

Chapter 1: Free Speech on the Internet, Blogs and in the Traditional Press

Jane Hall, associate professor in the School of Communication at American University, and Michael Scherer, a correspondent for *TIME Magazine*, took turns addressing the impact of Information Age technologies on the traditional press. They later answered audience questions in tag-team fashion. A recount of their respective presentations follows, along with suggestions for additional reading and research to supplement the associated lesson plan.

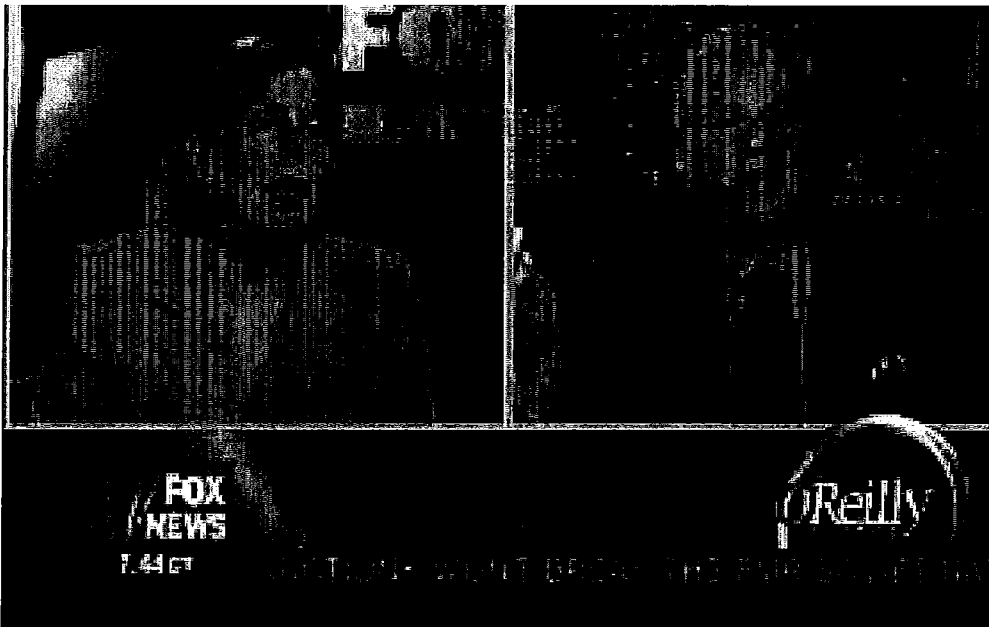
Jane Hall began her segment with an uplifting development from academia: The Constitution and the First Amendment are making a comeback in terms of curricular emphasis. At the same time, she finds that her students are relatively ignorant regarding the five freedoms of the First Amendment and American history in general. Before assuming her academic post 10 years ago, Hall spent 25 years in the news media. She confesses that she is increasingly aware of media excesses from her new position, not to mention her weekly role defending the mainstream media opposite conservative critic Bernie Goldberg on Fox News' *The O'Reilly Factor*.

conundrum. While they fear government surveillance, they place personal facts about themselves for all to see on social networking sites.

Hall also contends that young people are interested in "edge and opinion," the primary program format of cable news. Moreover, the popularity of such shows as *The Daily Show* and *The Colbert Report* among a younger demographic also plays to this tendency, offering an ironic twist while proffering opinionated programming.

These trends are reflected in the ever-changing media landscape. Authority has been turned upside-down, for everyone is an "owner" of information nowadays, and one no longer needs to own a printing press for purposes of dissemination. Moreover, whereas elites drawn disproportionately from male, white, upper-class populations with Ivy League educations formerly dictated the news agenda, their grasp is ever tenuous. Today's news also trickles from the bottom up, especially through so-called "citizen journalists."

The viral aspect of the contemporary news environment is understudied and underappreciated, where



Jane Hall, an associate professor of communications at American University, makes a weekly appearance on the *O'Reilly Factor* defending the mainstream media, and debates conservative critic Bernie Goldberg.

Turning to the topic at hand, Hall referenced her recent partnership with *WashingtonPost.com* where she studied young peoples' attitudes toward the election. She found that our nation's youth are tracking the compelling 2008 contest via the Internet, not television, and that they are concerned about major issues in this election, namely the economy, the Iraq War and health care. Hall also noted generational differences specific to key issues. For example, youth attitudes about privacy present a basic

individual readers make habit of forwarding stories to one another. Also, bloggers played a prominent role in CBS' use of falsified documents in its 2004 story about President Bush's service in the Texas National Guard. YouTube alone has changed the dynamics of political coverage in recent years, holding candidates to new levels of accountability. For instance, the sermons of Reverend Jeremiah Wright, which can be viewed on YouTube, forced Senator Barack Obama to

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respond directly to the more controversial claims of his former pastor.

These changes aside, Hall claims there is still a place for the mainstream media. She references the *Washington Post's* 2007 series on the abuses at Walter Reed Hospital, calling it "phenomenal," and asks who will do the costly reporting in the absence of traditional vehicles. Perhaps a nonprofit model like that practiced by the *St. Petersburg Times* or the emergent *Pro Publica* will provide an answer to this perplexing question, Hall suggests. She claims the mainstream media is "under siege" economically at the same time it weathers attacks for its allegedly liberal bias. She finds this criticism "off the mark," but acknowledges widespread concern within newsrooms about the charges, and affirmative steps pursued to prove otherwise. Taken together, Hall laments that the credibility of the mainstream media has undeniably declined.

Collectively, Hall concludes that the impact of these changes in the media landscape on young people remains unknown. As a college professor, she finds that her students constantly editorialize when practicing journalism, and she is forced to guide them back to objectivity. In the end, Hall argues that the basic conventions that have guided the profession for decades remain the same.

Michael Scherer is a relative newcomer to the field of journalism, launching his career just a decade ago. Yet he, too, is amazed by the changes he has witnessed in the intervening years. He began his career at a small newspaper in Northampton, MA, where the *Daily Hampshire Gazette* used an answering machine in place of its editorial page, merely transcribing reader messages verbatim in the next day's print edition. Scherer draws a parallel between this and the current comments section attached to stories he posts online for *TIME Magazine*.

Overall, he finds changes like these and those described earlier by Hall more good than bad and inevitable nonetheless. His overall comments echoed Hall's to a large degree, and were centered on three primary changes he sees in the contemporary field of journalism.

First, Scherer contends that news delivery is no longer a static one-way relationship from reporter to reader, viewer or listener, but rather a conversation between the two. Whereas editors formerly determined the news of the week, the emergence of cable news, news aggregators like the *Drudge Report*, talk radio and, collectively, the 24-hour news cycle have forever altered the equation. Partisan news sources have also re-entered the fray,

harkening back to the founding era, where the likes of *Daily Kos* and Rush Limbaugh cater to ideological audiences on the left and right, respectively. As power shifts to news consumers, mainstream media sources are provided with immediate feedback in the form of page clicks and reader comments.

Second, Scherer suggests that the importance of packaging of news by mainstream media sources has decreased. Individual stories are now more important than the overall newspaper, magazine or news program itself. Furthermore, these forces have turned the hierarchy that formerly governed journalism on its head, allowing individual reporters to rise rapidly rather than climbing the proverbial ladder.

This development has led to more audacious reporting. Scherer compared recent stories by the *New York Times* and online political news source *Politico* about then Democratic presidential candidate Senator Hillary Clinton's chances of winning her party's nomination. *Politico* was much bolder in dismissing her odds than the more reserved *New York Times*. Even in such traditional news bureaus as the Associated Press, however, there is evidence of greater voice from individual reporters as news analysis like that present in weekly magazines has entered the fray as a standard story form, and is more aggressive in holding political figures accountable for their statements and actions. Part and parcel to these collective developments is the expanded premium placed on breaking news.

Third and finally, like Hall, Scherer referenced the broken economic model for daily newspapers. Calling the contemporary situation a "real and serious threat," he identified the failure to retain advertisers as they have migrated online, specifically to Web sites like Craigslist. As a result, newspapers have been forced to reduce the size of their staffs, and citizen journalists have emerged to fill the vacuum. Furthermore, Scherer said that respected online news entities like *Salon* and *Politico* are operating at losses, but this may represent the wave of the future as journalism assumes a place in our civic structure where wealthy individuals or nonprofits (see above) are willing to subsidize the "relatively cheap" practice of news gathering.

Regardless, Scherer suggests that journalism will not die because individuals are consuming its product in record numbers. People read more books, watch more television, and spend more time on the Internet than ever before. For example, more than 9 million people visited the *Washington Post's* Web site last month, far in excess of its print audience. Scherer holds this as proof

that readership exists; only the financial model itself is broken.

After making their respective remarks, Hall and Scherer then entertained questions from symposium participants. A select number of them are recounted in the paragraphs that follow.

One participant asked the panelists to comment upon the extent to which contemporary news reporting is characterized by advertiser-driven snippets or sound bytes. Scherer said that a savvy news consumer has more information at his or her fingertips than ever before, but sifting through this barrage requires decision-making along the way. Moreover, just because the Internet offers a greater selection of information does not mean that consumers take proper advantage of it. This opens the door for a reliance on “low information signals” like the presidential candidates’ tendency to make guest appearances on *The View*, for example.

Another participant returned to a theme that reverberated in both Hall’s and Scherer’s presentations – the question of why news organizations are not making money on the Internet. Hall argued that select news organizations like the *New York Times* and the *Washington Post* do make money via their online versions. Instead, the question is whether this will be enough to pay for “real” reporting in the future. Hall hypothesizes that product placement will enter stories themselves, or perhaps an equivalent of Nielsen ratings will be applied to Internet news.

Scherer added that some publications already cater to the interests of advertisers. He cited today’s greater number of food stories as an example.

Hall ended with a rhetorical question: Who will do the tough reporting that does not fulfill the needs and desires of advertisers? She lamented that young people feel that if something important occurs in the news, they will hear about it. Hall, by comparison, actively seeks such information, feeling she has an obligation to read a dozen newspapers on a daily basis.

A related question inquired about the ability to harness the Internet in order to bring back “meaningful” reporting. Scherer suggests that in many ways this is already occurring, that the Internet is organizing itself. Online news consumers are more or less rational and seek credible sources. He holds up the *Drudge Report* as the most prominent example.

Hall concurred with Scherer, pointing to the enormous potential for online storytelling and the fact that many aspects of this are already being utilized. However, most of this ingenuity still originates from print reporters.

A fourth question returned to one of Scherer’s opening points: Why the prevalence of reader comments on mainstream news web sites, many of whom allow anonymous posting? Scherer claims that the current belief among news organizations is that the readers themselves will self-regulate. If not, observers will remove the sexist, homophobic and otherwise disparaging remarks that populate these pages. More than anything, the news organizations themselves lack the power to control such discourse.

Hall is particularly sensitive to unfair criticism given her role on *The O’Reilly Factor* and the strong reactions from viewers the program often elicits. As a result, she is not a fan of anonymous posting by readers. That said, Hall allows that *Minnesota Public Radio* has been particularly successful utilizing reader comments for the purposes of sourcing. She also finds that live online chat sessions between reporters and readers help to diffuse some of the tensions she has experienced.

A final question raised the issue of the tendency for the Internet to create “social cascades” where like-minded people visit Web sites that carry an overt ideological bent, pushing them further to polarized extremes. Scherer acknowledges its presence, but contends that individuals are not permanently in these “columns.” For instance, the right-leaning *Fox News Channel* is no longer a “rising star.”

Hall responded with a question of her own: “Do you want to have your prejudices confirmed?” She referenced research that demonstrates that the opposite is occurring where individuals encounter a range of ideas that often conflict with their own world views. At the same time, she acknowledged a more partisan bent to individual news organizations, harkening back to earlier chapters in American history.

This chapter concludes with a list of sources either referenced above or pertinent to the topic under consideration.

Additional Reading and Research:

Center for Digital Democracy: Web 2.0 in the Public Interest. Available Online: DemocraticMedia.org.

"Characters from The Simpsons More Well Known to Americans Than Their First Amendment Freedoms, Survey Finds." McCormick Foundation. Available Online:

McCormickFoundation.org/news/2006/pr030106.aspx.

Martin, Jonathan, and Ben Smith. 2008. "Drudge Keeps Campaigns Guessing." *Politico*. June 3.

Electronic Frontier Foundation: EFF is the leading civil liberties group defending your rights in the digital world. Available Online: EFF.org.

Free Speech 3.0: Student Expression in the Digital Age. 2007. McCormick Foundation Conference Series. Available Online: McCormickFoundation.org/publications/freespeech.aspx.

Media Matters for America: A progressive research and information center dedicated to comprehensively monitoring, analyzing, and correcting conservative misinformation in the U.S. media. Available Online: MediaMatters.org.

Media Research Center: A conservative media watchdog group dedicated to bringing political balance to the news and entertainment media. Available Online: MediaResearch.org.

Minnesota Public Radio: Headquartered in St. Paul, operates a regional network of 37 stations, covering Minnesota and parts of Wisconsin, the Dakotas, Michigan, Iowa and Idaho. Available Online: Minnesota.PublicRadio.org.

Pew Internet & American Life Project: Explores the impact of the internet on children, families, communities, the work place, schools, health care and civic/political life. Available Online: PewInternet.org/about.asp.

Pro Publica: Journalism in the Public Interest. Available Online: ProPublica.org.

Project Censored: The News That Didn't Make the News. Available Online: ProjectCensored.org.

Lesson Plan

Topic: Free Speech, Blogs and the Traditional Press

Critical Engagement Question

Are bloggers journalists? If so, are they worthy of the legal protections provided to print and broadcast journalists?

Overview

Currently, no federal shield law exists; however, 31 states have laws that provide some form of protection for journalists attempting to maintain the confidentiality of their sources. Advocates of a federal shield law have argued that such legislation is necessary to protect all journalists and eliminate inconsistencies from state to state. Although several statutes including shield laws have been introduced in Congress, to date, none have become law. One issue of contention is the extent to which bloggers would be protected by a potential federal shield law.

This lesson is designed to expose students to the burgeoning world of blogs, and to place the work product of bloggers alongside that of traditional journalists. In this context, students will come to understand the importance of a free press and the implications of shield laws for journalists and citizens.

Objectives

- To define the freedoms guaranteed to the press by the First Amendment.
- To highlight the basic tensions between the First Amendment and the public interest in the context of the debate over a federal shield law.
- To consider the extent to which online speech is or is not protected by the First Amendment.
- To evaluate whether or not blogging is a form of journalism and therefore worthy of protections guaranteed to print and broadcast journalists.
- To expose students to a variety of media, helping them become critical consumers of news coverage.

Standards

NCSS: Themes 6, 8 and 10.

NCHS: Era 10 Standard 2D,

Illinois: Goal 14, Learning Standards A, B, and D;

Goal 18, Learning Standard C.

Student Materials

Print hard copies, or provide students with Internet access to the following articles:

- Hudson, Jr., David L. 2005. "Blogging." First Amendment Center. November. Available Online: FirstAmendmentCenter.org/Press/topic.aspx?topic=blogging
- Specter, Arlen. 2008. "Why We Need a Shield Law." *Washington Post*. May 5, page A17. Available Online: WashingtonPost.com/wpdyn/content/article/2008/05/04/AR2008050401597.html
- Mukasey, Michael. 2008. "No Need for Shield Law." *USA Today*. April 17, page 12A. Available Online: USAToday.com/printedition/news/20080417/oppose17.art.htm

The first article listed above, Hudson's "Blogging," should be read in advance of the lesson. The remaining two articles on the proposed national shield law will be utilized during class in the midst of the lesson.

Time and Grade Level

One 45-minute high school class period.

Recommended for ages 9-12.

Warm-Up

Facilitate a concept formation brainstorm with students in order to develop working definitions of journalists and bloggers, highlighting the similarities and differences between the two. Have students write their ideas on the worksheet provided, then, ask them to share with the class at large. Compile these ideas on the blackboard or a sheet of butcher paper for the entire class to observe and utilize throughout the balance of the lesson.

1. List at least five qualities that define the work of a journalist.
2. Next, using the qualities listed in Question 1, write a one-sentence definition of a journalist.
3. Repeat this exercise for bloggers, listing at least three qualities that define them.
4. Now, using the qualities listed in Question 3, write a one-sentence definition of a blogger.
5. Compare your definitions of a journalist and a blogger. How are they similar? What are the differences? Finally, is a blogger a journalist?

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Activity

1. Assign students a partner for the duration of this lesson. Each partner, while working together, is expected to complete the attached worksheet.
2. Distribute copies of or provide Internet access to Specter's "Why We Need a Shield Law" and Mukasey's "No Need for Shield Law." Ask students to read these articles, and then draw on them to complete the assignment.
3. Discuss each team's findings with the class at large. Ask for volunteers to share their conclusions, or solicit information by calling on students.

Extensions

1. Ask students to compare the coverage of a single news event by the traditional media and by bloggers. Possible sources for traditional media include the "Timely News" section of the Freedom Museum's web site (FreedomMuseum.US/TimelyNews). Also, refer students to the Freedom Museum Blog, FanningTheFlames.Blogspot.com.
2. Assign a position paper written in support or in opposition to the establishment of a federal shield law. It should also discuss the extent to which shield law protections should or should not be extended to bloggers.

Student Worksheet

Name: _____

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Directions: Please complete the following steps with your partner. Each of you is responsible for submitting a completed copy of this assignment. Be prepared to discuss your findings.

1. Read the excerpt of the First Amendment to the United States Constitution below. In your own words, what does "freedom of the press" mean?

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press..."

2. Read "Why We Need a Shield Law" by Arlen Specter. List his three most compelling arguments for the passage of a federal shield law.

3. Read "No Need for Shield Law" by Michael Mukasey. Once more, list his three most compelling arguments against a federal shield law.

4. Which argument, Specter's or Mukasey's, do you find most compelling? Why?

5. Is a federal shield law necessary to protect freedom of the press as defined by the First Amendment? Explain.

6. Based upon your definitions of journalists and bloggers, and also your comparisons and contrasts of the two, are bloggers worthy of protection by the First Amendment freedom of the press? A federal shield law? Share your reasoning for each conclusion.

