

Study Guide for Third Exam
MMC 4200-Spring 2001
Law of Mass Communications
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Chap. 7 - Advertising

1. How did the First Amendment protections for commercial speech evolve? See Valentine v. Chrestensen and New York Times v. Sullivan.
2. What is the extent of First Amendment protection for commercial speech? Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council.
3. What “test” does a judge use in determining whether a regulation of advertising is an unconstitutional regulation because it violates the First Amendment?
4. Does the First Amendment protect false advertising?
5. When are regulations (also known as “prior restraint”) permissible when it comes to advertising? What are some other differences between commercial and political speech?
6. What is the Central Hudson test and when is it used?
7. What is the FTC? What does it regulate? Where does its authority come from? What powers does it have?
8. What is an unfair practice?
9. What is a deceptive ad?
10. What are express and implied falsehoods?
11. What authorities can regulate advertising?
12. What is the FTC’s complaint process?
13. What is the Lanham Act and when is it used?
14. What is RICO and when is it useful to stop misleading or deceptive advertising?

Chap. 9 - The Media and the Judiciary (Free Press and Fair Trial)

1. What constitutional provisions are in conflict when the media want to cover the courts?
2. What are the judicial remedies for prejudicial publicity?
3. When can a court overturn a verdict because of pretrial publicity?
4. How does the U.S. Supreme Court define bias?
5. How should reporters respond if a judge wants to close a courtroom?
6. What are the rules regarding cameras in the courts? Is there a difference between state and federal courts? What’s the rule in Florida?
7. What can judges do to control prejudicial publicity? What can’t they do?
8. What is a gag order? Who can and cannot be gagged?

9. What test for gag orders did the court establish in the Nebraska Press Assoc. v. Stuart case? What three factors did the Nebraska Court say courts must consider before issuing a gag order?
10. Does the media have a First Amendment right to attend judicial proceedings? When can judicial proceedings be closed? Which proceedings are open to the public?
11. What kinds of statements are likely to raise a strong presumption of prejudice?

Chapter 11 - Access to Information

1. What does the Constitution (the First Amendment) say about access to information?
2. Why is freedom of information important?
3. Does the First Amendment guarantee the right of access by the press and the public to courts?
4. What are the limitations on gathering news and access to public and quasi-public property?
5. Where does the right of access to governmental records come from?
6. What is the Freedom of Information Act? Who can use it? When would you use it? What type of information is covered by FOIA (hint: Which federal entities are excluded?)? What information is exempt (hint: focus on exemption we discussed in class)?
7. In Department of Justice v. Reporters Committee for Freedom of the Press, how did the Supreme Court balance disclosure of personal information against the right to obtain information about a governmental agency?
8. What was the central issue in New York Times v. NASA and how did the Court rule? Why?
9. What is the Privacy Act of 1974 and what does it protect?
10. What is the Buckley Amendment and what does it protect?
11. What law gives you access to federal meetings?
12. What law gives you access to meetings of state, city or county governments in Florida?
13. What does the Florida Sunshine Law require?
14. What governmental bodies are covered by the Florida Sunshine Law?
15. When does the Florida Sunshine Law apply?
16. What law governs access to public records in the state of Florida?
17. What is a public record? Are computer records public records?
18. How does someone get a public record?
19. How much can they charge for a public record?
20. Are there exemptions to the Public Records Law?
21. Can records custodians be penalized if they refused to comply with the Public Records Law? With the Sunshine Law?

Chap. 12-Broadcasting and Indecency (pages 361-377 of Chapter 8)

1. How and why do courts treat broadcasting differently than print media?
2. What are the rationales for government regulation of ownership and content in the electronic media?
3. What process and criteria are used to license and relicense broadcast stations.
4. Do individuals have a right to discuss public issues on broadcast stations?
5. What is the FCC? What are the FCC's most important content controls? How does the FCC enforce its policies?
6. What are the First Amendment issues arising from regulations of the various electronic media?
7. What is the Equal Opportunities Rule? Who does it apply to? What does it mean? (hint: Section 315 of the 1934 Communications Act). What are the exceptions?
8. What is the Fairness Doctrine? What happened to it? What related policies still remain?
9. What are the rules governing personal attacks and political editorials?
10. What are the rules for political candidate ads?
11. What is the Zapple Rule?
12. What is the scarcity doctrine and what does it mean?
13. What is indecency and how is it different from obscenity?
14. How has the FCC tried to deal with indecent and obscene broadcasting?
15. What is a "safe harbor"? What does "channeling" mean?
16. What is the Children's Television Act? Why was it passed? What does it require of broadcasters?
17. What is the law on hoaxes, fright and violence?
18. What does payola and fraud mean?
19. What is the difference between a broadcaster, a cable operator and a common carrier?
20. Why is the difference important?

Chapter 13 - Regulation of Cable, Internet, Telephone, and Other Electronic Media (pages 563-579)

1. What are the laws regulating the cable industry?
2. What First Amendment protections apply to cable? What level of First Amendment protections do cable operators enjoy?
3. Are content-based or content-neutral regulations on cable allowed?
4. What is the 1996 Telecommunications Act?
5. What was the CDA? What is the CDA II (COPA)? What is the status of the COPA?
6. What did the U.S. Supreme Court say about the CDA?
7. What level of First Amendment protection applies to the Internet?

IMPORTANT CASES

Chap. 7-Advertising

Valentine v. Chrestensen

Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council

Central Hudson Gas & Electric v. Public Service

Chap. 9 – The Media and the Judiciary

Sheppard v. Maxwell

Murphy v. Florida

Patton v. Yount

Irvin v. Dowd

Chandler v. Florida

Richmond Newspapers, Inc. v. Virginia

Globe Newspaper v. Superior Court

Press Enterprise v. Riverside Superior Court (Press Enterprise I)

Press Enterprise II

Nebraska Press Association v. Stuart

Gentile v. State Bar of Nevada

Chap. 11 – Access to Information

U.S. Department of Justice v. Reporters Committee for Freedom of the Press

New York Times v. NASA (from class lecture)

Procurier v. Pell

Chap. 12 - Broadcasting

Red Lion Broadcasting v. FCC (compare with Miami Herald v. Tornillo)

Pacifica Foundation v. FCC

Chap. 13 - Cable

Turner Broadcasting Sys., Inc. v. FCC

Reno v. American Civil Liberties Union (ACLU)