

Comment: In support of 4C and 4D

Name: National Public Radio

Proposed Classes: 4C and 4D.

Summary of Arguments for 4C and 4D:

NPR is committed to creating “a more informed public – one challenged and invigorated by a deeper understanding and appreciation of events, ideas, and culture.”¹ Likewise, media literacy encourages critical thinking about messages in the media, and how the media influences behavior and beliefs. NPR actively encourages media literacy online, in classrooms, and in its community. NPR supports 4C and 4D because not only will these exceptions promote the public benefits of media literacy, but they will not disadvantage content producers. For these reasons, NPR supports 4C and 4D.

Arguments Supporting 4C and 4D:

NPR actively supports media literacy through opening its Application Programming Interface (“API”), encouraging the News Literacy Project, and promoting local media literacy education. These endeavors illuminate the public benefit of media literacy which justifies granting an exception to the DMCA.

NPR opened its API in July of 2008. This permits NPR web users to create their own podcasts as well as structure, organize, and access NPR material dating from the present to 1995.² API user-empowerment transforms media consumption from passively happening to users, into an active experience that requires analysis and contextualization, thereby, promoting greater media literacy.

NPR also supports media literacy education in the more formal setting of a schoolhouse through its support of the News Literacy Project. The News Literacy Project teaches students K-12 media literacy skills by bringing journalists into the classroom to explain how media is interwoven in every subject. NPR CEO, Vivian Schiller, chairs the board of the News Literacy Project, and NPR reporters Steve Inskeep and Daniel Zwerdling are active participants in the program.³

NPR recognizes that adults as well as children require media literacy education in the rapidly developing digital age. In June of 2008, NPR permitted D.C. Media Makers to use a conference room in its DC headquarters for the purpose of hosting a one-day program that promoted media literacy among journalists and media enthusiasts. Participants shared how to use new digital tools and interactive media.⁴ Their emphasis was on video-media literacy, an issue which 4C and 4D directly address.

¹ NPR Mission Statement, The NPR Audience Handbook (last updated August 2008) at 6.

² See <http://www.npr.org/api/index> and http://www.centerforsocialmedia.org/blogs/future_of_public_media/npr_api/ (explaining API in greater detail, and providing examples of it promoting media literacy).

³ See <http://www.thenewsliteracyproject.org/> (providing information about the participants and mission of the News Literacy Project).

⁴ See <http://dcmidiemakers.wordpress.com/2008/05/22/dc-media-makers-at-npr-rsvp-for-our-media-mashup/> (explaining the D.C. Media Makers event).

4C and 4D will allow NPR to further support media literacy. As noted in the comment, the encryption of DVDs makes media literacy difficult to teach because educators must clumsily stop-and-switch DVDs when using examples from encrypted films, and students are prevented from manipulating the content itself. 4C and 4D remove barriers for teachers and enable students of media literacy to fully engage in the study.

NPR is a content producer. It understands the copyright issues at stake. However, 4C and 4D comply with existing copyright law. Decrypting DVDs allows teachers and students to use updated technology consistently with fair use and education exceptions in copyright law because they transform, critique, and comment upon the material. Likewise, API is an excellent example of copyrighted work being used in a way that promotes media literacy, while benefiting both content creators and users. Permitting teachers and students of media literacy to decrypt DVDs for the purpose of fostering media literacy will similarly result in a more informed public while preserving content producers' legal rights to the copyrighted material.

Conclusion

Because 4C and 4D promote public media literacy and preserve content-owners' copyright protection, NPR fully supports granting the requested exceptions to the DMCA.
