This collection of abstracts is part of a continuing series providing information on recent doctoral dissertations. The 18 titles deal with the following topics: (1) the meaning of "Cold War" in two York, Pennsylvania, daily newspapers; (2) Tom Paine and the disclosure of secret French aid to the United States; (3) "Schenck V. United States"; (4) an editorial analysis of the evacuation and encampment of the Japanese Americans during World War II; (5) radical currents in twentieth-century American press criticism; (6) neighborhood newspapers, citizen groups, and knowledge gaps on public affairs issues; (7) the news content of the prestigious dailies of India; (8) college president-newspaper adviser relationships and their effects on freedom of college sponsored newspapers; (9) newspaper reporters' attitudes regarding confidence in public education; (10) newspaper coverage of Congress and its utilization by Congressmen; (11) Martin Luther King, Jr., and the news media; (12) mass media in revolutionary societies; (13) West African newspapers as mirrors of concern about education; (14) stress on government and Mexican newspapers' commentary on government officials; (15) the concept of freedom and the free press; (16) state intervention in press economics in advanced Western democratic nations; (17) fair use as a copyright doctrine; and (18) the Baltimore, Maryland, "Afro-American" from 1892 to 1950. (HOD)
Journalism and Journalism Education:

Abstracts of Doctoral Dissertations Published in Dissertation Abstracts International, January through June 1984, (Vol. 44 Nos. 7 through 12).

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Burriss, Larry Loring
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CONSTRUCTING THE CULTURAL CURTAIN: THE MEANING OF COLD WAR IN YORK, PENNSYLVANIA DAILY NEWSPAPERS, 1947-1982

Order No. DA8407725
Brown, Pamela Adele, Ph.D. The University of Iowa, 1983. 454pp. Supervisor: Associate Professor John Erickson

This study focuses on two newspapers' constructions of the meaning of Cold War in the United States from 1947 through 1982. The study utilized the two daily newspaper competitors in York, Pennsylvania, The York Dispatch and The York Gazette and Daily.

A random sample constituting three composite weeks was chosen for each newspaper, totaling 18 issues per paper per year and 576 in all. The contents of each newspaper were read with the exception of advertising and sports. Twelve themes associated with the Cold War were used to identify newspaper content significant to the construction of Cold War culture.

The Gazette has been labeled a liberal and "deviant" newspaper; the Dispatch has been called conservative and "conventional." While this study found no evidence to contradict these political generalizations, the two papers were more alike than different in the quantity, treatment and content of items reflecting Cold War themes. Despite sharp political contrast, the papers shared basic understanding about the definition and "mission" of America, and the nation's values, climate, and goals. During the Cold War years, both papers portrayed American culture as persistently and obsessively measuring itself against its avowed enemy, the Soviet Union. In the early years it was a comparison framed in militaristic language and concerns; in later years it was framed in the language of sports and the "race" and encompassed all aspects of U.S. culture.

Both newspapers utilized a distinct lexicon of terms with which to describe Cold War America. Three chronological periods of meaning emerged in the papers during which transformations in the treatment and appearance of themes and terms were apparent. The most clear differences in the newspapers were in the Gazette's exploration of the press as a Cold War participant, a topic absent from the Dispatch, and in their contrasting understandings of the means to be used to achieve U.S. goals. Otherwise, these two newspapers helped to construct the American version of an iron curtain, a cultural curtain designating common understandings of what was and was not important and appropriate to U.S. life under Cold War.

AN EDITORIAL ANALYSIS OF THE EVACUATION AND ENCAMPTMENT OF THE JAPANESE-AMERICANS DURING WORLD WAR II

Order No. DA8526511

O'Keelasson, Lloyd Ernest, Jr., Ph.D. Southern Illinois University at Carbondale, 1985. 214pp. Major Professor: Dr. Sharon Murphy

This research investigated the editorial stances of twenty-seven daily newspapers from the states of California, Oregon and Washington concerning the mass evacuation and internment of the Japanese-Americans living on the Pacific Coast during World War II.

This study did not endeavor to focus on public opinion but rather newspaper expressions of opinion via editorials. Every editorial dealing with the issues being studied was evaluated to determine newspaper stance on mass evacuation, race and stereotyping. This content analysis was accomplished by qualitative means.

In addition, an editorial position of individual newspapers on the mass evacuation issue was reported in frequencies and percentages.

This study found that not one of the newspapers editorially opposed mass evacuation and all but two supported either mass evacuation or mass encampment.

SCHENCK V. UNITED STATES: A CLEAR AND PRESENT DANGER TO THE FIRST AMENDMENT Order No. DA8328861


Schenck v. United States was the Supreme Court's first ruling involving the 1917 Espionage Act. A great deal has been written about the impact of Justice Oliver Wendell Holmes' Schenck ruling on free speech and the First Amendment. Most legal scholars and historians have approached the case from a First Amendment perspective.

Surprisingly absent in the literature, however, is any thorough analysis of the legal methodology Justice Holmes used in his initial development of the "clear and present danger" doctrine in Schenck. Careful analysis of Holmes' Schenck opinion suggests the justice was far more influenced by non-First Amendment methods of judicial decision making than by a careful legal analysis of the constitutional prohibition against interference with freedom of speech. The analysis of Holmes' decisions prior to Schenck adds credence to this interpretation.

Holmes' personal letters to Herbert Croly, Harold Laske and Sir Fredrick Pollock indicate the justice was sympathetic to the cause of free speech, but felt dutybound by a narrow reading of the Espionage Act to uphold the convictions against Elizabeth Ear and Charles Schenck. The letters suggest that statutory interpretation was far more important to Holmes' decision making than any considerations of First Amendment rights.
RADICAL CURRENTS IN TWENTIETH CENTURY AMERICAN PRESS CRITICISM: NOTES FOR THE FUTURE

Order No. DAB325140

DALEY, PATRICK JAY, PH.D. The University of Iowa, 1983. 283pp. Supervisor: Professor Hanno Hardt

Social, economic, industrial, and technological changes in the United States early in the twentieth century affected developments in the mass media which raised journalistic questions shaping the character of American journalism to this day. First, advertising began to promote a consumer mentality. Second, the growth of chain journalism scaled diversity in the media into question. Third, journalistic routines and conventions assumed a taken-for-granted status in conjunction with industrial and communicative formulas leading to additional questions on diversity. Fourth, public relations counselling and propaganda in business and the state made themselves felt in journalistic reports.

These four elements provided thematic targets for three generations of radical press criticism. While first generation critics foreshadowed much of the criticism we hear today, their failure to connect fact and theory resulted in suggestions that can be characterized as a potpourri replete with recipe-type solutions. A second generation—The Hutchins Commission—recognized the disturbing effects of the economic structure of the media on journalistic reports. However, by not carrying its argument through to its logical implications, the Commission ended up with lukewarm recommendations at best, and a dangerous turn to paternal authoritarianism at worst.

Third generation critics struck the most consistently radical chord. They focused on linguistic distortions of industrial, mass-mediated communication, but they slighted consideration of how social knowledge is possible.

To transcend these deficiencies, Habermas’ ideal speech situation is employed to show how mass mediated communication truncates communication in an interactive sense, thereby restricting the public articulation of issues to narrow, centralized points of access and distribution. Habermas’ idea of communication tied to Popper’s “three worlds” allows the validity claims of truth, veracity, and rightness to be raised. When Habermas’ idea of communication is compared to two forms of objectivity, it becomes clear that journalism is in need of a new ideal.

To that end, the dissertation calls for a radical intersubjectivity based on Habermas’ communicative action. Suggestions for wider journalistic participation include an educational attitude guiding journalistic reports and a public discussion and debate on media problems to raise awareness of them.

SEE WHAT THE AFRO SAYS: THE BALTIMORE AFRO-AMERICAN, 1892-1950

FARRAR, HAYWARD, Ph.D. The University of Chicago, 1983.

"See What The Afro Says: The Baltimore Afro-American, 1892-1950" is a history of one of America's leading black newspapers. Founded in 1892 and still extant today, the Afro-American has been an agent of social control and social change. The owners of the newspaper had three goals for its first several decades: to make a profit, to promote Afro-American literature, and to provide a forum for Afro-American ideas and concerns. In its early years, the newspaper was dedicated to promoting Afro-American literature and ideas, and it played a crucial role in shaping the cultural and political landscape of Baltimore and the United States. The newspaper continued to thrive in the 20th century, becoming a powerful force in the Afro-American community and influencing the course of American history. As for its other goals, the Afro-American's success in achieving them was less clear. It strove mightily in its editorials to instill bourgeois values in its readers. Yet, its sensational and lurid treatment of the news alleviated these efforts at social control. In its struggles to change an oppressive racial order, the Afro-American faced an unusually resistant local power structure. Much of its press crusades to ensure for blacks a more equitable place in Baltimore's social, economic, and political order lasted for an inordinately long time. For example, the newspaper agitated for 38 and 44 years respectively, for the appointment of blacks to Baltimore Police force and school board. As for nationwide Black concerns, the Afro-American generally followed the lead of its contemporaries in the black press. In any event, the Baltimore Afro-American successfully undermined the local and national racial order that oppressed its readers and paved the way for a new era in race relations in the 1950's and 60's.

NEIGHBORHOOD NEWSPAPERS, CITIZEN GROUPS, AND KNOWLEDGE GAPS ON PUBLIC AFFAIRS ISSUES


This study focused on the magnitude of knowledge gaps when neighborhood newspaper publicity and organized group activities in a neighborhood are variables. It concerned disparities in knowledge of four public affairs issues affecting a Midwestern inner-city neighborhood which has a large population of the disadvantaged.

A random sample of 239 neighborhood residents was interviewed by telephone and asked open-ended questions about housing, crime, schools, and economic development issues of potential concern to low SES groups in the Phillips neighborhood of south Minneapolis. A purposive sample of 52 representatives of neighborhood organizations concerned with one or more of these issues also was interviewed. The two neighborhood newspapers distributed in the neighborhood were content-analyzed for a three-and-a-half-month period before interviewing began.

Main findings are: (1) The greater the level of organized group activity on the issues, the greater the gap in knowledge about the issues between the higher and lower SES segments in the neighborhood. (2) Increasing the level of knowledge did not lead to greater equality of knowledge since larger knowledge gaps were found for the two issues with the largest proportions of knowers. (3) Of the 327 respondents, 92 had more influence on knowledge disparities than did neighborhood newspaper coverage, even though levels of neighborhood paper attention varied considerably for the two high activity issues. This finding supports the Tichenor-Donohue-Olien (1970) knowledge gap hypothesis if it is construed to include all the information available in a social system. (4) Use of the two neighborhood newspapers is higher among the least educated members of the random sample than among the moderate and high education groups. (5) The most important variables for predicting depth knowledge of these issues are: involvement in groups concerned with the issues, personal experience, interest, and education. (6) Furthermore, education was related to interest, experience, and interest group involvement. (7) Nevertheless, neighborhood newspapers are important for the less educated because of their lack of access to the major knowledge sources.
A DESCRIPTIVE CONTENT ANALYSIS OF THE NEWS CONTENT OF THE PRESTIGIOUS INDIAN DAILIES

Director of Dissertation: Dr. Guido H. Stempel, III

Purpose. The purpose of this study is to find out what types of news the content of the prestigious Indian dailies is made of. This study through a content analysis answers such questions as: what types of news are carried by the Indian dailies, and how are they emphasized? To what extent do they agree in their coverage of news? Do they emphasize human interest type news more than development news, immediate reward type news more than the delayed reward type? Do they maintain a balance between the positive and the negative types of news? What type of news is considered the most newsworthy? To what extent do they use the interpretative mode of reporting? How do they play the watchdog role? and so on.

This study also looks at the Indian news content from a cross-cultural perspective, making comparisons between the Indian news content and that of the U.S.

Methodology. Seven prestigious Indian dailies published in three languages were selected for the study. All newspaper stories were counted, analyzed and measured in column inches. A category system based on those of Duetschmann, Bush and Gans but modified to fit the Indian news content was used.

Results. The findings of the study show that the development news is emphasized more than the human interest stories in the Indian dailies. The delayed rewards far outweigh the immediate rewards. The traditional non-interpretative style is the dominant style. Overall, media maintain a balance between the positive and negative news coverage. The investigative stories indicate an inverse relationship between the issue importance and the severity of the institutional criticism but the Pearson r is only –.18 which is not statistically significant. Politics and government-related news do emerge as the most dominant of all types of news. The subject-matter coverage pattern shows a homogeneous pattern reflecting a high degree of agreement among the dailies.

MEDICAL AND POLITICAL AN ANALYSIS OF NEWSPAPERMEN'S ATTITUDES REGARDING CONFIDENCE IN PUBLIC EDUCATION


In view of charges from educational administrators that they are the victims of "bad press," and in view of declining confidence in the public schools as determined by prominent polls, two problems were addressed in this study: (1) To determine the relative level of confidence newspapermen have in public education. (2) To determine whether or not level of confidence increases with increasing familiarity with schools.

Populations studied were the general public, Pennsylvania public school administrators, and Pennsylvania newspapermen. They rated public schools on a letter-grade A-F scale and expressed a level of confidence in the public schools.

The administrators gave the public schools a significantly higher rating than the other populations, whose ratings were not significantly different from each other. The newspapermen's expressed level of confidence also showed a pattern of greater confidence than the other groups.

Newspapermen identified as specializing in coverage of education/schools/youth were asked (1) the length of time assigned to that specialty, (2) the length of time they spend in schools, and (3) their personal educational attainment. Positive correlations were found between answers to the first two questions, respectively, and the specialists' rating of the public schools; a negative correlation was found between answers to the third question and the specialists' rating of the public schools. However, these correlations were found not to be significantly different from zero. Similarly, there was found to be no relationship between the expressed level of confidence and any of the three factors just cited.

It was concluded that there is indeed a perception gap between educational administrators and journalist-a gap that could be the basis for "bad press" charges. This is primarily between the administrators and their public. The journalist viewpoint merely reflected that of the public at large.

It was recommended that administrators (and newcomers) recognize this difference in perceptions as a first step to understanding each other's needs. It was also recommended that school administrators encourage newspapers to assign a writer(s) to specialize in education coverage for as long as possible and to encourage such writer(s) to spend as much time in schools as possible.

COLLEGE PRESIDENT-NEWSPAPER ADVISER RELATIONSHIPS AND THEIR EFFECTS ON FREEDOM OF COLLEGE-SPONSORED NEWSPAPERS IN OKLAHOMA


Scope of Study. This study examined the perceived relationships among the job aspects of Oklahoma college and university newspaper advisers. On a five-point, Rensis Likert scale, advisers registered degree of agreement with opinions relevant to job satisfaction, relations with (1) the college/university president and freedom to publish. Agreement then was converted into job favorability scores. Juxtaposed on the three job aspects were years of professional experience and years as adviser. Correlation coefficients and treatment-by-subjects and mixed factorial analyses of variance comprised the analysis tools. Opinionnaires were sent to 45 newspaper advisers in 37 colleges and universities in Oklahoma. In all, 37 advisers (77 percent) returned opinionnaires. Two advisers reported not having a regularly published campus newspaper.

Findings and Conclusions. A major goal of the study was to determine the similarities and differences between perceptions of publishing freedom and the other two job aspects. Correlations between job satisfaction, relationship with the president and freedom to publish were significant, but explained only 26 and 34 percent of the total variance, respectively. Job satisfaction and freedom with the president were the highest correlated, explained about 55 percent of each other's variance. Twenty-two of the 35 advisers gave similar ratings to all three job aspects, but their ratings were neither strongly favorable nor unfavorable. Freedom to publish received the highest mean ratings (4.43) followed by job satisfaction (3.79) and relationship with the president (3.73). Differences, however, explained 20 percent of the favorability variation.

Professional experience and years as adviser were not related to job satisfaction. They were positively related to job satisfaction with the president and publishing freedom.

A COMPARATIVE ANALYSIS OF NEWSPAPERS' COVERAGE OF CONGRESS AND ITS UtilIZATION BY CONGRESSMEN


This study is based on the observation made by many political scientists that while voters generally have a low opinion of Congress as a body-they, on the other hand, most often have a high opinion of their individual Congressman. Thus the institution is bad, but not the delegate.

In exploring that observation this study analyzes the coverage of four big-city daily newspapers: the Chicago Tribune, the Los Angeles Times, New Orleans Times-Picayune, and The Washington Post. It compared the editorial coverage of those newspapers in terms of...
that given to Congress as a Whole versus that given to individual local
Congressmen. In doing so, the study analyzes such variables as the
number of stories, the page positioning of those stories, and the
opinions of the newspaper editors as reflected through editorials.

One chapter analyzes the results of a survey of
Congressional press secretaries who were asked to compare press
coverage by the various mediums in terms of competence, cooperation, and importance.

Another chapter deals with the question of electability as it is
related to editorial support. The electoral successes of those
Congressmen with and without newspaper support are compared.

Ultimately, the study attempts to answer and to pose
to questions about Congress and its relationship to the news media.

RESURRECTING THE PROPHET: DR. MARTIN LUTHER
KING, JR., AND THE NEWS MAGAZINES. (VOLUMES I AND
II)  Order No. DA83247402
LEITZ, RICHARD GLENN, Ph.D. The University of Iowa, 1983. 993pp.
Supervisor: Associate Professor John Eriksson

This study offers a historical analysis of the coverage of Dr. Martin
Luther King, Jr., that appeared in the three American news
magazines, Time, Newsweek, and U.S. News & World Report, during
the period, 1956-1968. Its principal thesis is that the three
publications washed out much of the radicalism that King exhibited
during the last years of his life.

King's career was marked by two ideological stances. During his
earlier career in the civil rights movement in the South, King was a
symbol that reaffirmed American ideals of justice and brotherhood. Beginning in 1956, however, a more radical King appeared. The
elements of his radicalism were the campaign directed against de
factic discrimination in Chicago; his prominent role in the movement
organized to oppose the American war in Vietnam; and the
organization of the Poor People's Campaign before his death in 1968.

The latter campaign was structured along class lines, and was
intended by King to force concessions from the national government
by the use of the Gandhian tactics of nonviolent civil disruption in
Washington and other cities across the United States.

Each of the three news magazines approached King from
somewhat differing perspectives during both the reformist and radical
phases of his career. In the presentation of King by Time, Newsweek,
and U.S. News & World Report, the symbolic King was ordered and
reordered so as to provide a closer match between the actual King,
the events with which he was associated, and the expectations of the
audiences of the publications. Immediately following his death in
Memphis in 1968, however, the magazines individually reinterpreted
King so as to preserve the integrity of a symbol that had represented
the ideals of the nation.

EDUCATION IN WEST AFRICA: THE DAILY GRAPHIC
(Ghana) AND THE DAILY TIMES (Nigeria) AS MIRRORS
OF CONCERN  Order No. DA83247408
McDonald, Philip Mark, Ph.D. Michigan State University, 1983. 211pp.

The critical link in informing the public of governmental policy and
practice is the news media, and in particular the role the press plays
in informing its readers. The press provides an arena of
communication for the struggle that exists between the public's
demand for education and the government's ability to deliver proper
educational services.

This study offers a historical analysis of the coverage of education in two national daily newspapers of independent Ghana
and Nigeria. The Daily Graphic of Accra and the Daily Times of Lagos
were selected on the basis of longevity, circulation, and availability for
research.

The newspapers were analyzed in four twelve-month periods.
Each daily was examined immediately after independence and again
after each country's most recent return to civilian rule.

A content analysis of the database examined the quantitative and
qualitative components of educational news reporting. A space scan
sample, based on the constructed time period method, produced a
content profile of the newspapers. A general content sample (GCS)
analyzed educational news according to form and educational
category.

A thematic analysis qualitatively sampled the educational issues
recorded in the general content sample. The criteria for selecting the
major themes was the dependence on whether an issue was a national policy
concern and whether it received a major portion of issue-oriented
coverage.

Educational news reporting in Ghana and Nigeria reflected deep
linkages that existed between education and other sectors of the
society. Political stability or instability, along with changes in the
economy, directly affected the quantity and quality of educational
services in both countries.

The press recorded the massive rate of expansion of the education
sector in Ghana and Nigeria along with the particular problems
accompanying growth. In addition, the press mirrored the degree of
status each kind of education possessed. In both countries, the press
consistently gave more coverage to the traditional academic
institutions of grammar schools and universities than to vocational
schools or teacher training colleges. Finally, the press reflected
changes in societal attitudes toward education across time. As
political and economic realities changed over the years after
independence, educational concerns of society changed also.

MASS MEDIA IN REVOLUTIONARY SOCIETIES: A CASE
STUDY, OF EL UNIVERSAL OF MEXICO DURING THE OIL
EXPROPRIATION CRISIS OF 1938  Order No. DA83247985
Chairperson: Professor Alex S. Edelstein

Contemporary research on the press in revolutionary societies has
emphasized the strong relationship between press and government in
such societies. However, little is known about how this articulation
influences press content.

Even less is known about how the press in revolutionary societies
participates in the resolution of societal conflict.

This study content analyzed changes in the attributes of the
prestige papers of Mexico during the expropriation crisis of 1938.
Every other day of the oil-related front page and editorial content of
the prestige paper El Universal was studied for three months prior to
and three months following the expropriation decree.

The study examined changes in prestige and governmental
attributes of expropriation-related news themes, along the dimensions
of independence, moderation, policy orientation, support for
government and governmentalism in peering.

The findings answered the question: To what extent did El
Universal lose "prestige" press characteristics during the course of
the conflict? It was found that at the height of the conflict, El Universal
lost some of its independence, moderation, and policy orientation. It
became more supportive of the government and exhibited more
attributes of a governmental press. However, as the crisis passed, El
Universal recovered most of its "prestige" attributes, demonstrating
remarkable resilience.

null
The study was prompted by the lack of empirical data on Mexican newspapers' relationship with government and the resulting confusion in the literature on the nature of that relationship.

Most, if not all, well-known studies of government-press relationships under the rubric of the press rely on judges' estimates of the degree of press freedom in a nation. This study utilized content analysis of articles in six Mexican newspapers: Excélsior, Novedades, and El Nacional from Mexico City, El Informador from Guadalajara, El Dictamen from Veracruz, and El Norte from Monterrey. Only those editorials and columns commenting on the president or a current cabinet official were analyzed. Mexican graduate students analyzed comments using a seven-point evaluative comments, while praise was defined as positively evaluative comments.

Contrary to observers who say that Mexican newspapers rarely criticize the president or only recently began to do so, this study found that 15 percent of all articles analyzed criticized the president, while criticism-to-praise scale. Criticism was defined as negatively evaluative comments, while praise was defined as positively evaluative comments.

The study then explores public policy responses to the problem, evidencing in rapidly increasing state intervention in press structure and economics. The author shows these new initiatives are linked to democratic socialist ideology and suggests that democratic socialism thought about the media has evolved into a separate and distinct Western theory of the press.

The concept of freedom largely revolve around the major issues: definition of freedom and the degree to which it is understood. In fact, there is no consensus on the definition of freedom, but there seems to be a realization that it varies both over time and between societies. In this respect, this study focuses on defining the issues clearly and unequivocally. The opposing arguments that comprise the philosophical debate in this controversy.

The study found freedom to consist most importantly of the absence of coercion. And it should be promoted as much as possible without exposing the society or nation to immediate danger. To broaden the social freedom of all individuals, a free flow of information is necessary because only information allows the people to know what is right and what they can or should do.

The study reviewed four periods of intervention during the past three centuries and the manner and extent to which each of sixteen nations in this study now intervene. Through a factor analytic study, the author reveals that five patterns of intervention emerge among Western nations and that these patterns are closely aligned with the patterns of general macroeconomic policies among the nations. The author shows that although intervention in both the marketplace of goods and the marketplace of ideas has been instituted clearly to ameliorate the harmful effects of capitalism, modern intervention in press economics has been made not only to mitigate undesirable behavior but to provide the means through which desirable behavior is possible and encouraged.

The study provides a modern democratic framework within which to contemplate the changing nature of state-press relations. It provides a proposal, implicit in the democratic socialist hierarchy of press freedom, to achieve a more democratic approach to the role of the press in society.
The First Amendment to the Constitution commands that "Congress shall make no law... abridging the freedom of speech or of the press." Notwithstanding this libertarian protection, the copyright clause of the same Constitution empowers the Congress to enact legislation granting to authors for a limited time "the exclusive rights of their writings."

The tension created by these competing and seemingly antithetical interests—maximum free flow of and access to information, and concern for protection of the literary rights of citizens—presents an interesting dilemma. This legal-historical dissertation examined one judicial approach to balance these constitutional interests: fair use, defined as the privilege of using materials that are copyrighted in a reasonable and acceptable manner without the consent of the copyright holder.

The study reviewed fair use litigation since the mid-1840's and outlined the constitutional dimension of the fair use debate, noting five recurring themes enunciated by the judiciary. The study traced the development of the fair use doctrine from Folsom v. Marsh (1841) to 1976, noting early efforts to deal with the conflict, later litigation which refined the fair use concept, and the crystallization of the fair use concept into a full-blown legal doctrine.

Although developed as a judicial doctrine, the fair use concept gained statutory expression in the Copyright Revision Act of 1976 in Section 107, entitled "Limitations on Exclusive Rights: Fair Use." The study reviewed the 1976 Act's legislative history and discovered that the legislators essentially reinforced the fair use doctrine as established by the judiciary. Finally, the study examined post-1976 litigation and discovered that generally the judiciary reinforced the parameters of the doctrine with only a couple of exceptions.

The study concluded that generally the fair use doctrine provides an adequate balance for these two competing constitutional interests, although the doctrine retains some ambiguity by design. Allowing for judicial flexibility to adapt to new technology and novel situations, the fair use doctrine defines a minimum framework, while allowing for maximum parameters to be established by the judiciary on a case-by-case basis.
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