

HISTORY 370 – LEGAL ISSUES IN MEDIA HISTORY

Fall 2012

Instructor: Dr. Kyle Riismandel
Email: kriis@njit.edu
Room: CKB 222
Time: Thursday 830-11:25 AM
Office: Cullimore 326
Office Hours: Monday 3-4PM

Course Description:

In this course, we will consider how legislation and jurisprudence have structured the development of media industries, artists, and end-users in postwar America. We will examine how media law and policy affect media content and industry behavior as well as artists', citizens', and consumers' rights. In addition, we will contextualize the development of media law within broader social and political currents in American history and analyze how multiple intertwining histories –the advent and adoption of new technologies; the shifts in American politics and culture; the transformation of American social life and leisure; and the interpretation, application, and reinterpretation of American law – collectively have affected the role, content, and structure of media in American life.

Required Texts:

All texts are available for download via Moodle: moodle.njit.edu

Course Goals and Expectations:

By the end of the semester, students should have:

1. Knowledge of the key legal and cultural issues in 20th century media history in America
2. Competence in and familiarity with the analysis of primary source texts including but not limited to court decisions, legislation, television, music, and Internet texts as well as other popular media texts.
3. Experience writing and speaking critically about developments in American media history

Assignments

Exams: There will be two exams in this course, a midterm and a final. These tests will be comprised primarily of identifications and essay questions. The questions will come from course readings, lectures, and discussions. Prior to both exams, I will provide students with a list of topics, a selection of which will comprise the exam. The final exam will be cumulative.

Papers: The papers will each be 2-3 page responses to one week's readings. It is up to you to choose which weeks you want to do. Papers will be due the Monday before class no later than 5PM. Papers handed in after 5PM will be disregarded and another paper will have to be completed later in the semester for students to meet course requirements. An instruction sheet will be distributed to guide students in their work.

Class participation: Students are expected to participate actively in all class discussions and activities, to be respectful to the instructor and their fellow classmates, to arrive to class on time, and to stay focused on what is happening in our classroom not on chatting or using digital devices. Further, participation will be assessed not just on quantity but on quality. Quality participation demonstrates a knowledge of the issues at hand, completion of that week's assignments, and a willingness to engage in critical assessment of course texts and lectures.

Students are expected to attend class and to be punctual. Excessive absences or late arrivals will result in a greatly diminished class participation grade. **I encourage students to check in with me over the course of the semester regarding their class participation performance. Further, do not wait to contact me if you are falling behind or having trouble understanding course content. Earlier is always better.**

Final grades will be calculated as follows:

Response Paper 1: 15%

Response Paper 2: 15%

Midterm: 20%

Final: 25%

Class Participation: 25%

FAILURE TO COMPLETE ALL ASSIGNMENTS WILL AUTOMATICALLY RESULT IN AN F FOR THE COURSE.

Course Policies

Attendance

Students are expected to attend all course meetings unless receiving prior authorization. Missing class will not only adversely affect your class participation grade, but **if you accrue more than 5 absences, you will receive an F in this course.** This policy refers to all absences, including missing class because you are ill or have a family emergency. However, if you miss class to attend an NJIT sponsored event, to observe a religious holiday, or documented illness such absences will be excused. ***For these absences to count as excused, you **must** receive permission from the instructor in advance or provide a doctor's note in the case of sickness.

Office hours/student appointments: My office hours will be every Monday from 4-5 PM. I am also available to meet by appointment if students are unable to make it to my office during these times. Feel free to send me an email to set up a meeting if you'd like to talk to me. And please feel free to come by if you have any questions about course topics, assignments, or grades.

Academic dishonesty: Students are expected to obey the NJIT honor code and I will enforce this code to its fullest extent. For the tenets of the code or for clarification of what constitutes plagiarism or cheating, please consult: <http://www.njit.edu/academics/honorcode.php>.

Cell phones: Students must turn off their cell phones before class begins. Under no circumstances may students answer their phones, make calls, send text messages, or use their cell phone in any manner during class hours unless approved by me before class begins. If I see a student using a cell phone in class, I will at minimum mark that student absent for the class and reserve the right to ask the student to leave for the remainder of the class.

Laptops and miscellaneous technology rules: Students may use laptops in this course for class-related activities only. If I learn that students are using laptops for any other purpose, I will issue a laptop ban for this class.

Students are also prohibited from listening to ipods or using any other device in this class that has not received prior authorization. Essentially, you are only in class approximately 3 hours a week. Please be present and prepared when you are here. If you want to text or surf the internet, please do not come to class.

Students with Disabilities or Special Needs: Students who have disabilities or special needs should contact NJIT's Student Disability Services to help procure accommodations in completing coursework. The center can be found at <http://www.njit.edu/counseling/services/disabilities.php>.

Course Schedule:

Week 1 September 6th Syllabus Review and Course Expectations/How to think about media in America

Reading: Grossberg, Wartella, et. al., *MediaMaking: Mass Media in a Popular Culture*, Ch. 1

Week 2 September 13th – Regulation and Censorship of the Film Industry

Readings: Garth Jowett, "A Significant Medium for the Communication of Ideas: The Miracle Decision and the Decline of Motion Picture Censor, 1952-1968," pp. 258-277, from Frances G. Couvares, ed., *Movie Censorship and American Culture* (1996)

Screening: Excerpt, *This Film Is Not Yet Rated*, dir. Kirby Dick, 2006

Week 3 September 20th – NO CLASS – PLEASE READ AHEAD

Week 4 September 27th– Dirty Words, Dirty Ideas: The Legal Limits of Taste

Listening: George Carlin, "Seven Words You Can Never Say on Television," *Class Clown* (1972)

Reading: Marjorie Heins, "Policing the Airwaves," pp. 89-109 from *Not in Front of the Children: "Indecency," Censorship, and the Innocence of Youth* (2001)

Week 5 October 4th – The Culture Wars: Indecency, Morality, and Regulating the Media

Readings: Tipper Gore, *Raising PG Kids in an X-Rated Society* (1988), pp. 1-46

Andrea Dworkin, "Against the Flood: Censorship, Pornography, and Equality" (1985), pp. 253-275

C. Delores Tucker, Testimony to Congress at the hearing to "Examine the Effects of Violent and Demeaning Imagery in Popular Music on American Youth," (1994).

Michael Eric Dyson, Testimony to Congress at the hearing to "Examine the Effects of Violent and Demeaning Imagery in Popular Music on American Youth," (1994).

Week 6 – October 11th – Monopoly, Technological Restrictions, and the Birth of Modern Hacking

Reading: Ron Rosenbaum, "Secrets of the Little Blue Box," *Esquire* (October 1971).

Week 7 October 18th – Seize the Airwaves: Pirate Radio and Low Power FM/Distribute Midterm Exam

Reading: Jesse Walker, *Rebels on the Air: An Alternative History of Radio in America*, pp. 197-244

Week 8 October 25th – The Fairness Doctrine, Equal Time, and the Politics of the News

Reading:

Patricia Aufderheide, "After the Fairness Doctrine: Controversial Broadcast Programming and the Public Interest." *Journal of Communication* (New York), Summer, 1990.

Week 9 November 1st – MIDTERM EXAM

Week 10 November 8th – Sampling and the Legal Aspects of a New Art Form

Readings: Daphne Keller, "The Musician as Thief: Digital Culture and Copyright Law" in Paul D. Miller, *Sound Unbound: Sampling Digital Music and Culture* (2008), pp. 135-151

Mark Hosler, "Some Thoughts for Congress about Creativity and Copyright" -

http://www.negativland.com/news/?page_id=87

Screening: *Copyright Criminals*, (2006)

Week 11 November 15th Who Owns the Internet? The Debate Over Net Neutrality

Readings: Cory Doctorow, "Net Neutrality for Writers: It's All About the Leverage"

<http://www.locusmag.com/Perspectives/2011/01/cory-doctorow-net-neutrality-for-writers-its-all-about-the-leverage/>

"The Case Against Net Neutrality" - <http://www.thelessonapplied.com/2010/08/11/the-case-against-net-neutrality/>

Save the Internet, "Net Neutrality 101" - <http://www.savetheinternet.com/net-neutrality-101>

Week 12 November 20th – Social Networks, Privacy, and the Law

Reading: Daniel Solove, *The Future of Reputation: Gossip, Rumor, and Privacy on the Internet*, pp. 17-50 and 105-125

Week 13 November 29th – Online Piracy: From Napster to SOPA/PIPA/CISPA/Distribute Final Exam

Readings:

Electronic Frontier Foundation, "Disastrous IP Legislation Is Back - And It's Worse than Ever"

<https://www.eff.org/deeplinks/2011/10/disastrous-ip-legislation-back-%E2%80%93-and-it%E2%80%99s-worse-ever>

Electronic Frontier Foundation, "SOPA: Hollywood Finally Gets A Chance to Break the Internet"

<https://www.eff.org/deeplinks/2011/10/sopa-hollywood-finally-gets-chance-break-internet>

Scott Steinberg, "SOPA and PIPA War: An Analysis," *Rolling Stone*, 1-20-12.

<http://www.rollingstone.com/culture/blogs/gear-up/the-sopa-and-pipa-war-an-analysis-20120120>

Scott M. Fulton, "Legal Analysis of SOPA / PROTECT-IP: No, It's Not Censorship,"

<http://www.readwriteweb.com/enterprise/2011/11/legal-analysis-of-sopa-protect.php>

Week 14 December 6th – FINAL EXAM