HIST 370-001: Legal Issues in Media History

Kyle Riismandel

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HISTORY 370.001: LEGAL ISSUES IN MEDIA HISTORY
FALL 2020

Professor: Dr. Kyle Riismandel
Email: kriis@njit.edu
Room: Online
Time: Tuesday and Thursday, 230-350PM
Office Hours: I will be available each for appointments on Monday and Wednesday, 12-2PM. Please sign up to meet via the link on Canvas. If you would like to meet but cannot during those times, please send me an email to arrange an alternate time.

Course Description:
In this course, we will consider how legislation and jurisprudence have structured the development of media industries, artists, and end-users in American history. 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. BRING ALL TEXTS TO CLASS (ON PAPER OR ELECTRONICALLY) as you may need to refer to them during discussion or be asked to use them for class activities.

Course Goals, Expectations, and Assessments:

<table>
<thead>
<tr>
<th>Course Goals – Students will:</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>Identify and understand key legal and cultural issues in 20th century media history in America.</td>
<td>Reading Quizzes</td>
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<td>Historian’s Brief</td>
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<td>and Final Exam</td>
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<td>Class Participation</td>
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<td>Identify, analyze, and deploy primary source texts including but not limited to court decisions, legislation, television, music, and Internet texts as well as other popular media to make historical arguments.</td>
<td>Historian’s Brief</td>
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<td>Class Participation</td>
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<td>Demonstrate proficiency in writing and speaking critically about regulations, laws, and court cases in American media history</td>
<td>All assignments</td>
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<tr>
<td>Identify, analyze, and deploy secondary sources to make historical arguments.</td>
<td>Historian’s Brief</td>
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<td>and Final Exam</td>
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<td>Class Participation</td>
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<td>Reading quizzes</td>
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<td>Be informed citizens who can understand</td>
<td>All assignments</td>
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and participate in contemporary debates about media law and regulation

Course Grade:
Failure to complete all of the assignments will result in an automatic F for the course.
Final grades will be calculated as follows:

- Class Participation: 15%
- Recap Paper (8%) and Presentation (5%): 13%
- Reading Quizzes (4 x 3%): 12%
- Historian’s Brief Proposal: 5%
- Historian’s Brief Draft: 5%
- Historian’s Brief Final: 25%
- Take-home Final Exam: 25%

Assignments

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 also on quality. Quality participation demonstrates 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. The participation grade may also include pop quizzes and short writing assignments done in class.

I encourage students to check in with me over the course of the semester regarding their class participation performance. As a reminder, office hours are for meeting with students. You do not need to make an appointment during those times. Further, do not wait to contact me if you are falling behind or having trouble understanding course content. I am here to help!

Recap Paper and Presentation:
You will be responsible for recapping one class during the semester. That means, for your chosen date, you will write a short paper (400-750 words) that will include the key analytical takeaways from a lecture and/or discussion. That means, you should articulate what we learned or now understand about that week’s theme or topic as well as how it connects to the broader themes and ideas discussed to that point in the course. At the next class, you will start by presenting your recap to the class. You do not need to do a formal presentation. Rather, you should shortly summarize the main points of your paper. An assignment sheet with further instructions will be distributed in class and via Canvas.

Reading Quizzes: Five quizzes will be given throughout the semester to test your comprehension of that week’s reading assignments. Depending on the week, the quiz may include questions on more than one reading. These will not be “gotcha” questions but will be used to evaluate your understanding of the key concepts of the reading assignments.

Historian’s Brief: This assignment will ask you to prepare an historian’s brief for a Supreme Court case from the list of cases on Canvas. In short, this brief will present historical evidence to advocate for a particular outcome in that case. You will propose which case and outcome you
will be advocating, write a draft brief, and revise based on my comments to submit a final draft. Further directions will be available via an assignment sheet on Canvas.

**Exam**: There will be one exam, a take-home final. This exam will test your knowledge of key terms, events, policies, and debates in media history policy debates and will ask you to think critically about the role of government, corporations, and citizens in media regulation in the United States.

**Course Policies**

**Attendance:**
Students are expected to attend all course meetings on time unless receiving prior authorization. Missing class will not only adversely affect your class participation grade, but there will be screenings in class that will only be offered during that class period so do your best to attend. If you miss class to attend an NJIT sponsored event, to observe a religious holiday, or due to a documented illness, those 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.

**Classroom Conduct:**
In this course, we welcome intellectual inquiry and thoughtful discussion of difficult questions, but hate speech and disrespectful comments will not be tolerated. We must to come to class with an open mind, a willingness to learn, and fundamental respect for the humanity of each person in the room and the historical actors we discuss.

**Office hours/student appointments:**
My office hours will be . 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 or 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. The goal of this course is to evaluate your understanding of course materials and ability to express that understanding. Cheating, plagiarizing or otherwise violating the code of academic integrity not only breaks the trust between professor and student but keeps you from learning course content and improving writing and critical thinking skills. I am here to help so if you are having trouble, do not cheat, ask me for help.


Generally speaking, it is a violation of the academic integrity code to:

- Use someone else’s words or ideas without attribution
- Copy content from someone else’s paper, quiz, or exam
- Pay for course assignments to be complete by someone else

**Cell phones:**
Students must turn off and stow 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. I do not want to interrupt class to ask you to stop texting. It interrupts the flow of discussion, distracts other students, and will inevitably embarrass the texter. I understand that cell phones have become central to many of our lives, but their use in class is a distraction for not just the user but others in class.

Laptops and miscellaneous technology rules:
Students may use laptops in this course for class-related activities only. Essentially, you are in class approximately 3 hours a week. Please be present and prepared when you are here. If you would rather text or surf the internet, please do not come to class.

Students Requiring Accommodations:
Students who require accommodations 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 – SEPT 1
TUESDAY: Introductions/What is Media?/Why do we study it?/Canvas orientation
Secondary Sources
   ● Roosevelt University, “The Parts of a Court Decision”
   ● Law Librarians’ Society of Washington, D.C., “Quick Links and Sources to Court Opinions”
THURSDAY: Case Study: The Postal Service and American Democracy
Secondary Source
   ● Richard R. John, “The Postal System as an Agent of Change” from Spreading the News: The American Postal System from Franklin to Morse

WEEK 2 – SEPT 8
TUESDAY – NO CLASS/MONDAY SCHEDULE
THURSDAY: Lecture: Communications Technology and the Public Interest

WEEK 3 – SEPT 15
TUESDAY: Discussion
Secondary Source
   Robert Horowitz, The Irony of Regulatory Reform, Ch. 5, pp. 126-154
READING QUIZ #1 - HOROWITZ
THURSDAY: Introduction to the Historian’s Brief

WEEK 4 - SEPT – 22
TUESDAY: Lecture: Who Owns the Internet?
THURSDAY: Discussion - The Digital Divide
Primary Sources

Secondary Sources

ASSIGNMENT – HISTORIAN’S BRIEF PROPOSAL DUE SEPT. 23RD BY 5PM

WEEK 5 – SEPT 29
TUESDAY: Lecture: The Public Airwaves and the Public Interest
THURSDAY: Discussion
Primary Source
● FCC, “Obscene, Indecent and Profane Broadcasts,”
Secondary Source

WEEK 6 – OCT 6
TUESDAY: Lecture: From the Airwaves to Coaxial Cable
THURSDAY: Discussion
Secondary Source
● Allison Perlman, Public Interests: Media Advocacy and Struggles over U.S. Television, Ch. 2

READING QUIZ #2 – PERLMAN

WEEK 7 – OCT 13
TUESDAY: Monopoly and Media Consolidation
Discussion
Secondary Sources
● Marjorie Heins and Mark Cooper, “The Legal and Social Bases of Localism are Stronger than Ever”
● Last Week Tonight, “Sinclair Broadcast Group” -- https://www.youtube.com/watch?v=GvtNyOzGogc

THURSDAY: Discussion
Secondary Source

WEEK 8 – OCT 20
TUESDAY: Lecture: First Amendment and the Free Press
THURSDAY: Discussion
Secondary Source
● “Wikileaks and the First Amendment,” Bulletin of the American Academy of Arts and Sciences, Vol. 65, No. 3 (Spring 2012)
WEEK 9 – OCT 27
TUESDAY: Historian’s Brief Workshop
THURSDAY: Media Law and Regulation in the 2020 Election

WEEK 10 – NOV 3
TUESDAY: NO CLASS – VOTE!!!!!!!!!!!!!!!!!!!!!!!!!!!!
THURSDAY: Copyright
Lecture: Sampling and the Legal Aspects of a New Art Form

WEEK 11 – NOV 10
TUESDAY: Discussion
Secondary Sources
- Sarah Jeong, “The Hidden Costs of Streaming Music,” The Verge, March 14, 2018

READING QUIZ #3 - KELLER
THURSDAY: Lecture: Online Piracy from Napster to SOPA/PIPA/CISPA
ASSIGNMENT: HISTORIAN'S BRIEF DRAFT DUE NOV. 13TH BY 5PM

WEEK 12 – NOV 17
TUESDAY: Discussion
Secondary Source
- Alex Sayf Cummings, “The Bootleg South,” Southern Cultures, Vol. 19, No. 1 (Spring 2013), pp. 82-97

THURSDAY: Lecture: Surveillance and the Law: COINTELPRO to the Patriot Act

WEEK 13 – NOV 24
TUESDAY: Discussion
Primary Source
- The Guardian, “The NSA Files”
Secondary Source

THURSDAY: – NO CLASS – THANKSGIVING BREAK Discussion

WEEK 14 – DEC 1
TUESDAY: Discussion
Secondary Sources
- Virginia Eubanks, Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor, Ch. 5

READING QUIZ #4 – EUBANKS
THURSDAY: Discussion
Secondary Source
- Shoshana Zuboff, The Age of Surveillance Capitalism, Ch. 5
WEEK 15 – DEC 8
TUESDAY: Wrap Up/Big Takeaways
ASSIGNMENT: 3 BIG TAKEAWAYS DUE DEC 7TH BY 5PM
THURSDAY: Final Exam Review
ASSIGNMENTS:

- HISTORIAN’S BRIEF FINAL DRAFT DUE DECEMBER 13TH AT 5PM
- TAKE-HOME FINAL EXAM DUE NO LATER THAN DECEMBER 20TH AT 5PM