



# COPYRIGHT CRIMINALS

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## TEACHER & STUDENT HANDOUTS

Can you own a sound? As hip-hop rose from the streets of New York to become a multibillion-dollar industry, artists such as Public Enemy and De La Soul began reusing parts of previously recorded music for their songs. But when record company lawyers got involved everything changed. Years before people started downloading and remixing music, hip-hop sampling sparked a debate about copyright, creativity and technological change that still rages today.

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COMMUNITY CLASSROOM is an educational resource providing new documentary video content and accompanying curricular materials, lesson plans, and homework assignments to high school and community college instructors and youth-serving community-based organizations. Film content includes approximately 15-20 minutes excerpted from an independently produced documentary film from ITVS International's Global Perspectives Project and the Emmy Award-winning PBS series *Independent Lens*. Content is grouped into subject specific segments that correspond to lesson plans and educational activities. All COMMUNITY CLASSROOM materials are designed with key education standards in mind, and are available, along with the film content, on DVD and online.

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*Teacher and student handouts may be downloaded at [www.itvs.org/classroom](http://www.itvs.org/classroom)*



**Student Handout A: Module 1 Note Taking Guide**

Speaker	Their views on sampling and music.
Jeff Chang	
Tom Silverman (Tommy Boy Records)	
Hank Shocklee/Chuck D (Public Enemy / The Bomb Squad)	
Bobbito Garcia (Rock Steady Crew)	
Other	
Other	
Other	

Reflect using this sentence stem:

The comment that struck me the most was \_\_\_\_\_

because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.



**Student Handout B: Module 1 Quotes**

*Digital samplers allow you to take a snatch of a record, or a sound, or anything like that and turn it into a building block for a song.*

-Jeff Chang (Solesides Records)

*Basically, when I'm sampling I have all these artists. They're in my band, and I'm sampling Wes Montgomery to play guitar on it. He's in my band. You know, I've got Art Blakey. He's my drummer. That's tight. You know what I'm saying? I've got all these legendary musicians that are in my band.*

-DJ Abilities

*I mean, records literally – their name, records, right? You're encoding history into these grooves, right? So, by taking these records and playing them back, DJs are giving us snatches of our history.*

-Jeff Chang (Solesides Records)

*There was always a culture of borrow and take, because there was a culture of – that was founded upon a lack of resources.*

-Bobbito Garcia (Rocksteady Crew)

*The idea of not having any instruments, but having a turntable and saying, well, fine, this is my instrument. You know? And you see it now with people with overturned buckets and pots and pans.*

-Saul Williams (poet/musician)

*There's going to be a time when we're going to have a nice little groove where Keith is going to be on some [sound], Chuck is going to have some [sound], and I'm going to be like [sound]. And so, we're all together and there's this one little moment that it all just meshes together in a nice vibration.*

-Hank Shocklee (Public Enemy/The Bomb Squad)

*What was exciting about Public Enemy was the militancy of it, like the way that Paris and Public Enemy were kind of taking Malcolm X and Black Panther speeches and recordings and sort of reanimating them.*

-Drew Daniel (Matmos)

*There's – there was a cultural issue in that it seemed like more or less an underground urban phenomena and how is this going to translate to the – you know, to the big record business... And it turned out that all the traditional people who were so miffed by this way back in the early days quickly realized there's a huge amount of money to be made here.*

-Anthony Berman (entertainment lawyer)



**Teacher Handout A: Assignment Rubric (Lesson 1)**

Criteria	6	5	4	3	2	1
Content	Excellent, well-developed investigation. Makes a sophisticated, nuanced comparison, showing similarities and differences. Covers topic in-depth with excellent details and examples. Knowledge of subject is excellent.	Good, developed investigation. Makes a good comparison showing similarities and differences. Covers topic with some details and examples. Subject knowledge is good.	Sufficiently developed investigation. Makes a clear comparison showing similarities and differences. Includes essential knowledge of topic. Subject knowledge appears to be good.	Contains some investigation of similarities and differences. Includes the most important information about the topic, with one or two factual errors.	Insufficient investigation of similarities and differences. Includes some of the important information with several factual errors.	Lacks investigation into similarities and differences. Content is minimal and there are several factual errors.
Presentation	Comparative study is well-organized with clearly labeled sections. Layout is dynamic, making excellent use of color and graphics. Shows original thought and creativity.	Comparative study is well-organized with clearly labeled sections. Makes good use of color and graphics. Shows some original thought and creativity.	Comparative study is organized and labeled. Makes use of color and graphics. Shows some original thought and creativity.	Comparative study is organized and some sections are labeled. Uses some color and graphics. May show some creativity and original thought.	Comparative study is not clearly organized, and sections may or may not be labeled. Uses limited color and graphics. Shows limited creativity.	Lacks organization, and sections are not labeled or are labeled incorrectly. Uses little or no color and graphics AND they distract from the content. Writing is somewhat legible OR is in pencil.

Scoring Guide:

- |   |  |
|---|--|
| <b>6 Exemplary</b><br>complete, correct, comprehensive    | <b>3 Developing</b><br>complete, incorrect       |
| <b>5 Accomplished</b><br>complete, correct, comprehensive | <b>2 Unsatisfactory</b><br>incomplete, incorrect |
| <b>4 Satisfactory</b><br>complete, correct                | <b>1 Unsatisfactory</b><br>incomplete, incorrect |



**Student Handout D: Debate Notes**

**My team is: Pro/Con**

**Opening Statement**

The presenter responsible for the opening statement will gather the main arguments into an introductory statement (a thesis statement). It does not give specific information; it only states, "The death penalty should be kept as a form of punishment because of A and B (state your two arguments)."

**Argument #1**

The assigned presenter for Argument #1 will give the first argument for the team. Give specific details and evidence based on your research that **proves** your group's position (pro or con).

Here is an example:

Reason	Milkshakes are unhealthy because they contain a lot of sodium.
Evidence	According to the nutritional fact sheet for In-N-Out Burger, a vanilla shake contains 390mg of sodium compared to a large fries which contain 245mg.
Interpretation	High sodium in your diet has been linked to high blood pressure, heart attacks, strokes, and other health problems later on in life.

Reason	
Evidence	
Interpretation	



### Argument #2

The assigned presenter for Argument #2 will give the second argument for the team. Give specific details and evidence based on your research that **proves** your group's position (pro or con).

Reason	
Evidence	
Interpretation	

### Possible Rebuttals

These two presenters will respond to the other team's arguments. These presenters must take notes as the other team is presenting their arguments and respond to every argument, using specific and detailed information to **disprove** them. You do not know which arguments they will use, so prepare several possible rebuttals to be ready.

Possible Argument from other team	Rebuttal



Argument (cont.)	Rebuttal (cont.)

**Closing Statement**

The assigned presenter for the closing argument will say the final words. State the closing arguments for the team, repeating the main reasons for your arguments 1 and 2.

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**Notes (optional)**

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**Student Handout C: Debate Roles & Format**

**I. Roles**

Position: Pro/Con

*Step 1 – Decide who is going to take on which role:*

Round	Role	Name
1	Opening statement	
2	Point 1 + respond to counterarguments	
3	Point 2 + respond to counterarguments	
4	Point 3 + respond to counterarguments	
5	Final rebuttal	
6	Closing statement	
2,3,4	Designated "counterarguer"	

**II. Format**

4-6 Pro Students vs. 4-6 Con Students

6 rounds

Coin flip to see which group goes first

<b>Round 1</b>	Pro opening statement (1 minute)	Con opening statement (1 minute)
<b>Round 2</b>	Pro 1st point (3 minutes)	Con rebuttal (3 minutes)
<b>Round 3</b>	Pro 2nd point (3 minutes)	Con rebuttal (3 minutes)
<b>Round 4</b>	Con 1st point (3 minutes)	Pro rebuttal (3 minutes)
<b>Round 5</b>	Con 2nd point (3 minutes)	Pro rebuttal (3 minutes)
<b>Round 6</b>	Pro closing statement (1 minute)	Con closing statement (1 minute)



**Student Handout E: Debate Notes**

My team is: **Pro / Con**

**Opening Statement**

This presenter will gather the main arguments into an introductory statement (a thesis statement). It does not give specific information; for example, it only states, "The death penalty should be kept as a form of punishment because of A and B (state your two arguments)."

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**Argument #1**

This presenter will say the first argument for the team. Give specific **details and evidence** based on your research that **proves** your group's position (pro or con).

Here is an example:

<b>Reason</b>	<i>Milkshakes are unhealthy because they contain a lot of sodium.</i>
<b>Evidence</b>	<i>According to the nutritional fact sheet of In-N-Out Burger, a vanilla shake contains 390mg of sodium compared to a large fries which contains 245mg.</i>
<b>Interpretation</b>	<i>High sodium in one's diet has been linked to having high blood pressure, heart attacks, strokes and other health problems later on in life.</i>

<b>Reason</b>	
<b>Evidence</b>	
<b>Interpretation</b>	



**Student Handout E: Debate Peer Evaluation Rubric**

Observe and score both teams.

Team: **PRO**

For each score you give the team, you must write evidence for why you think they deserve it.

Criteria (how well they did in the following:)	1 – Developing	2 – Proficient	3 – Commendable
1) Clarity of communication -Easy to understand -Clear -Volume level			
2) Validity of argument -Strength of their argument -Thoughtful, logical -Evidence, interpretation			
3) Professional presentation -Dressed well -Eye contact -Organized & prepared			
4) Opening / Closing -Covered scope & context -Summarize & inform			
5) Counterargument -Refute evidence -Strong challenges and counter-reasons			

Total Points for PRO team: \_\_\_\_\_

Team: **CON**

For each score you give the team, you must write evidence for why you think they deserve it.

Criteria (how well they did in the following:)	1 – Developing	2 – Proficient	3 – Commendable
1) Clarity of communication -Easy to understand -Clear -Volume level			
2) Validity of argument -Strength of their argument -Thoughtful, logical -Evidence, interpretation			
3) Professional presentation -Dressed well -Eye contact -Organized & prepared			
4) Opening / Closing -Covered scope & context -Summarize & inform			
5) Counterargument -Refute evidence -Strong challenges and counter-reasons			

Total Points for CON team: \_\_\_\_\_



**Student Handout A: Module 2 Note Taking Guide**

*Note which perspective (can be both):*

Speaker	Views on sampling and music	Against sampling	In favor of sampling
Greg Tate (music critic)			
De La Soul (music group)			
Jeff Chang (music writer)			
Siva Vaidhyanathan (media professor)			
Ken Freundlich (entertainment lawyer)			
Other:			
Other:			

*Reflect using this sentence stem:*

The speaker I agree the most with is \_\_\_\_\_, because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**Student Handout B: Module 2 Quotes**

*Well, I think that once people who held music copyrights got wise to how much money hip-hop was making, then it became kind of a feasting frenzy.*

-Greg Tate (music critic)

*If you sample one note of a sound recording, it's copyright infringement... At the end of the day, the court said, not only is this copyright infringement, but we see criminal prosecution in mind for this one.*

-Anthony Berman (entertainment lawyer)

*We never anticipated, like, getting someone to pay for James Brown going "eh-huh" and that's it.*

-Harry Allen (Public Enemy)

*For me, I felt like, wow, we're popular now. I'm getting sued by somebody I don't even know.*

-Mase (De La Soul)

*On 3 Feet High and Rising, they told us what the samples were on the record and we cleared them all. They didn't tell us about the Turtles one. And that's what usually happens is they say – oh, it's not – you know, we changed the speed. It's an unknown song. It's only this amount. Those are the ones that get you at the end.*

-Tom Silverman (Tommy Boy Records)

*Because we always felt like, you know, when you're creating, you create, you know? Whatever you decide that you want to use, you know, you use to create your own particular vibration your own way. And that to me was kind of like an unwritten code within the hip-hop world.*

-Hank Shocklee (Public Enemy)

*We kind of looked at music as an assemblage of sounds and we felt that you couldn't copyright a sound.*

-Chuck D (Public Enemy)

*Once people in the industry got wind of the fact that the courts were not interested in listening to young black men describe their creative processes, they had no tolerance for that, a new industry emerged – the industry of sampling clearances. That meant that groups like Public Enemy could no longer make their powerful sounds in the way they wished to.*

Siva Vaidhyanatha (media professor)

*When you are going through a rights clearing process you really need to identify all the different people who own all potential elements of that particular sample or musical element and make sure that they have agreed to what you want to do. And that can be very time consuming, because there's a lot of people involved in making music.*

-Mia Garlick (Creative Commons)

*Our Copyright Act was basically last rewritten in 1976. So, we're operating with a lot of antiquated assumptions about what musical creativity is.*

-Joanna Demers (musicologist)

*It is cheaper, easier, and more predictable, if you want to cover somebody's song entirely, than if you want to take three seconds of somebody's song. That doesn't make any sense. Why should an entire song be easier and cheaper to do than three seconds of somebody's song?*

-Siva Vaidhyanatha (media professor)



*Records like, It Takes a Nation of Millions to Hold Us Back and 3 Feet High and Rising, they're kind of like artifacts of an earlier time, records that couldn't exist today. They're just legally and financially untenable.*

-Harry Allen (Public Enemy)

*There are rules of the game, and it's copyright. You have to get permission. You know, I can't go and walk on your – I can't walk in your house and just sit down on your couch and go to your refrigerator and take a glass of milk out. I mean, there are rules.*

-Ken Freundlich (entertainment lawyer)



**Student Handout A: Module 3 Note Taking Guide**

*Note which perspective (can be both):*

Artist	Sampled by	Views on sampling and music
Clyde Stubblefield (James Brown's drummer)		
George Clinton (Parliament/Funkadelic)		
Other:		
Other:		
Other:		

*Reflect using this sentence stem:*

If someone else wanted to sample my song, I would want them to \_\_\_\_\_  
 \_\_\_\_\_  
 because \_\_\_\_\_  
 \_\_\_\_\_.



**Student Handout B: Module 3 Quotes**

*So you take a drummer like Clyde Stubblefield, who plays The Funky Drummer, and James is like, you know, take it, Clyde, and he goes ahead and takes his break. And that break ends up becoming one of the bases for a whole bunch of sample-based records.*

-Jeff Chang (Solesides Records)

*I never got a thanks. I never got a hello, how are you doing, or anything from any of the rap artists or anything. The only one I got a thanks from was Melissa Etheridge.*

-Clyde Stubblefield (James Brown's drummer)

*Perhaps it's a little easier to take a piece of music than it is to learn how to play a guitar or something. True. Just like, it's probably easier to snap a picture with that camera than it is to actually paint a picture. But what the photographer is to the painter is what the modern producer and DJ and computer musician is to the instrumentalist.*

-Shock G (Digital Underground)

*As a creative tool, like for someone to use a sample of an existing piece of music to – and then, for their music, I think it's an extraordinarily lazy artistic choice. It's much easier to take something that is already awesome and play it again with your name on it.*

-Steve Albini (Musician/Recording Engineer)

*Rock and roll was lazy. You know, three chord blues--you know? Everybody would look down on basic rock and roll and the people would like say, that's not music.*

-George Clinton

*One of the things that sampling has done is that it's revitalized a whole bunch of musicians' careers. At the time that a lot of hip-hop producers started sampling George Clinton, his records weren't available commercially anymore, so hip hop literally reintroduced the world to George Clinton.*

-Jeff Chang (Solesides Records)

*Even Gangsta's Paradise did much more than Past Time Paradise by Stevie Wonder, and like 10 times more, and that was Stevie Wonder. Who the hell is Coolio?*

-Tom Silverman (Tommy Boy Records)

*I think ultimately it's up to every artist, if they're going to borrow something from somebody, to pay respects to the person that they borrowed it from.*

-Bobbito Garcia (Rocksteady Crew)

*I prefer to get my name on the record saying, this is Clyde playing. It's just – the money is not the important thing. It's just to get myself out in the world, knowledgeable with my name, is more important.*

-Clyde Stubblefield (James Brown's drummer)





**Teacher Handout A: Assignment Rubric – Media Production (Lesson 3)**

Criteria	6	5	4	3	2	1
Content	Creative, original use of the sample. An audio collage that makes connections between different found and created sounds, vocal recordings, and effects. The track is a musical composition with feeling and movement.	Creative use of the sample. An audio collage that makes connections between different found and created sounds, vocal recordings, and effects. The track has elements of composition.	Creative use of the sample. Makes use of different found and created sounds, vocal recordings, and effects. The track has some elements of composition.	Uses the sample. Uses some different found and created sounds, vocal recordings, and effects. The track has some elements of composition.	Simple use of the sample. Uses few other found and created sounds, vocal recordings, and effects.	Simple use of the sample. Uses little or no different found and created sounds, vocal recordings, and effects. Lacks structure and organization.
Presentation	Web page is well-organized with clearly labeled sections. Layout is dynamic, making excellent use of color and graphics. Shows original thought and creativity. Pays tribute to the artists and sources of their samples.	Web page is well-organized with clearly labeled sections. Makes good use of color and graphics. Shows some original thought and creativity. Pays tribute to the artists and sources of their samples.	Web page is organized and labeled. Makes use of color and graphics. Shows some original thought and creativity. Mentions the artists and sources of their samples.	Web page is organized and some sections are labeled. Uses some color and graphics. May show some creativity and original thought. Mentions the artists and sources of their samples.	Web page is not clearly organized, and sections may or may not be labeled. Uses limited color and graphics. Shows limited creativity. Does not mention artists and sources of their samples.	Lacks organization, and sections are not labeled or are labeled incorrectly. Uses little or no color and graphics AND they distract from the content. Does not mention artists and sources of their samples.

Scoring Guide:

- 6 Exemplary**  
complete, correct, comprehensive
- 5 Accomplished**  
complete, correct, comprehensive
- 4 Satisfactory**  
complete, correct

- 3 Developing**  
complete, incorrect
- 2 Unsatisfactory**  
incomplete, incorrect
- 1 Unsatisfactory**  
incomplete, incorrect



**Student Handout A: Module 4 Note Taking Guide**

Example of an artist who “sampled” to create their work	Artistic/commercial medium	How they sampled or borrowed from previous works
Andy Warhol		
Walt Disney		
Danger Mouse		
Other:		
Other:		

*Reflect using this sentence stem:*

Other artists I can think of who have sampled or borrowed from other works include

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**Student Handout B: Module 4 Quotes**

*So sampling usually is viewed as a musical thing, right? But if you look at the art world, for example, you have Andy Warhol taking photographs and painting them, you have different photographers taking certain scenes and reconstructing them digitally. It all implies a layer of collage and pulling together bits and pieces.*

-Paul Miller/DJ Spooky

*Look at how any bit of culture is made. Look at how Shakespeare made culture. Look at how every great poet – how Homer made culture. It's about collage. It's about taking bits and pieces of your influences and forging them into something newer and stronger.*

-Siva Vaidyanathan (media professor)

*Think about the way Walt Disney was created. All of Disney's greatest works were taking other peoples' works and doing something different with them.*

-Lawrence Lessig (Harvard Law)

*Mashups are an interesting case. I mean, they sort of demonstrate how simple it is to make music this way, because virtually everyone has made a mashup.*

-Steve Albini

*The ability now to mash up and create new songs I guess has really been facilitated by digital technology where it kind of democratizes that process. You don't need to have a recording studio and lots of fancy equipment. You can basically do it just on your computer or in the privacy of your home with tools that are relatively easy to acquire.*

-Mia Garlick (Creative Commons)

*Sampling is the kind of technology that's really shifted the way that people consume and produce culture. The consumers have become producers.*

-Jeff Chang (Solesides Records)

*The whole point of what we do is that we sample. It's not some feature of what we do. It's all we do. Just totally illegal, insanely illegal, and impossible to clear. It would be impossible to release what we release, if you did it through legal channels.*

-Ian Edgar (Eclectic Method)

*Sampling law has created two classes. You are either rich enough to afford the law or you're a complete outlaw.*

-Jeff Chang (Solesides Records)

*We live in a remix culture now and the laws have to change to be able to help that culture do what it has to do.*

-Jeff Chang (Solesides Records)

*That's how society moves forward. It doesn't just invent new things. It evolves through taking old things and changing them.*

-Tom Silverman (Tommy Boy Records)



**Teacher Handout A: Assignment Rubric – Media Production (Lesson 4)**

Criteria	6	5	4	3	2	1
Content	Excellent, in-depth research into the artist. Covers topic in-depth with excellent details and examples. Knowledge of subject is excellent.	Good research into the artist. Covers topic with some details and examples. Subject knowledge is good.	Researched the artist. Includes essential knowledge about the topic. Subject knowledge appears to be good.	Contains some research into the artist. Includes the most important information about the topic with one or two factual errors.	Insufficient research into the artist. Includes some of the important information with several factual errors.	Lacks research into the artist. Content is minimal and there are several factual errors.
Presentation	Project is well-organized with clearly labeled sections. Layout is dynamic, making excellent use of color and graphics. Shows original thought and creativity.	Project is well-organized with clearly labeled sections. Makes good use of color and graphics. Shows some original thought and creativity.	Project is organized and labeled. Makes use of color and graphics. Shows some original thought and creativity.	Project is organized and some sections are labeled. Uses some color and graphics. May show some creativity and original thought.	Project is not clearly organized, and sections may or may not be labeled. Uses limited color and graphics. Shows limited creativity.	Is not organized and sections are not labeled or are labeled incorrectly. Uses little or no color and graphics AND they distract from the content. Writing is somewhat legible OR is in pencil.

Scoring Guide:

- 6 Exemplary**  
complete, correct, comprehensive
- 5 Accomplished**  
complete, correct, comprehensive
- 4 Satisfactory**  
complete, correct

- 3 Developing**  
complete, incorrect
- 2 Unsatisfactory**  
incomplete, incorrect
- 1 Unsatisfactory**  
incomplete, incorrect

