



Table of Contents

Preface ix

Table of Cases xiii

1	The American Legal System	1
	The Key Role of the Courts	1
	Structure of the U.S. Court System	2
	Types of Law	15
	Criminal Law and Civil Law	20
	Torts and Damages	21
	The Story of a Lawsuit	23
	How to Find the Law	29
2	The Legacy of Freedom	33
	Censorship in England	33
	Freedom in a New Nation	36
	The First Amendment	38
	The First Amendment: Scholars' Views	40
	Nineteenth-Century Press Freedom	41
	Sedition in the Twentieth Century	45
	The First Amendment and the States	47
	Postwar Sedition and Dissent	50
	Interpreting the Constitution	52
	The Future of Freedom in a Terrorist Era	56
3	Modern Prior Restraints	63
	Prior Restraint Foundational Cases	64
	Censoring Offensive Expression and "Hate Speech"	72
	Controls on Literature Distribution	79
	Prior Restraints and Abortion Protests	87
	Other Picketing and Related Issues	93
	Anonymous Speech	105
	Discriminatory Taxation as Censorship	108
	Other Prior Restraint Questions	110
4	Libel and Slander	125
	Libel Defined	127
	An Overview of Libel	128
	The Elements of Libel	131
	Libel Defenses	138
	Libel and the First Amendment	150
	Refining the Actual Malice Rule	158
	Libel and Procedural Rights	165
	Other Issues in Defamation Law	179
	An Overview of Major Issues	186

5	The Right of Privacy	189
	The History of Privacy Law	189
	An Overview of Privacy Law	200
	Intrusion	201
	Disclosure of Private Facts	211
	False Light and Fictionalization	218
	Misappropriation	221
	Privacy Defenses	231
	The Internet and Privacy	232
	Data Privacy Developments	239
	An Overview of Major Issues	243
6	Copyrights and Trademarks	245
	An Overview of Copyright Law	248
	The Fair Use Doctrine	266
	Copyrights and Music Licensing	276
	Cable Television Copyright Problems	279
	Recording Technologies and Copyright Law	280
	Computers, the Internet and Copyright Laws	281
	International Copyrights	304
	Unfair Competition	308
	Trademarks	311
	Patents	324
	An Overview of Major Issues	324
7	Fair Trial-Free Press Conflicts	327
	Prejudicial Publicity and Fair Trials	327
	Closed Courtrooms	339
	Cameras in Court	352
	An Overview of Major Issues	359
8	Newsgatherer's Privilege	361
	Tools of the Court	363
	The First Amendment and Reporter's Privilege	365
	State Shield Laws	379
	Who Is a Journalist?	383
	Lawsuits By News Sources	387
	Newsroom Searches	389
	An Overview of Major Issues	391

9 Freedom of Information	393
The Federal Freedom of Information Act	397
Electronic Freedom of Information	412
FoI Limitations	413
Federal Open Meeting Legislation	422
State Open Meeting and Record Laws	424
Access to Other Places and Proceedings	427
Practical Suggestions for Media Professionals	432
An Overview of Major Issues	433
10 Obscenity and the Law	435
Early Pornography Battles	436
Changing Standards After 1900	437
Setting a New Standard	442
Other Forms of Censorship	451
Municipal Pornography Regulation	457
New Technologies and Sexual Content	463
An Overview of Major Issues	465
11 Regulation of Electronic Media	467
Broadcast Regulation: A Global View	468
The Radio Spectrum	469
The Birth of Broadcast Regulation	472
An Overview of the FCC	475
Broadcast Licensing	477
Broadcast Content Regulation	483
Cable Television Regulation	512
New Electronic Media Technologies	527
Internet Technologies and Challenges	532
An Overview of Major Issues	537
12 Media Ownership Issues	541
The First Amendment and Antitrust Law	546
Newspaper Antitrust Cases	547
Joint Operating Agreements	548
Broadcast Media Ownership Issues	553
Mass Media Mergers and Antitrust Law	561
Antitrust and Digital Media	565
An Overview of Major Issues	568

13 Advertising and the Law	571
The First Amendment and Advertising	571
Corporate Freedom of Speech	588
Advertising and Media Access	598
Federal Advertising Regulation	602
State Advertising Regulation	619
Self-Regulation	621
Advertising on the Internet	622
An Overview of Major Issues	627
 14 Freedom of the Student Press	 629
Early Supreme Court Decisions	630
The Supreme Court Changes the Rules	630
Collegiate Fallout from Hazelwood	634
High School Cases after Hazelwood	642
Freedom at Private Schools	649
Practical Considerations	650
An Overview of Major Issues	651
 Selected Excerpts from the Law	653
Index	654