

Freedom of Speech and the Press in the Information Age

Conference Report and Lesson Plans

Co-sponsored by: The McCormick Freedom Museum and
The James Madison Memorial Fellowship Foundation

McCormick Freedom Museum

The McCormick Freedom Museum is the nation's first museum dedicated to freedom and the First Amendment. Opening its doors on April 11, 2006, the Freedom Museum inspires generations to understand, value and protect freedom. Through interactive exploration, visitors gain a greater understanding of the struggle for freedom in the United States and the role the First Amendment plays in our daily lives. Though the Museum appeals to children and adults of all ages, its content is geared primarily toward students at the middle and high school levels. The Museum is a resource for teachers and students across the country. Its comprehensive education program offers curricula, student activities, field trips and other learning opportunities.

James Madison Memorial Fellowship Foundation

The James Madison Memorial Fellowship Foundation was established by Congress in 1986 for the purpose of improving teaching about the United States Constitution in secondary schools. The Foundation is an independent agency of the Executive Branch of the federal government. Funding for the Foundation's programs comes from Congress and generous contributions from individuals, foundations and corporations. The Foundation has a Board of Trustees and its daily operations are directed by a president and a small staff. The Foundation's office is located in Washington, D.C.



Freedom of Speech and the Press in the Information Age

Conference Report and Lesson Plans Co-sponsored by:
The McCormick Freedom Museum and The James Madison Memorial Fellowship Foundation

Georgetown University
Washington, D.C.

Table of Contents

Foreword	3
Introduction	4
Chapter 1: Free Speech on the Internet, Blogs and in the Traditional Press	6
Lesson Plan	10
Chapter 2: Should the United States Return to the Fairness Doctrine?	13
Lesson Plan	18
Chapter 3: Should Reporting Be Limited During Times of War?	23
Lesson Plan	27
Chapter 4: Free Speech and Campaign Finance Reform	30
Lesson Plan	35
Student Worksheet A	37
Student Worksheet B	38
Appendix: Speakers	40
Appendix: Participants	42

Freedom of Speech and the Press
in the Information Age

Published by
McCormick Foundation
435 North Michigan Avenue
Suite 770
Chicago, Illinois 60611
312 222 3512
E-mail: info@McCormickFoundation.org

All rights reserved.

Copyright © 2008
McCormick Foundation

Foreword

On behalf of the McCormick Freedom Museum, the newest addition to the McCormick Foundation, I am happy to present a report produced as a result of our June 2008 conference, *Freedom of Speech and the Press in the Information Age*, held at Georgetown University in Washington, D.C. Presented in partnership with the James Madison Memorial Fellowship Foundation, this gathering of more than 130 social studies educators and thought leaders who practice First Amendment freedoms daily is part of the McCormick Foundation Conference Series.

We would like to thank Admiral Paul Yost and Lew Larsen of the Madison Foundation; without their guidance and support this conference would not have been possible. We also appreciate the contributions of the nine guest speakers who participated in the symposium and whose expertise this report embodies. Most of all, we commend the social studies teachers from across the country who serve on the front lines in our collective mission to foster civic engagement among our nation's young people. All of them shared insights embedded in the lesson plans that follow, and two in particular, Ryan Ervin and Kristi Stricker, served as the primary authors.

Georgetown University, in the heart of our nation's capital, was an ideal setting for a conference exploring contemporary challenges surrounding freedom of speech and press. Here we shared the site of the James Madison Summer Institute, where fellows from across the nation convene annually to study our nation's foundational documents, seeking to shed historical light on contemporary freedom topics in their classrooms. The goal of this conference was to explore four major topics: freedom of speech on the Internet,

the revival of the Fairness Doctrine, reporting during times of war and campaign finance reform. In the end, our mission was an unqualified success, and this report stands as a testament to both the breadth and depth of material addressed over the course of the two-day conference.

The McCormick Foundation is deeply committed to advancing the ideals of a free, democratic society by investing in children, communities and country. A fundamental premise of our democratic society is that an informed and educated public has the capacity to solve the problems it confronts.

For more than 15 years, the McCormick Foundation Conference Series has provided a forum for exploration and analysis of complex issues, situations and events affecting our communities and country. It's our hope that this conference report and associated lesson plans will help us all to reach a greater understanding of contemporary First Amendment challenges, and begin to create long-term solutions that will preserve freedom for years to come.

Sincerely,



David L. Grange
President and CEO
McCormick Foundation

Introduction

On June 26–27, 2008, more than 130 social studies teachers from across the United States, its territories, Cuba and even Iraq gathered at Georgetown University in Washington, D.C., for the James Madison Symposium conducted in partnership with the McCormick Freedom Museum. The symposium was titled *Freedom of Speech and Press in the Information Age* and explored four related topics under this thematic umbrella including free speech on the Internet and blogs, as well as in the traditional press; the Fairness Doctrine; press coverage during wartime; and the free speech implications of campaign finance reform.

The two-day conference was organized around four separate panels based on the aforementioned subjects, and also included an evening banquet with a keynote address by C-SPAN President and CEO Brian Lamb, as well as a morning working session on lesson plans to address the four central topics.

This report presents a summary of these deliberations in chapter form, with each chapter followed by a lesson plan rooted in the conference proceedings. The hope is that the summaries of the panel discussions help to contextualize the topics addressed and provide solid leads for further examination of these issues. They frame the embedded lesson plans, each designed for use in social studies classes at the secondary level.

The lesson plans begin with a critical engagement question, followed by an overview of the exercise; the lesson objectives and relevant standards follow, along with suggested homework and extension activities. Learning materials for your students are also included in document form for easy duplication and dissemination.

Brief biographies of each of our nine speakers follow the first four content- and lesson-plan based chapters in the appendix along with a list of conference participants, including staff members of the James Madison Foundation and the McCormick Freedom Museum. Brief descriptions of our respective organizations can be found on the back cover of this report.

Before diving into the four content areas, a summary of Brian Lamb's keynote address is warranted. Lamb began his speech by recapping his extraordinary career (detailed in the appendix), then quickly pivoted into C-SPAN's undertakings, suggesting that if he could not capture the interests of this group of highly motivated social studies teachers, he "might as well give up."

Lamb's remarks were punctuated by frequent give-and-take with the audience. He asked, "Why do you do what you do? Tell me why you're here, why you teach." Among the responses: "Because I have the best job in the world." "September 11." "I wanted to do something good for my country." "We have to be very positive in our outlook and help students understand why the Constitution matters to them." "I realized I had the greatest legacy in my life [after 36 years of teaching]." And, finally, "To me, it's about protecting the future, especially...our freedoms."

Lamb then paid tribute to his own high school broadcasting teacher, Bill Fraser, who supported his efforts to build a radio station at school with two 45-speed record players.

He then launched into a debate with participants over the echoes in some circles for a return of the Fairness Doctrine, a topic addressed in a panel preceding the banquet. He began with the contention that, "Something needs to be done about media consolidation" due to the limited amount of information available to the general public. While we have now moved beyond the three major television networks for the provision of news, and an "unlimited number" of outlets now exist, Lamb considers it poor policy to allow Clear Channel to own 1,200 channels, eight in the Washington, D.C., area alone.

One participant contended, "The public airwaves belong to us." Another responded, "I conclude the public airwaves are being used responsibly." Regardless, Lamb predicted that the chances of return of the Fairness Doctrine are "pretty good" if Senator Barack Obama is elected with a Democratic Congress

Freedom of Speech and the Press in the Information Age

this November. While remaining agnostic toward the latter development, he urged restraint in the case of the former, asking the audience, “Who do you want to decide what is fair?” He cited former President Richard Nixon as an example, who favored the Fairness Doctrine because it enabled him to “beat up on” any network that criticized the administration.

In the end, Lamb concluded that the public “airwaves are becoming less and less important every day,” adding that the Fairness Doctrine usually returns when people are concerned about the presence of specific points of view.

The balance of Lamb’s remarks centered on C-SPAN’s role in shedding sunlight upon the work of Washington. The network is funded by a five-cents-per-customer fee paid by cable television subscribers. Because it lacks media stars of its own, C-SPAN is largely ignored by the mainstream media. In this vacuum, Lamb asked us to introduce it to our students.

Lamb lamented about the conundrum his network often faces when attempting to televise our government in action, centering much of his scrutiny upon the Supreme Court. He referenced a dinner sponsored by the Cleveland Club where Justice Antonin Scalia was set to receive a free speech award. The Associate Justice refused to appear if C-SPAN’s cameras were present, so the network made this irony known to the people of Cleveland, as the *Plain Dealer* blasted the story on the front page upon Scalia’s arrival.

This account, and the Supreme Court’s general refusal to allow live broadcasts of oral arguments, speaks to the desire of government institutions in Washington to control the political environment. Justice Souter has gone so far as to suggest that there will be cameras in the Supreme Court over his “dead body.” Lamb debunked the suspicion that prevails on the Court that C-SPAN will make money off of these potential broadcasts. Instead, his motivations are spawned by his conviction that, “If I pay for it, I ought to be able to see it, with the exception of national security issues.”

In the end, Lamb left his audience with a more uplifting forecast, contending that our country has never been in better shape in terms of openness. Television and the Internet, he argues, have helped facilitate this progress. He cited an interview conducted that morning via the Internet with Secretary of State Condoleezza Rice on a bus in Lafayette, LA, that was broadcast live by C-SPAN as an example of the public access that these technologies have enabled.

Lamb’s address captured the very spirit of this two-day conference, where new technologies are intersecting with the 18th century guarantees of the First Amendment, especially freedom of speech and the press. The four chapters that follow, and the topics addressed within, fit perfectly within this umbrella and speak to both the challenges and opportunities presented by the Information Age. We begin by addressing the free speech implications of the emergence of the Internet and blogs, as well as the collective impact of Digital Age developments on the traditional press.

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

Freedom of Speech and the Press in the Information Age

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?

Freedom of Speech and the Press in the Information Age

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.

Free Speech, Blogs and the Traditional Press

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.

Chapter 2: Should the United States Return to the Fairness Doctrine?

Steve Rendall, senior analyst at Fairness and Accuracy in Reporting (FAIR) and co-host of *CounterSpin*, FAIR's national radio show, and Todd Gaziano, director of the Center for Legal and Judicial Studies at the Heritage Foundation, presented dramatically different takes on the proposed restoration of the Fairness Doctrine, a policy enforced by the Federal Communications Commission (FCC) from 1949 through 1987. Their verbal sparring continued during a contentious round of audience questions. Their debate is summarized in the pages that follow, along with recommendations for additional reading and research to supplement the designated lesson plan on the topic. First, a bit of history on the Fairness Doctrine is provided to add context to the contemporary debate over its potential revival.

The Radio Act of 1927 served as a prelude to the Fairness Doctrine, mandating the FCC's forerunner, the Federal Radio Commission (FRC), to grant licenses on the condition that stations served the "public convenience, interest or necessity." One year later, the FRC called for broadcasters to demonstrate "due regard for the opinions of others."

The FCC (created in 1934) adopted the Fairness Doctrine as a formal rule in 1949 under the premise that radio and television stations that used the public airwaves to disseminate their messages played a role of "trustee" and were thus obligated to cover controversial matters of public importance through a discussion of conflicting viewpoints. The concern at the time was that the growing number of applicants for radio stations was limited by the available frequencies, raising concerns that broadcasters would promote a single perspective. Through a FCC mandate, broadcasters were instead required to present multiple viewpoints.

The Fairness Doctrine never carried the force of federal law; it was merely a policy enforced by the FCC. By 1967, it encompassed rules addressing personal attacks and political editorializing and, in 1971, required stations to demonstrate attempts to locate and report on matters of local concern as a condition of license renewal. In 1969, the U.S. Supreme Court upheld the constitutionality of the Fairness Doctrine upon its challenge by a Pennsylvania radio station. Writing for the majority in the case *Red Lion Broadcasting Co., Inc. v. FCC*, Justice Byron White wrote, "A license permits broadcasting, but the licensee has no constitutional right to be the one who holds the license or to monopolize a...frequency to the exclusion of his fellow citizens. There is nothing in

the First Amendment, which prevents the Government from requiring a licensee to share his frequency with others. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

The Fairness Doctrine was not enforced without its detractors, many of them members of the press who resented gathering multiple viewpoints when reporting on a given issue. Some saw it as an attack on the First Amendment freedom of the press itself. Most concerning, however, was the fact that many avoided reporting on some controversial issues altogether, constituting a "chilling effect," the opposite intent of the policy.

In the wake of the *Red Lion* decision, the Supreme Court slowly began to chip away at the legal underpinnings of the Fairness Doctrine. Even in the aforementioned decision, the Court held that if the doctrine ever placed a damper on freedom of speech, its underlying constitutionality must be reconsidered. Five years later in the *Miami Herald Publishing Co. v. Tornillo* (1974) case, the Court held that the Fairness Doctrine "inescapably dampens the vigor and limits the variety of public debate."

By the 1980s, the rationale for the Fairness Doctrine diminished given the proliferation of cable television and the numerous news alternatives it offered. Moreover, the Reagan Administration was inclined to pursue paths toward deregulation in most areas of government involvement. By 1984, the doctrine was damaged further when the Court concluded in *FCC v. League of Women Voters* that it was flawed even in its rationale, and it limited rather than advanced the breadth of public debate.

The FCC issued a report in 1985 suggesting that the Fairness Doctrine was no longer achieving its desired ends, that it was in fact having a "chilling effect" and might conflict with the principles of the First Amendment. In 1986, the D.C. Circuit Court of Appeals ruled that the Fairness Doctrine was not mandated by Congress and thus the FCC had no obligation to enforce the policy. The next year, the FCC rescinded the doctrine in its entirety.

Separate attempts by Congress to revive the Fairness Doctrine by statute in 1987 and 1991 were undermined by Reagan's veto pen in the case of the former and the threat of another by President George H. Bush in the latter scenario. More recently, several Democratic members of Congress have suggested that the Fairness Doctrine should be revived, including House Speaker Nancy Pelosi (D-CA) and Senators Richard Durbin (D-IL) and John Kerry (D-MA). In the 109th Congress,

Should the United States Return to the Fairness Doctrine?

Representative Maurice Hinchey (D-NY), along with 16 other co-sponsors, proposed the Media Ownership Reform Act to “restore the Fairness Doctrine.” To date, there has been no parallel action in the 110th Congress.

It is in this historical context and contemporary thicket that Steve Rendall and Todd Gaziano entered, addressing the merits of the Fairness Doctrine. Rendall spoke first, followed by Gaziano, and then the two of them fielded questions from the audience.

Rendall began by tracing the long history of the Fairness Doctrine, arguing that nowadays it stands as an “ambiguous boogeyman” and that many of the counterarguments waged against it are “factually untrue.” He stated that in the United States there are roughly 13,500 radio and television licenses in a nation of 300 million people. Rendall claims that the licenses are “gifts” to individual broadcasters that represent “super speech rights.”

The major networks are able to reach Americans “every day, wherever they want,” says Rendall. Moreover, he argues, these airwaves belong to the public. Together, these two points constitute his rationale for the revival of the Fairness Doctrine. In comparison to newspapers, for example, an individual can print a counterargument to the editorial pages of the *New York Times*, but this same person cannot create his or her own radio or television station to counter *ABC* or *WGN Radio*. He makes reference to the majority opinion in the *Red Lion* case, where the interests of viewers and listeners were considered paramount.

Rendall also questions those who make the Fairness Doctrine something that it never was in practice. He contends that while it was in place in some form or another over the course of six decades, no station ever lost its license under its stipulations. In addition, it did not require equal time for opposing viewpoints but, rather, merely addressing them during the same time slot. Finally, the FCC did not even monitor compliance with the Fairness Doctrine; it was entirely citizen-driven.

Rendall strikes pre-emptively at the arguments advanced by opponents of the Fairness Doctrine, Gaziano included. First, he dismisses the notion that the repeal of the Fairness Doctrine brought about flourishing of public debate, talk radio included. To the contrary, Rendall contends that talk radio was a moneymaking genre as early as 1960. Also, political talk radio has always been conservative, he suggests, for it was “born in backlash.” Its expansion in the ashes of the Fairness Doctrine is a mere coincidence according to Rendall;

most music-oriented stations fled to the FM dial, while new technologies made national syndication more practical. As a result, many local radio hosts, Rush Limbaugh included, went national.

Second, Rendall casts aside the notion that the Fairness Doctrine’s reinstatement would represent the demise of talk radio. To the contrary, he demurs, talk radio was always seen as the very embodiment of the doctrine. Third, he reiterated that the Fairness Doctrine did not mandate equal time or the balancing of views.

Fourth, Rendall dismisses the argument that the scarcity rationale of the doctrine is undermined by the proliferation of new media options. Instead, he argues, radio and television frequencies remain fixed in number, as well as the primary deliverers of information of public concern. Fifth and finally, Rendall refutes the claim that television and radio stations experienced a chilling effect during the 1980s. However, he admits that the Fairness Doctrine was used by both the Kennedy and Nixon Administrations to intimidate broadcasters, but emphasizes that these tactics were illegal.

Gaziano began his presentation by contending that Rendall did not meet the burden of proof required to reinstate the Fairness Doctrine. As a self-described “First Amendment zealot,” he offered three arguments against the doctrine’s revival.

Gaziano contended that the Fairness Doctrine was unconstitutional when the Supreme Court first considered its merits in 1969. The justices, he argued, “erred in their factual analysis.” At the time, with only three major national television networks, the scarcity argument held some water, he admits. However, if the doctrine were applied to print media it would be “flatly unconstitutional.” The same holds for cable companies that receive monopolies in many locales. With the emergence of Internet radio, not to mention podcasts, Gaziano suggests that citizens are afforded more opportunities than ever before to access a myriad of views.

Gaziano also cited the 1986 D.C. Circuit case referenced above, where the FCC noted that the Fairness Doctrine was probably unconstitutional at the time given changes within the media environment. Moreover, he contends that strict judicial scrutiny must be applied to its implementation due to the fact that it governs political speech. On these grounds, Gaziano predicts that it would “flunk” this test. Furthermore, aside from arguments about “fairness” and “balance,” he argues that its contemporary proponents are concerned about conservative dominance of airwaves. With a note of sarcasm,

Freedom of Speech and the Press in the Information Age

Gaziano instructed them to spend their energy assisting Air America. As an aside, Gaziano admits that conservatives do dominate talk radio, but he believes that the left dominates the Internet.

pursue that story.

Secondly, he revisits Rendall's point about the growth of talk radio preceding the repeal of the Fairness Doctrine. He contends that there were no news talk



Rush Limbaugh, the king of conservative talk radio, sees the revival of the Fairness Doctrine as an attempt to undermine conservative dominance of the AM dial.

Gaziano's second point centers on the argument that the Fairness Doctrine is "ripe for abuse." Such infringements on First Amendment rights, he suggests, are not incidental but "unavoidable" given the political nature of the FCC. At the inception of the doctrine, a socialist radio station was threatened, and another license was denied to a Chicago station devoted to workers' rights.

Gaziano said that the chief monitors of the Fairness Doctrine were the Democratic and Republican National Committees, along with presidential administrations. The DNC went so far as to establish listening posts for monitoring purposes. Moreover, the Johnson Administration threatened small radio stations who supported his 1964 opponent, Senator Barry Goldwater, with economic sanctions, and the abuses of the Nixon Administration were even greater. Collectively, these bodies required that coverage be "fair," and also address "all sides" of a given issue.

Gaziano's third and final argument centers on a list of what he calls "practical reasons" against the revival of the Fairness Doctrine. For one, he claims that journalists will have an awareness of the government's presence looking over their shoulders. Because of this, the implications of running an individual story might become a determining factor in deciding whether or not to

stations as of 1987, and that talk radio as a genre exploded after this date. News talk stations began to flourish after 1990, along with religious and sports-themed outlets. During this period, the number of top-40 stations declined significantly. The basis of these conclusions is a 1997 study conducted by Hazlett and Sosa.

Thirdly, Gaziano concludes that radio and television stations did not practice a great deal of nuance in covering opposing viewpoints. Instead, he argues, they presented stereotypes of the other side. Fourth, he asks, where does "equal time" begin and end? Must we present the racist viewpoint? How about Creationists and skeptics of global warming? Finally, he rests his case on First Amendment groups, offering *more* speech as the best solution to "*bad* speech." Also, he argues that the First Amendment was never meant to subsidize the opposing viewpoint, a practice embodied in the basic framework of the Fairness Doctrine.

Before Gaziano and Rendall entertained questions from participants, they engaged in a back-and-forth rebuttal. Rendall feels that Gaziano fails to address the equal time "myth" in the context of his counterargument. Furthermore, he dismisses Gaziano's First Amendment arguments against the Fairness Doctrine on the grounds that broadcasting is "different" than print and other forms

Should the United States Return to the Fairness Doctrine?

of media; therefore, he concludes, the First Amendment does not apply. Rendall acknowledges the explosion of media outlets in the intervening decades since the Fairness Doctrine's repeal, yet he contends that broadcast channels still dominate; he does not advocate applying the doctrine to cable television. More than anything, Rendall made clear that the public interest is paramount, and that large corporations censor the news provided via their outlets, thus creating an even greater need today for the revival of the Fairness Doctrine.

Gaziano countered by invoking the First Amendment once more, contending that Rendall's policy arguments conflict with its core principles. He also faults Rendall for his failure to address the potential for political abuse by the FCC via the presidential administration in power at any given time. Furthermore, the Fairness Doctrine never qualified what constituted "controversial" issues. Thus, when the doctrine was in use, Gaziano contends that networks learned to cover "controversial" issues of little use or interest to the general public.

Their rebuttals complete, Gaziano and Rendall then entertained questions from the assembled audience of participants. One participant asked about the extent to which broadcasts were "dumbed down" due to the Fairness Doctrine. In response, Gaziano returned to his contention that the doctrine is ripe for abuse by the FCC and that local television and radio stations are most threatened by its revival.

Rendall acknowledged the pressures that newsrooms faced during the Fairness Doctrine era, but shifted the focus once more to the public interest. He contends that the "dumbing down" has occurred in the wake of the doctrine's repeal. For example, local coverage of elections has all but ended. The Fairness Doctrine required news coverage, and Rendall holds this up as the primary reason many stations oppose its revival.

Another participant asked why individual stations did not make public their concerns about government pressure on the content of their programs while the Fairness Doctrine was in practice. Rendall issued a brief retort, positing that if all government programs are ripe for abuse, should we then, along this line of reasoning, abolish the IRS? Gaziano returned to his outrage that politicians, namely the FCC, were in charge of assessing political fairness, reiterating his concerns about First Amendment infringements.

A third participant pondered whether the revival of the Fairness Doctrine would be worth the effort given the burgeoning ranks of people who access the Internet for

their news. Rendall remained steadfast that the public airwaves belong to the people. While acknowledging that the Internet made more outlets for matters of public concern available, Rendall returned to the public ownership model once more, maintained his belief that the public airwaves belong to the people.

Gaziano responded with an argument about competition, returning to Rendall's earlier example about the ease by which an individual could compete with information disseminated by a newspaper in comparison to radio or television stations. Gaziano suggested that it is much easier to start an Internet radio station than compete with the *Washington Post*.

Next, Rendall was asked by a participant to explain why the First Amendment does not apply to broadcast media. Rendall reasoned that since broadcast spectrums are not available to all by law, the First Amendment cannot be invoked. However, given the contemporary composition of the Supreme Court, he holds little doubt that it would find the Fairness Doctrine unconstitutional.

Gaziano held that the FM radio band was in its infancy in 1969 at the time of the *Red Lion* decision, and the landscape has since changed. Even though there is less choice in print than contemporary radio stations, the Fairness Doctrine, if reinstated, would apply only to the latter.

Rendall was also asked if his advocacy of the Fairness Doctrine had anything to do with restoring just that – fairness – to the broadcast spectrum. He denied that fairness stood as his foremost concern, re-emphasizing the public role that such media outlets should be obligated to perform as a condition of their licenses. By Rendall's standards, the provision of information of public concern by itself, then, is more important than fairness in its presentation.

A final question cornered Gaziano on the topic of media consolidation, specifically his lack of concern about the phenomenon. He replied that the "big bad corporations are losing bucketsful of money," while simultaneously shedding the power that Fairness Doctrine's proponents fear. Gaziano does admit, however, that antitrust standards are necessary. Separate from media consolidation, his primary concern rests with the notion that the doctrine requires "fair and balanced coverage," a gargantuan task given that there are more than two sides to any issue.

The sources that follow were referenced either during the course of the Fairness Doctrine debate recounted above or speak to the doctrine in greater detail.

Additional Reading and Research:

Hazlett, Thomas W., and David W. Sosa. 1997. "Was the Fairness Doctrine a "Chilling Effect?" Evidence from the Postderegulation Radio Market." *The Journal of Legal Studies*, Vol. 26, No. 1, (Jan.), pp. 279–301.

Limburg, Val E. "Fairness Doctrine: U.S. Broadcasting Policy." The Museum of Broadcast Communications. Available Online: Museum.TV/archives/etv/F/htmlF/fairnessdoct/fairnessdoct.htm.

"*Red Lion Broadcasting Co. v. FCC.*" Oyez: U.S. Supreme Court Media. Available Online: Oyez.org/cases/1960-1969/1968/1968_2_2.

Rendall, Steve. 2005. "The Fairness Doctrine: How We Lost It, and Why We Need It Back." *Extra!*, (Jan./Feb.), pp. 24–28. Available Online: FAIR.org/index.php?page=2053.

Thierer, Adam. 1993. "Why the Fairness Doctrine Is Anything But Fair." Heritage Foundation. Oct. 29. Available Online: Heritage.org/Research/Regulation/EM368.cfm.

Lesson Plan

Topic: *The Fairness Doctrine*

Critical Engagement Question

Should the Fairness Doctrine be reinstated?

Overview

The Fairness Doctrine, first employed in 1927 and later formalized in 1949, established requirements for broadcasters who were granted permission to use the public airwaves. They were issued a mandate to devote airtime to contrasting views on controversial matters of public interest. In August 1987, the Federal Communications Commission (FCC) abolished the doctrine. Since 1987 there have been several failed attempts to reinstate the Fairness Doctrine. The debate over the doctrine provides fertile ground for students to explore divergent views on the apparent tension between free speech and the public interest.

This lesson is intended to help students become critical consumers of information by first exploring a range of news coverage across several media forms. Later, they are asked to evaluate arguments in favor of and opposition to the reinstatement of the Fairness Doctrine.

Objectives

- To help students develop the necessary skills to assess the credibility of media sources. Upon completion of this assignment, students will be able to comb media for coverage of controversial issues of public concern, to assess whether or not multiple perspectives with respect to these issues are offered, and to detect ideological bias in the presentation of these matters.
- To expose students to the current debate surrounding a possible reinstatement of the Fairness Doctrine.
- To situate this debate alongside an analysis of contemporary media coverage.
- To present the tension between the First Amendment and the public interest in the context of the Fairness Doctrine debate.

Standards

NCSS: Themes 6, 8 and 10

NCHS: Era 10, Standard 2D.

Illinois: Goal 14, Learning Standards A, B, D; Goal 18, Learning Standard C.

Student Materials

Individual copies of “The Fairness Doctrine: Student Research Guide” (presented on page 20). Also, print hard copies, or provide students with Internet access to the following articles:

- Rendall, Steve. 2005. “The Fairness Doctrine: How We Lost It, and Why We Need It Back.” *Extra!*, (Jan./Feb.), pp. 24–28. Available Online: FAIR.org/index.php?page=2053.
- Limburg, Val E. “Fairness Doctrine: U.S. Broadcasting Policy.” The Museum of Broadcast Communications. Available Online: Museum.TV/archives/etv/F/htmlF/fairnessdoct/fairnessdoct.htm.
- “Editorial: ‘Fairness’ Is Censorship.” 2008. *Washington Times*. June 17. Available Online: WashingtonTimes.com/news/2008/jun/17/fairness-is-censorship.

Time and Grade Level

One week in advance of lesson to complete Part A of “The Fairness Doctrine: Student Research Guide,” and one 45-minute high school class period to complete Parts B and C. Recommended for grades 9-12.

Warm-Up

Ask students the following questions and lead a discussion of the pertinent issues embedded within them.

1. Where do you get your news?
2. Is radio an important form of media? How about network television? How do these two media differ from their counterparts, namely newspapers, cable television, and satellite radio? (Hint: they use a limited number of frequencies regulated by the United States government.)
3. What does it mean to be fair? When covering controversial issues of public concern, do the media have a responsibility to present multiple perspectives on a given issue?
4. Is there an ideological bias in media coverage of news? If so, what forms does it take? Do the media have an obligation to be unbiased?

Freedom of Speech and the Press in the Information Age

Activity

1. Distribute one copy of “The Fairness Doctrine: Student Research Guide” to each student. Ask them to complete Part A over the course of the next week. This involves analyzing several forms of media coverage. Radio and television news analysis should occur in half-hour increments, and the newspaper analysis should address all front-page stories.

Students should begin by listing the source of media they monitored, followed by the date and time of their analysis. Then, they are asked to list controversial matters of public interest covered, and the number of perspectives offered. Next, ideological bias, if detected, should be noted. A space for notes is provided to help jog their memories for the purposes of class discussion.

2. Assign students to work in pairs to complete Parts B and C of “The Fairness Doctrine: Student Research Guide.”
3. Ask each pair to analyze the data collected in Part A of the assignment to complete the three questions listed in Part B. The questions consider the extent to which controversial matters of public concern were covered by the media sources analyzed, the presence of multiple perspectives in this coverage, and any ideological undertones that accompanied this coverage. Students are to search for differences on each of these fronts across the sources they analyzed.
4. Lead a brief discussion of student findings in Part B.
5. Move next to Part C. Distribute copies of Limburg’s “Fairness Doctrine: U.S. Broadcasting Policy” to each student. Ask them to read this individually, then discuss with their partner. Finally, pairs should write one paragraph (no more than four sentences) defining the Fairness Doctrine in their own words.
6. Distribute copies of Rendall’s “The Fairness Doctrine: How We Lost It, and Why We Need It Back” and the *Washington Times* editorial “‘Fairness’ Is Censorship” to each student. Ask one partner to read the Rendall article, and the other the *Washington Times* editorial. Then, instruct pairs to complete Questions 4 and 5 of Part C.

7. Question 6, parts a through d, asks students to place the Fairness Doctrine debate beside that of their own analysis of media coverage, predicting how the reinstatement of the Fairness Doctrine might impact coverage of controversial issues of public concern, the offering of multiple perspectives, and the ideological tone of coverage. In balance, pairs are then asked to decide if the Fairness Doctrine should be revived.
8. Question 7 asks pairs to consider the Fairness Doctrine in the context of First Amendment protections of freedom of speech and the press. It presupposes some knowledge of the First Amendment, but any confusion can be fleshed out in the context of the class discussion that follows.
9. Lead a class discussion of Part C of “The Fairness Doctrine: Student Research Guide.” Ask for voluntary responses, or call upon pairs selectively.

Extensions

1. Opponents of the Fairness Doctrine consider its basic premise a form of government censorship. Ask students to visit the Freedom Museum’s online exhibit titled “Marketplace of Ideas” (<http://www.freedommuseum.us/?section=a8>) where censorship is defined and historic and contemporary examples of symbols, colors, films, books, and art that have been challenged in the United States and across the world are presented.
2. Assign a position paper where students support their personal position on the Fairness Doctrine with evidence gleaned from both their media analysis and exposure to the actual debate over the Doctrine’s reinstatement.

Student Worksheet

Name: _____

The Fairness Doctrine: Student Research Guide

Directions: Please complete Part A, an analysis of news coverage across several media alternatives, and come to class prepared to discuss your findings. Parts B and C involve work with a partner considering your earlier media analysis in light of a current debate surrounding the reinstatement of the Fairness Doctrine.

Part A: Over the course of the next week, you are to monitor media coverage as specified in the chart below. Analyses of radio and television programming should include half-hour segments of each broadcast for a single day. The newspaper analysis should focus only on the front-page articles for a single day.

Complete the chart by listing the media source, and date and time of broadcast. Next, list all matters of public interest covered. Then, count the number of perspectives offered in coverage of controversial matters of public interest. Finally, assess whether or not you detected an ideological bias to the programming. Use the final columns for any notes to remind you of observations relevant to your analysis.

Type of Media	Source	Date and Time (if relevant)	Matters of Public Interest Covered (list all)	Number of Perspectives Offered? (check one)	Ideological Bias (check one)	Notes
Local Talk Radio				<input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Many	<input type="checkbox"/> Conservative <input type="checkbox"/> Liberal <input type="checkbox"/> None	
National Public Radio (NPR)				<input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Many	<input type="checkbox"/> Conservative <input type="checkbox"/> Liberal <input type="checkbox"/> None	
Local Television News				<input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Many	<input type="checkbox"/> Conservative <input type="checkbox"/> Liberal <input type="checkbox"/> None	
National Network Television News				<input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Many	<input type="checkbox"/> Conservative <input type="checkbox"/> Liberal <input type="checkbox"/> None	
National Cable News				<input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Many	<input type="checkbox"/> Conservative <input type="checkbox"/> Liberal <input type="checkbox"/> None	
Local or National Newspaper				<input type="checkbox"/> One <input type="checkbox"/> Two <input type="checkbox"/> Many	<input type="checkbox"/> Conservative <input type="checkbox"/> Liberal <input type="checkbox"/> None	

Freedom of Speech and the Press in the Information Age

Part B: Please discuss and respond to the following questions with your partner. Be prepared to share your results with the class at large before we begin Part C of this assignment.

1. Looking at your completed media analysis chart, to what extent were controversial matters of public interest addressed by the various sources?

2. When controversial matters of public interest were addressed, were multiple perspectives offered? Did some media do a better job than others of offering more than one viewpoint? Explain.

3. Did you find an ideological bent to any of the coverage you analyzed? If yes, please specify differences across these media.

Part C: With your partner, complete this final exercise considering the Fairness Doctrine in light of your media analysis.

1. Read the following article published on the Museum of Broadcast Communications Web site that provides an overview of the Fairness Doctrine: Museum.TV/archives/etv/F/htmlF/fairnessdoct/fairnessdoct.htm.

2. In a short paragraph of no more than four sentences, summarize the Fairness Doctrine.

3. Each partner is to read one of the following two articles. The first, published by Steve Rendall of Fairness and Accuracy in Reporting (FAIR), presents an argument in favor of the revival of the Fairness Doctrine: FAIR.org/index.php?page=2053. The second, an editorial in the *Washington Times*, presents a counter argument against the Fairness Doctrine: WashingtonTimes.com/news/2008/jun/17/fairness-is-censorship/.

4. After reading one of the two articles referenced in Question 3, identify three key arguments in favor of or against the reinstatement of the Fairness Doctrine and write them in the space below. One partner should list the arguments in favor of reinstating the Fairness Doctrine, and the other the arguments in opposition.

(Circle one)

In Favor/Opposed A.

In Favor/Opposed B.

In Favor/Opposed C.

Should the United States Return to the Fairness Doctrine?

5. Share the three key arguments you identified in Question 4 with your partner, and he or she will do the same for you. Summarize these in the space below.

(Circle one)

In Favor/Opposed A.

In Favor/Opposed B.

In Favor/Opposed C.

6. Return to your analysis of the media coverage you observed over the course of the past week (Part B) and use this information to answer the following questions.

a. In your judgment, would the Fairness Doctrine help make coverage of controversial matters of public interest more consistent across the media? Explain.

b. Would the Fairness Doctrine ensure that multiple perspectives were offered when controversial matters of public interest are covered?

c. What impact might the reinstatement of the Fairness Doctrine have on the ideological bias present or missing from media coverage?

d. Your responses to Questions 6a–c considered together, would you recommend that the Fairness Doctrine be reinstated? Why or why not?

7. Aside from the merits of reinstating the Fairness Doctrine from the perspective of the quality of media coverage, would its revival conflict with freedom of speech and the press as included within the First Amendment? Explain. See below for the related passage of the First Amendment.

“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...”

Chapter 3: Should Reporting Be Limited During Times of War?

Pete Williams, an NBC News correspondent based in Washington, D.C., and Victoria Clarke, senior advisor for Communications and Government Affairs at Comcast Corporation – both former Secretaries of Defense for Public Affairs – gave separate lectures on their experiences serving as the chief liaison between the Pentagon and the press. Afterward, both entertained participant questions. An account of their respective presentations follows, along with suggestions for additional reading and research to supplement the associated lesson plan on the topic.

Williams began by promptly diving into the matter at hand, suggesting that on the battlefield during times of war, the interests of the press are not paramount. His insights are drawn from his experiences with the United States' military invasion of Panama; Operations Desert Shield and Storm; and the peacekeeping mission in Somalia.

The contemporary term used to describe reporters' battlefield coverage of the U.S. military's excursions is "embedding," a word Williams considers "unfortunate" because it implies a relationship the press does not wish to convey. Embedded reporters follow and live with a single military unit for the duration of their assignment. Major news networks also assign "independent" reporters to cover military combat from a broader perspective, though their numbers are dwindling. Despite his reservations with the term "embedded," Williams allows that there is a need to keep information flowing from the battlefield via the media in order to maintain public support. In an era of an all-volunteer military, the general public is increasingly distanced from its culture. Today, he contends, in order to maintain public support for foreign interventions, "Going overseas and winning isn't enough."

Williams also holds that it is wrong for members of the military to assume that the press is not to be trusted and that their coverage of conflict is unfair. Reporters play a critical role in asking the tough questions, he argues, and in the process hold the military accountable. This relationship is naturally adversarial given the differences in culture between these respective institutions. However, common ground is attainable in an environment of collaboration.

For example, during Operation Desert Storm, the military struggled with how to report casualty information given that its practices dated back to the Vietnam War. Members of the press attempted to change the compilation process of such data in order to make reporting

more timely. The military made their task easier, too, by releasing a greater amount of information related to casualties and conducting two daily press briefings on this subject and others.

Williams next addressed the age-old question during times of war: Should there be military review of wartime correspondence prior to transmission of information? On this point, he stresses that he is not talking about censorship, merely collaboration. Williams claims that it was widely practiced previously, particularly during World War II and the Korean War. He defends such review on the grounds that commanders have a legal obligation to protect the lives of the men and women under their command.

Moreover, Williams suggests that most reporters who cover war do not have previous military experience. Some of their reporting may have military significance, he contends, and they may not realize this beforehand, thus the need for military review. Ultimately, Williams claims that most reporters travel to places of conflict in cooperation with the military. He argues that military review of their work product is a logical extension of this partnership.

Williams concluded with a claim that the adversarial nature of the relationship between the media and the military changes once reporters interact with troops. He made mention of the renowned book *Four Theories of the Press* published in 1957 by Siebert, Peterson and Schramm. The work addressed the historical, philosophical and international underpinnings of the modern press, and articulated four models of reporting: authoritarian, libertarian, social responsibility and Soviet totalitarian.

Excluding authoritarian and totalitarian models when speaking of press freedom in the United States, Williams focuses on libertarian and social responsibility theories, ultimately siding with the latter. Whereas the libertarian model places responsibility for the discerning of truth and falsehood on the backs of readers, social responsibility theory rests the burden on the media itself. It calls for moving beyond objective reporting, where the press provides analysis, explanation and interpretation.

This meshes well with the overarching theme of Williams' presentation, as he made a compelling case for collaboration between the military and the media despite their naturally adversarial relationship. He ended by holding up the fact that the United States – specifically the Pentagon – and South Korea are the only countries in the world where the press operates in the same building as the military.

Should Reporting Be Limited During Times of War?

Williams then opened the floor to questions from conference participants. The first asked if the press is engaging in self-censorship and is less objective in its reporting because of embedding. Williams rejected this thesis in its entirety, suggesting that the overall claims about a state of conflict between the military and the media is overblown. Furthermore, the actual military operation on the ground is quite different from popular perception, thus the value of embedded reporters.

A second participant posed a hypothetical question: "Would reporting policies change if war was declared by an act of Congress?" The Korean War, Vietnam War, and the two Gulf conflicts were referenced as undeclared wars. Williams held that changes would be possible, as the military would be given the legal authority to employ censorship. However, he suggested that censorship is probably "untenable" from a contemporary political perspective.

In response to a third question, Williams reflected specifically on the military-media relationship in the invasion of Panama and intervention in Somalia. He remarked that media accommodation in Panama was disastrous and left it at that. In Somalia, he claims that reporters were not stationed at any one place by the military. Instead, they traveled on their own. Williams acknowledged failure in this instance, too, for there was little thought as to how the needs of reporters would be fulfilled.

The final question focused on how news organizations were to find a trusted source on the battlefield. Williams held that it is impossible to speak with both sides when embedded in a military unit. However, many news outlets have bureaus in both warring countries and can supplement their on the ground coverage with the view from afar.

Williams exited the stage and was followed by his eventual successor at the Pentagon, Victoria Clarke. She began with an admission that she panicked when she was first appointed to the position, but heeded the advice of her predecessors, Williams included, who correctly claimed that she would learn more from Pentagon reporters than anyone else. Clarke also found that she was well-staffed during her time at the Pentagon and, without them, felt that she would have been "completely overwhelmed."

Most of Clarke's presentation focused on embedding. As she tackled the issue from day one at the Pentagon, she studied what went wrong in the past and concluded that many of the problems inherent to embedding would never be resolved. Like Williams, Clarke finds a funda-

mental tension between the military and the media, but considers the tension "healthy" nonetheless.

Clarke claims that there is nothing new about journalists going into combat; rather, it has been standard practice since the Civil War. However, embedding in the past, she suggests, was both quantitatively and qualitatively different.

Like Williams, Clarke recognizes that there is no way for the military to conduct combat operations abroad without public support. With this in mind, she used the methodical planning process employed by the military to build the embedding program. It was an arduous process, but Clarke claims it produced "side benefits" like raising the confidence levels of members of the media in the Pentagon. She suggests that the military and civilian military leadership both understood the importance of these undertakings. Clarke hoped that the truth of battlefield developments would emerge and felt that the general public could "handle it." This she felt she owed to the men and women in uniform who were risking their lives on the front lines.

Unlike the previous speaker, Clarke felt that she was more "forward leaning" in terms of media access to military operations. To illustrate her point, she made reference to the controversy involving Geraldo Rivera during the early days of the most recent Iraq invasion. For drawing lines in the sand to reveal troop movements to viewers, he was thrown out of his embedded position, but returned days later upon the request of the battalion he accompanied.

Altogether, Clarke's tenure at the Pentagon spanned the first six months of the Iraq War. During this time, she concluded that the embedding process was working given the few problems it produced. She admits that its effectiveness is still being evaluated by the war colleges, but left her post with the feeling that most of the military leadership she encountered held "healthy and enlightened" attitudes regarding the institution's relationship with the press.

She did make special mention of the Abu Ghraib prison scandal which occurred after her departure. Without any specific knowledge of its uncovering, Clarke feels that more transparency in the operation may have prevented the controversy altogether. Moreover, she made note that General Peter Pace, former Chairman of the Joint Chiefs of Staff, believed that greater transparency in terms of media access to a war's prosecution would help identify the small minority of troops who did not abide by orders.



Geraldo Rivera was temporarily removed from his embedded assignment in Afghanistan after drawing lines in the sand to show U.S. troop positions.

Clarke also fielded questions from the audience. The first centered upon how the Pentagon makes certain that images of battlefield casualties disseminated by the media do not precede family notification. Clarke held that the Pentagon cannot prevent the taking of such pictures or footage altogether, but it can strongly request sensitivity on account of the media in this domain.

A second question related specifically to the embedding process. The participant asked whether there was a feeling among troops that reporters embedded in their unit lack the same loyalty to the cause, making them nervous about their presence as a result. Clarke remarked that comradeship itself keeps young enlistees committed to the cause. The Pentagon took on the role of preparing reporters for their combat coverage, running them through boot camps tailored specifically to this purpose. She admits that there is no way to possibly replicate what takes place on the field of battle, yet feels that it does provide reporters with a flavor of what lies ahead.

The same participant asked a follow-up question: specifically, how does the military control reporters who blog about their experiences in combat? Clarke confessed that blogs were a non-issue during her tenure at the Pentagon. Now, she feels that there is no ready way to control their proliferation today. Instead, Clarke sees a need to establish a working relationship between bloggers and military brass in order to help the former understand the consequences of their writing. She pointed out another benefit of these blogs: they allow reporters' family members to know that they are safe.

Clarke was next asked about an April 20, 2008, *New York Times* story that implicated the Pentagon for hand-selecting former military leaders and training them to disseminate a canned message supportive of the Bush Administration's endeavors through their work as correspondents on network and cable news programs. Also, some of these individuals simultaneously sat on the boards of major defense contractors who might benefit from military interventions overseas. Clarke admitted that she was referenced in the story – indeed she was cited as an early architect of a system to recruit “key influentials” to the cause – but was never contacted for an interview.

Clarke contends that there was a great deal of public apathy about the military in a general sense at the start of the Iraq invasion, and that she made a massive effort to reach out to various constituencies as a result; for example, retired military officials, some of whom were serving on boards of defense contractors. Clarke recalls that several did not support the Bush Administration's policies when they arrived at these meetings.

Currently, this group also includes those who have regular roles as “talking heads” on news programs. Clarke admits that some were not completely honest with the networks they served. Overall, she suggests there has been a great deal of opposition and tough commentary from former military leaders on television. Furthermore, in a holistic sense, she remains a firm proponent of as much public access to the military's endeavors as possible.

Should Reporting Be Limited During Times of War?

A final question centered on whether the embedding process would eventually include reporters partnering with defense contractors. Clarke responded quickly, “Not in my lifetime.” Her explanation drew upon a parallel experience from her time at the Pentagon. Other governments across the world were interested in briefings on the Pentagon’s process of embedding; they left feeling it would not work for them, especially when it was couched in terms of the First Amendment. Similarly, she

suggests, corporations have some degree of resistance to such scrutiny. Clarke ended by holding the Pentagon up as unique even among other government agencies in the access it provides to the press.

The sources that follow were either referenced during the course of the discussion about the media’s role during wartime or offer additional insights into the subject matter.

Additional Reading and Research:

Barstow, David. 2008. “Behind TV Analysts, Pentagon’s Hidden Hand.” *New York Times*. NY: Apr. 20, pg. A.1.

Crossing Wires, Crossing Swords: The Military, the Media and Communication Technologies. 2006. McCormick Foundation Conference Series. Available Online: McCormickFoundation.org/publications/militarymedia2006.pdf.

Siebert, Fredrick S., Theodore Peterson, and Wilbur Schramm. 1956. *Four Theories of the Press*. Urbana: University of Illinois Press.

Lesson Plan

Topic: Wartime Reporting and First Amendment Freedom of the Press

Critical Engagement Question: Should the rights of a free press be limited by the U.S. government during times of war?

Overview

A free press plays a vital role in any democratic society by reporting on current events and preventing the government from operating in secrecy. The First Amendment to the U.S. Constitution prohibits the government from abridging the rights of a free press so that it may fulfill this role.

During times of war, however, the federal government has historically limited freedom of the press, proclaiming a need to preserve national security, conceal tactical and strategic military intelligence, or ensure troop safety. The government's obligation to protect American lives and interests has at times been in conflict with the freedom of press guaranteed by the First Amendment. This conflict is drawn into even sharper relief in this digital age, when the press can leverage Internet and global satellite technologies to connect Americans to the frontlines of war.

Objectives

- To promote an understanding of the First Amendment and its role in protecting freedom of the press.
- To enable students to understand the relationship between press and government.
- To provide students with an historical perspective on reporting during times of war.
- To familiarize students with the inherent tension between liberty and security during times of war.
- To help students understand how technology has shaped this debate in recent times.

Standards

NCHS: Era 3, Standard 3B; Era 10, Standards 1B, 1C, and 2D

NCSS: Strands 5, 6, 8, and 10

Illinois: Goal 14, Standards A, E, and F; Goal 18, Standard B

Student Materials

Graphic organizer (Worksheet A)

Internet access or informational handouts on historical topics

Time and Grade Level

Two 45-minute class periods with pre- and post-activity homework.

Recommended for grades 9-12.

Warm-Up

1. Write 'liberty' and 'security' on the board and ask students to define each term. Ask them to brainstorm concepts and phrases associated with each.
2. Lead students in a discussion about the tension between First Amendment freedoms (particularly freedom of the press) and the government's responsibility to protect national security and ensure troop safety during times of war.
3. Define terms such as habeas corpus, sedition, prior restraint, and embedded journalist.

Activity

Class Period 1 (of 2)

1. Divide students into teams of five for this jigsaw activity. (Computer lab time or informational handouts will be required. Useful Web sites may include Findlaw.com, Oyez.org and SupremeCourtUS.gov.)
2. Each member of a team is to research one of the topics listed below, using Worksheet A to record findings.
 - Alien and Sedition Acts (1798) during the "Quasi War"
 - *Ex parte Merryman* (1861) and President Lincoln's suspension of habeas corpus
 - Espionage Act (1917) and Sedition Act (1918) during World War I
 - *Schenck v. United States* (1919) and the "Clear and Present Danger" standard
 - The "Pentagon Papers" and *New York Times Co. v. United States* (1971)
3. When students have completed their research, each member should report his/her findings to the team. By taking notes on team members' reports, each student should have a complete graphic organizer by the conclusion of the class period.
4. As a class, discuss the important points of each act/case, using the board to construct a timeline of events.

Should Reporting Be Limited During Times of War?

Class Period 2 (of 2)

1. Review the timeline and important points of each act/case discussed during the last class period.
2. Lead students in a discussion of contemporary issues surrounding the freedom of the press during times of war. The article “Pros and Cons of Embedded Journalism” at www.pbs.org/newshour/extra/features/jan-june03/embed_3-27.html may serve as a touchstone for conversation. Students should be encouraged to explore the tension between freedom of the press and the need for secrecy during times of war.

Extensions

1. Have students create their own political cartoon addressing the issue of a free press during wartime. Show examples to the students before they begin.
2. Have students write a letter to their local newspaper editor outlining their opinions on the First Amendment, freedom of the press, and the limits (if any) that the government should impose during times of war. Each letter must be typed, at least one page long, citing relevant sources, and should be an outgrowth of the activities and discussions which took place in class.

Wartime Reporting and First Amendment Freedom of the Press

Directions: In the graphic organizer below, please complete the column with your assigned legislation or Supreme Court case. Then, share this information with your fellow group members, as you work together to complete the graphic organizer.

	<i>Alien and Sedition Act</i>	<i>Ex Parte Merryman</i>	<i>Espionage Act</i>	<i>Schenck v. U.S.</i>	<i>New York Times Co. v. U.S.</i>
Year:					
What military conflict was the U.S. engaged in at this time?					
What First Amendment issues were at stake? Describe the Act/Supreme Court case.					
What was the outcome?					
Your Opinion: Was the right decision made? Why or why not?					

Chapter 4: Free Speech and Campaign Finance Reform

John Samples, director of the Center for Representative Government at the Cato Institute, and Thomas Mann, the W. Averell Harriman chair and senior fellow in Governance Studies at the Brookings Institution, provided the symposium participants with substantially different perspectives on the contemporary state of federal campaign finance laws in the United States. Once more, after separate presentations, the two panelists entertained audience questions in tag team fashion. Their debate is summarized in the pages that follow, along with recommendations for additional reading and research to supplement the lesson plan on the topic.

Samples, author of *The Fallacy of Campaign Finance Reform*, began with a nod to the nation's Founding Fathers—appropriately James Madison. He called Madison the most “characteristically” American thinker whose deepest concern was individual liberty, which Samples considers the starting point for any discussion of campaign finance laws.

For theoretical guidance, he referenced Douglass North's classification of the world into two categories: the natural state of order and open access order. Along these lines, most of society qualifies as residing in a natural state of limited access. What marks the distinction between the natural and open access state is societal competition; under this distinction, the United States fits into the open access order. Transitioning into the world of campaign finance regulations, Samples contends that there is no “obvious” connection between the spending of personal money and elections in an open access order. He therefore finds Justice John Paul Stevens' argument that money does not equate to speech problematic.

Samples proceeds to link the two, pondering the question: How is money connected to speech and to what extent can it be regulated? Contrary to the views of Justice Stevens, a current majority on the U.S. Supreme Court holds that money is tied to speech and it may, indeed, affect its exercise. Samples proceeded further, suggesting that money acts as speech by conveying information to others, specifically about candidates for public office. He argues that individual contributors speak to what the candidates may do in office and the issue positions they will embrace.

Candidates need to raise money in order to spend it on their political campaigns, and regulations on such fundraising affect every phase of this equation. Samples suggests that to speak of campaign finance reform is to invoke improper terminology, for it assumes that regula-

tion of political fundraising is necessary.

He then listed several of the prohibited sources of campaign funding for federal elections, including foreign nationals and corporations, which cannot make direct contributions. Thus, money raised within the existing campaign finance system comes from individuals via defined limits.

In the past, campaign finance laws also placed restrictions on candidate spending, including limits about money allocated to broadcasting.

Moreover, a slew of regulations affect the disclosure of funding sources, but most of the existing rules focus on donation limits. The landmark case that established these boundaries in the wake of post-Watergate reforms was *Buckley v. Valeo*, decided in 1976. Current limitations affect how much individuals can give to a single candidate in a specified election cycle, thus affecting their level of financial influence in such campaigns. According to Samples, these limits have a tremendous impact on fundraising, forcing candidates to rely upon a myriad of sources to raise the immense sums necessary to compete in the contemporary political landscape.

Samples referenced Senator Eugene McCarthy's long shot bid for the Democratic presidential nomination in 1968 as an example of the pre-Watergate campaign finance regime, where the dark horse finished a surprising second to incumbent President Lyndon Johnson in the New Hampshire Primary. McCarthy's campaign was bankrolled primarily by a handful of wealthy donors.

According to Samples, modern regulations, by comparison, actually raise the price of political involvement given the time that must be devoted to raising funds from a sea of sources. This is ironic because these same regulations actually reduce the amount of spending allowed in campaigns.

The contribution limits for candidates for federal office have been in place since 1974, but were not indexed to inflation until 2002 with the passage of the Bipartisan Campaign Reform Act, otherwise known as McCain-Feingold, the last names of its two primary Senate sponsors, Senators John McCain (R-AZ) and Russ Feingold (D-WI). As a result, the real value of these contribution limits eroded with the passage of time.

Since the most recent reforms, Samples sees a “rapid change” in “hard money” fundraising for individual candidates. Hard money refers to personal contributions to individual candidates. McCain-Feingold made severe restrictions on “soft money” contributions to political parties; “soft money” contributions are funds that cannot be spent advocating the election of an individual candidate,



Senators John McCain (R-AZ) and Russ Feingold (D-WI) were co-sponsors of the Bi-partisan Campaign Reform Act of 2002.

but may be used to attack his or her opponent.

McCain-Feingold also placed limits on so-called “issue ads” aired close to an election that reference a candidate for federal office. In 2007, the U.S. Supreme Court found this blanket provision in violation of the First Amendment’s freedom of speech in the case *Federal Election Commission v. Wisconsin Right to Life*.

Most recently, the Court considered the Millionaire’s Amendment attached to McCain-Feingold in *Davis v. Federal Election Commission*. It included a progressive loosening of fundraising requirements for federal candidates who face wealthy, self-funded opponents, raising individual contribution ceilings under the premise of leveling the proverbial playing field. In a June 2008 opinion, a majority on the Court concluded that the Millionaire’s Amendment ran aground on First Amendment principles. The prevailing premise since *Buckley v. Valeo* was that contribution limits are permissible to reduce corruption or public perception of it. Because the Millionaire’s Amendment does not address this concern, but merely seeks to level the playing field, the Court dealt yet another blow to McCain-Feingold.

Based on his survey of our recent forays into campaign finance reform, Samples concludes that these restrictions infringe upon free speech. To him, the remaining question is whether or not this burden on the First Amendment is justified. According to Samples, the current majority on the Supreme Court begins with the premise of liberty as it evaluates campaign finance laws. The alternative approach used by those in the minority is to begin with an objective of equality where democracy

is the embodiment of one person, one vote. In *Davis*, the Court determined that individual candidates who want to spend more on their campaigns need not justify themselves. In doing so, Samples sees the majority shifting away from the premise of equality, which places the burden of integrity on the individual donor or self-funded candidate.

If campaign finance restrictions are indeed an infringement upon personal liberty, specifically freedom of speech, how are these “intrusions” then justified? Samples returned to the notion of preventing the appearance of corruption. However, he reveals that there is no strong finding of any relationship between campaign contributions and roll-call votes. He admits that this may not be the only area of legislative influence for political donors, but argues that the presumption of liberty embedded in American institutions and political culture requires deeper evidence of corruption in order to maintain free speech restrictions.

Samples also allowed that there is an educational aspect to campaign finance laws, specifically disclosure requirements. Sources of campaign funds may inform voters of who an individual candidate has allegiances to and how, if elected, he or she may vote on specific issues.

Samples concluded with a reference to the limited access order he described at the outset of his presentation, where both major political parties attempt to harm one another via the manipulation of campaign finance laws. Moreover, incumbents, he contends, write these laws to increase the safety of their respective

seats, further heightening their re-election prospects.

Samples confessed that campaign finance restrictions are popular with the public, but tempered this enthusiasm with data suggesting that support for freedom of speech in concrete situations does not garner strong majority sentiment. Campaign contributions, he charges, are but one example where regulations are aimed at groups – the wealthy, corporations and labor unions – who are widely disliked by national majorities.

Samples then handed over the podium to his counterpart on the subject, Thomas Mann, who began by lamenting the degree to which the polarized debate over campaign finance laws are emblematic of our national political atmosphere as a whole. He contends that ideology is the “bane” of governance and politics, where both conservatives and liberals on either end of the spectrum cling to “utopian views.” Where the left seeks to banish private money in its entirety from the political scene – offering direct funding and individual vouchers as substitutes – the right wants to deregulate the system to allow the political marketplace to manage the role of money in politics.

Mann was an advocate of a “soft money” ban like that included in McCain-Feingold, but has since explored other campaign finance-related topics. More than anything, he is tired of the “stale” debate, yet does see signs of progress. Regardless of where one stands on the issue, Mann predicts further erosions of campaign finance regulations given the current composition of the Supreme Court.

Mann addressed Samples’ freedom of speech concerns about campaign finance restrictions with the contention that the right to speak diminishes in significance without the money to do so. He contends that the manner by which campaign cash is raised and spent can undermine the legitimacy of politics. Mann recognizes an “underlying tension” between economic inequality and political equality, where the former can exasperate the latter. However, “necessary” restrictions in order to attain political equality may conflict with the bedrock protections of the First Amendment.

Mann maintains that the tools available to promote political equality through campaign finance regulations are universal across the world. They include regulation of campaign activities, limits on fundraising and/or spending, public financing of some aspects or all parts of the campaign process, and disclosure requirements for political contributions.

He allows that the “appearance of corruption standard” first articulated in *Buckley* has proven nothing

more than a “failure.” Taken together, the tools listed above are “blunt,” according to Mann, and reformers inevitably end up disappointed. At the same time, he suggests, proponents of reform conclude that deregulation is not the answer. Among the concerns of an unregulated political marketplace are outright bribery, conflicts of interest and the money “chase” itself.

Reformers are thus left with a conundrum: there are no panaceas. Democracies are left to find ways to manage the political marketplace without damaging the very institutions that make campaigns possible. Freedom of speech is one of these vital institutions, and it is arguably threatened by campaign finance regulations.

Mann proceeded to trace campaign finance regulations across American history. He lampooned the tendency across time to pass laws, but never enforce them. One such foray was the Tillman Act of 1907, which prohibited campaign contributions from corporations and national banks to federal campaigns. The most substantive reforms were embodied in the Federal Election Law Campaign Act, which provided for disclosure requirements, along with limits on fundraising and even spending on media. The latter provision was struck down in the *Buckley* case. According to Mann, amendments three years later in the wake of Watergate created a regulatory regime with real enforcement powers, namely in the form of the Federal Election Commission (FEC).

In balance, Mann feels that some of the regulations worked “pretty well,” yet they were “eroded” over time, particularly by former President Bill Clinton and his adviser Dick Morris in the mid-1990s. Also to blame, Mann contends, was the use of money at state level to air “issue ads.” When challenged, the FEC “punted,” and thus we entered the “world of soft money.”

Mann turned next to McCain-Feingold, which he suggested has modest objectives, and basically restored the status quo achieved during the post-Watergate era. It did, however, place “teeth” in bans on corporate and union-funded issue ads.

He also confronted critics of McCain-Feingold, most prominent of them columnist George Will. He faults Will for claiming that recent reforms infringe upon freedom of speech, yet failing to provide concrete examples of any such violations.

Currently, Mann fears that the contemporary campaign finance regime is on the brink of collapse. Major candidates began casting aside the federal matching monies during primary season beginning with George W. Bush in 2000. Most recently, the general election funding system is increasingly endangered, too, as presumptive

Freedom of Speech and the Press in the Information Age

Democratic nominee Senator Barack Obama (D-IL) conducted a “bait and switch,” first committing to public funding, and then making an unprecedented move to raise money independently and spend without restrictions. His opponent, Senator John McCain (R-AZ), did accept public funding for the general election phase of the campaign.

Despite a fractured regime, Mann highlighted a number of signs for inspiration relative to campaign financing in United States politics. He considers the large sums of money raised throughout the 2008 cycle a “sign of strength.” Furthermore, McCain-Feingold’s curb on soft money has not led to new channels for this relatively unregulated money to flow. Also, Mann finds the “surge” in small donors encouraging. For example, during the 2008 primary season, Senator Obama raised roughly half of his record-setting campaign coffers from contributions of \$250 or less.

Mann contends that money did not play a decisive role in either party’s nomination process. McCain was vastly outspent by rival Mitt Romney, and although Obama outraised his primary challenger Senator Hillary Clinton (D-NY), his lavish spending in select states did not always equal victory. One needs to look no further than the results of the Ohio and Pennsylvania primaries for evidence of this phenomenon.

Finally, Mann reports that “outside groups” have been discouraged by the Obama camp from inserting themselves in this election, and there is a general lack of enthusiasm for such independent expenditures on the right. The political parties themselves, however, are spending a great deal independently.

He concludes that free speech is alive and well in the post-McCain-Feingold world. Mann considers the *Wisconsin Right to Life* Supreme Court case to be “lame,” as the search to find a situation where an independent group was affected by the issue ad ban was difficult. He noted that campaigns are changing dramatically, and, as a result, the efficacy of campaign finance limits is eroding. Campaign finance regulation as a whole, Mann argues, is due for reconsideration, especially in light of new Digital Age realities. He encourages us to allow new information to change our minds as we explore practical ways of updating the regulatory regime.

Their individual presentations complete, Mann and Samples opened the floor to questions from symposium participants. The first question pondered whether the current \$2,300 per person limit on individual contributions to federal candidates in a single election, which

requires candidates to solicit funds from a bevy of sources, produces better fundraisers than political leaders. Mann responded by comparing Senator Obama in 2008 with Senator McCarthy in 1968. While Obama raised roughly \$1.7 million from small donations, McCarthy was funded by a few millionaires. Mann contends that McCarthy would have been a “dreadful” president, and that Obama is a much better candidate.

Samples failed to see a connection between the two candidates. He referenced McCarthy earlier only to hold him up as an example of what the system looked like prior to the restraints imposed after 1971. He considers the restraints placed on the ability to raise money the central issue of concern.

A second participant wondered whether any of the issues raised over the course of the panel discussion were valid in light of the changes precipitated by the Internet. Samples suggested that campaign finance regulations are rooted in the progressive tradition of American political thought; “Madisonian liberals” like himself have a healthy distrust of such measures. Moving forward, however, it may be difficult for any level of government to regulate campaign finance, a realm Samples equates with political speech, given the many different available outlets.

Mann feels that we are not there yet. The impact of the Internet is just now beginning to penetrate the system, he suggests. Mann believes that, increasingly, campaigning will embrace the Internet as the preferred mode of communicating with voters, thus lowering costs. He does not see value in large political contributions to candidates, but finds the solicitation of small donations healthy for our democracy.

The next question asked was: How do any of these campaign finance measures promote democracy? Mann repeated his contention that money did not play a decisive role in the 2008 primary process, so democracy, in his mind, stands on firm ground. Samples raised the issue of whether citizens are more or less informed as a result of campaign finance regulations. He cited a study by political scientist John Coleman, who found that higher levels of campaign spending expand the knowledge base of potential voters. These effects are distributed across the economic spectrum, and those with the lowest overall levels of political knowledge gained the most.

The final question was a particularly appropriate given the theme of the symposium. A participant asked: What problems does the Digital Age present to political campaigns? Samples weighed in first, arguing that the dis-

Free Speech and Campaign Finance Reform

closure system works well given the instantaneous flow of information, where the burden of proof in terms of funding sources is placed on the candidate. He also believes that political speech is strengthened by the emergence of the Internet given its democratizing effects. Nowadays, Samples contends that it is less plausible for the wealthy to dominate political discourse.

Mann is also an optimist in this respect, but finds the fact that the Internet tends to empower those with

the motivation to be interested in politics and public information problematic. Despite the openness of the digital domain, Mann feels there remain too many barriers to political participation in the contemporary political environment.

The sources that follow were either referenced directly by the two speakers in the course of the panel discussion or provide additional information about campaign finance regulation at the federal level in the

Additional Reading and Research:

“*Buckley v. Valeo*.” Oyez: U.S. Supreme Court Media. Available Online: Oyez.org/cases/1970-1979/1975/1975_75_436.

Campaign Finance Institute: A non-partisan, non-profit institute, affiliated with The George Washington University, that conducts objective research and education, empanels task forces and makes recommendations for policy change in the field of campaign finance. Available Online: Cfinst.org.

Civic Disengagement in Our Democracy. 2008. McCormick Foundation Conference Series. Available Online: McCormickFoundation.org/publications/civicdisengagement.pdf.

Coleman, John. 2001. “The Distribution of Campaign Spending Benefits across Groups.” *The Journal of Politics*, Vol. 63, No. 3 (Aug.), Pp. 916-934. Available Online: Polisci.Wisc.edu/coleman/colemanjop2001.pdf.

“*Davis v. Federal Election Commission*.” Legal Information Institute: Supreme Court Collection. Cornell University Law School. Available Online: Law.Cornell.edu/supct/html/07-320.ZS.html.

Federal Election Commission. Available Online: FEC.gov.

“*Federal Election Commission v. Wisconsin Right to Life*.” Oyez: U.S. Supreme Court Media. Available Online: Oyez.org/cases/2000-2009/2006/2006_06_969.

Mann, Thomas E. 2007. “Campaign Finance: Is Unregulated Spending the Most Effective Way to Ensure Citizens Have the Power to Speak to Their Government?” Brookings Institution. Available Online: Brookings.edu/opinions/2007/0713_campaignfinance_mann.aspx.

North, Douglass C. 2007. “*A Conceptual Framework for Interpreting Human History*.” Available Online: Criss.wustl.edu/publications/2007north.pdf.

OpenSecrets.org. Center for Responsive Politics. Available Online: OpenSecrets.org.

Samples, John. 2006. *The Fallacy of Campaign Finance Reform*. Chicago: The University of Chicago Press.

Lesson Plan

Topic: Free Speech and Campaign Finance Reform

Critical Engagement Question: Do proposed campaign finance reforms promote or hinder free speech in the political arena?

Overview

Since the Federal Election Campaign Act of 1971 (FECA), Congress has pressed for legislation to limit the financial contributions individuals can make to political campaigns in order to lessen the influence of money in politics. Although the Supreme Court struck down major provisions of this act construed as unconstitutional restrictions on free expression and association, several amendments to FECA over the past thirty years have bolstered its main tenets. For example, the Bipartisan Campaign Reform Act of 2002 (also known as McCain-Feingold) addressed the issue of “soft money” and banned the broadcast of “issue ads” within a certain time period before an election.

Despite such amendments, pertinent questions still remain. Chief among them is: Are political contributions a form of free speech that merit protection under the First Amendment? And, if so, is there adequate justification to limit what individuals, groups, and organizations may give in support of a political candidate or issue?

Objectives

- To familiarize students with key terms and concepts associated with campaign finance reform.
- To aid students in understanding the connection between free speech and campaign financing.
- To enable students to identify both the potential positive and negative impacts of reform efforts.
- To assist students in evaluating arguments for and against campaign finance reform.

Standards

NCHS: Era 10, Standard 2D, 2E

NCSS: Strands 5, 6, and 10

Illinois: Goal 14, Standard C, D, and F; Goal 18, Standard B

Student Materials

Internet access

Worksheets A and B

Time and Grade Level

Two 45-minute class periods with pre- and post-activities.

Recommended for grades 9–12.

Warm-Up

1. Define the following terms: interest group, political action committee, soft/hard money, public financing, issue ad. Discuss the significance of these terms as they relate to political campaigns.
2. Distribute brief summaries of *Buckley v. Valeo* (1976) and *Federal Election Commission v. Wisconsin Right to Life, Inc.* (2007). Have students review each summary in groups of two or three. Once finished, conduct a discussion of the case backgrounds and main arguments.

Activity

1. Instruct students to complete Worksheet A in pairs, using the Web resources listed below and on Worksheet A. Once completed, review each term with the class so as to familiarize everyone with their importance.
 - Center for Responsive Politics: OpenSecrets.org
 - Federal Election Commission: FEC.gov
 - A Money in Politics Glossary: CampaignFinanceSite.org/structure/terms.html
 - Oyez: U.S. Supreme Court Media: Oyez.org/cases
2. As a class, review the Web site OpenSecrets.org, which tracks individual contributions to congressional and presidential campaigns, as well as contributions made by political action committees and private industries. Students should become familiar with how to navigate the site, especially the “Politicians and Elections” and “Influence and Lobbying” tabs. This can be accomplished through a teacher-guided exploration of the site, or by having students work in pairs.
3. In the computer lab, distribute Worksheet B to each pair of students. Students are to look up a Representative or Senator from their state and complete the worksheet by finding the information on the Web site.

Free Speech and Campaign Finance Reform

Homework

Have each pair of students write a 1-page report on the elected official they researched. This report should be a brief summary of (1) the contributions made to this politician by individuals, political action committees and private industries and (2) how much he/she spent during the last campaign. Other relevant discussion points may be added by the teacher, such as the First Amendment right of interest groups to petition the government for redress of grievances, a practice that often assumes the more pejorative term of “lobbying.” Students should be prepared to share their findings with the class.

Extensions

1. Have students choose a 527 group on which they will do an in-depth study. Information on various 527 groups can be found at OpenSecrets.org/527s, PublicIntegrity.org/527 and FEC.gov. This study can be in the form of a report or poster.
2. Watch and discuss the documentary *Moyers on America: Capitol Crimes*. This video can be accessed online at PBS.org/moyers/moyerson-america/capitol. This documentary addresses campaign financing and the influence of money in politics, as well as the Jack Abramoff scandal and its fallout.

Student Worksheet A

Name: _____

Campaign Finance Reform: Key Concepts and Definitions

Directions: Write the definition for each term below. Once completed, fill in the timeline at the bottom of the worksheet with all important events and dates discussed in class. Please use the following Web sites as sources for information.

Center for Responsive Politics: OpenSecrets.org

Federal Election Commission: FEC.gov

A Money in Politics Glossary: CampaignFinanceSite.org/structure/terms.html

Oyez: U.S. Supreme Court Media: Oyez.org/cases

First Amendment:

Interest Groups:

Incumbency:

Public Financing:

Soft and Hard Money:

527 Groups:

Political Action Committee (PAC):

Federal Election Campaign Act (FECA, 1971):

Federal Election Commission (FEC):

Buckley v. Valeo (1976)

Bipartisan Campaign Reform Act (McCain-Feingold, 2002):

Federal Election Commission v. Wisconsin Right to Life, Inc. (2007):

Campaign Finance Reform Timeline

1965

2008

Student Worksheet B

Name: _____

Following the Money: A Worksheet for OpenSecrets.org

Directions: Select a Congressperson or Senator from your state. Complete this worksheet for this elected official, using information found on the Web site OpenSecrets.org.

Elected official's name: _____

Year of most recent election: _____

Total amount raised: _____

Amount contributed by political action committees (PACs): _____

Money contributed by individual candidate: _____

Did the elected official have any money left after the campaign ended? If so, how much? _____

In your opinion, should politicians be allowed to spend less than they raise in a given election cycle, or should they be required to spend every dollar that was given to them for the purpose of their campaign? Explain your answer.

Who was the top contributor, and how much did they give? _____

List the top five industries that contributed to this elected official's campaign:

1. _____
2. _____
3. _____
4. _____
5. _____

For the most recent campaign financing cycle, find the list of PACs that contributed. Choose one sector and fill in the following data:

Name of sector (ex. health, labor, education): _____

Total amount given: _____

Click on the sector you chose and list the top-giving area within this sector: _____

Look at the PAC Contribution Breakdown for the most recent cycle. List the top three groups and their percentage of overall contributions:

On the left-hand column, click on "Personal Financial Disclosure," and then type the elected official's name in the search box on the right.

List their net worth and their ranking among all members: _____

Look at the bar graph on the right. How does this elected official's financial assets compare with the average? _____

Concluding Questions:

Should private companies, industries, and organizations be allowed to give as much money as they wish to a certain candidate? Why or why not?

Do you believe these companies, industries, and organizations hope to receive political favors in return for the financial contributions? If so, what form might they take?

Do limitations on campaign contributions from individuals who represent certain companies, industries, and organization infringe upon their First Amendment freedom of speech? Explain.

Appendix: Speakers

Victoria Clarke, senior advisor, Communications and Government Affairs, Comcast Corporation, is widely respected as one of the nation's most innovative communication strategists. She served most recently as Assistant Secretary of Defense for Public Affairs. In the past, she served as the press secretary for former President Bush's 1992 re-election campaign, an advisor to Sen. John McCain (R-AZ) and as Assistant U.S. Trade Representative during former President Bush's Administration. Clarke has also advised many of the nation's best known executives, served as president of Bozell Eskew and vice president of the National Cable & Telecommunications Association.

Todd Gaziano, director, Center for Legal and Judicial Studies, Heritage Foundation, focuses on legal and judicial reform, as well as constitutional issues that address equal treatment under the law. Before joining the Heritage Foundation, Gaziano was chief counsel to the House Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, where he worked on government-wide regulatory reform legislation for Chairman David McIntosh. He served in the Office of Legal Counsel in the U.S. Justice Department and as a judicial law clerk to the Honorable Edith H. Jones, U.S. Judge for the Fifth Circuit Court of Appeals.

Jane Hall, associate professor, School of Communication, American University, is dedicated to understanding the relationship between young people, politics and media. In the fall of 2007, she began a year-long collaboration with her students and *WashingtonPost.com* that focused on young people's involvement with and interests surrounding the 2008 presidential election. Before she joined American University, she spent nine years as a media reporter for the Los Angeles Times New York bureau. She has been a regular contributor to *Harvard International Journal of Press* and *Columbia Journalism Review* on media and political topics. She regularly moderates the American Forum, a program series that addresses issues important to young people. Hall is also a weekly analyst on *Fox News* and has appeared on *The NewsHour with Jim Lehrer*, *Charlie Rose* and CNN newscasts.

Brian Lamb, CEO, C-SPAN Networks, has been at the helm of the public affairs channel since its launch in 1979. He has also been a regular on-air presence at C-SPAN since the network's earliest days. Over the years, he has interviewed Presidents Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton and George W. Bush, as well as world leaders such as Margaret Thatcher and Mikhail Gorbachev. Currently, Brian hosts *Q and A*, an hour-long interview program on Sunday evening. Previously, he helped launch C-SPAN Networks and served in the Navy. His tour included the U.S.S. Thuban, White House duty during the Johnson administration and a stint in the Pentagon public affairs office during the Vietnam War. Later, he served as a Senate press secretary and worked for the White House Office of Telecommunications Policy at a time when a national strategy for communications satellites was under development.

Thomas Mann, W. Averell Harriman chair and senior fellow in Governance Studies, the Brookings Institution, is currently working on projects dealing with redistricting, election reform, campaign finance and congressional reform. Recently, he published a book entitled *The Broken Branch: How Congress is Failing America and How to Get It Back on Track*. His experience includes serving as director of Governmental Studies at the Brookings Institution, executive director of the American Political Science Association and consultant to IBM and the Public Broadcasting Service. He also taught at Princeton University, Johns Hopkins University, Georgetown University, University of Virginia and American University.

Steve Rendall, senior analyst, Fairness and Accuracy in Reporting (FAIR), is currently the co-host of *CounterSpin*, FAIR's national radio show. His work has received awards from Project Censored and he has won the praise of noted journalists such as Les Payne, Molly Ivins and Garry Wills. He is co-author of *The Way Things Aren't: Rush Limbaugh's Reign of Error*. Rendall has appeared on dozens of national television and radio shows, including appearances on CNN, C-SPAN, CNBC, MTV and *Fox Morning News*. In the past, he has contributed stories to the *International Herald Tribune* from France, Spain and North Africa, worked as a freelance writer in San Francisco and as an archivist collecting historical material on the Spanish Civil War and the volunteers who fought in it.

Freedom of Speech and the Press in the Information Age

John Samples, director, Center for Representative Government, Cato Institute, writes extensively on the political institutions of the U.S. His book, *The Fallacy of Campaign Finance Reform*, was published by the University of Chicago Press in the fall of 2006. Samples co-directed *The Marketplace of Democracy*, the Brookings-Cato project on the decline of electoral competition. He also teaches courses at Johns Hopkins University on public opinion and money in politics. Samples previously served as director of the Georgetown University Press and vice president of The Twentieth Century Fund.

Michael Scherer, correspondent, *TIME Magazine's* Washington bureau, is currently covering the 2008 presidential campaign. He has worked on several national assignments for *Mother Jones* magazine and *Salon.com*. Previously, he served as an assistant editor at the *Columbia Journalism Review*, an editorial fellow at *Mother Jones* and an education reporter for the *Daily Hampshire Gazette* (Northampton, MA).

Pete Williams, an NBC News correspondent based in Washington, D.C., has been covering the Justice Department and the U.S. Supreme Court since March 1993. Williams was also a key reporter on the Microsoft anti-trust trial and Judge Jackson's decision. Prior to joining NBC, Williams served as a press official on Capitol Hill for many years. In 1986, he joined the Washington, D.C. staff of then-Congressman Dick Cheney as his press secretary and legislative assistant. In 1989, when Cheney was named Assistant Secretary of Defense, Williams was appointed assistant Secretary of Defense for Public Affairs. While in that position, Williams was named Government Communicator of the Year by the National Association of Government Communicators.

Appendix: Participants

*James Madison Memorial
Fellowship Foundation Staff:*

Norma Claytor

Special Assistant and Office
Manager

Lewis Larsen

Vice President and Director of
Programs

Jenny Nicholas

Summer Institute Coordinator

Sheila Osbourne

Academic Assistant

Elizabeth Ray

Financial Analyst

Steve Weiss

Director of Administration and
Finance

Admiral Paul A. Yost, Jr.

President

McCormick Freedom Museum Staff:

David Anderson

Executive Director

Courtney Brouwer

Student and Teacher Programs
Manager

Shawn Healy

Resident Scholar, 01 (WI)

Megan Lawson

Administrative Assistant

Nathan Richie

Director of Programs and Exhibits

Symposium Participants:

Marion Anderson, 94 (IL)

Dixon High School
Dixon, IL

Jeffery Appelhans 04 (CO)

William J. Palmer High School
Colorado Springs, CO

Emily Bagley 07 (NC)

Wake Forest University
Winston-Salem, NC

Elizabeth Bailey 07 (IN)

Hamilton Southeastern High School
Fishers, IN

Xian Barrett

Percy L. Julian High School
Chicago, IL

Michael Bell 01 (TX)

Southwest High School
San Antonio, TX

Jennifer Biser 08 (NC)

University of North Carolina
at Chapel Hill

Marianne Boe

Resurrection High School
Chicago, IL

Brian Bohnert 07 (CO)

Ralston Valley High School
Arvada, CO

Erica Bray-Parker 08 (IL)

Glenbard North High School
Carol Stream, IL

Kevin Brewer 03 (TN)

Big Sandy High School
Big Sandy, TN

John Brosnahan

Richard Ira Jones Middle School
Plainfield, IL

Mary Browning-Huntington 06 (TN)

Hunters Lane High School
Nashville, TN

Rachael Button-Koenigsfeld 07 (NM)

Del Norte High School
Albuquerque, NM

Russell Cannon 06 (MS)

University of Chicago
Chicago, IL

Lisa Carotenuto 00 (AZ)

Sabino High School
Tucson, AZ

Theodora Chang 07 (CA)

Stanford University
Palo Alto, CA

Clyde Chapman 95 (OH)

Bethany School
Cincinnati, OH

Brian Cleveland 06 (IA)

Newton High School
Newton, IA

Joseph Cofield 07 (FL)

Bonita Springs Middle School
Bonita Springs, FL

Barnaby Cook 04 (SD)

Chester Area School
Chester, SD

Christina Cote 07 (MT)

Gardiner Public School
Gardiner, MT

Karen Cox 08 (NM)

Atrisco Heritage Academy High
School
Albuquerque, NM

Ray Curtis 94 (MT)

Big Sky High School
Missoula, MT

Freedom of Speech and the Press in the Information Age

Robert Curtis 07 (OH)
Ashland University
Strongsville, OH

Donald Davis 96 (AL)
Corliss High School
Chicago, IL

Donald De Angelo 07 (CA)
Cathedral Catholic High School
San Diego, CA

Stephanie Dean 00 (NC)
Leesville High School
Raleigh, NC

Norma DeMund 95 (VI)
St. Croix Dept. of Education
Christianstead, St. Croix, VI

Cynda Eads 95 (GA)
South Gwinnett High School
Snelville, GA

Ryan Ervin 04 (IL)
Newton Community High School
Newton, IL

Molly Feeney 08 (ME)
University of Maine
Hope, ME

Barbara Finch 92 (TX)
Duchesne Academy of the
Sacred Heart
Houston, TX

Lisa Formisano-Wilson
Rosario Castellanos School
Chicago, IL

Valerie Frezza 07 (RI)
North Smithfield Jr-Sr High School
North Smithfield, RI

Meaghan Gibson 07 (WY)
Laramie High School
Laramie, WY

Timothy Greene 93 (PA)
Jersey Shore Area Senior High
School
Jersey Shore, PA

Claire Griffin 92 (HI)
Bill of Rights Institute
Arlington, VA

Salman Hamid 07 (CT)
Hamden High School
Hamden, CT

Robert Hight 02 (NC)
Terry Sanford Senior High School
Fayetteville, NC

Jeffrey Hinton 07 (NV)
Sierra Vista High School
Las Vegas, NV

Jerome Hoynes
Glenbrook North High School
Northbrook, IL

Heather Hubbel 07 (SC)
University of South Dakota
Vermillion, SD

Glenna Humphreys 95 (FL)
South Plantation High School
Plantation, FL

Emma Humphries 04 (FL)
Middleburg High School
Middleburg, FL

Christina Imholt 04 (DC)
Caesar Chavez Public Charter
School
Washington, D.C.

Erik Iverson 06 (SD)
Rapid City Academy
Rapid City, SD

Jeniece Jacobson 07 (UT)
Riverton High School
Riverton, Utah

Rebecca Johnson 07 (MA)
Malden High School
Malden, MA

Christopher Jones 07 (DE)
Middletown High School
Middletown, DE

Emily Juckett 07 (GA)
Walton High School
Marietta, GA

Holly Kartchner 07 (ID)
Blackfoot High School
Blackfoot, ID

Virginia Ann Kennedy 97 (OK)
Southeast High School
Oklahoma City, OK

Tina Kim 06 (CA)
Civitas School of Leadership
Los Angeles, CA

Toby Kirk 06 (MI)
Coldwater High School
Coldwater, MI

Deborah Kurtz 06 (OH)
Temple Christian School
Mansfield, OH

Rebecca Lacquey 07 (TX)
Katy High School
Katy, TX

Daniel Lamb 02 (WI)
Plymouth High School
Plymouth, WI

Ricardo Larios 06 (OR)
Waldo Middle School
Salem, OR

Participants

Hayley Lotspeich

Wheaton North High School
Wheaton, IL

Leah MacKenzie 07 (WA)

Three Rivers Christian School
Kelso, WA

Jennifer Mitnick 02 (PA)

Seneca Valley Middle School
Harmony, PA

Laurie Morris 94 (AZ)

Leupp High School
Winslow, AZ

Jenny Nicholas 00 (UT)

West High School
Salt Lake City, UT

Erin Nooy 07 (OR)

McMinnville High School
McMinnville, OR

Denise North 07 (MN)

Wrenshall High School
Wrenshall, MN

Ron Oberman

Wells Community Academy
Chicago, IL

Lynne O'Hara 03 (PA)

Central Bucks High School-West
Doylestown, PA

Thomas O'Hare 00 (SC)

Wilson Hall
Sumter, SC

Thomas Parker 95 (MI)

Holland West Middle School
Holland, MI

Julie Payne 04 (AL)

Auburn High School
Auburn, AL

Sarah Poole 07 (MD)

Arundel High School
Gambrills, MD

Wade Price 00 (LA)

Alfred Bonnabel High School
Kenner, LA

Deborah Puckett 07 (TN)

Madison Academic Magnet High School
Jackson, TN

Patricia Radigan 95 (FL)

Thomas Dale High School
Chester, VA

Blanca Ramirez 07 (WI)

Warren Township High School
Gurnee, IL

Pat Ramsy 95 (AK)

University of Central Arkansas
Conway, AK

Tareeq Rasheed

Stephan K. Hayt Elementary School
Chicago, IL

David Reader 07 (NJ)

Camden Catholic High School
Cherry Hill, NJ

Randall Reed 07 (AL)

University of South Alabama
Mobile, AL

Sandra Reed 07 (TX)

Faith West Academy
Katy, TX

Jennifer Reidel 02 (WA)

Lynden High School
Lynden, WA

Jennifer Reiter 07 (OK)

Carver Middle School
Tulsa, OK

Aimel Rios Wong (Cuban Fellow)

Washington, D.C.

Katie Robison 00 (VA)

Falls Church, VA

Matthew Roy 07 (PA)

Conestoga High School
Berwyn, PA

Cathy Saks 02 (OR)

David Douglas High School
Portland, OR

Jeanne Salvado 96 (FL)

Montgomery County Public School District
Germantown, MD

Janeal Schmidt 07 (KS)

Kansas State University
Manhattan, KS

Donna Sharer 06 (PA)

Girard Academic Music Program
Philadelphia, PA

Pankaj Sharma

Niles North High School
Skokie, IL

Leslie Skinner 92 (SC)

South Carolina State Dept. of Education
Columbia, SC

Colleen Smith 06 (KY)

Tates Creek High School
Lexington, KY

Kelly Smith 07 (PA)

Universal Institute Charter School
Philadelphia, PA

Lisa Smith 05 (MO)

Saeger Middle School
St. Charles, MO

Freedom of Speech and the Press in the Information Age

Patrick Smith 05 (KY)
Franklin County High School
Frankfort, KY

Tom Smith
Elk Grove High School
Elk Grove Village, IL

Sharon Smogor
Carmel Catholic High School
Mundelein, IL

Jennifer Spensieri 06 (AZ)
Northern Arizona University
Flagstaff, AZ

William Stevens 06 (DC)
The SEED Public Charter School
Washington, D.C.

Jessie Stewart
Golder College Prep
Chicago, IL

Kristi Stricker 99 (IL)
Percy L. Julian High School
Chicago, IL

Pio Tavai 05 (American Samoa)
Leone High School
Pago Pago, American Samoa

Patricia Taylor 00 (NY)
Harborfields High School
Greenlawn, NY

Kathrine Terry 98 (IN)
Lindbloom Academy
Chicago, IL

Hardy Thames 08 (TN)
Central High School
Memphis, TN

Matthew Turner 07 (NY)
Burnt Hills-Ballston Lake High
School
Burnt Hills, NY

Pat Usher 07 (IL)
Carl Sandburg High School
Orland Park, IL

Marelys Valencia (Cuban Fellow)
Glendale, AZ

Robyn Verbois 07 (LA)
Ashland University
Ashland, OH

Robert Walters 07 (MS)
Lanier High School
Jackson, MS

Cheryl Ward 94 (MO)
Chatillon-De Menil Mansion House
Foundation
St. Louis, MO

Kathryn Wendling 04 (MN)
Burnsville Senior High School
Burnsville, MN

Curtis White 04 (KS)
Indian Woods Middle School
Overland Park, KS

David Wolford 99 (KY)
Mariemont High school
Cincinnati, OH

Jeremy Yenger 07 (IA)
Johnston High School
Johnston, IA

Colby Young 07 (NH)
Boston University
Boston, MA

McCormick Foundation Conference Series Call for 2010 Conference Proposals

McCormick Foundation constantly seeks to build on the quality and tradition of our Conference Series by addressing a range of timely and challenging issues.

We welcome submissions from academic institutions, policy experts, and public, nonprofit and private sector professionals from all fields.

For details on the 2010 call for proposal deadline or to print a copy of this report, visit www.McCormickFoundation.org.

Notes

Notes
