

JO525 (A1)

# **Precedents & Principles: Journalism's history, law, and ethics**

**Profs. Dick Lehr and Chris Daly**

Boston University / Spring 2013

## **Course description:**

Journalism has a central role in American life. It also has a long history, which has given rise to a body of legal rulings and ethical standards that shape the landscape in which journalism is now conducted. In this course, we trace the arc of those developments – from the Colonial Era to the Digital Age. We believe that all journalists need to understand and appreciate the legacy of the past three centuries. Therefore, we will examine such topics as the First Amendment, the role of the press in the rise of party politics; press censorship in wartime; the rise of photojournalism; the emergence of libel law; and the array of legal and ethical issues posed by the digitization of news. Using a chronological approach with a mixture of historical materials and scholarly interpretations, we will address the major issues in media law and ethics.

## **Educational goals:**

Students will first encounter the past through contact with primary materials in journalism history, using newspapers, magazines, television, books, and other historical materials. Students will develop mastery over the legal doctrines of prior restraint, press freedom, libel, copyright, fair use, and reporter's privilege. Students will also engage ethical issues including privacy, deception, transparency, interventionism, and conflicts of interest.

## **Required Readings:**

*Covering America*, Chris Daly.

*The Elements of Journalism*, by Bill Kovach and Tom Rosensteil.

*News Values*, by Jack Fuller.

*Major Principles of Media Law*, Wayne Overbeck.

Other readings will be added to the course Blackboard site. Students are welcome to buy and use any version of these books. Readings are listed below on the dates they are to be discussed; they should be read in advance.

Recommended readings: the texts of the relevant U.S. Supreme Court cases.

**Contacts:**

**Prof. Daly** can be reached by email: [chrisdaly44@gmail.com](mailto:chrisdaly44@gmail.com)

Office: Alden Hall (704 Comm. Ave.), Room 307B.

Office Hours: Tues/ Thurs 11-12, and by appointment.

He also addresses issues in journalism and history in his blog:

[www.journalismprofessor.com](http://www.journalismprofessor.com)

**Prof. Lehr** can be reached by email: [lehr@bu.edu](mailto:lehr@bu.edu)

Office: COM, Rm 203F

Office Hours: Tues/Thurs, 2 to 3 pm, and by appointment.

**Grading:**

Your grade for the term will be dependent on the following considerations:

50% -- Final paper (Due Week 14)

25% -- Short paper (Due Week 7)

25% -- Class participation

**Class participation:** Preparation for and participation in class discussion constitute an important part of the course. All readings should be done in advance. Class participation will account for 25 percent of your final grade in the course.

**Attendance:**

Attendance at all classes is mandatory. (It is also educational.) If you are unable to attend class, you must contact one of the professors, in advance. Three or more unexcused absences may result in failure.

**Short Paper:** Students will prepare an original essay of 8-10 pages considering the issue of press freedom in the United States in comparison to any other country of the student's choosing. The paper should explain the second country's doctrine in light of that nation's history. If you use non-English sources, please consult one of the professors. Papers will be due at the class preceding Spring Break.

**Final Paper:** In consultation with the instructors, you will design, research and complete a substantial paper on a topic of your own devising. The final paper should represent an article-length essay of approximately 25 pages based on original research. You must document it with endnotes or footnotes and provide a complete bibliography. The essay is due one week before our last class and will constitute 50 percent of your final grade in the course.

**Plagiarism:**

Plagiarism -- the presentation of another's work as your own, even by mistake -- is an abomination and will not be tolerated. In journalism, truth and candor are the bedrock of our work. In history, original analysis and proper use of and acknowledgement of sources are critical. Plagiarism will result in failing this course and possible further penalties. Never do it, and never tolerate it in others. If you are in doubt, consult one of the professors.

Note also that the Boston University Code of Academic Conduct defines plagiarism as "any attempts by a student to represent the work or another as his or her own." Plagiarism is subject to serious sanctions, including reprimand, suspension, and expulsion. For a detailed description of Boston University's rules, consult the code of conduct at [www.cs.bu.edu/students/conduct.html](http://www.cs.bu.edu/students/conduct.html)

**Instructors:**

**Chris Daly** is a veteran journalist with experience in wire services, newspapers, magazines, books and on-line. A Harvard graduate, he spent 10 years at The Associated Press. From 1989 to 1997, he covered New England for *The Washington Post*. He holds a master's degree in history from the University of North Carolina, where he was a co-author of *Like a Family*, a social history of the South's industrialization. His writing has appeared in *Atlantic Monthly*, *Columbia Journalism Review*, *Parents*, *New England Monthly*, *Boston*, *American Prospect* and other magazines. He contributes free-lance articles and essays to newspapers and magazines, and he is the author of *Covering America*. He blogs at [www.journalismprofessor.com](http://www.journalismprofessor.com).

**Dick Lehr** is an award-winning journalist and author. For nearly two decades he was a reporter at the *Boston Globe*, where he was a Pulitzer Prize finalist and winner of numerous investigative and public service awards. He was a beat reporter (legal affairs), a feature writer, a magazine writer and investigative reporter on the Globe Spotlight Team. Before the Globe, he was a staff reporter at *The Hartford Courant* and *The Weekly Old Lyme Gazette*. He is coauthor of the forthcoming *Whitey: The Life Story of America's Most Notorious Mob Boss* (Crown, Winter 2013); author of *The Fence: A Police Cover-up Along Boston's Racial Divide*, coauthor of *Judgment Ridge: The True Story Behind The Dartmouth Murders*, the *New York Times* bestseller, *Black Mass: The Irish Mob, The FBI, and A Devil's Deal*, and *The Underboss: The Rise and Fall of a Mafia Family*. He has degrees from Harvard University and the University of Connecticut School of Law.

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**WEEKLY SCHEDULE:**

<b>WEEK 1--Course intro</b>	Jan 17
Introductions, methods, expectations, resources, etc.	
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<b>WEEK 2--Origins: Colonial era newspapers</b>	
History: the print shop/ the “open press” and the “free press” Read: <a href="#">Daly, chap 1</a> ; <a href="#">Franklin, “Apology”</a> ; <a href="#">Zenger (Finkelman, 154-163)</a>	Jan 22
Law & Ethics: First Amendment. Sedition Read: <a href="#">Overbeck, 38-42; 53-55; 2-11.</a> (NOTE: Overbeck page assignments refer to 2013 edition. The same passages can be found in earlier editions but the page numbers might vary slightly.)	Jan 24
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<b>WEEK 3--The advocacy tradition and party press</b>	
History: <a href="#">Paine, Callender, Jefferson</a> Read: <a href="#">Daly, 2</a> . <a href="#">Paine “Common Sense,” “The American Crisis No. 1”</a>	Jan 29
Law & Ethics: <a href="#">Getting it Right, Part I: The Truth Discipline</a> Read: <a href="#">Fuller, chap. 1, pp 3-43.</a>	Jan 31
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<b>WEEK 4--The Penny Press Era</b>	
History: rise of a commercial press/ telegraph/ Moon Hoax/ ads Read: <a href="#">Daly, 3.</a>	Feb 5
Law & ethics: <a href="#">Getting it Right, Part II: Evidence and Sources</a> Read: <a href="#">Fuller, chap 1, review pp 3-43.</a>	Feb 7
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<b>WEEK 5--The Civil War</b>	
History: abolitionists, “fire-eaters,” and polarization. Read: <a href="#">Daly, 4</a> . Excerpts from <a href="#">Garrison</a> , <a href="#">Rhett</a> , <a href="#">Douglass</a> , <a href="#">Gobright</a> , <a href="#">Smalley</a> .	Feb 12

Law & ethics: Intervening in War and Other Disasters Feb 14  
 Read: TBA -- handout or Blackboard.

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**WEEK 6--Photojournalism**

History: development of photography; merger with journalism Feb 19  
 Read: TBA

Law & Ethics: photo manipulation, taste, privacy Feb 21

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**WEEK 7—Yellow Journalism**

History: Mr. Pulitzer hires Nellie Bly Feb 26  
 Read: Daly, 5; Bly, “Ten Days in a Madhouse”

Law & Ethics: Journalistic Deception: Going Too Far? Feb 28  
 Read: Fuller, chap 2, pp 44-68.

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**WEEK 8—The Great War**

History: anti-war journalism/ propaganda/ early professionalization Mar 5  
 Read: Daly, 6.

Law & Ethics: Sedition Act of 1918/ Shenck, Debs, Abrams cases. Mar 7  
 Read: Texts of Sedition Act, Shenck case; Overbeck, chap 2: pp 45-52; 55-60.

**Short papers due.**

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**SPRING BREAK (MARCH 8-19)**

**WEEK 9—Broadcast news**

History: origins of radio and the Federal Radio Act of 1927 Mar 19  
 Read: Daly, 7

Law & Ethics: Regulation of Broadcasting/Fairness Doctrine Mar 21  
 Read: Overbeck, chap 11: pp 457-93; 515-23.

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WEEK 10—“**Trials of the Century**”

History: Sacco & Vanzetti, the Lindbergh baby, Scopes trial  
 Read: TBA Mar 26

Law & Ethics: Free press v. Fair trial  
 Read: Overbeck, chap 7: pp 317-339. Mar 28

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WEEK 11—**Cold War/ Civil Rights**

History: Murrow v. McCarthy, covering race  
 Read: Daly, 10. Others TBA. Apr 2

Law & Ethics: *Times v. Sullivan* and Libel  
 Read: Overbeck, chap 4: 119-145; and pp 22-28. Apr 4

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WEEK 12—**Vietnam, Part 1**

History: Halberstam and the Saigon press corps  
 Read: Daly, 11; also, excerpts from Halberstam, *Making of a Quagmire* and  
 Rudenstine, *The Day the Presses Stopped* Apr 9

Law & Ethics: Prior Restraint: Pentagon Papers/Wikileaks case.  
 Read: Overbeck, chap 3: pp 61-71; chap 2: 55-60. Apr 11

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WEEK 13—**Vietnam, Part 2** (short week, Monday holiday)

History: Reporters get “off the team” / Tet and My Lai  
 Read: excerpts from Cronkite, Hersh, Herr. Apr 16

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**WEEK 14—Watergate**

- History: the scandal and the impact on journalism Apr 23  
 Read: Daly, 12; original reports from WaPo, NYT, CBS.  
 Video: excerpts, “All the President’s Men,” “Frost/Nixon”
- Law & Ethics: Reporter’s Privilege (Confidential Sources) Apr 25  
 Read: Overbeck, chap 8: pp 351-67; 374-76.

FINAL PAPER due

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**WEEK 15—Digital journalism**

- History: new technology, business models, philosophies Apr 30  
 Read: Daly 13, 14; Rosen, “The People Formerly Known as the Audience”
- Law & Ethics: Copyright and “Fair Use” in the digital space May 2  
 Read: --Kovach and Rosensteel  
 Overbeck, chap 6: pp 239-69; 274-88; 293-95.