

MEDIA LAW MIDTERM

- Budget your time. You have 50 minutes. No late submissions.
- Make sure you sign the honor pledge at the bottom of this document after printing but before submitting.
- PRINT only your answers, not the prompts below.
- Use of ANY electronic device for ANY purpose during the exam period will result in a “0” (zero) on this exam, as will use of ANY SOFTWARE other than Word.

I. SHORT ANSWER (10 points each)

A. List the five freedoms articulated in or by the First Amendment to the U.S. Constitution, and be specific (i.e., one-word answers aren’t enough for at least three of the five).

B. What are the five **sources** (but not types) of law?

C. Matching: Match the term with the definition

1. Stare decisis et non quieta movere	a. ‘Let the decision stand’
2. Venire	b. ‘Send the records up’
3. Voir dire	c. Where a court draws its pool of jurors
4. Venue	d. Questioning jurors to assess fitness
5. Writ of certiorari	e. Where a case is heard

II. The birth of the First Amendment through incorporation (35 points)

Using the listed cases and law, walk me through how the First Amendment became alive in U.S. jurisprudence using the legal principle of *incorporation*.

- *Barron v. Baltimore* (1833)
- *Debs v. U.S.* (1919)
- *Schenck v. U.S.* (1919)
- *Abrams v. U.S.* (1919)
- *Gilbert v. Minn.* (1921)
- *Gitlow v. NY* (1925)
- *Near v. Minn.* (1931)
- *Grosjean v. American Press* (1936)

Other cases and statutes that might help you:

- The Espionage Act of 1917 and Sedition Act of 1918
- *Whitney v. Calif.* (1927)
- *Stromberg v. California* (1931)

III. SHORT ESSAY (35 points): Read the following newspaper article and answer the question following, in essay form. (Based on a true story.)

Trent University’s nearly 150-year-old newspaper, *The Argus*, has been at the center of a freedom of expression debate, and now the university has stripped the paper of the funding it uses to print twice

weekly. The money, provided by the university’s Division of Student Affairs, will instead go toward creating work-study positions.

A students-only town hall meeting was called to address controversy over an op-ed published in the *Argus* two weeks ago that criticized the Black Lives Matter movement. The op-ed, which was written by a student and ran on Sept. 14, questioned whether the Black Lives Matter movement was prompting positive change, and whether it could be contributing to increased danger for police officers. The result of the meeting was a petition signed by 150 students calling on the university to punish the newspaper. The university responded by shutting off the *Argus*’s funding.

Although the opinion’s author, Bryan Stascavage, is a staff writer at the *Argus*, the op-ed reflected his personal views, not those of the paper’s editorial board, according to Rebecca Brill, a co-editor in chief of the *Argus*. The piece sparked anger toward the paper among some students, who protested on the campus and on social media.

A petition calling for university to defund the *Argus* if it did not comply with a list of demands gathered more than 150 signatures. Those demands included committing work-study or course-credit positions at the volunteer-based publication, reporting each month on the use of the newspaper’s funding, offering social-justice and diversity training for all publications on the campus, actively recruiting minority students to write for the *Argus*, and providing space on the paper’s front page dedicated to the voices of students who feel marginalized.

An open letter to the campus, signed by “A Group of Concerned and Unapologetic Students of Color,” states, “We do not have the time, nor luxury, to be caught up in this smokescreen of free speech. Let us be clear: This is not an issue of your free speech. This is an issue of our voices being silenced, our community is under attack.”

Brill said calls for defunding the paper shocked her because the issue that contained the controversial op-ed was so focused on free speech, and she said cutting the newspaper’s funding is simply a prior restraint form of censorship. Without the money, the paper cannot be produced, she said.

“Debates can raise intense emotions, but that doesn’t mean that we should demand ideological conformity because people are made uncomfortable,” Brill said. “As members of a university community, we always have the right to respond with our own opinions, but there is no right not to be offended.”

Can Trent University, a public school, survive a legal challenge to its prior restraint censorship of *The Argus* and re-allocation of the newspaper’s funding? Use the following in your answer:

- *Dickey v. Alabama State Board of Education* (1967)
- *Papish v. Board of Curators of the University of Missouri* (1973)
- *Joyner v. Whiting* (1973), *Thonen v. Jenkins* (1973), *Stanley v. McGrath* (1983)
- *Kincaid v. Gibson* (2001)
- *Hosty v. Carter* (2005)

Extra credit (all or nothing, no partial credit): Name ALL nine USSC justices.

Honor Pledge

By signing this pledge, I indicate that I neither received nor gave unauthorized assistance on this exam.