

**THE TEACHING OF MASS COMMUNICATION LAW:
THE EXAMINATION OF THREE METHODS OF
INSTRUCTION AND THE USE OF THOSE
METHODS IN AN UNDERGRADUATE
COURSE**

By

MITCHELL D. BETTIS

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Ouachita Baptist University

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Thesis Approved:

Charles A. Fleming

Thesis Adviser

Amuel

Edward Welch

Thomas C. Collins

Dean of the Graduate College

PREFACE

It may be the influence from the field of advertising, I'm not sure. Somewhere along the way I developed the ideology that *how* information is presented in the classroom is just as important as the course's content. That line of thought, combined with my interest in media law, led to this study.

A challenge faced by communication law professors is how to organize a large body of information and present it in some understandable manner so that students will retain at least a portion of the information after exiting the classroom door. This is no easy task considering the growing number of court decisions affecting free speech and the free press and the unique but subtle differences between each of the decisions.

The three methods of classroom instruction for a media law course that were included in this study were the Socratic method, theoretical framework approach, and the media studies method. Each method has unique characteristics that set it apart from the others.

Because the body of information concerning communication law continues to grow, educators need to be aware of and open to the different methods of instruction for such a course. As precedents pile upon precedents, both new and veteran communication law professors also need to understand the various resources that are available.

Without examining new techniques and new resources, educators will never be aware of the alternatives available to them. I believe that it is essential for educators to constantly reevaluate how they present information in their classroom. To teach a class the same way every semester year after year just because "we've always done it that way" may be the most damaging attitude in higher education. If our goal is to disseminate

information *and* encourage students to do further study on their own, we must take a critical look at what we are doing and be willing to make some radical changes.

I wish to express my sincere gratitude to the individuals who assisted me in this project and during my coursework at Oklahoma State University. In particular, I wish to thank my major adviser, Dr. Charles A. Fleming, for his patience, intelligent suggestions, and his somewhat fierce use of that green fountain pen which kept me on track during the past few months. I am also grateful to the other committee members, Dr. Marlan Nelson and Dr. Edward Welch.

I would also like to thank the Oklahoma Department of Vocational and Technical Education Career Information Center for their help in compiling a comprehensive list of mass communication programs throughout the country to serve as my sample population.

My deepest appreciation is extended to my mother and father as well as my entire family for their unceasing encouragement. A special thanks to my niece, Kassi, for all of the beautiful pictures you drew for me while I was at school. I grow more appreciative of you all each day.

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CHAPTER I

INTRODUCTION

Americans have more freedom to think what they will and say what they think than any other people on earth. They can denounce politicians in uninhibited language, read books banned in Britain or Israel, or even burn the flag as a political protest without the fear of punishment (Lewis, 72). No other nation enjoys the breadth of protection of free speech like that which is protected by the First Amendment to the U.S. Constitution.

Since the ratification of the Bill of Rights in 1791, numerous court decisions have shaped, defined and expanded the coverage of the First Amendment. In the past 30 years alone, *New York Times v. Sullivan* (protection of press against libel, 1964), *Red Lion Broadcasting Co. v. FCC* (right of the audience, not broadcasters, is paramount, 1969), *New York Times v. United States* ("Pentagon Papers" case, 1971), *Miller v. California* (standards for obscenity, 1973), *Chandler v. Florida* (permit television coverage of trials, 1981), and many other decisions have affected free speech and the free press. Arguably, the biggest change seen in three decades with communication law is the increase in volume of legal activity affecting the media (Nelson, v).

There is a complex, large and ever-increasing body of law that governs the activities of media practitioners. The First Amendment, which provides personal autonomy for thought and expression, has not put an end to suits against the press. To the contrary, despite a judicial policy of guarding the press against the "chilling effect" of litigation, lawsuits abound to test the permeability of the First Amendments shield

(Lieberman, 147).

In the area of libel alone, the Court has left a trail of decisions that is both long and, at times, confusing. In 1964, the Court handed down the decision in the landmark libel case *New York Times v. Sullivan*. The *Sullivan* decision said that critical words must be made with actual malice if they were to be the object of a civil libel action against public officials. In 1967, the decision in *Curtis Publishing Co. v. Butts* noted that even if the facts in a published story are wrong, the plaintiff must prove that the defendant has a “reckless disregard” for the truth. The *Rosenbloom v. Metromedia, Inc.* decision in 1971 extended *Sullivan* protection to matters of “public interest.” In 1974, the Court retracted some *Sullivan* protection in *Gertz v. Welch*. This decision said private plaintiffs no longer had to prove actual malice. Since *Welch*, *Time v. Firestone*, *Hutchinson v. Proxmire*, and *Wolston v. Reader’s Digest* are just a few of the landmark cases that have added new twists and turns in the perpetual change of First Amendment protection.

The challenge faced by communication law professors is how to organize this information and present it in some understandable manner so that students will retain at least a portion of the information after exiting the classroom door. This is no easy task considering the growing number of Court decisions affecting free speech and the free press and the unique but subtle differences between each of the decisions.

Background Information

As journalism departments were being added to universities across America in the early 1900s, communication law was integrated into the programs. Only a few textbooks were available during this time and each of the authors had his idea concerning how information should be presented in a textbook and a classroom. From the outset of

communication law instruction, educators have debated over the most effective methods of teaching a law course to non-lawyers.

Three methods of classroom instruction for a media law course are the Socratic method, theoretical framework approach, and the media studies method. Each method has unique characteristics that set it apart from the others.

The traditional Socratic method was adapted from law schools and focuses on understanding the details of court decisions affecting the communication industry. This case-by-case method is presented primarily in a lecture format and is used to discuss precedents and general principles of law that affect the communication industry. The case-by-case method does bring out some practical application of the laws, but the main emphasis is on developing a knowledge of the actual cases.

Some educators argue that this traditional method doesn't make it easy for non-law students to understand communication law. Other methods, such as the theoretical framework approach and the media studies approach, have been employed to help students organize and understand how the law is intertwined with the daily lives of media practitioners.

Instructors who use the theoretical framework approach present media law under the umbrella of two theories: libertarian and neoliberal. (Helle 4-14) These two theories are diametrically opposed with the libertarian theory favoring private, individual interests and independence from government while the neoliberal theory is more concerned with the public interest and it invites government oversight and involvement. Almost all court decisions can be categorized as either libertarian or neoliberal with the majority opinion adopting one point of view while the dissenting opinion adopts the competing theory. This theory allows for many areas of law to be integrated under the umbrella of media law.

A third method of instruction is the media studies approach. This style of presentation draws upon perspectives from history, economics, sociology and other fields

and assumes that mass communication law must be studied in terms of the social, cultural, political and economic contexts in which the law is produced and used. (Lule, 53-57) This method may incorporate books that may be considered non-traditional for a law course such as *All the President's Men*, *The Camera Never Blinks*, and other books about the activities of media practitioners. The media studies approach stresses the application of communication law. Students evaluate the actions of media practitioners in these non-traditional books in the context of the laws that guide and protect their actions.

Each of these methods has developed as an attempt to provide students with a better understanding of communication law. With the laws affecting the communication industry becoming more complex, it is important to understand the various styles of classroom presentation for such a difficult course. Each of the three methods is unique and exposes students to different aspects of media law.

Statement of the Problem

Because media law is becoming increasingly complex, some educators are trying different methods of presenting information in an effort to help students understand the intricacies of the First Amendment. As professors adjust their presentation methods, it is necessary to stay abreast of these changes as educators continue to search for the "ideal" method of instruction. In addition, the knowledge gained from a communication law course needs to parallel what students will need as practitioners. The focus of this research will be to examine the various methods of teaching communication law and the resources professors are utilizing to help students comprehend the information and be more effective practitioners.

Purpose of the Study

To help attain a better grasp of communication law instruction, this thesis will accomplish four tasks: (1) identify various teaching methods for a course in communication law for undergraduate students studying mass communication; (2) complete an analysis of the benefits and drawbacks of each method drawing upon the opinions of educators who have published their opinions; (3) identify opinions of media practitioners concerning the need for including communication law in the required curriculum for students majoring in mass communication; (4) discover the following about communication law educators: their method of presenting the material to their classes, why they use a particular method, benefits and drawbacks of their particular method, resources (charts, handouts, mock trials, etc.) used to explain law issues, number of years they have taught communication law, and number of years of professional media experience.

Research Questions

This research will address the following questions:

- (1) What are the various methods of instruction for a course in communication law?
- (2) What methods of instruction are most often used by college educators in the presentation of communication law?
- (3) What is the average number of students in a course in communication law?
- (4) How much professional and scholarly training does the average communication professor have?

(5) What are the various texts and resources that are used for undergraduate course instruction in communication law?

(6) Do professors incorporate professional responsibility/ethics into their course of communication law?

Thesis Statement

The traditional Socratic, case-by-case method remains the primary method of instruction for a course in communication law. In addition, the most used textbook will be a resource that notes the major cases and a brief description of the cases' significance.

Methodology

Professors who teach communication law were surveyed for this research project. Only professors who taught non-law, undergraduate students majoring in mass communication or a related field at four-year colleges or universities met the criteria for being included in the sample population. Three-hundred-fourteen universities were mailed questionnaires and asked to respond to the questions.

Significance of the Study

Because the body of communication law information continues to grow, educators need to be aware of and open to the different methods of instruction for such a course. As precedents pile upon precedents, both new and veteran communication law professors also need to understand the various resources that are available.

This information will serve as a valuable resource to new and veteran instructors of media law as they continually adapt their classroom presentation to be more effective. The examination of various teaching methods and the subsequent benefits and drawbacks of each technique will be important information to contemporary educators. The compilation of texts and resources currently in use will also be an important tool for professors because, not only can they see what textbooks are being used in the teaching of the subject, but also they can see what other creative materials their peers are using in their communication law course.

By analyzing the opinions of practitioners, the need for a general knowledge of media law on a practical level can be understood. By surveying educators, a wealth of information will be gathered concerning classroom teaching methods, textbooks and other techniques used to teach communication law to non-lawyers.

Without examining new techniques and new resources, educators will never be aware of the alternatives available to them.

Assumptions

It is assumed that the appropriate educators will respond to the questionnaire. In addition, it is assumed that the respondents will give honest and complete answers to each of the questions.

Outline of Thesis

The remainder of this thesis will include the following:

Chapter II-Review of the available literature. This chapter will examine the

existing studies relative to course instruction of communication law. This summary will include an explanation of the four primary methods of instruction as well as benefits and drawbacks of each method that have been outlined in the literature by educators who have used the techniques. This chapter also will include a brief history of communication law instruction in the mass communication curriculum.

Chapter III-Methodology. This chapter will explain how the research was carried out. A description of the survey will be included as well as information about the study's sample frame, sampling technique, variables, hypotheses, etc. In addition, this chapter will explain how the data were collected and coded and what statistical tests were used to analyze the information.

Chapter IV-Analysis of Data. Findings will be reported in this chapter with respect to furnishing evidence for each research question and hypothesis along with the appropriate statistical analysis.

Chapter V-Summary, conclusions, and recommendations. The final chapter of the thesis will include a brief summary of everything covered in the first three chapters and in the "findings" portion of Chapter IV. Discussion, interpretation, and evaluation of findings in relation to the research theory and literature review also will be included in this part of the study. Conclusions about the various methods of instruction as well as text and other resources for a course in communication law will be included. Recommendations for implementing the findings and for further research also will be noted.

CHAPTER II

REVIEW OF THE LITERATURE

Overview

The purpose of this chapter is to summarize published information concerning a course in media law. This review will include: (1) opinions about the need for a media law course in a school of journalism/mass communication; (2) examination of three teaching methods for the course: Socratic, theoretical framework, and media studies approach; (3) opinions concerning the teaching of ethics in a media law course; and (4) additional techniques some professors are using to aid in the teaching of law such as charts, team teaching, and pre- and post-testing students.

The Need For a Course in Communication Law

The debate over exactly what type of education best prepares students for careers in journalism has existed since journalism departments were being added to universities across America in the early 1900s. On one hand, some educators take a “nuts and bolts” approach that journalism students should concentrate on learning the basics of writing, editing, and style. Others argue that a journalist needs a well-rounded liberal arts-based education (Whitfield, 12).

Even though many educators and practitioners disagree about what courses should constitute the ideal journalism program, the presence of a course in communication law generally remains unchallenged. Educator, practitioner, and author Fredrick S. Siebert, one of the premier authorities of communication law, noted in 1928, "The pressure of events often makes...slight knowledge of the law an indispensable adjunct to the mental equipment of the laymen. In no field of modern enterprise is this more true than in the newspaper business" (Sloan, 189).

Since the theory of social responsibility has fostered the idea of an obligation to the public, contemporary journalists often face the same dilemma as other professionals — that departure from ethical norms and customs can be evidence of negligence and those actions often result in the charge of "journalistic malpractice" (Drechsel, 14). This same idea might have prompted Siebert to state, "The purpose of the (mass communication law) course is not to make lawyers or advocates but to inform the student of the rights and responsibilities of his job" (Sloan, 190).

According to a 1984 study, chairmen of journalism departments, members of Association for Education in Journalism and Mass Communications (AEJMC), and presidents of professional chapters of the Society of Professional Journalists, Sigma Delta Chi, believe mass communication law is a necessary part of a department's core curriculum (Whitfield, 112). The author of the study noted:

The high ranking given by all three groups to mass communication law showed an awareness of legal problems in such areas as libel, privacy, and freedom of information that dominated the professional literature in the last decade (Whitfield, 113).

John Merrill, professor of journalism at Louisiana State University, wrote that freedom of expression is so important that it should be taught in every class and not just limited to a course in communication law (70). According to Merrill, the opportunity to teach freedom of expression should be cherished by every journalism instructor because

of the course's importance and potential impact on students.

Teaching free expression is perhaps the highest calling of a communication or journalism professor. For here the students get at the very root of mass communications: having the freedom to make autonomous decisions about messages, while at the same time having certain external and internal restraints necessary in a civilized and sophisticated—and liberal—society. What is needed in such teaching is a dedication to freedom and a dedication to ethical procedures or what is often called responsible communication (70).

Communication law should not be tailored to the needs of just news-editorial and broadcast majors. Because there are new questions regarding pictorial communication, advertising and public relations majors need to be exposed to the cases that are affecting their future professions. One professor said, "It simply isn't fair to advertising and public relations students for a course to spend three to four weeks on libel law and little or nothing on the law as it relates to pictorial communication. It is essential that mass communication law courses introduce pictorial law" (Martinson, 30).

Educator Bill Rainbolt also argues that communication law should be required for advertising and public relations majors. In his article in *Journalism Educator* in 1984, he noted that students in these disciplines must be made more aware of circumstances that could provoke lawsuits or other problems in their professions.

Rainbolt said legal difficulties can arise in press releases, press conferences, interviews, issue advertising, commercial advertising, access to information, letters to the editor, use of photographs, use of copyright and trademarks, labor-management negotiations, lobbying, adherence to administrative regulations, client-practitioner relationships, contracts, letters and memoranda not intended for external circulation, and enforcement of professional codes of ethics (24). Because there are numerous areas where practitioners can get in trouble, all students, including those outside of the news-editorial track, should be exposed to the laws regarding their future professions.

Educator, practitioner and author J. Edward Gerald noted that it was important for all people to realize the liberties guaranteed to them by the First Amendment. He wanted

people to understand that the essence and richness of the First Amendment lie in the protection of expression for everyone in the marketplace of ideas—not just for the press (Sloan, 218). “Freedom of speech and press are the same,” Gerald wrote, “involving the same legal principles and the same public interests” (Sloan, 218).

Because the idea of social responsibility has resulted in moral and legal responsibilities becoming muddled, it would profit journalists to become more aware of the vocabulary of rights and duties and of how easily legal and moral concepts can be confused (Drechsel, 22).

There is a complex, large and ever-increasing body of law that governs the activities of media practitioners. Since the ratification of the Bill of Rights in 1791, numerous court decisions have shaped, defined and expanded the coverage of the First Amendment. The challenge faced by communication law professors is how to organize this information and present it in some understandable manner so that students will retain at least a portion of the information after exiting the classroom door. This is no easy task considering the growing number of Court decisions affecting free speech and the free press and the unique but subtle differences between each of the decisions.

Methods of Instruction

Even though there may be little debate surrounding the need for a course in communication law, there are questions concerning what teaching method best serves non-law students.

The fact that there are many ways of teaching law in the liberal arts curriculum does not mean that it is impossible to communicate to college undergraduates some of the basic characteristics of law. On the contrary, the experience of people who have been teaching law to college undergraduates warrants the opposite conclusion, namely that law

may be taught successfully to college undergraduates in a variety of ways (Berman, 121).

Siebert advocated a classroom methodology of imparting general principles of law, clarifications of identifiable trends, and application through hypothetical situations to ensure students learn how to apply the doctrines to specific circumstances. He cautioned teachers against duplication of law school methods that are devoted to the intricacies of legal reasoning. In addition, he suggested avoiding discussion of vagaries of the judicial system and overemphasis of a topic in which the teacher has specialized (Siebert, 289).

According to David Sloan, author of Makers of the Media Mind: Journalism Educators and Their Ideas, Seibert's insight and influence did little to settle the debates about types of texts, how to resolve the content problem, and what method in the classroom is most effective (190). However, three teaching methods are noted below, any of which can be incorporated into a class of communication law. The Socratic, media studies, and theoretical framework methods have certain drawbacks but there are also definite benefits to each of the three presentation styles. Each method helps generate different avenues of thinking about how law affects the media industry.

Socratic Method

This method has its roots in law school education and has drifted over to mass communication law courses. Some people believe that the Socratic, or case method, approach is simply an open-ended question and answer session but, in actuality, this approach has a single purpose: the search for truth. It is this explicit goal, rather than an informal procedure of give and take, which distinguishes the Socratic method from other teaching techniques (Fishman, 185).

The Socratic method makes you think, and it does so in part by asking you to

think about things you did not anticipate having to think about when you walked into the classroom (Wesson, 93). Socrates stood for careful thinking and clear expression, for finding and weighing evidence, for exploring differing views, and especially for giving orthodoxy no more automatic credence than competing ideas (Gray, 4). It is easy to see why this type of method could be integrated into a course in law.

A professor who utilizes the Socratic method might toss out a hypothetical situation involving libel and encourage students to analyze the situation and apply appropriate court decisions. Is this person a public official? (*New York Times v. Sullivan*) How can we define public official? If he is not a public official, is he a public figure? (*Curtis Publishing Co. v. Butts*) What makes this person a public figure? Was there actual malice on the part of the reporter? (*New York Times v. Sullivan*) Did the person who says he was libeled thrust himself into the limelight? (*Firestone v. Time*)

True Socratic dialogue is a genuine exchange. A Socratic class that brings no surprises to its teacher is not truly Socratic, but a pale imitation in which the teacher manipulates the students into delivering the expected response (Wesson, 94). Socrates believed that teaching students to think for themselves was more important than teaching them all the right answers (Gray, 4).

Political scientist Ethan Fishman notes that there are several myths about the Socratic method. He said a widespread misconception defines the Socratic method primarily as an effective means for inducing student participation in the classroom (186). He said a more accurate description is that the Socratic method, while utilizing student participation, emphasizes self-knowledge, not self-expression.

This is accomplished on the basis of successive stages of issue analysis and self-examination. Students and the teacher are urged to come to terms with their beliefs by expressing their conclusions about significant issues, rooting out the assumptions underlying their conclusions, and gauging the reality of those assumptions (186).

Another misconception is that the teacher's proper role in a Socratic dialogue

should be completely objective. In actuality, this method makes no distinction between either objectivity and subjectivity of facts and values and holds the leadership position of a teacher in very high esteem. A teacher who uses the Socratic method plays an active role in the search for truth (187).

There are some negative side effects of using the Socratic method. Because this method is so radical in its attempts to get to the roots of beliefs, the Socratic method shakes things up, destroys the casual patterning, and looks for a better—more comprehensive and logically consistent—pattern (Goldman, 60). The intensive questioning of values and accepted assumptions can uproot a person's foundation of beliefs. The persistent digging down to the root cause of belief by asking over and over "What are the logical assumptions and outcomes of accepting certain arguments?" involves more stress and hard work than most students are willing to accept. The inherently controversial aspect of the Socratic method can also prove unnerving (Fishman, 188).

A second weakness of this teaching method is that coverage of important material is often sacrificed (Wesson, 94). Since more time is spent on the "whys" and less emphasis is given to the "whats," using the Socratic method results in addressing fewer cases in a semester course. As L.C.B. Gower states, "A lot depends on how much time you can allow and how much ground you are expected to cover. I think it is clear, to me anyway, that the case book system doesn't enable you to cover as much ground as you would if you adopted some other method" (Berman, 118). However, if a person believes in the Socratic method, they must be willing sometimes to forego the most efficient coverage of material for the benefits of the Socratic process (Wesson, 95).

Whatever merits or limitations it has, the case method of study is by no means unique to law teaching and so should not assume that it is law's special gift to education. Like all tools, it does some tasks well but it may not be suited for others (Berman, 116).

In the deepest sense, the Socratic method is simply thinking, nothing less, nothing

more (Goldman, 61). If your goal as instructor is to develop analytical thinking skills as well as teach communication law, the true Socratic method may be the best way to meet those objectives.

A well-known law dean praises the case method approach in the following terms: “The method has many virtues. It is an instrument which can give training in precision unequalled in the social sciences. It combines the development of a general theory with application to the specific case. When well done, it demands the active participation of the student in an enterprise which is unyielding in its requirement of clarity of thought. The case method, as Holmes stated, puts body on the principles which otherwise would be nothing more than a through of glittering generalities” (Eisenmann, 154).

Media Studies Approach

A second method of teaching communication law is the media studies approach. Drawing upon perspectives from history, economics, anthropology, sociology, and other fields, the media studies approach assumes that mass communication must be studied in terms of the social, cultural, political and economic contexts in which it is produced and consumed (Lule, 53).

The media studies approach does not reject the traditional case method approach. Instead, this method attempts to add to the analysis by striving first to uncover some underlying and basic assumptions about the study of law, then emphasizing principles behind traditional subject area, and finally situating each subject and its essential cases in cultural and political context (Lule, 54).

A unique aspect of this approach is that a traditional case book may not be the primary text for the course. Students may read Woodward and Bernstein’s *All the President’s Men*, Dan Rather’s *The Camera Never Blinks*, David Ogilvy’s *Confessions of*

an Advertising Man, or other books about media practitioners. Even though these books do not address media law directly, students can see how law interacts with the daily lives of media practitioners. Jack Lule, professor at Lehigh University, made this observation about the media studies method he uses:

Many of these readings cite few laws. Through lecture and discussion, however, students are given relevant laws and background; they are led to see the ways in which law affects the daily life of reporters, anchormen, public relations writers, advertising copywriters, and other citizens.

Weekly topics are similar to those covered by law texts—defamation, invasion of privacy, free press and fair trial, and others—but they are encountered in specific situations arising from the ebb and flow of the readings (55).

This type of approach moves away from a “history of ideas” to a contested history of struggles for power and authority, between dominant and minority positions, and complicated relations between “center” and “margin” (Carr, 25).

As Woodward and Bernstein protect their source “Deep Throat” in *All the President’s Men*, the class discussion would revolve around the issues of confidentiality and shield laws in the cases *Branzburg v. Hays* and *United States v. Caldwell*. As the reporters try to avoid libelous material, *New York Times v. Sullivan* is addressed. The media studies method marks the movement away from the study of an object to the study of a practice (Carr, 28).

In all of the cases that are discussed, students are also encouraged to note the political, economic, and social conditions that existed at the time of the court decision. Students are encouraged to consider the abstract motives of law. They weigh the protection of the public good against individual rights, and they see law as the affirmation of some values and the forbiddance of others (Lule, 54).

Professor Lule noted two problems in using the media studies approach in a communication law course (56). First, without the help of a comprehensive textbook, fewer cases were covered during the semester. Since more time was spent putting

significant cases in context of their impact on the professional media, coverage of some cases had to be sacrificed. The absence of a textbook led to the second problem. An even larger load than usual was placed on the selection, preparation, lecture, and discussion of cases. Students got all their information on most cases from the class, so precautions had to be taken to address the details of the cases that were discussed because there was not a case book to fall back on.

By design, the media studies approach is application oriented. This approach believes that it is necessary for students to understand the uses of the law and not merely textbook definitions.

According to law educator Paul A. Freund:

It is true that there are certain very large principles which have to be applied, but those principles are so large and so often contradictory that they become almost meaningless. For example, start with two principles of constitutional law. Take position one, that congress may not make any law establishing a religion, and second, that it may not abridge the free exercise of religion. These are two principles to which we all subscribe. What do they mean? Well, you don't know what they mean until you take a problem, such as the exclusion of religious teaching from the schools. To one segment of the community, that is a violation of the free exercise of religion, because their religion teaches them that education cannot be purely secular. To another branch of the community, the introduction of religious teaching in the schools is a violation of the establishment clause. Thus, two principles which appear to be complementary turn out, when tested, to be conflicting. The testing process has shaped the 'meaning' of the principles that will be more serviceable (Berman, 119).

Media practitioners need deepened critical faculties, sharpened judgement, knowledge of their rights and limits, an appreciation for consequences, and a sensitivity to legal questions that can prevent legal problems before they arise. The media studies approach is committed to such objectives (Lule, 56).

Theoretical Framework Method

This method of teaching presents media law under the umbrella of two theories: libertarian and neoliberal. These two theories are diametrically opposed with the libertarian theory favoring private, individual interests and independence from government while the neoliberal theory is more concerned with the public's interest and invites government as an overseer and involvement (Helle, 5).

Almost all court decisions can be categorized as either libertarian or neoliberal with the majority opinion adopting one point of view while the dissenting opinion adopts the competing theory. This theory allows for many areas of law to be integrated under the umbrella of media law.

Steven Helle, associate professor of journalism at the University of Illinois, has described the theoretical framework method in detail.

Under the libertarian theory, three judicial principles apply (Helle, 6):

1) No content regulation. The full protection of the First Amendment applies if the government is clearly trying to regulate speech because of the content of the speech. If the government is trying to restrict speech because of what the speaker is saying, the restriction is invalid.

2) Broad, protective rules. Libertarians often adopt categorical guidelines that establish what is protected and what is not. For example, political speech is protected, obscenity is not.

3) Government bears a heavy burden. The government has a heavy burden to demonstrate the necessity of regulation; government regulation is presumed unconstitutional and speech is given the benefit of the doubt.

Helle also detailed the neoliberal theory which may be more commonly known as the social responsibility theory (6):

1) Content regulation. Unlike the libertarian theory where content regulation is forbidden, appraisal of speech content is necessary in neoliberal theory. Speech that is of no value to the public would receive no protection.

2) Case-by-case analysis. Courts look at speech in each case and then consider the public interest. Precedent is of little help.

3) Government bears a light burden of proof. Technically, the burden of demonstrating the need for regulation remains with government but the burden is clearly less. If the individual opposing the government fails to convince the court, then the speaker loses, demonstrating a presumption favoring government.

Frameworks use general principles to organize the content of an instructional presentation (Bartolo, 19). These two frameworks lay a foundation for in-class analysis of important cases facing contemporary media.

An example of the libertarian theory in action would be *Cohen v. California*. Paul Cohen was convicted of disturbing the peace in the corridor of a California courthouse for wearing a jacket with "Fuck the Draft" inscribed on it. Cohen's message was not erotic, personally insulting, and did not provoke anyone to violence. Justice John M. Harlan wrote that Cohen's speech, not conduct, was being punished and his arrest constituted regulation of content and was impermissible unless the state could prove that the message fell in a category of unprotected speech (Helle, 7).

A practical application of the neoliberal theory would be *Federal Communication Commission v. Pacifica Foundation*. Comedian George Carlin's recorded act "Filthy Words," was broadcast during mid-afternoon and a lawsuit was filed against Pacifica for airing it. The Court ruled that the FCC could forbid the use of the seven "filthy words" over the airwaves at times when children and other audience members who do not want to listen to such a program may be listening (Nelson, 398).

In essence, the libertarian theory categorizes cases in which the Court has favored a hands-off policy in regulating free speech and free press and the neoliberal theory distinguishes cases favoring government intervention.

A primary weakness of this teaching method is that, like the other methods noted, coverage of important material is often sacrificed. As more time is spent looking at both majority and dissenting opinions, less time is available for discussing other benchmark cases. However, this approach helps to generate a new way of thinking about important decisions that affect the communication industry and passing over some cases may be worthwhile to make students think about an old subject in a new way.

What About Ethics?

According to a recent survey, practitioners and educators believe that ethics should be part of the core curriculum for an undergraduate degree in mass communication. The need for a course in ethics ranked just behind newswriting, law, and reporting (Whitfield, 112).

In addition, a 1984 study of AEJMC accredited universities reported a 43 percent increase in media ethics courses since 1977 (Christians, 17). The research found 117 media ethics courses being offered compared to 68 courses being offered seven years earlier. The report also found that 28 percent of the ethics-related courses reported by mass communication administrators had titles that combined law and ethics (Walden, 65).

Even though many believe ethics should be included in the required curriculum, there is no consensus on what form that course should take. Obviously law and ethics can form a natural bond in a single course in discussion such issues as confidentiality, free press/fair trial, and privacy. Students cannot grasp the ethical issues of privacy, for example, without knowing the enormous body of privacy law that has developed since

the famous essay by Warren and Brandeis in 1890 (Christians, 18).

In fact, mass media law instructors overwhelmingly agree that ethics should be taught in media law courses, but 68 percent of the law teachers responding to a recent survey said they devote no more than 10 percent of their course to ethics instruction (Walden, 64). What is also clear from the research is that very few media law classes use materials that provide much formal or theoretical grounding in ethics.

Even though a communication law course may be an appropriate forum to introduce ethical principles, it is still difficult to teach a person to be ethical. Robert Barat Keane, instructor of “The Law and Ethics of Mass Communications” at Pace University, notes, “You don’t teach ethics. One can expose ethical situations to students and encourage them to use their own minds and sense of integrity and fairness and honesty to explore issues that involve ethical conduct. You can’t teach a person right or wrong the way you teach one and one makes two. But you certainly can encourage the reporter or the young student to evaluate situations and ask, ‘Is this right or is this wrong? Is this fair or not?’” (Greene)

In an analysis of *Times v. Sullivan*, not only can a legal/ethics class address the details of libel, but the ethical ramifications of the issue. The classroom discussion would not have to stop at what was being printed but instead could go to a new plane of discussion concerning why it should or should not be printed. In the discussion of confidentiality and shield laws in the cases *Branzburg v. Hays* and *United States v. Caldwell*, students can evaluate the cases in terms of ethical guidelines and contemplate how they would respond if put in similar situations.

There are professors, however, who believe that incorporating ethics into a law course is unethical in itself. One argument is that attempting to teach ethics equates to teaching morality. Law educator Lee Modjeska said that introducing morality in a class

of law would “raise the specter of moral pontification and religious proselytization” in the law classroom (71). Another drawback of incorporating ethics into a law class is that fewer important cases would be addressed as time would be shared discussing professional responsibility.

However, if the issue of responsibility is bypassed, the result would not be greater moral awareness or more skill in ethical analysis but only a commitment to avoid legal catastrophe (Christians, 19). If that is the goal of the course, then all parties would be best served to neglect discussions of professional responsibility. If an instructor wants to challenge students to define their morals in light of the law, discussions of ethics should not be avoided.

Tips for the Classroom

In addition to a variety of teaching methods, some professors are incorporating other techniques into their classroom presentation to help students grasp the complicated issues of communication law.

One of the most popular resources materials used in a law course is a chart to graphically demonstrate the details of libel and privacy laws.

In a 1989 article in *Journalism Educator*, Evan Smith presented his flow chart concerning libel law. His chart may look complicated at first, but he provides the necessary questions to ask and steps to follow when a media practitioner is threatened with a situation of libel (see Appendix G).

Smith’s chart begins with elements common to all libel cases. The first question involves the statute of limitations. If the suit has not been filed in the period allowed by state laws, the suit will fail (a suit cannot go forward unless it is brought within the statutory period, one year in most states, two or three in most others [Smith, 20]). If the suit has been filed in the appropriate period of time, the practitioner can walk through

numerous questions to help determine if the information in question is libelous. Smith's chart directs practitioners through a barrage of "yes" and "no" questions that lead to a variety of conclusions including: "a suit will fail;" "a suit is possible for invasion of privacy;" "you may win but you will spend millions of dollars doing it;" and "you are in trouble."

Even though the chart is meticulously linked together, it remains flexible. "The chart comes out looking a little different each time I teach a journalism law course," Smith said. "This is because I build it as the course goes on. I start with a simple chart that presents the traditional elements of libel plus the traditional defenses. Then, after I present *New York Times v. Sullivan*, I add a branch with a new set of rules for public officials and public officials. I add the fault elements to the branch after a study of *Gertz*. The chart is a complex one, but that is part of the lesson of the journalism law course; libel law has become extremely complex" (Smith, 25).

Albert Skagge presented a simpler chart of libel law in 1982 (18). Skaggs' work was the springboard in which Smith developed his chart. Skaggs' depiction of libel law asks only ten questions to get to the final decision (see Appendix H). He begins by asking if the statement (story, advertisement, editorial, news release, etc.) is harmful to the person's reputation. If the answer is "no," the chart leads you to the "you're probably in the clear" box. If the answer to the first question is "yes," the person continues responding to questions that were first asked in the libel case *Sharon v. Time*: Is the person identifiable? Has it been published? Did the person consent to its publication? Is it provably true? Is it privileged? Is it fair comment or criticism? Is it knowingly or recklessly false? Is it false through your negligence? Is the person a public official or public figure? These questions serve as the foundation of libel cases.

Author Seeger uses a different approach of charting libel and privacy cases. For libel cases, he uses stairsteps graphically to depict the landmark decisions affecting libel (see Appendix I).

He begins with common-law liability as the baseline which held the press responsible for false and defamatory comments with almost no excuses. The first step is steep to indicate the 1964 *New York Times v. Sullivan* ruling. This decision declared that society's interest in robust debate on important public issues required that the press be protected against libel suits brought against public officials. Officials must prove that the media showed "constitutional actual malice" — knowing or reckless falsity (Seeger, 43).

On Seeger's chart, pro-media decisions were indicated by steps up and anti-media decisions were indicated by steps down. This type of depiction of landmark cases demonstrates to students the loosening and tightening of the reins on the media in libel cases.

Seeger also uses a chart for privacy cases. He places important cases from *Melvin v. Reid* to *Sipple v. Chronicle Publishing* on a timeline to demonstrate the development of current privacy laws (see Appendix J.). Any decision placed below the line was against the media and any decision placed above the line was in favor of the media. He notes that this timeline is not the perfect tool for depicting the development of privacy laws because privacy law has four distinct sub-areas that are hard to describe with this type of chart.

Laws that affect the broadcast industry are also easily charted. Jo Ann Smith depicts the four areas of broadcast law (Equal Opportunity Rule, Fairness Doctrine, Personal Attack Rule, and Political Editorializing Rule) by a simple chart (see Appendix K). She asks six questions about each of the four areas and students can see the distinction of each area when they are all compared in this manner.

She urges students to be alert to similarities identifying related groups of cases, laws or concepts and to determine which variables provide the definitive differences distinguishing groups (Smith, 33). Because her chart only provides "stripped-down information," she uses the chart as the foundation for a discussion of situations concerning the broadcast industry.

Other than charting complicated issues of communication law, professors have

tried other techniques to get across a clear message in their classroom. One department tried team-teaching its communication law course. Two professors shared the instructor's duties and, through their debate, provided an "adversarial" approach to law (Galie and Berlin, 15). The two faculty members, one from the communication department and the other from the political science department, took different positions on various issues in an attempt to free students from the perspective and approach of just one instructor.

The tactic forced students to think through the problems and make up their own minds on the complicated issues. No "answers" were provided *per se*; rather they attempted to present legal and factual information necessary for understanding, as well as present the arguments as fully and clearly as possible (Galie and Berlin, 15). The teachers noted that there were some problems by using this technique in the classroom but, by and large, students seemed to benefit because they were more aware of the purposes, problems, and conflicts between the needs of the press and other values.

The professors said, "Overall, we believe we succeeded not only in presenting students with a solid background on the political philosophy of the First Amendment and the Constitutional law on that amendment, but also in developing among the students a firmer appreciation of the dilemmas facing both the media and the public in our society" (Galie and Berlin, 15).

A final "tip for the classroom" would be to pre- and post-test students to test their mastery of the subject, point out areas of strength and weakness in students, detect possible student attitude and opinion changes that may have occurred over a period of exposure to course content, and suggest areas that might be open to and in need of new research. David Martinson uses pre- and post-tests to evaluate these areas and outlined his methods in a 1982 article in *Journalism Educator*,

"Instructors who do not use pre- and post-testing techniques in their courses are failing to take advantage of an important potential reservoir of available and relevant data," Martinson said. "Not only can the data help improve the content of courses, but

they may even suggest directions for future research projects” (46).

Martinson argues that this technique is a valuable tool to detect opinion changes on issues that have been discussed in the classroom. For example, do students become more supportive of the societal arguments for supporting freedom of the press by taking the course (47)? Pre- and post-testing is a mechanism for finding some answers to that type of question.

Summary

Even though the debate continues over what core courses should be taught in a communication department, there is little debate over the inclusion of law. Department chairmen, practitioners, and educators generally agree that communication law should be part of the required curriculum if the program takes a “nuts and bolts” approach to teaching or is more theory based.

Three teaching methods of presenting communication law are the Socratic method, media studies approach, and theoretical framework method. Each of these methods encourages students to evaluate benchmark decisions in a different light.

The Socratic method evokes critical thinking about law issues in the search for absolute truth. Students analyze hypothetical situations and apply appropriate court decisions. The emphasis of this method is not to teach all of the “right” answers, but to teach students to think.

The media studies method draws upon perspectives from history, economics, anthropology, sociology, and other fields to put communication law in the social context in which it is produced and consumed. This method emphasizes the application of laws by observing the activities of media practitioners.

The theoretical framework method presents communication law under the

umbrella of two theories: libertarian and neoliberal. These theories are diametrically opposed with the libertarian theory favoring private, individual interests and independence from government while the neoliberal theory is more concerned with the public's interest, and it invites government as an overseer. Almost all court decisions can be categorized by these two theories.

Even though many media law instructors believe that ethics should be incorporated into their course, research shows that few instructors actually spend much time developing formal or theoretical grounding in ethics. The communication industry is a profession that many people believe is lacking in ethics. A law course would seem like the appropriate forum to encourage students to develop ethical standards of their own.

To simplify the complicated issues of communication law, one of the most helpful "tips" would be to chart as many of the benchmark decisions that could be done. Libel, privacy, and broadcast regulations are just a few of the complicated issues that can be easily explained by a simple chart.

In a course like communication law, every effort should be made to teach the application of the important cases. If students do not understand how the law is intertwined with the daily lives of media practitioners, all of the critical thinking skills are worthless. The media studies method embodies this ideal.

Law making and law application are at the heart of the process of governing. This is true not only with respect to the great constitutional issues, but also to the working out in everyday affairs of the rules of society. The rules gain life and meaning in the ways they are observed, applied and remade (Levi, 44). Aspiring media practitioners must understand the laws that protect and restrict their future profession.

The one thing that all law professors must remember is that, for the non-law person, all of the names, dates and decisions can be complicated to understand. Every effort must be made to keep explanations simple. By utilizing charts or by some other method, educators need to take steps to keep law information in layman's terms.

For knowledge, which constitutes the fundamental content of the course, to take root and nourish growth, it must have three qualities. It must be so simple in formulation that, considering the state of the intelligence and discipline of the students, it can take root in their minds. It must be so useful that they find it of value at once in understanding things that they could not understand before. But above all, it must be so fundamental that it will nourish and support further growth in knowledge, no matter how far ahead in the field the student may later proceed (Berman, 124).

On this account, it is important in a single law course offered to undergraduates that not too much be taught. It is essential to teach so little that what is taught can be learned so thoroughly that it will have enduring value. For without simplicity, little will be assimilated (Berman, 123).

CHAPTER III

METHODOLOGY

Overview

The purpose of this chapter is to describe how this research was carried out. The chapter includes a summary of the research instrument and the population sampled. In addition, the variables, hypotheses, data recording plan and statistical tests are noted. Pilot studies were conducted, and they are described in this chapter as well as a discussion of the limitations of this research approach.

Research Questions

This research addressed the following questions:

- (1) What are the various methods of instruction for a course in communication law?
- (2) What methods of instruction are most used by college educators in the presentation of communication law?
- (3) What is the average number of students in a course of communication law?
- (4) How much professional and scholarly training does the average communication professor have?

(5) What are the texts and resources used for undergraduate course instruction in communication law?

(6) Do professors incorporate professional responsibility/ethics into their course of communication law?

Selection of Sample

Professors who teach communication law were surveyed for this research project. Only professors who taught non-law students majoring in mass communication or a related field at four-year colleges or universities met the criteria for being included in the sample population.

Three-hundred fourteen universities (see Appendix D) were in the sample population and each of them received a questionnaire. A list of all four-year colleges and universities in the United States that offered a degree in mass communication or a related field was obtained through the Oklahoma Department of Vocational and Technical Education career information department in Stillwater, OK.

Research Instrument

A questionnaire and a cover letter was sent to each communication department chairperson in the sample population. The questionnaire was four pages long (see Appendix A). If the department offered a course in communication law, the course's professor filled out the first three pages. The fourth page was reserved for the department chairperson to note why no such course was offered if that was the case. The questionnaire contained a variety of multiple choice and open-ended questions in an

effort to answer the seven research question.

The first four questions of the questionnaire sought to determine whether a communication course was offered, average number of students in the communication program, average number of students in the communication law class, and if the course was part of the required curriculum or offered as an elective.

Question five explained the three primary methods of instruction and asked the professors to note the method they primarily utilize. Question six sought to discover whether the course incorporated professional responsibility/ethics. Question seven asked why the professor used one particular method and question eight asked the professor to note the benefits and drawbacks of the method used.

Question nine sought to discover what textbooks were most often required and recommended for the course and question ten asked what resources (e.g., charts, handouts, mock trials, etc.) were used to help students understand the intricacies of communication law.

Questions eleven through thirteen asked professors about their years of teaching experience, professional media experience, and whether they held a Juris Doctorate degree. This information was requested to help determine if there is a relationship between these variables and the method of instruction used by professors. Question fourteen asked the respondents if they would like to receive a free copy of the research results and the final question asked if the respondent included a copy of a current communication law syllabus.

Variables

- 1) Whether the course was offered by the department.
- 2) Average number of students majoring in mass communications or a related

field at the college or university.

- 3) Average number of students in the communication law course.
- 4) Whether the course was part of the required curriculum.
- 5) Methods of instruction.
- 6) Whether the instructor incorporates ethics/professional responsibility into the curriculum.
- 7) Textbooks used.
- 8) Resources used.
- 9) Years of teaching communication law.
- 10) Years of professional media experience.
- 11) Whether the respondent had a Juris Doctorate degree.

Independent variables: (1) average number of students in a classroom for a course in communication law, (2) the number of years a professor has taught communication law, (3) the number of years of professional media experience by educators, and (4) whether a communication law professor holds a Juris Doctorate degree.

Dependent variable: (1) method of instruction

Hypotheses

There is no relationship between method of instruction and (1) average number of students in a classroom for a course in communication law, or (2) the number of years a professor has taught communication law, or (3) the number of years of professional media experience by educators, or (4) whether communication law professors hold a Juris Doctorate degree.

Data Processing and Analysis

As the questionnaires were returned, the data were put into the Systat statistical software program to be analyzed. For the questions 1, 1b, 2, 4, and 6-10, each answer was assigned a number and all like responses were given the same number. Data were in the form of a frequency count.

For questions 3, 5, and 11-13, a complex chi-square was used to see if the different variables had a relationship with the type of teaching method used. A chi-square significant at the .05 level tested whether there was a relationship between sets of scores. More simple chi-squares were used to determine more precisely where the differences existed if, indeed, there were any. The complex chi-square also predicted what variables had the strongest influence, if any, on the type of method used by calculating contingency coefficients and coefficients of determination.

Pilot Study

A pilot study was conducted by sending the questionnaire to four communication law professors in Oklahoma. Prof. Bill Hickman, Oklahoma State University; Prof. Bill Loving, University of Oklahoma; Prof. Denny Hill, University of Central Oklahoma; and Prof. Kevin Lee, Oklahoma Baptist University agreed to complete the questionnaire and offer critical comments about the questionnaire's content, organization, etc. The questionnaire was pretested in late February and the formal survey began in March.

Schedule of Mailings

A survey was conducted to gather information from communication law professors. The questionnaires (see Appendix A) and cover letters (see Appendix B) were first mailed on March 23, 1992. Four weeks passed before the second mailing. On April 24, 1992, a new cover letter (see Appendix C) and the original questionnaire was sent to the colleges and universities that didn't respond to the first mailing.

Limitations

By including open-ended questions, respondents were asked to take time to think about and complete the questionnaire. However, due to the nature of the study and the need to address the research questions in full, it would have been difficult to avoid open-ended questions. Because essay questions were used, coding was more difficult. There wasn't much difficulty in coding the multiple choice questions but because the open-ended questions varied so much, they were more difficult to code.

In addition, the respondents may combine teaching methods or use different methods at different times and, therefore, may find it difficult to choose only one of the three methods listed.

Finally, as with any survey, the standardization doesn't always reflect "real life" situations.

CHAPTER IV

FINDINGS

Overview

The purpose of this chapter is to summarize and analyze the data collected on instruction methods from a survey of media law instructors. This chapter will examine the relationships between methods of instruction and 1) average number of students enrolled in the media law class, 2) number of years the instructor taught media law, 3) number of years of the instructor's professional experience, and 4) whether the instructor held a juris doctorate.

In addition to these relationships, the research sought to discover from each respondent: 1) whether a course in media law was offered, 2) the total number of students majoring in mass communication or a related field, 3) average number of students enrolled in the class of media law, 4) if communication law was part of the required curriculum, 5) which teaching method was most used, 6) if ethics/professional responsibility was incorporated into the law course, 7) what textbooks were utilized, 8) number of years of the instructor's media law teaching experience, 9) number of years of the instructor's professional media experience, 10) whether the instructor held a juris doctorate.

To obtain this information, 314 colleges and universities were surveyed and 194

responded to the questionnaire (62 percent response rate). The first mailing of the questionnaires was on March 23, 1992, and had a 44 percent response rate. The second mailing was on April 24, 1992 and had an 18 percent response rate, for a total response rate of 62 percent.

Description of Programs and Respondents

Whether a Communication Law Course was Offered

Table I indicates that, of the 194 colleges and universities responding to the survey, 86 percent (166) offered a course in media law. The primary reasons indicated for not offering the law course was that it was part of another course or the university lacked personnel and funds.

TABLE I
WHETHER A COMMUNICATION LAW
COURSE WAS OFFERED

n=194		
Offered the Course	Did Not Offer the Course	Total
86%	14%	100%

Number of Students Majoring in Mass Communication

Table II shows the number of students majoring in mass communication or a related field. Fifty percent (83) of the respondents indicated they had 250 or fewer students in their program.

TABLE II
NUMBER OF STUDENTS MAJORING
IN MASS COMMUNICATION

n=165					
250 or Fewer	251-500	501-1,000	1,001-1,500	1,501- or More	Total
50%	18%	23%	6%	3%	100%

Average Number of Students Enrolled
in a Mass Communication Law Course

Table III shows the average number of students enrolled in a mass communication law course. Forty-two percent (70) of the respondents indicated their class size averaged between 21-40 students.

TABLE III
 AVERAGE NUMBER OF STUDENTS ENROLLED
 IN A MASS COMMUNICATION LAW COURSE

n=166						
20 or Fewer	21-40	41-60	61-80	81-100	101-or More	Total
23%	42%	22%	3%	4%	6%	100%

Whether a Communication Law

Course was Part of the Required Curriculum

Table IV shows whether a communication law course was part of the required curriculum for the universities responding to the survey.

TABLE IV
 WHETHER OR NOT A COMMUNICATION LAW COURSE
 WAS PART OF THE REQUIRED CURRICULUM

n=166		
Required	Elective	Total
84%	16%	100%

Teaching Method Used

Table V shows the teaching methods used by the communication law instructors responding to the survey.

TABLE V
TEACHING METHOD USED

n=157			
Socratic	Media Studies	Theoretical Framework	Total
43%	45%	12%	100%

Whether a Communication Law Course Incorporated Ethics

Table VI shows whether communication law instructors incorporated ethics/professional responsibility into their media law course.

TABLE VI
WHETHER A COMMUNICATION LAW COURSE
INCORPORATED ETHICS

n=157		
Incorporated Ethics	Did Not Incorporate Ethics	Total
72%	28%	100%

Textbooks Used

The most frequent text used among the respondents was Don Pember's *Mass Media Law*. Twenty-seven percent of the respondents (44) indicated that they used the book in their course. The other most frequent responses included: *Media Law*, Ralph Holsinger, 18 percent (30); *The Law of Public Communication*, Kent Middleton and Bill Chamberlin, 18 percent (30); and *Law of Mass Communication: Freedom and Control of Print and Broadcast Media*, Harold Nelson and Dwight Teeter, 10 percent (17) (n=166).

For a list of texts utilized, see Appendix E.

Number of Years an Instructor Has Taught Mass Communication Law

Table VII shows the number of years the respondents have taught mass communication law.

TABLE VII
NUMBER OF YEARS AN INSTRUCTOR TAUGHT
MASS COMMUNICATION LAW

n=163						
2 or Fewer	3-5	6-8	9-11	12-14	15 or More	Total
19%	21%	19%	15%	10%	16%	100%

Number of Years of Professional

Experience by Mass Communication Law Instructors

Table VIII indicates the number of years of professional media experience by the mass communication law instructors who responded to the survey.

TABLE VIII

NUMBER OF YEARS OF PROFESSIONAL EXPERIENCE
BY MASS COMMUNICATION LAW INSTRUCTORS

n=162						
2 or Fewer	3-5	6-8	9-11	12-14	15 or More	Total
14%	28%	14%	14%	12%	18%	100%

Whether a Communication Law Instructor Held a Juris Doctorate

Table VIII shows whether a communication law instructor held a juris doctorate (law degree).

TABLE IX

WHETHER A COMMUNICATION LAW INSTRUCTOR
HELD A JURIS DOCTORATE

n=164		
Had a Juris Doctorate	Did Not Have a Juris Doctorate	Total
28%	72%	100%

Analysis of Statistical Relationships

Teaching Method and Number of Students in Class

Table X shows the number of respondents who indicated the method of instruction they utilized and the average number of students in the classroom. A chi square analysis of the data found no difference in the choice of teaching methods when the varying sizes of classes were taken into consideration. The null hypothesis is supported, indicating there is no relationship between teaching method and the average number of students in a mass communication law course.

TABLE X

RELATIONSHIP BETWEEN TEACHING METHOD AND
NUMBER OF STUDENTS IN THE CLASSROOM

	TEACHING METHOD		
	Socratic n=68	Media Studies n=70	Theoretical Framework n=19
20 or Less	28%	16%	37%
21-40	37	44	42
41-60	24	24	11
61-80	3	3	5
81-100	1	9	0
101 or More	7	4	5
Total	100%	100%	100%

Chi Square; $p > .05$; No significant relationship

A chi square of 11.377 was calculated and, at 10 degrees of freedom, did not exceed the critical value of 18.3 ($p < .05$). Therefore, there is no relationship between class size and teaching method for these respondents.

Teaching Method and Years the
Instructor Taught Mass Communication Law

Table XI shows the number of respondents who indicated the method of instruction they utilized and the number of years they taught media law to undergraduate students. A chi square analysis of the data found no difference in the choice of teaching methods when the number of years of teaching was taken into consideration. The null hypothesis is supported, indicating there is no relationship between teaching method and the number of years an instructor has taught mass communication law. A chi square of 3.878 was calculated and, at 10 degrees of freedom, did not exceed the critical value of 18.3 ($p < .05$). Therefore, there is no relationship between the number of years a professor has taught mass communication law and teaching method for these respondents.

TABLE XI

RELATIONSHIP BETWEEN TEACHING METHOD AND NUMBER
OF YEARS A PROFESSOR HAS TAUGHT MEDIA LAW

	TEACHING METHOD		
	Socratic n=67	Media Studies n=70	Theoretical Framework n=18
2 or Less	22%	15%	22%
3-5	21	21	22
6-8	18	20	11
9-11	12	17	17
12-14	9	10	17
15 or More	18	17	11
Total	100%	100%	100%

Chi Square; $p > .05$; No significant relationship

Teaching Method and Years
of Professional Media Experience

Table XII shows the number of respondents who indicated the method of instruction they utilize and the number of years of professional media experience they had. A chi square analysis of the data found no difference in the choice of teaching methods when the number of years of media experience was taken into consideration. The null hypothesis is supported, indicating there is no relationship between teaching method and

TABLE XII
RELATIONSHIP BETWEEN TEACHING METHOD AND NUMBER
OF YEARS OF PROFESSIONAL EXPERIENCE
BY THE INSTRUCTOR

	TEACHING METHOD		
	Socratic n=67	Media Studies n=70	Theoretical Framework n=17
2 or Less	16%	11%	12%
3-5	27	32	18
6-8	13	10	41
9-11	16	10	12
12-14	12	14	0
15 or More	15	23	18
Total	100%	100%	100%

Chi Square; $p > .05$; No significant relationship

the number of years of professional experience by the instructor.

A chi square of 15.393 was calculated and, at 10 degrees of freedom, did not exceed the critical value of 18.3 ($p < .05$). Therefore, there is no relationship between the number of years of professional experience by the instructor and teaching method for these respondents.

Teaching Method and Juris Doctorate

Table VIII shows the number of respondents who indicated the method of instruction they utilize and whether they had a juris doctorate. A chi square analysis of the data found a statistically significant difference in the choice of teaching methods when the absence or presence of a juris doctorate was taken into consideration. Therefore, the null hypothesis that stated there is no relationship between teaching method and whether an instructor held a juris doctorate is rejected.

A chi square of 6.0 was calculated and, at 2 degrees of freedom, met the critical value of 6.0 ($p < .05$). Upon finding a relationship, simple chi squares were calculated and a difference in teaching methods was found among the respondents who indicated they held a juris doctorate.

Among the respondents with a juris doctorate, there was a difference between the Socratic method and the theoretical framework method. A chi square of 15.21 was calculated and, at one degree of freedom, exceeded the critical value of 6.0 ($p < .05$). More of the respondents use the Socratic method than the theoretical framework method. In addition, there was a difference between the media studies approach and the theoretical framework method. A chi square of 21.16 was calculated and, at one degree of freedom, exceeded the critical value of 6.0 ($p < .05$). More of the respondents use the media studies method than the theoretical framework method. There was no difference among those instructors who use the Socratic and media studies.

Among the respondents who indicated they did not hold a juris doctorate, there was no difference among the choices of teaching methods.

A contingency coefficient was calculated to determine the strength of the relationship. An almost negligible figure of .1923 was calculated indicating weak relationship between teaching method and whether the instructor held a juris doctorate.

TABLE XIII
RELATIONSHIP BETWEEN TEACHING METHOD AND
WHETHER OR NOT THE INSTRUCTOR HOLDS
A JURIS DOCTORATE

		TEACHING METHOD		
		Socratic n=68	Media Studies n=70	Theoretical Framework n=19
JURIS DOCTORATE	Yes	26%	34%	6%
	No	74	66	94
Total		100%	100%	100%

Chi Square; p<.05; Significant relationship

Summary

The null hypothesis concerning the relationship between teaching method and the average number of students enrolled in a mass communication law course was not rejected. No relationship was found between the two variables.

The null hypothesis concerning the relationship between teaching method and the number of years the instructor has taught mass communication law was not rejected. No relationship was found between the two variables.

The null hypothesis concerning the relationship between teaching method and the number of years of professional media experience by mass communication law instructors was not rejected. No relationship was found between the two variables.

The null hypothesis concerning the relationship between teaching method and whether the instructor held a juris doctorate was rejected. Among the respondents with a

juris doctorate, there was a difference between the Socratic and theoretical framework methods. More respondents utilized the Socratic method than the theoretical framework method. In addition, among the respondents with a juris doctorate, there was a difference between the media studies and theoretical framework methods. More respondents utilized the media studies method than the theoretical framework method. There was no difference in choices of teaching methods among the respondents who indicated they did not have a juris doctorate.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

There is a complex, large and ever-increasing body of laws that governs the activities of media practitioners. The First Amendment, which provides personal autonomy for thought and expression, has not put an end to lawsuits against the press. To the contrary, despite a judicial policy of guarding the press against the “chilling effect” of litigation, lawsuits abound to test the permeability of the First Amendment shield (Lieberman, 147).

The challenge faced by communication law professors is how to organize this information and present it in some understandable manner so that students will retain at least a portion of the information after exiting the classroom door. This is no easy task considering the growing number of court decisions affecting free speech and the free press and the unique but subtle differences between each of the decisions.

From the outset of communication law instruction, educators have debated the most effective methods of teaching a law course to non-lawyers. Because media law is becoming increasingly complex, some educators are trying different methods of presenting information in an effort to help students understand the intricacies of the First Amendment. As professors adjust their presentation methods, it is necessary to stay abreast of these changes as educators continue to search for the “ideal” method of

instruction.

This research examined the various methods of teaching communication law and the resources professors are utilizing to help students comprehend the information and be more effective practitioners.

Three methods of classroom instruction for a media law course are the Socratic method, theoretical framework approach, and the media studies method. Each method has unique characteristics that set it apart from the others.

Professors who taught communication law were surveyed for this research project. Only professors who taught non-law, undergraduate students majoring in mass communication or a related field at four-year colleges and universities met the criteria for being included in the sample population. Three-hundred-fourteen universities were mailed questionnaires and asked to respond to the questions.

Research Questions

This research addressed the following questions:

(1) What were the methods of instruction for a course in communication law?

Three methods of classroom instruction for a media law course are the Socratic method, theoretical framework approach, and the media studies method. The traditional Socratic method was adapted from law schools and focuses on understanding the details of court decisions affecting the communication industry. Some educators argue, however, that this traditional method doesn't make it easy for non-law students to understand communication law. Other methods, such as the theoretical framework approach and the media studies approach, have been employed to help students organize and understand how the law is intertwined with the daily lives of media practitioners.

(2) What methods of instruction were most often used by college educators in the presentation of communication law?

Forty-three percent (68) of the respondents used the Socratic method. Forty-five percent (70) of the respondents used the media studies approach. Twelve percent (19) used the theoretical framework method (n=157).

(3) What was the average number of students enrolled in a course in communication law?

Forty-two percent (70) of the respondents indicated their classroom averaged between 21-40 students. In addition, only 13 percent (20) of the respondents indicated that they had more than 60 students enrolled in their course each semester (n=166).

(4) On average, how much professional experience did communication law instructors have?

Twenty-eight percent (46) of the respondents indicated they had 3-5 years of professional media experience. Fourteen percent (23) indicated they had 6-8 years experience. Forty-four percent (71) of the respondents indicated they had more than 8 years of professional media experience (n=162).

(5) What were the various texts and resources that are used for undergraduate course instruction in communication law?

The most popular text used among the respondents was Don Pember's *Mass Media Law*. Twenty-seven percent of the respondents (44) indicated that they used the book in their course. The other most popular responses include: *Media Law*, Ralph Holsinger, 18 percent (30); *The Law of Public Communication*, Kent Middleton and Bill Chamberlin, 18 percent (30); and *Law of Mass Communication: Freedom and Control of Print and Broadcast Media*, Harold Nelson and Dwight Teeter, 10 percent (17).

For a complete list of texts utilized, see Appendix F.

(6) Did professors incorporate professional responsibility/ethics into their course of communication law?

Seventy-two percent (117) of respondents indicated that they incorporated ethics/professional responsibility into their media law course. Twenty-eight percent (45) of respondents indicated that they did not incorporate ethics/professional responsibility into their media law course (n=162)

In comparison, a 1984 survey by the Association for Education in Journalism and Mass Communication (AEJMC) surveying chairmen of journalism and mass communication programs indicated only fourteen percent of the law courses incorporated ethics into the course (Christians, 17). Of the 238 people who responded to the 1984 survey, only 14 percent (33) indicated their program combined law and ethics into one course.

(7) How many professors held a juris doctorate?

Twenty-eight percent (46) of the respondents indicated they had a juris doctorate (law degree). Seventy-two percent (118) of the respondents indicated they did not have a juris doctorate (n=164).

(8) How many colleges and universities offered a mass communication law course and how many included the course as part of the required curriculum?

Of the 194 colleges and universities responding to the survey, 86 percent (166) offered a course in media law. Fourteen percent (28) of the colleges and universities surveyed did not offer such a course (n=194). The primary reasons indicated for not offering the course was that it was part of another course (7) or a lack of personnel and funds (6). For a complete list of reasons for not offering the course, see Appendix E.

Eighty-four percent (140) of the respondents indicated that their communication law course was part of the required curriculum. Sixteen percent (26) of the respondents indicated that their course was not part of the required curriculum, meaning it was offered as an elective (n=166).

Hypotheses

(1) There is no relationship between the choice of method of instruction and the average number of students enrolled in the media law class.

An analysis of these data indicated no relationship between choice of teaching method by the instructor and the average number of students enrolled in the course. Therefore, the data from this research fail to reject the null hypothesis.

(2) There is no relationship between the choice of method of instruction and the number of years the instructor taught media law.

An analysis of these data indicated no relationship between choice of teaching method by the instructor and the number of years the instructor taught media law. Therefore, the data from this research fail to reject the null hypothesis.

(3) There is no relationship between the choice of method of instruction and the number of years of the instructor's professional experience.

An analysis of these data indicated no relationship between choice of teaching method by the instructor and the number of years of professional experience. Therefore, the data from this research fail to reject the null hypothesis.

(4) There is no relationship between the choice of method of instruction and whether the instructor held a juris doctorate.

An analysis of these data indicated a relationship between choice of teaching method by the instructor and whether the instructor held a juris doctorate. Therefore, the data from this research reject the null hypothesis. Among the instructors holding the degree, there was difference between the Socratic method and the theoretical framework method. More instructors preferred the Socratic. In addition, there was a difference between the media studies approach and the theoretical framework method. More instructors preferred the media studies. There was no difference between the Socratic or media studies, and there was no difference in the preference of teaching method among

those professors who indicated they did not hold a juris doctorate.

Conclusions

These findings help document some of the resources and teaching methods that media law instructors are utilizing in their classrooms.

The research found that instructors who responded to the survey are primarily using the Socratic and media studies approach in teaching students about media law.

In addition, instructors are increasingly incorporating ethics into the media law course. One of the most notable findings from this research was the dramatic increase in courses that combined law and ethics. A 1984 study indicated that only 14 percent of the courses in journalism and mass communication programs combined law and ethics. The present study found that 72 percent of the law courses included instruction in ethics.

Recommendations

Recommendations to Educators

Because the body of information concerning communication law continues to grow, educators need to be aware of and open to the different methods of instruction for such a course. As precedents pile upon precedents, both new and veteran communication law professors also need to understand the various resources that are available.

This information serves as a valuable resource to new and veteran instructors of media law as they continually adapt their classroom presentation to be more effective. The examination of various teaching methods will be important information to contemporary educators. The compilation of texts and resources currently in use will also

be an important tool for professors because, not only can they see what textbooks are being used in the teaching of the subject, but they can also see what other creative materials their peers are using in their communication law course. By surveying educators, a wealth of information can be gathered concerning classroom teaching methods, textbooks and other techniques used to teach communication law to non-lawyers.

Another recommendation would be that law professors be open to new ways of teaching the law course. Without examining new techniques and new resources, educators will never be aware of the alternatives available to them.

Recommendations for Further Research

This substantial increase in courses combining law and ethics in less than 10 years underscores the necessity to keep in contact with communication law educators. Surveying law educators again in approximately five years to help keep track of the changes occurring within their classrooms would be beneficial.

Concluding Comments

Americans have more freedom to think what they will and say what they think than any other people on earth. They can denounce politicians in uninhibited language, read books banned in Britain or Israel, or even burn the flag as a political protest without the fear of punishment (Lewis, 72). No other nation enjoys the breadth of protection of free speech like that which is protected by the First Amendment to the U.S. Constitution.

Educator, practitioner, and author Fredrick S. Siebert, one of the premier authorities of communication law, said, "The pressure of events often makes...slight

knowledge of the law an indispensable adjunct to the mental equipment of the layman. In no field of modern enterprise is this more true than in the newspaper business" (Sloan, 189).

BIBLIOGRAPHY

Bartolo, Laura M. "A Conceptual Framework for Teaching Legal Research to Undergraduates." Research Strategies 9.1 (1991): 16-24.

Relates bibliographic instruction concepts to the teaching of legal research at the undergraduate level and describes a conceptual framework for teaching legal research and critical thinking skills to a senior-level journalism class.

Berman, Harold J. On the Teaching of Law in the Liberal Arts Curriculum. Brooklyn: Foundation Press, 1956.

After 31 participants of a conference on teaching law at a liberal arts university concluded their meeting, the chairman of the committee issued the results of the conference. Addressed topics such as: objectives of teaching law to college undergraduates and graduate students, course content, teaching methods, and introducing law into an existing curriculum.

Carr, Jean Ferguson. "Cultural Studies and Curricular Change" Academe 76.6 (1990): 25-28,

Incorporating cultural studies to go beyond reading and writing to media, popular culture, newspapers, advertisings, textbooks and advice manuals. This marks the movement away from the study of an object to the study of criticism.

Christians, Clifford G. "Media Ethics Courses Have Increased Since 1977." Journalism Educator 40.2 (1985): 17-19.

Describes a survey of journalism and mass communication programs indicating an increase in media ethics courses.

Drechsel, Robert E. "The Legal Risks of Social Responsibility." Conference paper, AEJMC, August 1-4, 1987.

Analyzes the risks presented by journalistic social responsibility in the context of expanding tort liability for what might loosely be called journalistic "malpractice." Focuses on use of professional standards and policies as either the source of newly developed legal duties or as standards against which claims of professional malpractice may be measured.

Eisenmann, Charles. The University Teaching of Social Sciences: Law. Paris: Unesco, 1973.

Reviews present situation of law instruction, new trends, and problems involved in the teaching of law.

Fishman, Ethan M. "Counteracting Misconceptions About the Socratic Method." College Teaching 33.4 (1985): 185-188.

The Socratic method, while utilizing student participation, emphasizes self-knowledge, not self-expression. This is accomplished on the basis of successive stages of issue analysis and self-examination. The Socratic method strives to get at the root of a person's beliefs by studying assumptions.

Galie, Peter, and Barry Berlin. "Departments Take Adversary Roles in Law Course." Journalism Educator 34.4 (1980): 13-16.

A modified adversary context within a team teaching approach was used in a course on media law and ethics. Although some problems occurred, overall reaction to the course structures and teaching procedures was favorable.

Goldman, Louis. "Warning: The Socratic Method Can Be Dangerous." Educational Leadership 42.1 (1984): 57-62.

Argues that the Socratic method is inappropriate for children because it teaches them to question adult authority before they have the necessary experience and it therefore conducive to cynicism. A traditional liberal arts curriculum, combining

transmission of culture with open inquiry, is preferable to attempt to teach critical thinking.

Gray, Dennis. "Socratic Seminars: Basic Education and Reform," Council for Basic Education, Washington DC, ED302472, Summer 1988.

Emphasized that Socratic teaching emphasizes rigorous thinking, not mastery of facts.

Greene, Donna. "Teaching Ethics to Journalism Students." New York Times 2 June 1991, sec. WC, p. 3, col. 1.

In an interview, Robert Barat Keane, who teaches a class called "The Law and Ethics of Mass Communications" at Pace University in White Plains, NY, discusses the ethics of journalism and teaching thereof.

Helle, Steven. "A Theoretical Framework for Media Law Courses." Journalism Educator 46.2 (1991) 4-14.

Proposes using the libertarian and neoliberal theories to serve as a backdrop for a media law course. Author states that most media law decisions can be placed under the two theories and this teaching method helps students see how complicated law issues are interrelated.

Levi, Edward H. 4 Talks on Legal Education. Chicago: University of Chicago Press, 1952.

Law school dean looks at legal education of the day and questions current methods of teaching, lack of research, and effectiveness of law school.

Lule, Jack. "Media Studies Approach to Communication Law." Journalism Educator 45.2 (1990): 53-57.

Advocates the integration of media studies into a liberal education to promote inquire into the role of communication media systems in the information age. Describes a media law course which widened its scope to include perspectives such as the relationship among law, the media, and social life.

Martinson, David L. "Ad Students Need Special Law Focus." Journalism Educator 42.1 (1987): 30-31.

- Recommends that media law and similar courses should spend more time on issues such as pictorial communication in advertising.

Modjeska, Lee. "On Teaching Morality to Law Students." Journal of Legal Education 41.1 (1991): 71-73.

Within the limits of the law and process, the lawyer's concern must be the client's cause, not his own agency. The lawyer's role is to counsel legality, not morality, and the law school's responsibility is to teach law, not moral obligation.

Nelson, Harold L., and Dwight L. Teeter, Jr. Law of Mass Communication. (Fifth ed.) New York: Foundation Press, 1986.

One of the premier casebooks that outlines landmark cases effecting mass communication practitioners.

Rainbolt, Bill. "Teaching Tips—Media Law Course Prepares Students in PR, Advertising." Journalism Educator 39.2 (1984): 23-25.

Briefly describes materials and rationale of a media law course specifically designed for students preparing for careers outside print and broadcast news.

Seeger, Arthur. "Diagrams Simplify Complicated Issues in Media Law Class." Journalism Educator 42.1 (1987): 41-46

Explains how diagrams can help journalism students understand complicated media law issues. Gives examples relating to libel and privacy.

Siebert, Frederick S. "Some Notes on the Course in Law of the Press," Journalism Quarterly 15 (1939): 289-291.

Skagge, Albert. "Is This Libelous? Simple Chart Helps Students Get Answers," Journalism Educator 37 (1982): 16-18.

Skagge notes a simple chart that helps media practitioners understand libel.

Sloan, Wm. David. Makers of the Media Mind: Journalism Educators and Their Ideas. Hillsdale, NJ: L. Erlbaum Assoc., 1990.

Analyzes the contribution of 38 important educators in the field of journalism during the past 80 years. The book is divided into the field's most prominent areas: practical skills, history, philosophy, law, theory, and methodology.

Smith, Evan B. "Charting Complexities of Modern Libel Law." Journalism Educator 44.1 (1989): 20-26.

Presents an updated flow chart reflecting recent developments in the law and bringing in some of the complexities of modern libel law. Discusses the "Sharon v. Time Inc." case to show how the chart is used to explain libel law.

Smith, Jo Anne. "Charts Organize Law 'Underbrush' in Communications." Journalism Educator 42.3 (1987): 33-35.

Explains how the use of charts can help students sort out the many varied cases and concepts in communication law. Contains an example of such a chart.

Walden, Ruth and David Gorden. "Survey Indicates Ethics Have Place in Curriculum." Journalism Educator 43.2 (1988): 64-67.

Discusses the results of a survey which examined mass media law instructors' attitudes and practices concerning the incorporation of ethics material into the media law curriculum. Reports that, although instructors believe ethics has an important relationship to media law, few instructors use materials that provide formal or theoretical grounding in ethics.

Wesson, Marianne. "Use of the Socratic Method." On Teaching. Volume II. Ed. Mary Ann Shea. Boulder: Colorado Univ, 1990. 94-100.

Part of a collection of essays addressing a variety of styles and situations for teaching and learning. The author outlines details of the Socratic method of teaching and notes what makes this particular method effective.

Whitfield, James Daniel. "Perceptions by Administrators, Educators, and Media Professionals of Factors Determining Mass Communications Curriculum Development." Diss. Texas Tech Univ., 1984.

This study measured perceptions of journalism educators and professional toward curriculum philosophy, accrediting standards, a core curriculum, the question of who are proper participants in curricular changes and the impact of technological change upon mass communication education.

APPENDIXES

APPENDIX A

QUESTIONNAIRE

Page 1 of 4

The following information will assist me in assessing the instruction methods and resource materials used in the teaching of communication law. I appreciate your cooperation. When you have completed the questionnaire, please return it in the pre-addressed envelope (with a copy of your current syllabus, if possible) to Oklahoma State University, Central Mailing Services, Stillwater, OK 74075-9968. All questionnaires need to be returned by May 13, 1992. All responses will remain confidential.

PLEASE CHECK THE APPROPRIATE ANSWER.

1 Does your department offer a course in communication law? (If "no," skip to page four. If "yes," continue.)

- Yes No

2. What is the total number of students majoring in mass communication or a related field at the college or university where you teach? (Include communications, mass media, journalism, advertising, public relations, and broadcasting students.)

- 250 or less 501 - 1,000 1,501 - 2,000
 251 - 500 1,001 - 1,500 2,001 or more

3 What is the average number of students in your communication law class each semester?

- 20 or less 41 - 60 81 - 100
 21 - 40 61 - 80 101 or more

4. Is communication law part of the required curriculum for all students seeking a degree in the field of mass communication or is the course offered only as an elective?

- Required Elective

5 Which of the following methods of instruction do you currently use when teaching communication law? (Please select only one). If you combine more than one of these, please select only the primary method used.

- Socratic/case-by-case method.** This method presents benchmark decisions concerning the media and usually emphasizes some memorization of cases to obtain a general understanding of their application to practitioners. The textbook is generally a traditional casebook.
- Media studies method.** This method stresses how to apply the law rather than memorization of benchmark decisions. The primary textbooks are generally works about mass communication practitioners and how law is integrated into their work. A traditional casebook usually supplements the other reading material.
- Theoretical framework method.** This method presents benchmark cases under the umbrella of two theories that can characterize them: libertarian theory (pro-individual) and neoliberal (pro-government). The primary textbook is generally a traditional casebook.

6 Do you incorporate professional responsibility/ethics into your course of communication law?

- Yes No

Please go on to the next page

7. Why are you currently using this particular method?

8. What are the benefits and drawbacks of using this particular method?

9. What textbook (s) do you require students to purchase or just recommend for your communication law course?
(Please include title, author, edition, and publisher if possible)

<u>Textbook (s)</u>	<u>Required</u>	<u>Recommended</u>
1	<input type="checkbox"/>	<input type="checkbox"/>
2.	<input type="checkbox"/>	<input type="checkbox"/>
3	<input type="checkbox"/>	<input type="checkbox"/>
4.	<input type="checkbox"/>	<input type="checkbox"/>
5	<input type="checkbox"/>	<input type="checkbox"/>

Please go on to the next page

Page 3 of 4

10. What resources other than a textbook (s) do you use in your class to help students understand the intricacies of communication law? (i.e., charts, handouts, mock trials, etc.) What points do these resources help explain? (example: "I handout a chart to help explain libel")

11. How many years have you taught communication law to undergraduate students?

- 2 years or less 6 - 8 years 12 - 14 years
 3 - 5 years 9 - 11 years 15 or more years

12. How many years of professional media experience (journalism, broadcasting, advertising, public relations, full-time, free-lance, etc.) did you have prior becoming a faculty member?

- 2 years or less 6 - 8 years 12 - 14 years
 3 - 5 years 9 - 11 years 15 or more years

13. Do you have a Juns Doctorate degree?

- Yes No

14. Would you like to receive a free summary of the research and survey results?

- Yes No

(If you choose "yes," please write your name and mailing address in the space provided below. If you do not want to put your name on this questionnaire, you can send a note requesting a summary to Mitch Bettus, 1815 N Boomer, H-11, Stillwater, OK, 74075. The research will be completed in December 1992 and summaries will be mailed in January 1993. There is no charge for this service.)

15. Did you include a copy of your current syllabus?

- Yes No

THANK YOU FOR YOUR TIME AND PARTICIPATION!

Name _____
 School _____
 Address _____
 City _____
 State _____ Zip _____

1b. Why have you chosen not to offer a course in communication law?

1c. Would you like to receive a free summary of the research and survey results?

Yes

No

(If you choose "yes," please write your name and mailing address in the space provided below. If you do not want to put your name on this questionnaire, you can send a note requesting a summary to Mitch Bettis, 1815 N. Boomer, H-11, Stillwater, OK, 74075. The research will be completed in December 1992 and summaries will be mailed in January 1993. There is no charge for this service.)

THANK YOU FOR YOUR TIME AND PARTICIPATION!

Name _____

School _____

Address _____

City _____

State _____ Zip _____

APPENDIX B

COVER LETTER FOR THE FIRST MAILING

Dear Department Chairperson:

In an effort to understand how communication law professors present the complicated issues of media law, I am surveying educators to find out their methods of instruction for such a course.

Your department has been chosen to receive this brief questionnaire and I want to assure you that all responses will remain confidential. The information from this survey, combined with other research, will help me identify and analyze the various teaching methods for a course in communication law. The information provided will serve as a valuable resource to new and veteran instructors of media law as they continually alter their classroom presentation to be more effective. If you offer a communication law course as part of your curriculum, I encourage you to pass this questionnaire to the person who teaches the course. If you don't have law as part of the curriculum, please take a look at question number one and the subsequent note.

The questionnaire should be returned in the enclosed pre-addressed envelope by April 7 to Oklahoma State University, Central Mailing Services, Stillwater, OK 74075-9988. It would also be helpful if the law professor would enclose a copy of his/her current syllabus when the questionnaire is returned. Again, all information is kept confidential and the syllabi collected will add to my understanding of how communication law courses are organized. As you will notice, there is a number in the bottom left corner of the questionnaire's first page. This number will help me keep track of who returns the questionnaire. As soon as your information is returned to me, I will remove the number so that all information remains anonymous.

If your department would like to receive a summary of the research and survey results, there is a place to note the request on the third or fourth page of the questionnaire. If you don't want to use the space provided on your questionnaire, you can send a request directly to me at OSU, School of Journalism and Broadcasting, Paul Miller 206, Stillwater, OK 74078-0195. This service is provided free of charge as a means of saying thank you for taking time to assist in this research.

If you have any questions about the survey, please call me at (405) 372-5546.

Sincerely,

Mitch Bettis
Graduate Student
Oklahoma State University

APPENDIX C

COVER LETTER FOR SECOND MAILING

Dear Department Chairperson:

The first questionnaire I sent you hasn't been returned so I've enclosed another copy in case the first one got lost in the mail. I am surveying educators to find out their methods of instruction for a course in communication law and I would appreciate your opinion.

If you offer a communication law course as part of your curriculum, I encourage you to pass this questionnaire to the person who teaches the course. If you don't have law as part of the curriculum, please take a look at question number one and the subsequent note.

The information from this questionnaire, combined with other research, will help me identify and analyze the various teaching methods for such a course. The information provided will serve as a valuable resource to new and veteran instructors of media law as they continually alter their classroom presentation to be more effective.

The questionnaire should be returned in the enclosed pre-addressed envelope by May 15 to Oklahoma State University, Central Mailing Services, Stillwater, OK 74075-9988. It would also be helpful if the law professor would enclose a copy of his/her current syllabus when the questionnaire is returned. All information is kept confidential and the syllabi collected will add to my understanding of how communication law courses are organized. As you will notice, there is a number in the bottom left corner of the questionnaire's first page. This number will help me keep track of who returns the questionnaire. As soon as your information is returned to me, I will remove the number so that all information remains anonymous.

If your department would like to receive a summary of the research and survey results, there is a place to note the request on the third or fourth page of the questionnaire. If you don't want to use the space provided on your questionnaire, you can send a request directly to me at OSU, School of Journalism and Broadcasting, Paul Miller 206, Stillwater, OK 74078-0195. This service is provided free of charge as a means of saying thank you for taking time to assist in this research.

If you have any questions about the survey, please call me at (405) 372-5546.

Sincerely,

Mitch Bettis
Graduate Student
Oklahoma State University

APPENDIX D

SAMPLE POPULATION

University of Alaska
3211 Providence Dr.
Anchorage, AK 99508

University of Alaska
Fairbanks, AK 99775

Arizona State University
Tempe, AZ 85287

Northern Arizona University
Flagstaff, AZ 86011

University of Arizona
Tuscon, AZ 85721

Biola University
13800 Biola Ave.
La Mirada, CA 90639

California Polytechnic State University
San Luis Obispo, CA 93407

California State Univ., Chico
Chico, CA 95929

California State Univ., Fresno
Fresno, CA 93740

California State Univ., Long Beach
1250 Bellflower Blvd.
Long Beach, CA 90840

California State Univ., Los Angeles
5151 State University Dr.
Los Angeles, CA 90032

California State Univ., Northridge
18111 Nordhoff St.
Northridge, CA 91330

California State Univ., Sacramento
6000 J Street
Sacramento, CA 95819

Humboldt State University
Arcata, CA 95521

Pacific Union College
Angwin, CA 94508

Pepperdine University
Malibu, CA 90263

Point Loma Nazarene College
3900 Lomaland Dr.
San Diego, CA 92106

San Diego State University
5300 Campanile
San Diego, CA 92182

San Francisco State University
1600 Holloway Ave.
San Francisco, CA 94132

San Jose State University
San Jose, CA 95192
Southern California College
55 Fair Drive
Cost Mesa, CA 92626

University of California, Berkeley
Berkeley, CA 94720

University of La Verne
1950 Third Street
Laverne, CA 91750

University of Southern California
University Park
Los Angeles, CA 90089

Colorado State University
Fort Collins, CO 80523

Mesa College
P.O. Box 2647
Grand Junction, CO 81502

University of Northern Colorado
Greeley, CO 80639

Western State College of Colorado
College Heights
Gunnison, CO 81231

University of Hawaii, Manoa
2530 Dole St. #C-200
Honolulu, HI 96822

University of Idaho
Moscow, ID 83843

University of Montana
Missoula, MT 59812

Eastern New Mexico University
Portales, NM 88130

New Mexico State University
Box 30001
Las Cruces, NM 88003
University of Albuquerque
St. Joseph Place NW
Albuquerque, NM 81740

University of New Mexico
Albuquerque, NM 87131

Oregon State University
Corvallis, OR 97331

Pacific University
2043 College Way
Forest Grove, OR 97116

University of Oregon
Eugene, OR 97403

University of Portland
5000 North Willamette Blvd.
Portland, OR 97203

Brigham Young University
Provo, UT 84602

Utah State University
Logan, UT 84322

Weber State College
Ogdon, UT 84408

Westminster College of Salt Lake City
1840 South 1300 East
Salt Lake City, UT 84105

Central Washington University
Ellensburg, WA 98926

Eastern Washington University
Cheney, WA 99004

Gonzaga University
East 502 Boone Ave.
Spokane, WA 99258

Pacific Lutheran University
Tacoma, WA 98447

Seattle University
Broadway and Madison
Seattle, WA 98122

Western Washington University
516 High Street
Bellingham, WA 98225

Whitworth College
West 300 Hawthorne Dr.
Spokane, WA 99251

University of Wyoming
P.O. Box 3453
Laramie, WY 82071

Grand View College
1200 Grand View Ave.
Des Moines, IA 50316

Iowa State University
Ames, IA 50011

Loras College
1450 Alta Vista
Dubuque, IA 52001

University of Iowa
Iowa City, IA 52242

University of Northern Iowa
1222 West 27th Street
Cedar Falls, IA 50614

Wartburg College
222 Ninth Street
Waverly, IA 50677

Benedictine College
Atchison, KS 66002

Fort Hays State University
600 Park Street
Hays, KS 67601

Kansas State University
Manhattan, KS 66506

St. Mary of the Plains College
240 San Jose Drive
Dodge City, KS 68701

The Wichita State University
111 Jardine
Wichita, KS 67208

University of Kansas
Lawrence, KS 66045

Washburn University
1700 College
Topeka, KS 66621

College of Saint Catherine
2004 Randolph Ave.
St. Paul, MN 55105

College of St. Thomas
2115 Summit Ave.
St. Paul, MN 55105

Concordia College
Moorhead, MN 56560

St. Mary's College
Winona, MN 55987

University of Minnesota
Minneapolis, MN 55455

Central Missouri State University
Warrensburg, MO 64093

Culver-Stockton College

College Hill
Canton, MO 63435

Evangel College

1111 North Glenstone
Springfield, MO 65802

Lincoln University

820 Chestnut
Jefferson City, MO 65101

Lindenwood College

St. Charles, MO 63301

Northeast Missouri State University

Kirksville, MO 63501

Northwest Missouri State University

Maryville, MO 64468

Stephens College

1200 East Broadway
Columbia, MO 65215

Stephens College

1200 East Broadway
Columbia, MO 65215

University of Missouri

Columbia, MO 65211

Webster University

470 East Lockwood
St. Louis, MO 63119

Concordia College

800 North Columbia Ave.
Seward, NE 68434

Crieghton University

2500 California
Omaha, NE 68178

Dana College

2848 College Dr.
Blair, NE 68008

Hastings College

Box 269
Hastings, NE 68902

Kearney State College

905 West 25th
Kearney, NE 68849

Midland Lutheran College

900 North Clarkson
Fremont, NE 68025

Union College

3800 South 48th Street
Lincoln, NE 68506

University of Nebraska

14th & R Streets
Lincoln, NE 68588

University of Nebraska at Omaha

60th and Dodge Streets
Omaha, NE 68182

Wayne State College

200 East 10th
Wayne, NE 68787

University of North Dakota

University Station
Grand Forks, ND 58202

Augustana College

29th Street and Summit
Sioux Falls, SD 57197

South Dakota State University

Box 2201
Brookings, SD 57007

Bradley University

Bradley Ave.
Peoria, IL 61625

College of Saint Francis

500 Wilcox Street
Joliet, IL 60435

Columbia College

600 South Michigan Ave.
Chicago, IL 60650

Eastern Illinois University

Charleston, IL 61920

Lewis University

Route 53
Romeoville, IL 60441

Mac Murray College

Jacksonville, Ill 62650

Northern Illinois University

Dekalb, IL 60115

Northwestern University

P.O. Box 3060
Evanston, IL 60240

Roosevelt University

430 South Michigan Ave.
Chicago, IL 60650

Southern Illinois Univ.

Carbondale, IL 62901

Southern Illinois University

Edwardsville, IL 62026

University of Illinois at Urbana

506 South Wright Street
Urbana, IL 61801

Anderson University

1100 East Fifth Street
Anderson, IN 46012

Ball State University

Muncie, IN 47306

Butler University

4600 Sunset Ave.
Indianapolis, IN 46208

Calumet College of St. Joseph

2400 New York Ave.
Whiting, IN 46394

Frankline College of Indiana

501 East Monroe Street
Franklin, IN 46131

Huntington College

2303 College Ave.
Huntington, IN 46750

**Indiana Univ. - Purdue Univ,
Indianapolis**

425 North Agnes Street
Indianapolis, IN 46202

Indiana University

814 East Third Street
Bloomington, IN 47401

Indiana Wesleyan University

4201 South Washington St.
Marion, IN 46953

Manchester College

North Mancherster, IN 46962

Purdue University

West Lafayette, IN 47907

St. Joseph's College

Rensselaer, IN 47978

St. Mary-of-the-Woods College
St. Mary-of-the-Woods, IN 47876

University of Evansville
1800 Lincoln Ave.
Evansville, IN 47722

University of Indianapolis
1400 East Hanna Ave.
Indianapolis, IN 46227

Valparaiso University
Valparaiso, IN 46373

Andrews University
Berrien Springs, MI 49104

Central Michigan University
Mount Pleasant, MI 48859

Eastern Michigan University
Ypsilanti, MI 48197

Grand Valley State University
Allendale, MI 49401

Madonna College
36600 Schoolcraft Road
Livonia, MI 48150

Marygrove College
8425 West McNichols
Detroit, MI 48221

Michigan State University
East Lansing, MI 48824

Oakland University
Walton and Squirrel Roads
Rochester, MI 48309

Olivet College
Olivet, MI 49076

Wayne State University
Detroit, MI 48202

William Tyndale College
35700 West Twelve Mile Road
Farmington Hill, MI 48331

Ashland College
401 College Ave.
Ashland, OH 44805

Bowling Green State University
Bowling Green, OH 43403

Central State University
Wilberforce, OH 45384

Franciscan University of Steubenville
Franciscan Way
Steubenville, OH 43952

Kent State University
Kent, OH 44242

Marietta College
Fifth Street
Marietta, OH 45750

Ohio State University
1800 Cannon Drive
Columbus, OH 43210

Ohio University
Athens, OH 45701

Ohio Wesleyan University
168 Sandusky Street
Delaware, OH 43015

Otterbein College
Westerville, OH 43081

The Defiance College

701 North Clinton Street
Defiance, OH 43512

University of Toledo

2801 West Bancroft Street
Toledo, OH 43606

Xavier University

3800 Vicotry Parkway
Cincinnati, OH 45207

Carroll College

100 North East Ave.
Waukesha, WI 53186

Marquette University

1217 West Wisconsin Ave.
Milwaukee, WI 53233

University of Wisconsin

105 Garfield Ave.
Eau Claire, WI 54701

University of Wisconsin

750 University Ave.
Madison, WI 53706

University of Wisconsin

Oshkosh, WI 54901

University of Wisconsin

112 South Hall
River Falls, WI 54022

University of Wisconsin

800 West Main Street
Whitewater, WI 53190

Auburn University

Auburn University, AL 36849

Samford University

800 Lakeshore Drive
Birmingham, AL 35229

Selma University

1501 Lapsley St.
Selma, AL 36701

Spring Hill College

4000 Dauphin Street
Mobile, AL 36608

Troy State University

Troy, AL 36082

University of Alabama

Box 870132
Tuscaloosa, AL 35487

University of North Alabama

Florence, AL 35632

Arkansas State University

State University, AR 72467

Arkansas Tech University

Russellville, AR 72801

Harding University

900 East Center
Searcy, AR 72143

Ouachita Baptist University

Arkadelphia, Ar 71923

Henderson State University

Arkadelphia, AR 71923

John Brown University

200 University
Siloam Springs, AR 72761

University of Arkansas at Little Rock

2801 South University Ave.
Little Rock, AR 72204

University of Arkansas

Fayetteville, AR 72701

University of Central Arkansas
Conway, AR 72032

Ashbury College
201 North Lexington Ave.
Wilmore, KY 40390

Eastern Kentucky University
Lancaster Avenue
Richmond, KY 40475

Morehead State University
Morehead, KY 40351

Murry State University
Murray, KY 42071

Northern Kentucky University
Highland Heights, KY 41076

Union College
310 College Street
Barbourville, KY 40906

University of Kentucky
Lexington, KY 40506

Western Kentucky University
Bowling Green, KY 42101

Grambling State University
Grambling, LA 71245

Louisiana College
1140 College Dr.
Pineville, LA 71360

Louisiana State Univ. A & M College
Baton Rouge, LA 70803

Louisiana State University
One University Place
Shreveport, LA 71115

Louisiana Tech University
Ruston, LA 71272

Northeast Louisiana University
700 University Avenue
Monroe, LA 71209

Northwestern State Univ. of Louisiana
Natchitoches, LA 71497

Southeastern Louisiana University
Hammond, LA 70404

Southern University, Baton Rouge
Baton Rouge, LA 70813

University of Southwestern Louisiana
East University Ave.
Lafayette, LA 70504

Mississippi College
200 West College Street
Clinton, MS 39058

Mississippi University for Women
Columbus, MS 39701

Tougaloo College
Tougaloo, MS 39174

University of Southern Mississippi
Southern Station
Hattisburg, MS 39406

University of Mississippi
University, MS 38677

Northeastern State University
Tahlequah, OK 74464

Northwestern Oklahoma State College
Alva, OK 73717

Oklahoma City University
P.O. Box 205
Oklahoma City, OK 73101

Oklahoma Baptist University
Shawnee, OK 74801

Oklahoma State University
Stillwater, OK 74078
University of Oklahoma
Norman, OK 73019

University of Central Oklahoma
Edmond, OK 73034

Christian Brothers College
650 East Parkway South
Memphis, TN 38104

Mid-South Christian College
Memphis, TN 38152

Middle Tennessee State University
Murfreesboro, TN 37132

Tennessee Technological University
Box 5006 TTU
Cookeville, TN 38505

University of Tennessee
Knoxville, TN 37996

University of Tennessee
Martin, TN 38238

Union University
2447 Highway 45 Bypass
Jackson, TN 38305

Abilene Christian University
ACU Station
Abilene, TX 79699

Angelo State University
2601 West Avenue N
San Angelo, TX 76909

Baylor University
Waco, TX 76798

East Texas State University
East Texas Station
Commerce, TX 75428

Southern Methodist University
Dallas, TX 75275

Southwest Texas State University
San Marcos, TX 78666

Sam Houston State University
Huntsville, TX 77341

Southwestern Advent College
P.O. Box 567
Keene, TX 76059

Texas A & I University
Kingsville, TX 78363

Texas A & M University
College Station, TX 77843

Texas Christian University
2800 South University Drive
Fort Worth, TX 76129

Texas Southern University
3100 Cleburne
Houston, TX 77004

Texas Tech University
Lubbock, TX 79409

Texas Woman's University
P.O. Box 22909
Denton, TX 76204

University of Texas
Arlington, TX 76019

University of Texas
Austin, TX 78712

University of Texas
500 West University Ave.
El Paso, TX 79968

University of Houston
4800 Calhoun
Houston, TX 77004

University of North Texas
Box 13797
Denton, TX 76203

West Texas State University
Canyon, TX 79016

Deleware State College
1200 North Dupont Highway
Dover, DE 19901

American University
4400 Massachusetts Ave., NW
Washington, DC 20016

Howard University
2400 Sixth Street, NW
Washington, DC 20059

The George Washington University
Washington, DC 20052

University of District of Columbia
4200 Connecticut Ave., NW
Washington, DC 20008

Florida A & M University
Tallahassee, FL 32307

Florida Southern College
111 Lake Hollingsworth Drive.
Lakeland, FL 33801

University of Central Florida
Orlanda, FL 32816

University of Florida
Gainesville, FL 32611

University of Miami
P.O. Box 248025
Coral Gables, FL 33124

Brenau Women's College
One Centennial Circle
Gainesville, FL 305011

Clayton State College
P.O. Box 285
Morrow, GA 30260

Georgia College
Clark Street
Milledgeville, GA 31061

Georgia Southern College
Highway 301
Statesboro, GA 30460

Georgia State University
University Plaza
Atlanta, GA 30303

Morehouse College
830 Westview Drive, SW
Atlanta, GA 30314

Toccoa Falls College
Toccoa Falls, GA 30598

University of Georgia
Athens, GA 30602

Wesleyan College
4760 Forsyth Road
Macon, GA 31297

Bowie State College
Bowie, MD 20715

Columbia Union College
7600 Flower Ave.
Takoma Park, MD 20912

University of Maryland
College Park, MD 20742

Chowan College
P.O. Box 37
Murfreesboro, NC 27855

Elon College
Elon College, NC 27244

University of North Carolina
Chapel Hill, NC 27514

University of North Carolina
1000 Spring Garden Street
Greensboro, NC 27412

Benedict College
Harden and Blanding Streets
Columbia, SC 29204

Bob Jones University
Greenville, SC 29614

University of South Carolina
Columbia, SC 29208

Averette College
West Main Street
Danville, VA 24541

Emory & Henry College
Emory, VA 24327

Liberty University
3765 Candler's Mt. Road
Lynchburg, VA 24506

Lynchburg College
Lynchburg, VA 24501

Norfolk State University
2401 Corprew Ave.
Norfolk, VA 23504

Radford University
Radford, VA 24142

University of Richmond
Richmond, VA 23173

Virginia Union University
Richmond, VA 23220

Washington and Lee University
Lexington, VA 24450

Bethany College
Bethany, WV 26032

Davis and Elkins College
100 Sycamore Street
Elkins, WV 26241

Marshall University
400 Hal Greer Boulevard
Huntington, WV 25755

Shepherd College
Shepherdstown, WV 25443

West Virginia University
P.O. Box 6009
Morgantown, WV 26506

Rider College
Lawrenceville, NJ 08648

Rutgers U. - University College
New Brunswick, NJ 08903

Seton Hall University
400 South Orange Ave.
South Orange, NJ 07079

Thomas A. Edison State University
101 W. State Street
Trenton, NJ 68625

C U N Y , Baruch College
17 Lexington Ave.
New York, NY 10010

C U N Y , Brooklyn College
Bedford Ave. and Ave. H
Brooklyn, NY 11210

College of New Rochelle
29 Castle Place
New Rochelle, NY 10805

Fordham University
East Fordham Road
Bronx, NY 10458

Long Island Univ., Brooklyn Campus
One University Plaza
Brooklyn, NY 11201

Long Island Univ., CW Post Campus
Route 25A
Brookville, NY 11548

Mercy College
555 Broadway
Dobbs Ferry, NY 10522

New York University
22 Washington Square North
New York, NY 10011

Pace University, College of White Plains
78 North Broadway
White Plains, NY 10603

S U N Y at Buffalo
1300 Elmwood Ave.
Buffalo, NY 14222

S U N Y at New Paltz
75 South Manhiem Blvd.
New Paltz, NY 12561

St. John Fisher College
3690 East Ave.
Rochester, NY 14618

St. John's University
Grand Central & Utopia Parkways
Jamaica, NY 11439

Syracuse University
Syracuse, NY 13244

Utica College of Syracuse University
1600 Burrstone Road
Utica, NY 13502

Wagner College
631 Howard Ave.
Staten Island, NY 10301

Duquesne University
600 Forbes Ave.
Pittsburgh, PA 15282

Indiana University of Pennsylvania
Indiana, PA 15705

Lehigh University
Bethlehem, PA 18015

Lock Haven University
Lock Haven, PA 17745

Mercyhurst College

Glenwood Hills
Erie, PA 16546

Messiah College

Grantham, PA 17027

Millersville Univ. of Pennsylvania

Millersville, PA 17551

Moravian College

Bethlehem, PA 18018

Pennsylvania State University

University Park, PA 16802

Point Park College

201 Wood Street
Pittsburgh, PA 15222

Seton Hill College

Greenburg, PA 15601

Shippensburg Univ. of Pennsylvania

Shippensburg, PA 17257

Temple University

Broad and Montgomery Aves.
Philadelphia, PA 19122

University of Pittsburgh

Johnstown, PA 15904

Southern Connecticut State Univ.

501 Crescent Street
New Haven, CT 06515

University of Bridgeport

126 Park Avenue
Bridgeport, CT 06601

University of Connecticut

Storrs, CT 06268

University of New Haven

300 Orange Ave.
West Haven, CT 06516

University of Maine at Orono

Orono, ME 04469

Boston University

881 Commonwealth Ave.
Boston, MA 02215

Emerson College

100 Beacon Street
Boston, MA 02116

Endicott College

376 Hale Street
Beverly, MA 01915

Hampshire College

Amherst, MA 01002

Northeastern University

360 Huntington Ave.
Boston, MA 02115

Suffolk University

8 Ashburton Place
Boston, MA 02108

University of Massachusetts

Amherst, MA 01003

Westfield State College

Western Ave.
Westfield, MA 01086

Keene State College

229 Main Street
Keene, NH 03431

University of New Hampshire

Durham, NH 03824

University of Rhode Island

Kingston, RI 02881

St. Michael's College
Winooski Park
Colchester, VT 05439

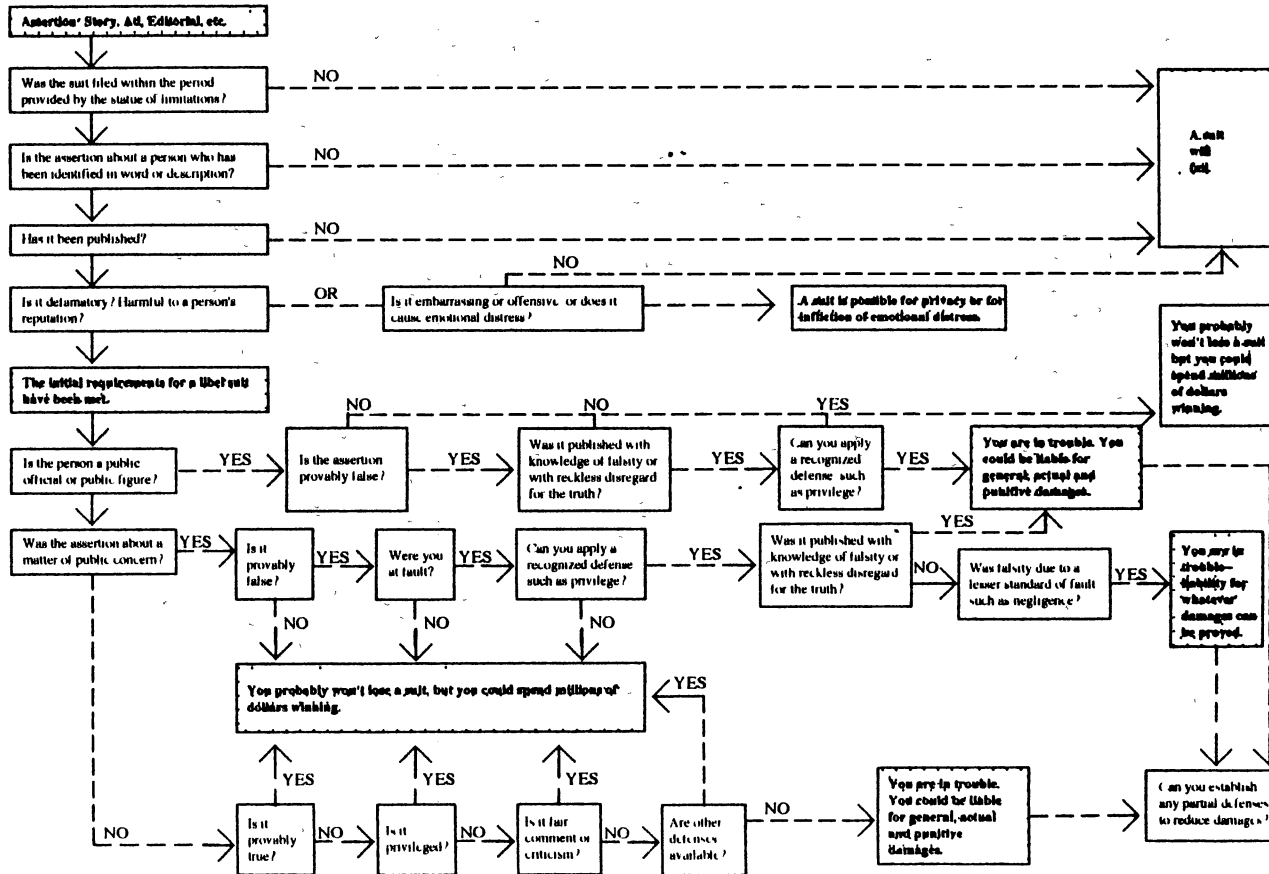
APPENDIX E

TEXTS USED BY RESPONDENTS

1. Mass Media Law, Don Pember (Wm C. Brown) —44
2. Media Law, Ralph Holsinger (McGraw)—30
3. The Law of Public Communication, Kent Middleton & Bill Chamberlin (Longman)—30
4. Law of Mass Communication: Freedom & Control of Print & Broadcast Media, Harold Nelson & Dwight Teeter (Foundation Press)—17
5. Mass Communication Law: Cases & Comments, Donald Gilmore & Jerome Barron (West Publishing)—10
6. Major Principles of Media Law, Wayne Overbeck & Rick D. Pullen (HR&W)—7
7. Mass Communication Law in a Nutshell, Harvey L. Zuckman (West Publishing)—6
8. The First Amendment and the Fourth Estate: The Law of the Mass Media, Barton Carter et al. (Foundation Press)—6
9. Media Ethics, Clifford Christians, Kim Rotzoll & Mark Fackler (Longman)—4
10. Associated Press Stylebook & Label Manual, Associated Press (Addison-Wesley)—3
11. Ethics in Media Communications: Cases and Controversies, Louis Day (Wadsworth Publishing)—3
12. Make No Law: The Sullivan Case & the First Amendment, Anthony Lewis (Random)—3
13. The Mass Media & The Law, John J. Watkins (P-H)—3
14. Regulation of the Electronic Mass Media: Law & Policy for Radio, Television, Cable & the New Video Technologies, Douglas H. Ginsburg et al. (West Publishing)—3
15. Arizona Reporters Handbook on Media Law—2
16. Broadcasting Magazine—2
17. Cases & Materials on Mass Media Law, Marc Franklin & David Anderson (Foundation Press)—2
18. Gideon's Trumpet, Anthony Lewis (Random)—2
19. Law & the Courts, American Bar Association—2
20. Legal Research Manual: A Game Plan for Legal Research & Analysis, Christopher & Jill Wren —2
21. Mass Media Law & Regulation, William E. Francis (Iowa State Univ. Press)—2
22. Minnesota Rag, Fred W. Friendly (Random)—2
23. Suing the Press, Rodney Smolla (Oxford Univ. Press)—2
24. The Supreme Court & the Mass Media: Selected Cases, Summaries and Analysis, Douglas Campbell (Greenwood)—2
25. All the President's Men, Bob Woodward & Carl Bernstein (S & S Trade)—1
26. Biography of a Legal Dispute, Franklin—1
27. Broadcast Law & Regulation, John R. Bittner (P-H)—1
28. Emergence of a Free Press, Leonard Levy (Oxford Univ. Press)—1
29. Entertainment Industry Contracts—1
30. Ethics in Journalism, Jeffrey Olen (P-H)—1
31. Freedom of Information, A Guide for Texas Media—1
32. Freedom of Speech in the United States, Thomas Tedford (McGraw)—1
33. Guide to Legal Terms and Procedures, Louisiana Bar Assoc.—1
34. Journalist's Handbook on Libel & Privacy, Barbara Dill (Free Pr)—1
35. Kinko Handouts—1

36. Legal Handbook for New York State Journalists, New York State Bar— 1
37. Louisiana Citizen's Rights Card— 1
38. Managing Media Organizations, John Lavine & Daniel Wackman (Longman)— 1
39. Mass Communication Law in Mississippi, Gene Wiggins— 1
40. Mass Communication Law in New Mexico, Pasternack— 1
41. Media Debates: Basic Issues in Mass Communication, Everette Dennis & John C. Merrill (Longman)— 1
42. Media Ethics: Issues and Cases, Phillip Patterson & Lee Wilkins (Wm C. Brown)— 1
43. Media Law Case Book, Briggs, Bunting, Murray— 1
44. Media Law Handbook, The State Bar of Texas Publication — 1
45. Open Meetings & Public Records in Iowa, Stein— 1
46. Playing it Straight: A Practical Discussion of the Ethical Principles of the American Society of Newspaper Editors (ASNE), John Hutteng (Globe Pequot)— 1
47. Principles of Communication Law, Lively, Essenthal— 1
48. Reporters Handbook on Media Law, CNPA— 1
49. Shaping the First Amendment: The Development of Free Expression, John Stevens (Bks Demand UMI)— 1
50. Supreme Court and the First Amendment, Joeseph J. Hemmer (Greenwood)— 1
51. Synopsis of the Law of Libel & the Right to Privacy, Bruce Sanford (Newspaper Ent.)— 1
52. Tapping Official Secrets, Reporters Comm. for Freedom of the Press— 1
53. The Brethren, Bob Woodward & Scott Armstrong (Avon)— 1
54. The First Amendment Book, Robert Wagman (Pharos Bks NY)— 1
55. The Media and the First Amendment, King & Ballow— 1
56. The Missouri Sunshine Law, Webster— 1

FLOW CHART FOR LIBEL OR PRIVACY SUITS



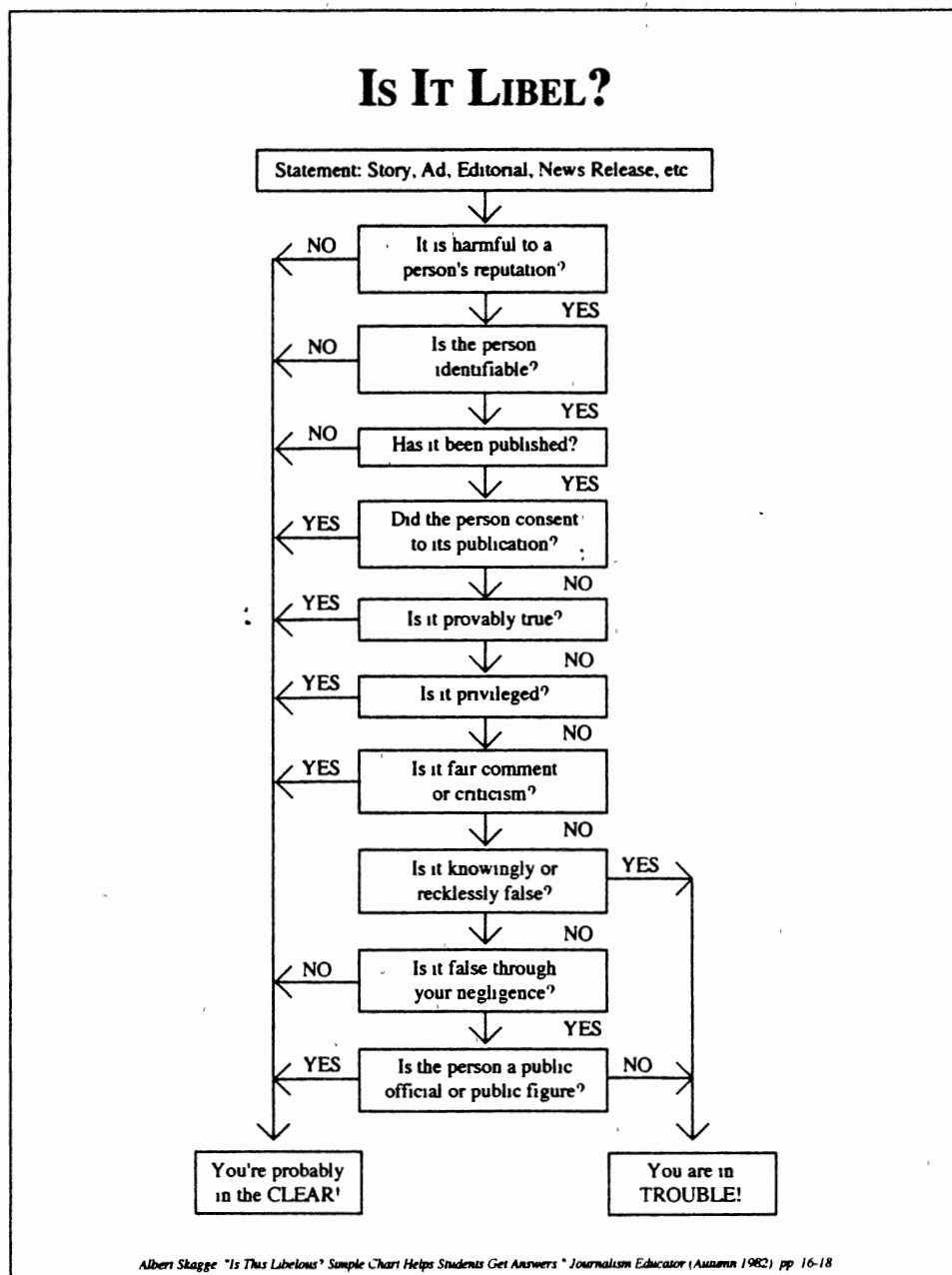
From Smith, "Learning Complexities of Modern Libel Law," *Journalism Education* (Spring 1989), pp. 70-76.

LIBEL CHART BY EVAN SMITH

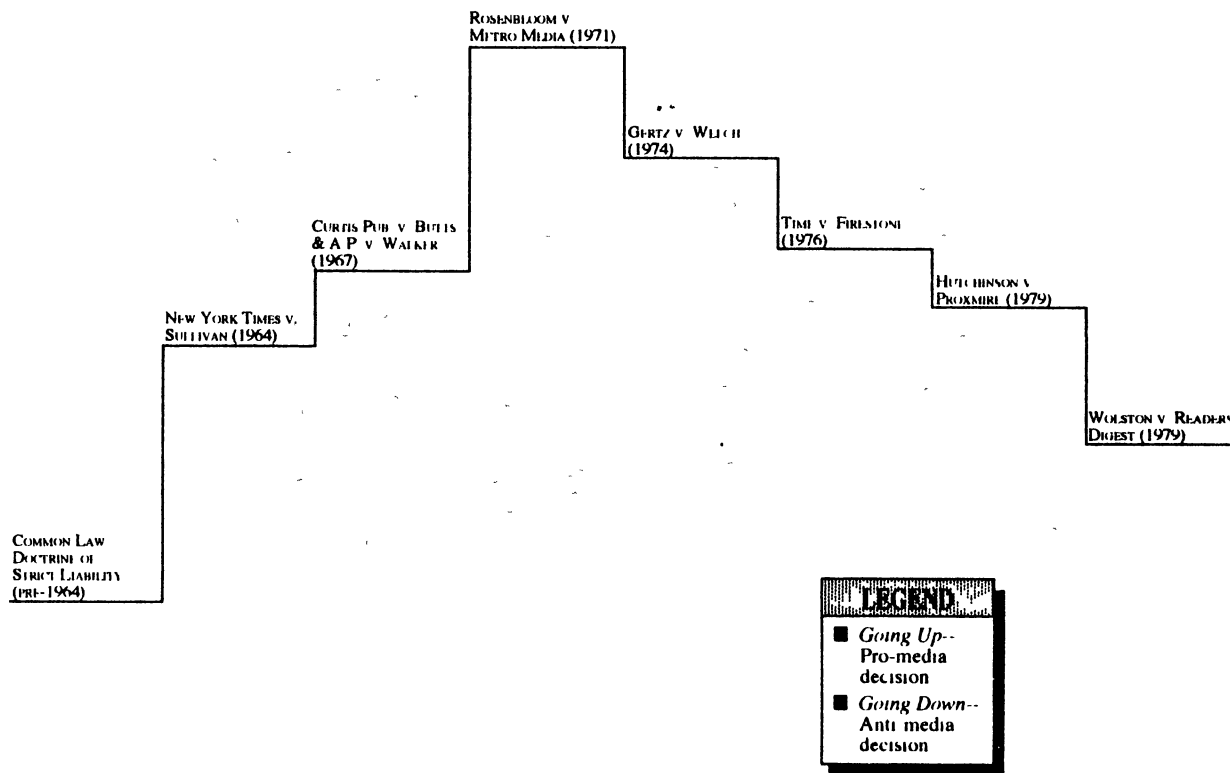
APPENDIX F

APPENDIX G

LIBEL CHART BY ALBERT SKAGGE



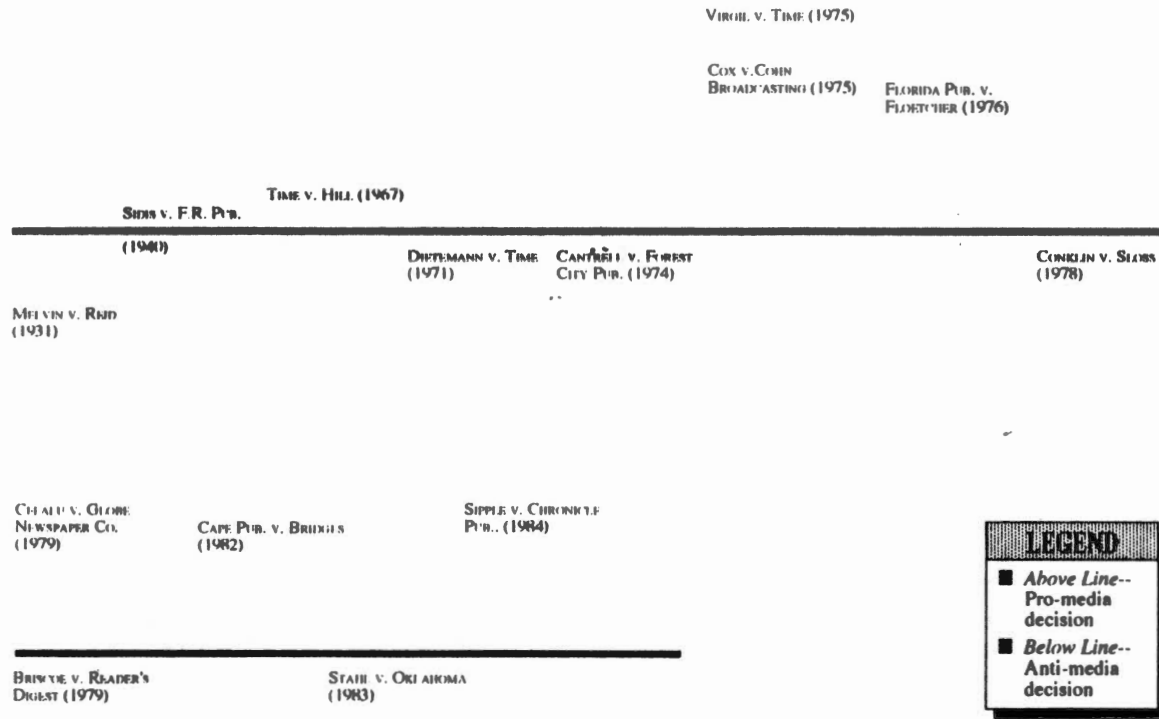
GRAPHIC DEPICTION OF LANDMARK LIBEL CASES



LIBEL CHART BY AUTHUR SEEGER

APPENDIX H

GRAPHIC DEPICTION OF LANDMARK PRIVACY CASES



LEGEND

- Above Line-- Pro-media decision
- Below Line-- Anti-media decision

PRIVACY CHART BY AUTHUR SEEGER

APPENDIX I

Journalism Educator, Spring 1987

BROADCAST ACCESS RULES

	EQUAL OPPORTUNITY RULE	FAIRNESS DOCTRINE	PERSONAL ATTACK RULE	POLITICAL EDITORIALIZING RULE
<i>Where did the rule originate?</i>	In Congress as a requirement stated by the enabling act	In agency as policy implementing public interest mandate	In agency as policy implementing public interest mandate	In agency as policy implementing public interest mandate
<i>What type of broadcast triggers application of the rule?</i>	Airing political candidate's appearance (outside regular news programming)	Airing of viewpoints during discussion of controversial public issues	Airing attack on individuals (not including candidates) while discussing public issues	Airing an editorial that endorses a candidate, opposes a candidate or takes sides on a public issue
<i>Who gets the subsequent opportunity to use airtime?</i>	The candidate's opponent(s) in this election	Spokesperson(s) for "other sides" of the issue	Person attacked	Spokesperson for opponent of endorsed candidate, for opposed candidate or for contrasting view of issue
<i>What kind of subsequent opportunity does the rule require?</i>	Equal (in amount and desirability of time, in rate of pay)	Reasonable (at station's discretion)	Reasonable (at station's discretion)	Reasonable (at station's discretion)
<i>Who must take the initiative in setting up the subsequent opportunity?</i>	Opposing candidate(s) must seek opportunity	Station must seek out opposing views	Station must seek out attack victim, provide copy and offer response time	Station must seek out affected spokesperson(s) and offer response time
<i>Can the station charge for time used by those who get the subsequent opportunity?</i>	Yes (as long as first candidate paid), rate must be the same	No Time must be given free if sponsor cannot be found	No Time must be given free if sponsor cannot be found	No Time must be given free if sponsor cannot be found

APPENDIX J

BROADCAST REGULATION BY JO ANN SMITH

INSTITUTIONAL REVIEW BOARD APPROVAL

OKLAHOMA STATE UNIVERSITY
INSTITUTIONAL REVIEW BOARD
FOR HUMAN SUBJECTS RESEARCH

Proposal Title: The Identification and Analysis of Teaching Methods for
a Communication Law Course

Principal Investigator: Dr. Charles Fleming / Mitch D. Bettis

Date: 3-25-92 IRB # AS-92-046

This application has been reviewed by the IRB and

Processed as: Exempt Expedite Full Board Review

Renewal or Continuation

Approval Status Recommended by Reviewer(s):

Approved Deferred for Revision

Approved with Provision Disapproved

Approval status subject to review by full Institutional Review Board at
next meeting, 2nd and 4th Thursday of each month.

Comments, Modifications/Conditions for Approval or Reason for Deferral or
Disapproval:

Signature: *Marcia S. Tilley* Date: 3-27-92
Chair of Institutional Review Board

VITA

Mitchell D. Bettis

Candidate for the Degree of

Master of Science

Thesis: THE TEACHING OF MASS COMMUNICATION LAW: THE EXAMINATION OF THREE METHODS OF INSTRUCTION AND THE USE OF THOSE METHODS IN AN UNDERGRADUATE COURSE

Major Field: Mass Communications

Biographical:

Personal Data: Born in Arkadelphia, Arkansas, October 16, 1967, the son of Don and Evelyn Bettis.

Education: Graduated from Arkadelphia High School, Arkadelphia, Arkansas, in May 1986; received Bachelor of Arts Degree in Mass Communication from Ouachita Baptist University at Arkadelphia in May, 1990; completed requirements for the Master of Science degree at Oklahoma State University in December, 1992.

Professional Organizations: American Journalism Historians Association, Education Committee; Association for Education in Journalism and Mass Communication.

Professional Experience: Teaching Assistant, School of Journalism and Broadcasting, Oklahoma State University, August, 1991, to December 1992.

Founder and Co-Owner, Advantage Advertising, Arkadelphia, Arkansas, November, 1988, to June, 1992.

Editor, Ouachita Baptist University Ouachitonian, Arkadelphia, Arkansas, January, 1987, to August, 1989.

Staff Writer and Photographer, Arkadelphia Publishing Company, Arkadelphia, Arkansas, April, 1985, to September, 1986.