



Table of Contents

Preface vii

Table of Cases xi

1	The American Legal System	1
	The Key Role of the Courts	1
	Structure of the U.S. Court System	2
	Types of Law	13
	Criminal Law and Civil Law	19
	Torts and Damages	20
	The Story of a Lawsuit	22
	How to Find the Law	28
2	The Legacy of Freedom	33
	Censorship in England	33
	Freedom in a New Nation	37
	The First Amendment	38
	The First Amendment: Scholars' Views	40
	Nineteenth-Century Press Freedom	42
	Sedition in the Twentieth Century	46
	The First Amendment and the States	49
	Postwar Sedition and Dissent	50
	Interpreting the Constitution	53
	The Future of Freedom in a Terrorist Era	56
3	Modern Prior Restraints	63
	Near v. Minnesota	64
	National Security and the "Pentagon Papers"	65
	Censoring "Hate Speech"	73
	Controls on Literature Distribution	80
	Prior Restraints and Abortion Protests	89
	Other Picketing and Related Issues	94
	Anonymous Speech	105
	Discriminatory Taxation as Censorship	108
	Other Prior Restraint Questions	110
4	Libel and Slander	123
	Libel Defined	125
	An Overview of Libel	126
	The Elements of Libel	128
	Libel Defenses	136
	Libel and the First Amendment	149
	Refining the Actual Malice Rule	157
	Libel and Procedural Rights	163
	Other Issues in Defamation Law	177
	An Overview of Major Issues	184

5	The Right of Privacy	187
	The History of Privacy Law	187
	An Overview of Privacy Law	198
	Intrusion	200
	Disclosure of Private Facts	210
	False Light and Fictionalization	216
	Misappropriation	218
	Privacy Defenses	229
	The Internet and Privacy	230
	Data Privacy Developments	237
	An Overview of Major Issues	240
6	Copyrights and Trademarks	243
	An Overview of Copyright Law	246
	The Fair Use Doctrine	262
	Copyrights and Music Licensing	274
	Cable Television Copyright Problems	276
	Recording Technologies and Copyright Law	277
	Computers, the Internet and Copyright Laws	279
	International Copyrights	301
	Unfair Competition	306
	Trademarks	309
	Patents	320
	An Overview of Major Issues	320
7	Fair Trial-Free Press Conflicts	323
	Prejudicial Publicity and Fair Trials	323
	Closed Courtrooms	335
	Cameras in Court	347
	An Overview of Major Issues	354
8	Newsgatherer's Privilege	357
	Tools of the Court	359
	The First Amendment and Reporter's Privilege	361
	State Shield Laws	375
	Who Is a Journalist?	379
	Lawsuits By News Sources	384
	Newsroom Searches	385
	An Overview of Major Issues	387

9 Freedom of Information	389
The Federal Freedom of Information Act	392
Electronic Freedom of Information	407
FoI Limitations	408
Federal Open Meeting Legislation	418
State Open Meeting and Record Laws	419
Access to Other Places and Proceedings	423
Practical Suggestions for Media Professionals	428
An Overview of Major Issues	429
10 Obscenity and the Law	431
Early Pornography Battles	432
Changing Standards After 1900	433
Setting a New Standard	439
Other Forms of Censorship	446
Municipal Pornography Regulation	453
New Technologies and Sexual Content	460
An Overview of Major Issues	461
11 Regulation of Electronic Media	463
Broadcast Regulation: A Global View	464
The Radio Spectrum	465
The Birth of Broadcast Regulation	468
An Overview of the FCC	471
Broadcast Licensing	473
Broadcast Content Regulation	480
Cable Television Regulation	509
New Electronic Media Technologies	522
Internet Technologies and Challenges	528
An Overview of Major Issues	531
12 Media Ownership Issues	535
The First Amendment and Antitrust Law	540
Newspaper Antitrust Cases	541
Joint Operating Agreements	544
Broadcast Media Ownership Issues	549
Mass Media Mergers and Antitrust Law	557
Antitrust and Digital Media	560
An Overview of Major Issues	562

13 Advertising and the Law	565
The First Amendment and Advertising	565
Corporate Freedom of Speech	580
Advertising and Media Access	590
Federal Advertising Regulation	593
State Advertising Regulation	611
Self-Regulation	614
Advertising on the Internet	615
An Overview of Major Issues	619
 14 Freedom of the Student Press	 621
Early Supreme Court Decisions	622
The Supreme Court Changes the Rules	623
Collegiate Fallout from Hazelwood	626
High School Cases after Hazelwood	635
Freedom at Private Schools	641
Practical Considerations	642
An Overview of Major Issues	643
 Selected Excerpts from the Law	 645
Index	646