 – 83
B-	82.9 – 80
C+	79.9 – 77
C	76.9 – 73
C-	72.9 – 70
D+	69.9 – 67
D	66.9 – 63
D-	62.9 – 60
F	Below 60

Important: Journalism majors must receive a grade of C or better in this class to advance to other courses in the school. A grade of C- or lower means the student must retake the course.

Late work and grade concerns: Late work will not be accepted, and exams and quizzes must be taken at their appointed times. Also, although grades are not negotiable, I'm happy to hear out any concern you have about a grade, as long as the concern is promptly brought to my attention. That means if you have a concern about a grade, you must bring it to my attention within one week of receiving that grade.

Academic misconduct

Any work you do must be original and reflect your own ideas and research. In a work setting, if you violate professional standards, you'll be fired. In this class, if you violate academic integrity standards, you'll fail the assignment and possibly the course. Also, you may be expelled from, or denied admission to, the School of Journalism. You must comply with all KU policies governing academic misconduct set out in the Student Handbook.

Tentative* schedule

Part I of course: Introductory material

- Week 1 (Jan. 19) Chapter 1: The American Legal System (all sections)
- Week 2 (Jan. 26) Prior week cont'd, plus Chapter 2: The Legacy of Freedom (all sections)
- Week 3 (Feb. 2) Chapter 2: The Legacy of Freedom (all sections)

Part II of course: When can you be sued (or prosecuted) for information you *publish*?

- Week 4 (Feb. 9) Chapter 5: Right of Privacy (history, overview, private facts)
- Week 5 (Feb. 16) Prior week cont'd, plus Chapter 5: Right of Privacy (misappropriation)
- Week 6 (Feb. 23) Chapter 6: Copyrights and Trademarks (all sections)
- Week 7 (Mar. 1) Prior week cont'd, plus Chapter 4: Libel and Slander (all sections)

Quiz 1 sometime this week

- Week 8 (Mar. 8) Chapter 4: Libel and Slander (all sections)
- Week 9 (Mar. 15) SPRING BREAK – GET WEIRD
- Week 10 (Mar. 22) Libel and Slander (cont'd)

Midterm exam Thur., March 24

Part III of course: Legal issues in *gathering* information

- Week 11 (Mar. 29) Chapter 5: The Right of Privacy (intrusion)
Chapter 9: Freedom of Information (all sections)
- Week 12 (April 5) Chapter 7: Fair Trial-Free Press Conflicts (all sections)
FOIA request due sometime this week
- Week 13 (April 12) Chapter 8: Newsgatherer's Privilege (all sections)

Part IV of course: How does the government regulate or interfere with expression?

- Week 14 (April 19) Chapter 10: Obscenity and the Law (all sections)
- Week 15 (April 26) Chapter 11: Regulation of Electronic Media (all sections)
Quiz 2 sometime this week
- Week 16 (May 3) Chapter 13: Advertising and the Law (all sections)
- Week 17 (May 9) Final Exam Week

Final exam Wed., May 11, at 1:30 p.m.

* The schedule may change to allow us to focus on current events relevant to the course.