

Think First

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Free expression
through
responsible
journalism

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Oct. 3, 2008

Minors and Obscenity

Time: (2) 50-minute journalism class sessions

Goal:

In today's technologically advanced world, it's nearly impossible to shield children from all offensive and sexually explicit language and imagery. Obscene language is abundantly seen and heard on television, in magazines and books, and on the Internet.

The problem is not the material itself, most of which is protected by the 1st Amendment because it's intended for adults. It's the possibility of student journalists becoming immune to the offensiveness of obscene material that is worrisome. What might be funny to a young reporter or yearbook editor could be offensive and obscene to their young readers, and their school officials.

This lesson plan will familiarize student journalists with several court rulings that pertain to the topic of published obscenity. They will also adopt a policy to prohibit obscenity in their publications, and learn what their state law is on the subject.

Assignment:

1st 50-minute class:

Task 1: Read Law of the Student Press.

Task 2: Research these court cases:

Ginsberg v. State of New York; Roth v. United States; Papish v. Board of Curators; Bethel v. Fraser; Miller v. California; Pope v. Illinois.

Task 3: Create a time-line using these specific cases. Include the year, ruling and significance of each case. (THIS TIMELINE WILL BE COMPLETED AND AVAILABLE FOR ANY TEACHER USING THIS LESSON PLAN)

Task 5: Research and document the obscenity clause in your school policy, as well as in your state (if such policies exist).

2nd 50-minute class:

Turn in: 1) timeline 2) policy on obscenity 3) state obscenity law 4) open discussion

Discussion questions:

- I. What is offensive and obscene to you? Where do you draw the line?
- II. Are your parents lenient when it comes to offensive material around the house, or pretty open?
- III. Are you surprised to know obscenity is not covered by the 1st Amendment?
- IV. Do you see a difference between an average person and a reasonable person, as distinguished in Pope v. Illinois?
- V. Do you think there ever could be a justification for using obscene language in a student publication or yearbook?
- VI. Should a yearbook be more lenient with the obscenity rules?
- VII. Do you think obscenity is one reason school officials would like to, or do, commit prior review?



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Materials were produced for this Web site by the Journalism Education Association (<http://jeapressrights.org>) and the Center for Scholastic Journalism (<http://jmc.kent.edu/csaj>).

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Assignment learning objectives:

Students will achieve the following objectives:

1. Study case law as it pertains to obscenity.
2. Become familiar with school and state policies on obscenity.
3. Realize that obscenity is not protected by the 1st Amendment.
4. Be aware that obscene material legal in adult publications, but not high school publications.

References:

Law of the Student Press

http://www.splc.org/report_detail.asp?id=994&edition=26

<http://law.jrank.org/pages/8580/Miller-v-California.html>

<http://www.findlaw.com/01topics/06constitutional/cases.html>

<http://library.findlaw.com/2003/May/15/132747.html>



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