

# Media Literacy

## *Communication Law*

*Note: there will be a quiz over this material next week*



# Seek the Truth and Report It

- Journalists should:
  - o Never plagiarize
  - o Support the open exchange of views, even views they find repugnant
  - o Test the accuracy of information from all sources and exercise care to avoid inadvertent error
  - o Identify sources whenever feasible
  - o Avoid stereotyping by race, gender, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status
  - o Give voice to the voiceless

# Minimize Harm

- Journalists Should
  - o Be cautious about identifying juvenile suspects or victims of sex crimes
  - o Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief
  - o Recognize that gathering and reporting information may cause harm or discomfort

# Be Accountable

- Journalists should:
  - o Clarify and explain news coverage and invite dialogue with the public over journalistic conduct
  - o Encourage the public to voice grievances against the news media
  - o Admit mistakes and correct them promptly
  - o Expose unethical practices of journalists and the news media
  - o Abide by the same high standards to which you hold others

# The First Amendment

- Religion
- Press
- Speech
- Petition
- Assembly

# Nine Areas of Unprotected Speech

- 1. *Obscenity***
- 2. *Defamation***
- 3. *expression intended to incite imminent lawless action***
- 4. *fighting words***
- 5. *unwarranted invasion of privacy***
- 6. *deceptive or misleading advertisements or those for illegal products/services***
- 7. *clear and immediate threats to national security***
- 8. *copyright violations***
- 9. *expression on school grounds that causes a material and substantial disruption of school activities***

# Terminology

- **defamation:** injury to reputation (see Mo. Definition) <http://members.mobar.org/pdfs/media-law-handbook/chapter1.pdf>
- **Libel:** written defamation
- **Slander:** spoken defamation

# Proving defamation in Missouri

- In order to successfully recover damages for libel or slander, the person complaining of defamation (the "plaintiff") must prove each of the following things: (1) the publication; (2) of a defamatory statement; (3) which identifies the plaintiff; (4) which is objectively capable of being proven materially false; (5) which is published with the requisite degree of fault ("actual malice" in the case of a public official or public figure plaintiff; negligence in the case of a private figure plaintiff); and (6) damages proximately resulting therefrom.



# More Defamation

- In the context of defamation law, a statement is "published" when it is made to the third party. That term does not mean that the statement has to be in print.