

Request for Copyright Exemption
Supporting Comments
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I am writing to support a DMCA exemption for Media Literacy Education, recently submitted to the U.S. Copyright Office on behalf of Professor Renee Hobbs (Docket No. RM 200-8 Classes 4C and 4D).

As a Professor of English and Film at Westchester Community College (State University of New York), I have been actively engaged in media literacy education for more than thirty years. I regularly use films, videos, commercials, and other media in my classes to teach my students how to access, analyze, evaluate, and communicate messages in different media forms. Since 1970, my research and professional work—including five books, countless conference presentations, and many other publications—have focused on changes in our media environment and the impact of these changes on society.

The use of media is clearly central to my classes, but I will limit my comments to three examples: 1) classroom study that requires multimedia compilations, 2) distance learning courses that require media clips, and 3) multimedia essays that include “quotes” from multimedia sources.

Multimedia Compilations. In a typical class, I may need to compare excerpts from several movies or television shows. We may be studying the changing images of women in television, for example, or the evolution of American film comedy. In previous years, I might have cued up several video cassettes to relevant scenes and screened them in succession so that my students could explore the shifting patterns of speech, dress, and behavior that signify shifting cultural values. Or I might have used a laser disc to jump from one scene in a movie to another to discover how a character develops or a theme is played out. The linear technology of video cassettes and the digital precision of laser discs permitted this kind of close analysis.

However, with the advent of DVDs, such standard classroom practices have become extremely difficult if not impossible. Unlike a CAV laser disc, a DVD does not allow the user to locate a precise frame in the film. At best, users are limited to pre-selected “chapters,” so that a teacher must resort to clumsy forwarding techniques to find a scene she wants to focus on. Unlike a video cassette, a DVD cannot be cued to a particular moment in the video. To show a series of film clips in succession, users must start each film from the beginning. To make matters worse, many DVDs force users to endure several minutes of promotional material before they can even start the film. All this delay and technical maneuvering frustrates the educational objectives of a class that studies the social significance of visual imagery. It is a major obstacle to media education.

Imagine an English teacher who wants to trace the character development of Iago in *Othello* or who wants to compare the tragic heroes in three Shakespearean plays. A similar copyright restriction on print materials would require the teacher to start each play anew, read the preface, then flip through the pages searching for each relevant quote. Fortunately, both the law and the technology allow this teacher to quote brief passages side by side for evaluation and analysis.

The first exemption proposed by Renee Hobbs, “authorizing circumvention of technological protection measures for teaching applied to audiovisual works” for the purpose of media literacy education, would help to solve this problem. It would give teachers like me an essential tool for classroom study by allowing us to place excerpts from different segments of a DVD or from several DVDs on a single medium. This would be equivalent to the English teacher who prepares classroom materials ahead of time by selecting brief passages of text and reproducing them on a single page. For media education, which takes moving images as its primary text, this would help to bring copyright law into alignment with the educational needs of the twenty-first century.

Distance Learning. At my home institution, more and more courses are being taught online, part of a national trend in distance learning. I teach online versions of my film and English courses, all of which involve students in the process of accessing, analyzing, evaluating, and communicating messages in different media. In order to comply with current copyright restrictions, I have gone through costly and time-consuming steps to give my online students access to appropriate multimedia materials. This is another area where an exemption would enable teachers like me to include short video clips as a proper focus of study when students do not have full or ready access to the required range of DVDs.

Student Multimedia Essays. As our society evolves technologically, as citizens become inundated with messages on a proliferating selection of screens--from multiplex theatres and home video centers to computers mobile phones--it becomes increasingly urgent for young people to learn how to assess these messages, examine their imagery, and make sound judgments about them. Students who once sought to make sense of print materials by writing essays quoting books and newspapers now are being asked to write essays that make sense of an expanding media environment. The technology now exists to enable these students to include hyperlinks to Web sources as well as audiovisual clips in their multimedia essays. A multimedia essay on the presidential elections might include links to ads on YouTube or "quote" short segment from recent documentaries, stored along with the essay's text in digital form. Under current copyright restrictions, the options for such student projects are severely constrained. The second exemption proposed by Dr. Hobbs would enable students to compose thoughtful multimedia essays under the responsible supervision of a teacher for the purposes of media literacy education. This would represent a marked advance in our efforts to prepare a nation of educated consumers and citizens for the digital age.