

DISCUSSION QUESTIONS
(SETTING THE STAGE/JUDICIAL SYSTEM)
(1ST AMENDMENT/BROADCASTING CONSIDERATIONS)

SETTING THE STAGE

1. Thinking critically and dialectically.
 - a. Consider Hegel's model of Thesis + Antithesis = Synthesis.
2. Explain the Dark Ages and the Enlightenment as they pertain to how human beings were regarded.
 - a. Keep in mind the notion of human reason and how this factors in.
 - b. Where did authority over the individual reside in each?
3. Know the following terms associated with our discussion:
 - a. positivism
 - b. reason
 - c. republicanism
4. What is the paradox of the Enlightenment as it relates to living within a society?
5. Know what the Allen Davis case demonstrates regarding absolute freedom.
6. Identify the type of government John Locke suggested was the only valid form of government in an enlightened society.
7. How does the U. S. system of governance/politics work?
8. What were the three conditions I identified in class that made the "American Experiment" a possibility at the time?

BROADCASTING

1. Understand how we defined the term *broadcasting* in class.
 - a. Be able to define the mode of revenue in U.S. broadcasting.
2. What is the relation between U.S. broadcasting and the U.S. government?
 - a. Why is the *federal* government the regulator of broadcasting in the U.S. and not the states?
 - b. Be able to define and characterize the rationale (Public Interest Standard) that opens the door for the U.S. government to so heavily regulate broadcasting.
 - i. Know the three components of that P.I. Standard.
3. Describe the two paradoxes or tensions that inform U.S. broadcasting as we discussed in class.
 - a. What is the government's role in these paradoxes?

SPEECH

1. Understand what Justices Brandeis (*Whitney v. California*, 1927) and Brennan (*Texas v. Johnson*, 1989) had to say about the role and importance of unrestrained speech.
2. Know what Milton said about the struggle between false and truthful speech.
3. What was so significant about the Zenger case in terms of speaking the truth?

4. Understand the legal limitations placed on free speech which we discussed in class:
 - a. Clear and Present Danger
 - b. Imminent Lawless Action
 - c. Obscenity
 - d. Disclosing State Secrets
5. How does broadcasting fit into the speech picture?

U.S. LAW AND FEDERAL COURTS

1. Identify the four sources of law that we discussed in class
2. Understand the progression of the federal court system from District to Circuit to Supreme Court.