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THIS UNIT PLACES you in situations in which you have to make decisions about what we should or should not be able to say in newspapers and magazines. It also asks you to think about what newspapers and magazines should or should not be able to say about you.

The First Amendment of the United States Constitution protects freedom of the press, but the courts have never interpreted this as total freedom.

think are stupid, or that many of us find offensive.

The First Amendment of the United States Constitution protects freedom of the press, but the courts have never interpreted this as total freedom. We expect some friction in society. We will always be able to read things in newspapers and magazines that we do not agree with, that we

The First Amendment protects most of this information. However, the courts have to balance the interests of magazine and newspaper publishers and the interests of other people who claim that a newspaper or magazine has harmed them. This harm can include wrongfully damaging someone's reputation or invading someone's privacy.

However, most newspapers and magazines usually do not need to be concerned on a daily basis with First Amendment issues. They are more concerned with popular opinion. This is because newspapers and magazines must reflect society's interests in order to be profitable. If a newspaper or a magazine bores too many readers, it goes out of business. If a newspaper or a magazine offends too many readers, it goes out of business. If a newspaper or a magazine cannot attract readers who appeal to advertisers, it . . . well, you get the idea. Although newspapers and magazines are concerned with the laws and the courts, they are much more concerned with the marketplace.

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment and Teens -----

YOU SHOULD BEGIN this activity by reviewing the wording of the First Amendment, which appears on the previous page. Do the students who write for your school newspaper enjoy First Amendment protection? In 1988, the United States Supreme Court decided that they do, but with some limitations. In the case of *Hazelwood v. Kuhlmeier*, students at a public high school in Missouri had written articles that their principal then deleted from the school newspaper. One article discussed teen pregnancies; the other discussed how their parents' divorcing affected teenagers. Although the court said that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," it also said that the rights of these students "are not automatically [the same as] the rights of adults in other settings." This is because, the court said, "[e]ducators are entitled to exercise greater control over . . . student expression to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school."

Answer the following questions. Use another sheet of paper, if necessary.

1. Do you agree with the court that students writing for a school newspaper should not have the same amount of freedom of the press that older adults have? Explain why or why not.

The court said that a school principal could delete a student newspaper article if that would "assure that [students] learn whatever lessons the activity is designed to teach."

2. What lesson would student newspaper writers and editors learn if their principal deleted one of their articles? Explain your answer.

(continued)

The First Amendment and Teens -----

The court also said that a school principal could delete a student newspaper article so that “readers . . . are not exposed to material that may be inappropriate for their level of maturity.”

3. Do you think that an article about teen pregnancies is inappropriate for some high school students? Explain why or why not.

One of the principal’s concerns about the article on teen pregnancies was that, even though the article did not give the names of the pregnant students, it would have been easy for readers to identify those students.

4. Do you think the principal was correct when he deleted the article in order to protect the anonymity of the pregnant students? Explain why or why not.

Not all nine members of the United States Supreme Court agreed with this decision. Three judges joined in a dissenting opinion. They said that the school principal “violated the First Amendment’s prohibitions against censorship of any student expression that neither disrupts classwork nor invades the rights of others.”

5. With whom do you agree—the six judges who said that a high school principal could delete the articles, or the three judges who said that the principal should not be able to delete the articles? Explain your answer.

(continued)

The First Amendment and Teens -----

The Student Press Law Center warns high school students that the First Amendment does not protect students from being sued for invasion of privacy. The Center warns students that they “need to be aware that with press freedom does come legal responsibility.”

Imagine that the principal in the Hazelwood case does not delete the article on teen pregnancies, and the article is published. Many students recognize the identity of one of the pregnant teens discussed in the article. She is very upset and sues for invasion of privacy.

It is safe to presume that the students who wrote the article have very little money of their own.

6. Should the pregnant student be able to sue the high school principal? Explain why or why not.

7. Should the pregnant student be able to sue the parents of the students who wrote the newspaper article? Explain why or why not.

The *Hazelwood* case involved a public high school. Government agencies operate public high schools. The government does not operate private high schools.

8. Do you think that students writing for a school newspaper at a private high school would have more rights of free press, fewer rights, or the same rights as student writers at a public school? Explain your answer.

What Does What You Read Say About You? -----

EIGHTY PERCENT of teenagers read magazines on a regular basis. This translates into nearly 20 million magazine readers. A 2004 study also found that teenagers trust magazines more than other advertising media. Because most magazine publishers seek niches of readers rather than a broad readership, publishers work hard at making your favorite magazines feel like they belong to you. In this activity, we will evaluate whether magazine publishers are successful in this effort.

First, describe yourself. For each of the following questions, use three different adjectives to describe yourself. (If you are not sure what an adjective is, it is a word that describes a noun or pronoun, such as the word "green" in the phrase "the green car." In this case, the pronoun is *you*.)

1. Three adjectives that best describe you *as you actually are*:

2. Three adjectives that best describe you *as you would like to be*:

3. Three adjectives that best describe how you would like people your age to perceive you:

4. Three adjectives that best describe how you would like advertisers to perceive you:

5. Next, we will look at your interests. Describe the five activities you like doing the most when you are not in school:
 -
 -
 -
 -
 -

(continued)

Activity 2 (continued)

What Does What You Read Say About You?-----

6. Now, we will look at your spending habits. List the top five things (products, services, or activities) on which you are *most likely* to spend your money:

-
-
-
-
-

7. List the top five things (products, services, or activities) on which you would *most enjoy* spending your money (your answers here may be different from your answers to question 6):

-
-
-
-
-

Before you answer the next questions, look through several magazines that you enjoy reading. This should especially include any magazines you subscribe to or buy on a regular basis. Use another sheet of paper for your answers, if necessary.

8. Do you believe that many of the other readers of these magazines are people like you? Explain why or why not, using specific examples of editorial articles or advertisements to support your answer.

(continued)

What Does What You Read Say About You?-----

9. Do you believe that many of the other readers of these magazines are people with the same interests as you have? Again, explain why or why not, using specific examples of editorial articles or advertisements to support your answer.

10. Review your answers to questions 6 and 7. Are many of the advertisements in these magazines for the types of products, services, or activities that you listed in those questions? Explain why or why not.

Jane Rinzler Buckingham, the president of Youth Intelligence, a marketing firm that focuses on teenagers and other young people, said, “[Teenagers] will go to magazines that become life-stylists for them. Because what they’re hoping to get is some sort of vision of how they can be the best that they can be. In terms of some of what we’re hearing about magazines, magazines are the filters to their world.”³

11. Is what Buckingham says true about most teenagers? Explain why or why not.

12. Is what Buckingham says true about you? Explain why or why not.

³<http://www.magazine.org/content/files/teenprofile04.pdf>

Your Privacy Versus the Electronic Newspaper and Magazine -----

YOU PROBABLY ALREADY know that it is almost impossible to be anonymous when we use the Internet. Although some publishers fear the shift from printed newspapers and magazines to electronic versions, many are very excited. Perhaps the most significant feature of the Internet for publishers and advertisers is that it allows interactivity. This means that instead of a publication and its advertisements being a "one-way street" with the information coming only from the publisher and advertisers, the Internet allows advertisers to receive communications from consumers.

This is not because publishers and advertisers like you and think you're cool! Each time you visit a web site and click on a link to an article or click on a banner advertisement, you provide feedback to publishers and advertisers. This allows publishers to find out quickly what types of articles are interesting to readers and which ones are not. Publishers use this information to gather a larger audience for their advertisers. Interactivity allows advertisers to find out which advertising messages work and which ones do not work.

Interactivity also allows publishers and advertisers to build a database about consumers, which helps advertisers to conduct **data mining**. For example, if a teenager subscribes to a magazine, the magazine and its advertisers may know nothing about that subscriber except his or her name and address. Inside the magazine, a contest or an opinion poll might be featured that asks the reader to go to the magazine's web site. Once there, the magazine can ask for demographic and psychographic information about the reader: his or her age, hobbies, likes and dislikes, and so forth. Or an advertisement inside the magazine might contain the advertiser's web site address and encourage readers to go to that site. The advertiser's web site might ask for similar demographic and psychographic information.

Answer the following questions. Use another sheet of paper, if necessary.

1. Publishers and advertisers have found that teenagers are the age group most likely to participate in contests, opinion polls, and other activities that require readers to provide information about themselves. Why do you think teenagers are more likely to participate than older adults are? Explain your answer.

(continued)

Your Privacy Versus the Electronic Newspaper and Magazine -----

2. One of the challenges for publishers and advertisers when they try to find out about teenagers' likes and dislikes is that teenagers are a "moving target." What do you think they mean by the term "moving target"? Explain your answer.

Go to the web site of a magazine that is popular with you and your friends. Look around the site, and count how many ways this site tries to gather information about you.

3. Describe what you found.
4. How do you think the magazine and its advertisers will use this information?

A survey conducted in 2000 found that one in three Internet users between the ages of seven and sixteen were willing to give out their home address over the Internet in order to receive free samples, gifts, or information. The Children's Online Privacy Protection Act (COPPA) does not allow the collection of any personal information from anyone under the age of thirteen without parental consent. This is just one of the reasons why web sites ask about your birth date.

5. Do you think the average thirteen-year-old is worried about privacy risks on the Internet? Explain your answer.

(continued)

Activity 3 (continued)

Your Privacy Versus the Electronic Newspaper and Magazine -----

6. *Should* a thirteen-year-old worry about privacy risks on the Internet? Explain why or why not.

Imagine that a teen-oriented magazine asks its readers to identify their favorite movie stars and musicians.

7. How long do you think the information from this poll will be current? Explain your answer.

8. Why do you think teenagers' preferences for movie stars and musicians change?

9. Which age group do you think changes its preferences for movie stars and musicians more often—teenagers or adults in their forties? Explain your answer.

Your Face in Print-----

YOU MAY HAVE HEARD about certain groups of people who do not want their photograph taken. Some of these people say that taking their picture amounts to taking their soul. Most people do not have this interpretation of photography. However, there are situations when we do not want our photograph taken; there are certainly situations in which we do not want our photograph published in a magazine.

Answer the following questions. Use another sheet of paper, if necessary.

Imagine that you are injured in a serious car accident on a highway. (We hope this never happens!) A photograph of you, bleeding and obviously in pain, is published in a local newspaper without your permission. The photograph appears above a news article about the accident.

1. Do you think that you should be able to sue the newspaper for having published your photograph without your permission?

The following question presumes some of the same circumstances as question 1. You are injured in a serious car accident on a highway. A photograph of you bleeding and obviously in pain is published. However, the photograph does not appear in a newspaper, as in question 1. In this situation, the photograph appears in a trade magazine directed toward people in the cement industry. The article in which your photograph appears discusses why the cement industry needs to try to get more money from the government to build safer highways.

2. Many people would argue that you would have a better chance to sue successfully in this situation than in the situation presented in question 1. Explain why.

(continued)

Your Face in Print-----

One day you have the opportunity to meet one of your favorite celebrities, Bigg Schott. He signs an autograph for you and agrees to have his picture taken with you. A friend takes a photograph of you and the celebrity. A professional photographer who is following the celebrity around also takes a photograph of the two of you.

The professional photographer's photograph of you and Schott appears in a local newspaper. The photograph appears with a news story about Schott's visit to your community.

3. Do you think that you should be able to sue the newspaper for publishing the photograph without your permission? Explain why or why not.

Unfortunately, the week after the photograph was taken, Schott is arrested for a serious crime. A news magazine publishes the photograph of you and the celebrity together. The magazine does not publish your name, only that of Schott.

4. Do you think that you should be able to sue the magazine for publishing the photograph without your permission? Explain why or why not.

Presume some of the same circumstances as in question 4, except that the magazine *does* publish your name below the photograph of you and Schott.

5. Do you think this gives you a better chance to sue successfully than it did in the situation in question 4? Explain why or why not.

(continued)

Your Face in Print-----

Again, presume some of the same circumstances as in question 4, except that the magazine publishes the **caption**, "Famous celebrity and accused criminal Bigg Schott meets with one of his loyal fans."

The magazine article does not mention that your photograph with Schott was taken *before* he was arrested.

6. Some lawyers would say that the caption places you in a "false light." Explain what you think they mean by this.

We will now switch to a new set of circumstances. Imagine that you heroically save someone from a car that has been driven into a pond. A newspaper photographer arrives on the scene while you are bravely helping the motorist. Your photograph appears in the next day's newspaper. However, the caption below the photograph misidentifies the two of you. The caption identifies you as the victim and the victim as the hero. You call the newspaper and ask the editor to publish a correction. The editor refuses to do so.

7. What would you do next? Explain your answer.