

g l o b a l i s s u e s



Seeking Free & Responsible Media

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*“Congress shall make no law...abridging the
freedom of speech, or of the press.”*

First Amendment to the Constitution of the United States

A fundamental axiom of democracy is that citizens must have information and knowledge. People must be informed if they are to play an active role in the life of their country. Free and responsible media are critical sources of information for citizens who want to choose the best leaders for their country and make sound decisions about the issues in their nation and in their individual communities.

The information the media provide is just as critical for intelligent economic and personal decisions as for good political choices. There is a strong relationship between open media and free and effective economies. In fact, recent studies conducted by the World Bank have shown that free media are essential for successful economic progress in developing countries.

It has long been the policy of the U.S. government to support the development of open and responsible media abroad and to assist in building the infrastructure needed for a free press to operate — legislative infrastructure, financial independence, transparency in government, and journalists trained in objective and fair reporting. Achieving a free and responsible media is a constant, challenging, vital, and ongoing activity. We must continue to work at it, adapting to new conditions and challenges. We must keep in sight the ultimate objective — a citizenry able to make informed decisions that shape their lives.

The Editors

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FOCUS

Promoting Free and Responsible Media: An Integral Part of America's Foreign Policy

By Lorne W. Craner

Assistant Secretary of State for Democracy, Human Rights, and Labor

"Freedom of the press is not an end
in itself but a means to the end
of achieving a free society."

Former U.S. Supreme Court
Justice Felix Frankfurter

This spring, independent newspapers in Kyrgyzstan can look forward to the delivery of a new color printing press. In a program designed to promote free and dynamic media in the country, the U.S. Department of State has provided funding for that press and for training courses for Kyrgyz journalists. The project is a concrete demonstration of how the promotion of open media is an important component of U.S. foreign policy.

The right of the press to freely publish, editorialize, critique, and inform is a fundamental principle of American democracy. In fact, the form of government Americans enjoy today would not have been possible without a great compromise known as the Bill of Rights, the first ten amendments to the U.S. Constitution. The first amendment declares that "Congress shall make no law...abridging the freedom of speech, or of the press." Freedom of the press exists not merely because it is codified in law. It exists and flourishes today because the American people cherish it. They do so because the free press has had an important role to play in forging our great nation and in elevating it to the position of world leader in democracy and human rights.

While freedom of the press prospers in American today, it is far from a uniquely American institution. Free and responsible media can have a positive influence in any country, including those that are newly emerging

democracies. Free press is essential in achieving stable, democratic government, like that enjoyed by Americans.

Promoting freedom of the press is really about promoting human freedom. For people to play an active role in the politics of their country, they must be informed. Even something as simple as voting can be difficult without enough information. A free press transmits to the people information about their leaders, the policies of other nations, and even the practices of national businesses. American support of free press is grounded in the belief that with a full and complete understanding of the state of affairs in their country and in the world, people will choose for themselves those institutions, policies, and practices that best preserve and protect fundamental civil and human rights.

The United States supports free and responsible media by encouraging other governments to adopt practices that protect press freedoms and by funding media training and support programs that instruct foreign journalists in the United States and abroad. Most programs involve those countries that could most benefit from a free press, such as emerging democracies. While freedom of the press brings a host of benefits to any country, American support for free and responsible media is best explained in four ways.

First, America supports the development of free and responsible media because the right to a free press, and the freedoms of thought and speech that free press entails, are fundamental and universal human rights that ought to be enjoyed by all people based on their humanity. This belief is displayed in the U.S. Constitution, in the Universal Declaration of Human Rights, and in the United States' history of combating censorship and media control domestically and abroad.

Second, the presence of a free press is essential for true and full democracy to emerge. Only a free press can provide voters with the information they need to choose the best leaders. Too often, governments use state-controlled media to present a distorted set of facts.

Promoting freedom of the press is really about promoting human freedom.

Likewise, without protections, governments can coerce private media into publishing or not publishing vital information. In short, free media ensure that governments will represent the interests of their citizens and that citizens can hold their governments accountable. In public discourse, a free press allows the expression of many editorial opinions and commercial advertisements. This environment is a "marketplace of ideas" where citizens and consumers choose and support those ideas that are better than others. Such a system ensures the best result without silencing any viewpoint.

Third, a strong, positive relationship exists between open reporting and free, open, and effective economies. Economic growth results in improvements in standards of living, education, and health care—in short, a better and freer life in a country that is generally more stable and peaceful. A recent World Bank publication, entitled *The Right to Tell*, documents the role open media play in supporting economic growth. The president of the World Bank Group, James D. Wolfensohn, wrote in the book's introduction that "to reduce poverty, we must liberate access to information and improve the quality of information. People with more information are empowered to make better choices." Free media promote the exchange of successful business practices, create trading partners, and can make economies more efficient by disseminating useful technology. Open reporting also preserves the support and trust of investors, both domestic and foreign.

Finally, America promotes free and responsible media because it is essential that American actions and intentions be reported accurately. The United States strives to promote democracy and human rights, eliminate hunger and disease, and maintain security in the world. Unfortunately, U.S. actions or policies in support of those goals are sometimes misrepresented by state-controlled media or private groups. To combat anti-Americanism, to build trust, and to better educate people worldwide about America, it is critical that a free and responsible media accurately report U.S. actions.

In addition to physical investments such as the Kyrgyz

printing press, the Department of State and the U.S. Agency for International Development (USAID) support freedom of the press by funding media training and management programs. As examples, in 2003 such funding will support programs by the International Center for Journalists (ICFJ) to train print and media professionals in Azerbaijan and Kazakhstan. Participants in the programs will be instructed in professional ethics, investigating techniques, and how to maintain independence from state sponsors and interest groups that could impede editorial freedom. Another ICFJ program funded by the Department of State will present a year-long series of workshops in southeastern Europe to improve journalists' abilities to report on the sale of women and girls. A program sponsored by USAID and managed by Internews, an international non-profit

organization that fosters independent media in emerging democracies, will train journalists from Cambodia and Indonesia in the creation of sustainable, unbiased media outlets.

In the eyes of Americans, every human has a right to receive accurate information about his or her government, other governments, and the state of the world. And equally important, free media serve as a check on powerful government, while preserving the integrity of a nation's economy and accurately accounting for U.S. actions abroad. Though a printing press may seem little more than a machine to many, its delivery to Kyrgyzstan will soon enable the people of that nation to enjoy these rights and opportunities as never before, and to build a better, freer country for it.

Independent Media's Role in Building Democracy

By Frederick W. Schieck
Deputy Administrator, U.S. Agency for International Development

Independent media can contribute to the betterment of nations and societies. In order to do so, however, they must often undergo their own self-improvement process.

Overview

Independent media around the world have emerged as some of the most powerful forces in the struggle to change closed, repressive regimes into open and productive societies. The move towards democracy and free markets is being carried out in earnest across the globe, especially since the end of the Cold War, but the outcome is not at all predictable as dark forces emerge after surviving for decades under the mask of repression.

Racists, terrorists, ethnic tribalists, criminal syndicates, drug gangs, and political strongmen have emerged or reemerged in too many countries. They test whether the newly independent states of the former Soviet Union and the developing nations of Asia, Africa, and Latin America will adopt democratic, representative forms of government that provide education, health, security, opportunity, and a sound economy promoting investment and trade.

In the midst of this struggle, the United States attempts to help these countries move towards democracy by helping in the formation, training, and protection of free and independent newspapers, radio, and television. We believe independent media can be helped to carry out two major roles: being a "watchdog" over government and educating people about the issues that affect their lives.

Two hundred years ago, President Thomas Jefferson said it best: "The only security of all is in a free press." In 1823 Jefferson said: "The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary, to keep the waters pure."

From 1990 to 2001, the U.S. Agency for International Development (USAID) spent \$270 million to support free media in the former Soviet bloc and in developing countries. About \$182 million of that spending was

focused on Eastern Europe and the former Soviet satellites, including large investments in independent media campaigns in Serbia and Bosnia just prior to the defeat of President Slobodan Milosevic by voters in 2000 after presiding over bloody wars in Croatia, Bosnia, and Kosovo.

U.S. journalists and academics also were sent by the U.S. Information Agency (USIA), which has since been merged into the State Department, to train reporters, editors, and broadcasters in Nigeria, Guinea, Ivory Coast, and dozens of other countries emerging from decades of one-party rule.

U.S. Government Independent Media Programming

The media-support programs funded by the State Department and USAID include four major aspects.

The first is journalism education. American journalists and teachers are sent overseas to speak (along with local experts) to working journalists on styles of reporting, accuracy, balance, fairness, gathering information, writing clearly, separating commentary from reporting, and protecting sources. They also receive guidance in how to tackle delicate issues such as ethnic conflict, women's rights, and HIV/AIDS. In addition, journalists are brought to the United States to visit U.S. newspapers and broadcast stations to observe how a free press operates in the American context. The visiting journalists can also attend special seminars and courses at the Voice of America or at institutions of higher education.

American journalists and editors are sent overseas to teach the basic principles of the free press such as objectivity, accuracy, and fairness – not to defend American foreign policy. In fact, one of the greatest lessons they teach is that the role of a working journalist in a free society is to criticize government policy and that even the president of the United States is not immune from the barbs of a free press.

The second aspect of support for free media relates to media business development. To get away from government control, media outlets need to be able to earn their own way, pay decent salaries, and cover production costs from newsprint to transmitters. In some poor countries, reporters are paid so little that some accept "brown envelopes" with cash payments from sources or when they attend press conferences. U.S.

programs teach media owners and managers about advertising, marketing, and financial management so they can stand on their own. The programs also assist with feasibility studies, business plans, and creating audit bureaus to certify circulation to determine advertising rates.

The third aspect of U.S. media support is helping local groups of journalists, publishers, human rights advocates, or legislators draft laws that protect the press's ability to cover government and other topics without fear of harassment. U.S. funds also go to educate media lawyers and support legal defense of media outlets.

The fourth aspect is helping in the formation of professional associations of journalists, editors, and media owners. Such bodies become a force for protection of individual members while they carry out typical association functions such as setting standards, encouraging members to improve quality and reliability, and pushing for greater access to public documents, meetings, and interviews with public officials.

Other Forms of Independent Media Assistance

U.S. assistance in some cases includes financial support for capital investments such as buying presses, transmitters, broadcast equipment, and newsroom computers.

While the primary U.S. aim is to assist private, independent media, in some cases assistance does go to train staff and managers at state-owned media as well. However, the long-run goal of this assistance is to make state media more independent, more professional, and possibly to become privatized. When state-owned media follow professional standards, they are more likely to serve the public interest rather than prop up the current government.

U.S. support for independent media faces some controversy. Sometimes free media, when they first appear, lack experience and report news that is unverified, false, misleading, exaggerated, or slanderous. In some countries, U.S. support for free media is considered foreign meddling. In others, free media at times express views that are anti-American or at odds with the policies of the United States and U.S. allies.

Despite these controversies, and the criticism of fledgling media outlets, USAID remains committed to this activity.

Building an independent and responsible media is an evolutionary process that will take decades in countries that have not had a tradition of tolerance for a wide range of competing views. Assistance to Latin American media has largely ended in recent years as every country but Cuba has moved towards democracy. However, some assistance does go to investigative reporting, which is needed to deal with corruption and illegal drugs.

USAID's Office of Transition Initiatives

In 13 countries moving towards democracy such as Afghanistan, USAID's help for media goes through the Office of Transition Initiatives (OTI), which operates in regions of recent or ongoing conflict.

OTI's support to independent media—in addition to the provision of training and development of infrastructure—includes programming messages of peace, tolerance, and democratic participation. This attempt to spread positive news and information supportive of democratic values and processes is quite different from straightforward support for independent media, which seeks only to support responsible journalism and not to promote specific messages.

Other USAID Support

Other programs at USAID that support key development needs such as education and health may include media support elements as well. These programs can utilize radio, television, and newspapers to market social programs. In Rwanda, U.S. help in broadcasting reports of genocide trials and other issues is seen as critical in overcoming the legacy of "hate radio" that was used to encourage ethnic hatred and genocide in 1994.

Innovative New Approaches

One of the lessons learned by USAID after running media programs for more than a decade has been that rather than trying to create entirely new media outlets, it is better to assist existing ones, even if it means buying transmitters and newsprint through direct grants.

Another lesson is to try—when governments forbid direct criticism of the ruling authorities—to support critical reporting in less threatening areas such as local reports on roads, health, and the environment. Journalists have used such reports as a starting point to begin critical reporting on government issues, long before they were able to tackle more serious issues such as the need for free elections and an independent judiciary. U.S. assistance also trains journalists to try and forge positive relations with government officials, to carry out investigative reporting, and to cover terrorism. One recent U.S.-backed effort helped Bulgarian journalists track the flow of drugs and money linking Osama bin Laden and Europe through Bulgaria.

The power and influence of the media have never been more important than they are today. Satellite communications and the Internet make it possible for small groups of extremists to spread messages of hate and intolerance widely to millions with the click of a button. U.S. assistance in the creation of balanced, fair media continues to be an important priority, especially after the September 11 attacks, as we search to create a more informed and tolerant world.

COMMENTARY

Legal Foundations of Press Freedom in the United States

By Jane E. Kirtley

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Virtually all of the law that has defined press freedom in the United States is derived from the First Amendment to the U.S. Constitution. Is that freedom as “absolute” as the words would suggest? The U.S. Supreme Court has been trying to answer that question for more than 200 years.

Ask just about any American about freedom of the press in the United States—and stand back! You’re likely to get an earful about how “the media” are irresponsible. After all, they invade the privacy of individuals. They report lots of government secrets. And they do these things to sell more newspapers, or to get higher viewer ratings.

Or so the conventional wisdom goes. A survey conducted by the Freedom Forum’s First Amendment Center in 2002 reported that 42 percent of those polled thought that the press has “too much” freedom. Whether that’s accurate or not is a matter of opinion, but it is indisputable that U.S. law is sweeping in its protection of the rights of the news media, making its press, at least on paper, among the freest in the world.

But where did these rights come from? How have they developed and expanded over the years? What is the future for freedom of the press in the United States?

Historical Roots

U.S. law is derived from English common law. This means that the Constitution and statutes must be interpreted by judges, typically through opinions rendered in cases brought to trial by individual litigants or by the state. The Supreme Court of the United States is the final arbiter of what the Constitution means and whether

statutes or lower court decisions are consistent with its terms.

Prior to the American Revolution, the British colonies in North America were subject to many of the laws passed by Parliament to control freedom of expression. These included statutes requiring publishers to be licensed by the government, which effectively meant that material would be reviewed by a government official before it was published to determine whether it conformed to laws prohibiting blasphemy, obscenity, or saying anything that criticized the Crown, the latter known as seditious libel.

By the 1720s, American colonists had begun to chafe under these restrictions. Benjamin Franklin's *Pennsylvania Gazette* published the essays of "Cato," the pseudonym of two British journalists, who argued that "Freedom of Speech is ever the Symptom as well as the Effect of good Government." In 1734, John Peter Zenger, a New York printer, was charged with seditious libel for having printed anonymous criticism of the colonial governor general in his newspaper, the *Weekly Journal*. After spending nearly one year in jail awaiting trial, he was acquitted by a jury who refused to follow the judge's instructions and convict him. Zenger's lawyer, a retired attorney from Philadelphia named Andrew Hamilton, convinced the jury that no man should be subject to criminal penalties simply for criticizing the government, especially when the facts he reported were true—resulting in one of the earliest examples of "jury nullification" in what was to become the United States.

Following the Revolutionary War, the newly independent United States created a tripartite national government defined under a Constitution that, initially, had no Bill of Rights. Not until 1791 did the states ratify the first 10 amendments to the Constitution, which include the 45 words comprising 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; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Virtually all of the law that has defined press freedom in the United States is derived from that short absolute phrase. It is a prohibition on federal (and, through the Fourteenth Amendment, state) government action, censorship, and control over the media. It does not attempt to define "the press," nor does it predicate the

exercise of rights on the fulfillment of duties or responsibilities.

But is the First Amendment as "absolute" as the words themselves would suggest? The answer is one that the U.S. Supreme Court has been trying to answer for more than 200 years.

Prior Restraints

The strong antipathy to government suppression of controversial publications crystallized into one of the first Supreme Court decisions defining freedom of the press, *Near v. Minnesota*, 283 U.S. 697 (1931). The high court invalidated a state statute that permitted officials to prohibit publication of "malicious, scandalous, and defamatory" newspapers. The statute further required publishers who had been enjoined to obtain court approval before resuming publication. The Supreme Court ruled that "prior restraints" are presumed to violate the First Amendment. However, the opinion by Chief Justice Charles Evans Hughes noted that the constitutional protection is "not absolutely unlimited," suggesting that, for example, publication of the details of troop movements in wartime, obscenity, or incitement to acts of violence might be subject to restrictions.

Nevertheless, in the years following the *Near* decision, the Supreme Court has continued to strike down attempts to restrict the press, including in instances where the government claims that publication would violate national security. One of the most dramatic examples was the "Pentagon Papers" case, *New York Times Co. v. United States*, 403 U.S. 713 (1971). In this case, the Nixon administration sought court orders to stop the *New York Times* and the *Washington Post* from publishing classified documents pertaining to the Vietnam War. In a brief, unsigned opinion, the high court ruled that the government had failed to meet the heavy burden imposed upon it by the Constitution because it did not prove that publication would result in direct, immediate, and irreparable harm to the national interest.

The "Pentagon Papers" decision, like *Near*, does not declare that every prior restraint invariably violates the First Amendment. It makes clear, however, that it is up to the government to justify any attempt to stop the press from publishing. It is not up to the press to explain why it should be allowed to publish.

This strong presumption has extended even into types of

speech that the court in *Near* suggested could be restrained. In *Miller v. California*, 413 U.S. 15 (1973), the court reiterated that obscene speech enjoys no constitutional protection, but crafted a narrow definition of "obscenity" to ensure that material with serious literary, artistic, political, or scientific value could still be distributed. Similarly, even speech advocating the violent overthrow of the government in the abstract is protected as long as no imminent lawless action is likely to result (*Brandenburg v. Ohio*, 395 U.S. 444 (1969), *Hess v. Indiana*, 414 U.S. 105 (1973)).

The court went still further when it struck down a Florida statute requiring newspapers that editorially attacked a candidate for elected office to print the candidate's reply.

In *Miami Herald v. Tornillo*, 418 U.S. 241 (1974), the Supreme Court held that compulsory publication is as much of a "prior restraint" as prohibiting publication would be. Although the justices acknowledged that the legislators' goal of encouraging the press to provide a forum for competing viewpoints was laudable, they found that the statute impermissibly usurped the rights of editors to express the views of their choice, and might even have the perverse effect of reducing political coverage. "A responsible press is an undoubtedly desirable goal, but press responsibility is not mandated by the Constitution, and like many other virtues it cannot be legislated," Chief Justice Warren Burger wrote.

Libel

Until 1964, under the common law of the United States, libel—the publication of false and defamatory statements about an individual—fell outside the protections of the Constitution. But in *New York Times v. Sullivan*, 376 U.S. 254 (1964), a case decided during the height of the civil rights movement in the United States, the Supreme Court recognized that in order to avoid chilling robust discussion and commentary about the actions of government officials, news organizations must be given breathing space to make some errors, in good faith, without facing liability. The high court ruled that public

"For it is a central tenet of the First Amendment that the government must remain neutral in the marketplace of ideas."

Chief Justice
William Rehnquist

officials who wish to sue for libel would be required not only to prove that statements were false, but that the publisher either knew they were false or published them with "reckless disregard" for their truth or falsity.

This legal standard of fault, known as "actual malice," was subsequently extended to libel suits by public figures as well as government officials. The 50 states are permitted to determine the level of "fault"—actual malice, negligence, or something in between—in libel suits brought by private individuals, but the high court has made clear that some degree of fault must be demonstrated in order for any monetary damages award to be made.

Criminal Libel and "Insult Laws"

In spite of a long tradition of colorful political discourse, the Federalist-controlled Congress enacted a Sedition Act in 1798, ostensibly in response to hostile acts by the French Revolutionary government. The law proscribed spoken or written criticism of the government, and was utilized to convict and jail several journalists who supported the opposition party of Thomas Jefferson. That statute expired early in the 19th century.

Today, as a practical matter, expressions of opinion, however caustic or hurtful, are absolutely protected under U.S. law. Although several states enacted criminal libel statutes during the 19th century, the Supreme Court, in *Garrison v. Louisiana*, 379 U.S. 64 (1964), struck down the Louisiana law because it did not permit a defense of truth. In *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974), the high court declared that pure opinion—statements that can neither be proven true nor false—can never be the basis for a libel suit. And in *Hustler Magazine v. Falwell*, 485 U.S. 46 (1988), the Supreme Court ruled that even "outrageous" and deliberate attacks on public figures may not be the basis for a lawsuit claiming emotional distress—what would be the equivalent in many countries to an assault on one's honor or dignity—unless the claimant is able to show that the publication contains false statements of fact, and that the statements were published with "actual malice."

"Were we to hold otherwise," Chief Justice William Rehnquist wrote, "there can be little doubt that political cartoonists and satirists would be subjected to damages awards without any showing that their work falsely defamed its subject." Quoting from an earlier Supreme Court decision, the chief justice concluded, "[I]f it is the speaker's opinion that gives offense, that consequence is a reason for according it constitutional protection. For it is a central tenet of the First Amendment that the government must remain neutral in the marketplace of ideas."

Privacy

The U.S. Constitution does not explicitly articulate a right to privacy. Although the Supreme Court has interpreted the Fourth Amendment to protect individuals from unreasonable searches and seizures by the government, the concept of a right to be left alone by one's fellow citizens did not emerge in American jurisprudence until 1890, in an article by Louis D. Brandeis and his law partner in the *Harvard Law Review* ("The Right to Privacy," 4 *Harvard Law Review* 193). Since then, most states have recognized one or more of the four distinct types of invasion of privacy, which can be the basis for civil damages suits: intrusion on seclusion, publication of private facts, portraying someone in a false (but not necessarily defamatory) light, and misappropriation of an individual's name or image for commercial purposes without consent.

Claims for intrusion and publication of private facts present the most significant legal challenges for journalists. They represent a genuine collision between competing societal interests. Although the Supreme Court has recognized that "without some protection for seeking out the news, freedom of the press could be eviscerated" (*Branzburg v. Hayes*, 408 U.S. 655 (1972)), the high court has also made clear that the news media are not exempt from laws, such as criminal trespass statutes, which apply to the public in general, unless enforcement would unduly abridge the exercise of free press rights. Similarly, the right of the individual to a private life has been tacitly acknowledged by the court. However, because of the broad protection the Constitution grants to truthful speech, a news organization may publish even highly offensive "private facts" with impunity if it is able to demonstrate that the information is a matter of legitimate public interest and concern.

Access to Government Information and Proceedings

Consistent with English common law tradition, court proceedings in the United States have always been open to the public. But it was not until *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980) that the Supreme Court recognized that the First Amendment confers a constitutional right of access to criminal proceedings to both the press and the public. As Chief Justice Burger wrote, "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing."

The legislative branches of both the federal and state governments have generally conducted the bulk of their business in public. Access to the executive branch, however, has always been more elusive and problematic. As Justice Potter Stewart declared in a speech at Yale Law School in 1974, the First Amendment "is [not] a Freedom of information Act." ("Or of the Press," 26 *Hastings Law Journal* 631, 636 (1975)). In 1967, Congress attempted to remedy this deficiency by enacting the Freedom of Information Act, which created a presumption of openness for records created and held by executive branch agencies of the federal government, subject to nine categories of limited exemptions. The burden of justifying the denial of access to documents rests with the government. All 50 states have also adopted similar statutes that regulate disclosure of records generated by state and local government agencies.

Who Is "The Press"?

The First Amendment explicitly forbids Congress to single out the news media for regulation or punishment that would not be imposed on others, but sometimes the government may choose to recognize special privileges for journalists.

As a practical matter, this may be as simple as granting reporters the right to cross police lines at disaster scenes upon presentation of a "press pass" or proof of their employment. The question may take on constitutional dimensions, however, in the context of testimonial privileges, similar to those that protect members of certain professions, such as physicians and clergy, from being compelled to reveal confidential communications received in the course of their work. Although the Supreme Court has declined to recognize an all-encompassing journalist's privilege under the First Amendment (*Branzburg v. Hayes*, 408 U.S. 655 (1972)), 31

states and the District of Columbia have passed statutes that provide varying degrees of protection for reporters who wish to protect confidential sources and unpublished information, and most state courts have granted common law privileges to journalists, as well.

But who is a "journalist"? This has been a question that American courts have been loath to answer. After all, if the government can define who is entitled to act as a journalist, it can control who gathers and disseminates news. Yet, with the advent of the Internet, which allows anyone with access to a computer and a modem to publish his or her opinions to the world, how will the law determine who is entitled to claim those rights? The Internet is a medium that crosses borders instantaneously, enabling information and ideas to be disseminated in the twinkling of an eye. Determining whose standards and laws will apply to the speech and the speakers who use it to communicate will be one of the major jurisprudential challenges of the 21st century.

Conclusion

It is not easy to live with a free press. It means being challenged, dismayed, disrupted, disturbed, and outraged

—every single day. And some days, Americans aren't so sure that the nation's founders made the right decision 200 years ago when they embraced a free press.

Where does a free press come from? Some would argue that it is a fundamental human right. And yet, history has demonstrated that, except for a very short period of time, it has been a right honored more in the breach than in the observance. James Madison has rightly been called "the Father of the Constitution," and of the First Amendment in particular, but the Constitution and the Bill of Rights have never been self-executing documents. They depend upon an independent judiciary to interpret them and to bring them to life.

As Justice Potter Stewart once reminded a gathering of lawyers, judges, and journalists, "Where do you think these rights came from? The stork didn't bring them! The judges did." (Lewis, "Why the Courts," 22 *Cardozo Law Review* 133, 145, (2000)) www.cardozo.yu.edu/cardlrev/v22nl/lewis.pdf

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Steps to a Free, Financially Viable Media

By Tim Carrington and Mark Nelson
World Bank Institute

The existence of a free and functioning media, long associated with any successful democracy, turns out to have equally strong links with market economies capable of growth, job creation, and poverty alleviation.

The link of a functioning media to economic progress has lifted questions of media freedom and viability out of a purely political sphere of discussion. If a flourishing press seems to go hand-in-hand with better economic outcomes—including measures such as lower child mortality—then institutions like the World Bank and the United Nations Development Program must begin to support media development as one of the contributing elements in a broader economic and social development.

However, the interaction between the media and the surrounding economy isn't simple. The media contribute to economic activity, but the state of the economy itself impacts the health of the media, most directly by affecting the audiences and advertisers that news organizations look to for their financial independence. Experiences in various countries illustrate the ways that press is embedded in the economy, both contributing to it and drawing from it—at least when laws, policies, and business acumen of media managers permit.

In Poland, the major daily newspaper, *Gazeta Wyborcza*, endured the grim years of communist martial law, running the press by hand and struggling to support jailed staff members. Democracy, an end to iron-fisted government controls, and a general economic reordering radically changed the environment for media activity. In the mid-1990s *Gazeta* privatized, moved into radio, television, and the Internet, and tapped Poland's growing private sector for advertising. Zofia Bydlinska, an editor at the once-beleaguered daily, did some calculations at one stage in the expansion and figured that her shares in the media company, acquired early on in the transition at preferential prices, had soared to a value of \$2.3 million.

Media companies don't always follow this trajectory, however. In January 1999, Anderson Fumulani, an enterprising reporter and editor in Malawi, launched *Business Watch*, an independent quarterly magazine covering business and economic developments in the

recently democratized southern African state. He economized by hiring journalists-in-training who expected little if any pay, and he worked tirelessly to attract advertising from Malawi's private sector. But after four issues—none of which drew more than 500 paying readers—Business Watch folded. Rather than calculating his increased share values, Mr. Fumulani was still sifting through invoices two years after the publication collapsed. "I still haven't finalized the phone bills," he complained.

Malawi, one of the world's poorest countries, is constrained by high rates of illiteracy, weak distribution networks, and a business sector that remains subject to political influence. While foreign investors have poured millions of dollars into Poland's promising media business, most see Africa's struggling independent presses as heroic money-losers, lacking audiences and advertising bases to generate much of a profit, even if laws and policies turn benign, as some have. Advertising often comes mostly from the state. Even independent companies may be sufficiently concerned about government reprisals that they are reluctant to advertise in publications critical of the government.

Behind the often passionate debates over media rights and responsibilities is a simple fact too often overlooked by the international organizations shaping media support projects: The media is a business. And as the Polish and Malawian cases illustrate, the news business is capable of creating both soaring financial successes and dismal failures. Like any business it is profoundly affected by surrounding economic realities. But it must do more than ride waves of GDP growth and contraction up and down. Rather, media successes arise from strategies for building readership, reputation, and profits in a variety of economic conditions.

As more analysts recognize a functioning media to be a "development good," capable of contributing to improved accountability, efficient markets, and information-rich societies, it is important to recognize that all these benefits are derived from the media's financial independence. And that independence, in turn, is a function both of the surrounding economy and a particular media company's ability to turn a given economic environment to its advantage.

The Quest for Financial Independence

The quest for financial independence is seldom easy.

Financial pressures may push news organizations toward rescuers who assure their solvency, but exact a heavy price in terms of their independence. Financially weak media in fragile democracies are vulnerable to absorption by political or economic interests inclined to operate news organizations less as businesses than as propaganda units.

Tatiana Repkova, who established a business weekly in the early years of Slovakia's transition and later became editor of Pravda, a major Slovak daily, writes: "In formerly communist countries media censorship as the main constraint to freedom of speech has been replaced, largely, by economic pressure. . . . For independence, this is a good thing, although it is not always understood that way."

This sentiment was echoed in an October 2001 online newsletter of the International Center for Journalists (<http://www.ijnet.org>). According to this report: "Print media in Serbia face formidable economic problems and are often looking for financial support. As a result, 'they become an easy prey for politicians,' Dragan Janjic, editor-in-chief of the Beta News agency, told a roundtable in mid-October organized by the Institute for Philosophy and Social Theory."

According to the report, Janjic added that major changes in the media would become visible only when major changes in the economy occur. "Before that, there is nothing we can look forward to," Janjic said.

As the Serbian editor's testimony underscores, worsening economic pressures often push news organizations to seek a safe harbor, which can mean turning to politicians or special interests for support. Doing this, however, may damage their editorial independence. The paper or broadcaster might be chalking up business losses, but if it is helping to swing an election, or locking in a desired legislative or regulatory advantage, the proprietor would likely conclude that the media unit had earned its keep.

Russia: A Flowering and a Downturn

Nowhere has this link to the surrounding economic conditions—and the ups and downs of a rocky economic transition process—been more starkly illustrated than in Russia. The country experienced a flowering of media freedom in the first two years after the fall of the Soviet Union, but this new media culture then hit the bleak economic realities that followed. As per capita income

plunged more than 50 percent over the decade, and advertising outlays stagnated, much of the media fell into the hands of new and highly politicized sponsors, both public and private, who have used the media to their own narrow ends.

After the demise of the Soviet Union, most Russian media sought both editorial independence and financial sustenance from public authorities or business sponsors. It was a formula for failure. Not only have the payments from government authorities been too small to assure the creation of modern media companies, but the continued dependence on partisan sponsors has done little to create quality journalism or to convince readers of the value of the media in the new post-Soviet environment.

One analyst of Russian media patterns, Ellen Mickiewicz of the Terry Sanford Institute of Public Policy at Duke University, finds that typical media consumers have adjusted permanently to these distortions: Russian readers and viewers, she says, have little expectation of accuracy and reliability, and hold to an understanding that "information isn't in and of itself a stable commodity." From this vantage point, Russians look at media output as a multiplicity of slanted reports, offering in combination a mosaic of information from which consumers must extract their own versions of what's true and accurate.

Regional governments still today allocate a significant slice of their budgets to mass media, and while these subsidies aren't enormous in monetary terms, they're enough to cause headaches for independent competitors, who must survive without the financial or political collaboration of the local government. It can be problematical to compete for advertisers against subsidized rivals who are able to cover part of their costs with government funds and offer lower rates to advertisers.

Media companies that did not become dependent on political authorities fell into the hands of the financial and business empires that emerged in Russia in the 1990s. The notorious "oligarchs" tended to run media units not as quality information and news concerns but as propaganda arms for other interests. The media units became embroiled in the battle between the oligarchs and the government, and their "independence" was as restricted as those dependent on political good will.

Yet, many Russian media managers say the country is

slowly emerging from the most difficult phase of its transition and will soon be more like Poland or the former East Germany. It will be crucial to establish a steadier economy, along with a new capacity to build a financial base from private advertising rather than government largesse or oligarch subsidies.

Digital Divides, Digital Frontiers

As concern intensifies over the world's "digital divide," it is useful to note that high-tech connectivity generally tracks with low-tech media saturation. In "Digital Divide: Civic Engagement, Information Poverty and the Internet Worldwide," Pippa Norris writes: "Info-rich countries like Sweden, the United States, and Australia are not just ahead in terms of the Internet but also in the distribution of other media such as newspaper readership, radio and television sets, personal computers, and mainline and mobile cell telephones. There was little distinction between use of old and new media; the proportion of those online in each country was most strongly related to the distribution of hosts, telephones, and personal computers, but it was also significantly and strongly related to the distribution of radios, TV sets, and newspaper readership in each nation. This means that people living in poorer societies excluded from the world's flow of communications such as Burkina Faso, Yemen, and Vietnam were largely cut off from all forms of info-tech, including traditional mass media like radios and newspapers as well as modern ones such as mobile phones and personal computers."

Still, online opportunities are helping some journalists sidestep state controls imposed on traditional media. One of the world's more interesting media evolutions has occurred in Malaysia, an Asian tiger economy where the Mahathir government enforces a law barring "malicious" news and permitting the government to shutter "subversive" publications. All news publications must be licensed annually. A Sedition Act and Internal Security Act further restrict criticism of government policies.

However, the new media platforms of online services and the Internet enjoy a highly protected status in Malaysia, which sees itself emerging as a high-tech power and wants to avoid ensnaring the emerging information technology sector in the same tangle of constraints that surround the mainstream news media.

Steven Gan, a pioneering journalist who often found himself at loggerheads with the government, in late 1999

launched Malaysiakini, an Internet newspaper, and has succeeded in keeping it afloat since, with a readership of between 120,000 and 150,000. Bringing in seed money from the Southeast Asian Press Alliance, Gan found that Malaysiakini had attracted 100,000 readers after 18 months of operation, five times the 20,000 he had hoped to draw. Meanwhile, the paper lined up private advertisements covering 50 percent of its operating costs.

The business strategy is tailored to the economic and political realities in Malaysia, where a comparatively vibrant advertising base exists, and where audiences were curious to read online what was missing in the mainstream media. Most crucial was the opening created by the government's divergent policies for old media and new media. "The government has promised not to censor the Internet while keeping tight controls over the traditional media," Gan said. "We're exploiting that loophole."

Those countries that have made the most rapid progress—such as the fast reformers in Central and Eastern

Europe—have made the creation of an effective news media an integral part of the public sector and economic reform agenda. Not only have these countries insisted that the media be privatized and taken off the budgets of the national and regional authorities, they have pursued economic and regulatory policies aimed at creating an environment in which the media business—and an information-based economic system—can take hold. They have also learned to live with the criticism that the news media are inevitably directed against public authorities, recognizing that such criticism is in itself one of the ways that governments adjust their policies and correct their mistakes.

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Anarchy Is Not a Business Plan: Practical Pointers on the Business of Media

A Panel Discussion

Media outlets in transitional and developing countries must find revenue sources and define their mission as they work to establish their independence and economic viability, according to a panel of experts.

The U.S. government and a variety of private foundations and nonprofit groups are working to support greater independence in media worldwide. They are sending media professionals from the United States to places all over the world to help newspapers, magazines, broadcast stations, and Web sites develop higher standards in their reporting and business operations. Financial stability and sustainability are as important as professional standards and independence for these media outlets to continue to report the news.

Managing Editor **Ellen F. Toomey** assembled a distinguished panel of these professionals to discuss some of their experiences serving as consultants at media operations in transitional nations.

William H. Siemering has worked as a broadcast trainer in Africa, Eastern Europe, and Asia. Before becoming involved in this international work, he was a public radio station manager and program developer. He was the first director of programming at National Public Radio, a U.S. network.

David Simonson has served as a business consultant at a variety of publications in Central and Eastern Europe. In his earlier career in the United States, he was president and publisher of Time, Inc.'s newspaper subsidiary and chief operating officer of the National Newspaper Association.

Rachel Thompson has worked as a media management trainer in Eastern Europe. She has also had a career as an executive at America Online, one of the largest Internet companies in the United States, and as a reporter and editor for media and telecommunications publications.

Global Issues writer-editor **Charlene Porter** moderated the discussion.

Question: What are the most critical needs for media attempting to establish financial independence, especially in those situations where they have no experience generating revenue or raising capital?

Simonson: My first thought is they need to overcome the "We never do it this way" syndrome. For example, in Croatia, as I was looking for advertising opportunities for the local media, everybody—from our embassy to the media—kept saying, "There's no money here, nothing can be done." The streets were full of Mercedes, BMWs, and Volvos, so, yes, there was money, it just wasn't "on the table" money. That didn't mean there wasn't an audience that would respond.

Q: So you attribute that negative attitude to their inexperience with media advertising and advertising sales?

Simonson: Right, and they had no background, for example, on how to establish advertising rates, how to encourage more than one-time advertising, how to reach out to potential advertisers. The mentality generally was, "If advertising comes in over the transom, we'll take it." They were saying, "It's not done that way, marketing is not part of our culture." But if you're going to compete in the marketing world, it has to be part of your culture.

Thompson: In my experience, publications were frequently started by very committed editors, and financing them became a real challenge. I had one editor say to me, "We don't want to go off and ask for support." He considered that unacceptable. If they like our product, he believed, let them come support it.

Q: Western media are known for pretty aggressive salesmanship. You've found that lacking in your experience with media in transition?

Simonson: Nonexistent. In Bratislava, there was a very successful business publication. It was successful because the two people who ran it had come to the United States, studied methodology here, then went back and applied it. It was the only media outlet that recognized that you had to sell subscriptions, you didn't wait for people who might agree with you to buy your publication. They were the only people who went out and realized that niche publishing could be successful, a way to make money. But they were the unusual ones.

The general media, because they had a background of political and government support, once that was taken

away across the formerly communist states, they were babes in the woods. One guy I met at a training program in Belarus said to me, "Don't teach me this, just send me money."

Q: Bill Siemering, describe your experiences with radio stations striving for financial independence.

Siemering: First, there needs to be political will in the country to support independent media through media legislation that provides access to information, defines libel, and ensures freedom of media. That has to come from the top leaders. It's really fairly easy to convince the authorities that it's in their best interest to have independent media because they will be best served by that.

When we talk about independent media, I also want to add "professional" or "responsible" media. Just independent media in itself does not guarantee democracy or civil society. In so many countries, they privatize the radio and all they do is play rock music. This has been true in Budapest, Kiev, Ulaanbaatar. They are doing virtually no information programming.

In Mongolia, for example, the newspapers gained freedom from the state and the papers said, "We're free! We're free! We can do whatever we want." But they were irresponsible, printing rumors and gossip. So the government could easily discredit the media, and say, "See, you can't believe what you read." So that kind of response to independence undercuts the credibility and the role of the media as an accurate source of unbiased information that is essential to democracy and civil society.

When the present prime minister of Mongolia came in, he said he didn't want to see [sensationalistic] newspapers that have decapitated bodies and sex stories on the front page.

In terms of the economic independence of media, there need to be models and examples so that journalists realize you can have a profitable business and be responsibly independent without being sensational.

Simonson: Or pandering.

Q: What about the situation where a wealthy individual or group takes over a formerly government-funded medium to use it for his/their own purposes?

Simonson: This shouldn't surprise us. In U.S. media

history, in the 1890s through the early years of the 1900s, that was what wealthy people did. Public pressure and the maturation of society changed that. Ultimately, a free market determines whether you're going to use your paper as your own tool. If nobody buys your paper because it's not meeting the need, you don't have readers, and you don't have a voice.

One thing I'd like to add to what Bill said: We tend to define a free press as a right to say what you want. You can do that even in countries where journalists are licensed, but that's not freedom. A free press has the freedom to gather information without intervention and the freedom to disseminate that information. The editorial views of a publication are not as important as letting the public have the facts, and they'll make up their minds.

Q: Does the market work to demand responsibility from media outlets?

Simonson: The market demands it, but to achieve an audience editors will try something else. Yugoslav papers ran nudes on page one that had very little to do with the news and the responsibility of a legitimate newspaper. The publisher once said to me, "That's why they pick up the paper, then you reach them." It was very hard to tell him that didn't work and it was denigrating to women.

This publisher then came to the United Nations to cover his prime minister, bringing copies of the paper with him. The U.N. press department looked at the nudes on the front page and told him he didn't have a responsible publication. That was the first time that the problem hit home with him. I only sounded prudish trying to talk to him about it.

I think one thing that's not well understood in developing countries: People who have a voice, or want to say something, say it, but what they don't realize is that nobody will read it until the publication understands the audience and meets the needs of the audience. That's where editors are important. The best editor—radio, television, Internet, or print—is the one who can develop an audience, not just create things for his own ego.

Siemering: I first went to South Africa in 1993 before the elections. Community radio was part of the liberation struggle, the idea of giving a voice to the voiceless. Because the government believed the interests of democracy could best be served by community radio,

they only gave licenses to community radio stations the first year of licensing from 1994 to 1995.

I went to the first workshops when people were talking about community radio before it went on the air. People would say, "Now everyone has a right to be on the radio." One station went so far as to put a microphone up in the street and let anyone say what they wanted to.

When the stations went on the air, the listeners would say, "That was a very good presenter." Or, "We want more programs in our language," or various other suggestions. They were very vocal in telling the stations what they wanted to hear, just as an example of how the market can direct programming.

The stations very quickly became sensitive to these issues and tried to improve the quality rather than having people just go on and on [talking].

Q: David Simonson, didn't you also witness some rather turbulent transitions to privatization during your consulting work in formerly communist countries of Europe?

Simonson: Yes. In Slovenia, a publication I was advising had privatized, and all the reporters held stock [in the company]. They'd all get together and vote out the editor every week because now they were the owners. So rather than teaching them marketing, I spent three weeks structuring a board of directors and some operational policies. Privatization was akin to anarchy in that situation, and you can't have a business plan or any plan with anarchy.

Q: Let's return to the issue of establishing financial viability for a moment. Bill Siemering, you were going to give us examples of some of the methods you've encountered as you've consulted with struggling radio stations in various parts of the world.

Siemering: David mentioned seeing Mercedes in Croatia as a clue that there might be money in the community to support media advertising. Well, there aren't any Mercedes in the Gobi Desert; there are only herders, animals, and a few Jeeps. There are small businesses in the provincial centers. When I first went there to see a station two years ago, I thought there's no way they can raise money from advertising here. I was just back there in September and they have ads on the radio with somebody saying, "I've got fermented mares' milk for 15 cents a liter. This is where you can contact me." Or, "I want a ride to Ulaanbaatar." Or, "I lost some horses."

Simonson: Like a classified ad on the radio.

Siemering: Exactly. They get a third of their income from running these ads. They have a salesperson in the market collecting these ads from merchants, or anyone that's wandering through. Even though it's very small, the scale works out.

Q: Are you saying that a great deal of their advertising comes not from commercial enterprises and businesses as we think of them in the West, but from individuals selling the mares' milk, or wanting a ride?

Siemering: Yes, that's right, but there are also business advertisers as we know them too. One of the most successful commercial businesses is an ice cream company—Simba Ice Cream Company. They put a coin in the occasional ice cream cone. So if the coin shows up in your ice cream cone, then you take it to the radio station and you get a prize. It might be a sports outfit, a basketball, or cosmetics for a woman. Then they recycle the coin. This has been so successful that the competing ice cream company came to the station and complained, "Nobody's buying our ice cream any more." The advertising has been that successful.

Going to another station up north in Darkhan, Mongolia, that operates on \$1,000 a year, they do a lot with bartering. They're located in one of the old Soviet-era, high-rise apartment buildings. They've bartered for their electricity, their telephone. They have an agreement with the hospital to provide health care for the employees. I talked to them about corporate underwriting like we have in public radio in the United States and they said, "We have that with the tenants' association in the apartment block." And I asked, "So what does the tenants' association get?" They said, "We broadcast the names of the tenants who haven't paid their rent."

Thompson: I was working with a regional news agency in Moldova, north of Chisinau, near the city of Balti. Generally speaking, economic news—business news—is a product with a lot of value, and this agency realized that. But being outside of the capitol, they weren't

You need a clear mission and a profound sense of the importance of information in a free society.

geographically well located to scoop up the news about what was going on in government, in the main banks, and so forth.

Balti did have a growing amount of economic activity, but it was difficult for reporters to gather information and put it into a meaningful context for business people in the region. They found that government and business officials were themselves very poorly informed. There wasn't a tradition of government sharing information on economic activity, and small businesses didn't yet understand how they could use the news on economic activity to their own advantage.

The agency was very enterprising, and began working with the local commerce association to try to train young businessmen to work with public relations people to teach them how to hold a press conference, that sort of thing. They were going outside of the reporting business to educate the audience and create a market for their product.

I thought it was incredibly enterprising, but also raised some concerns. In an ideal reporting environment, you go beyond the press conference. You go beyond that and find other information. Getting into public relations had the potential to lead them away from their main business, away from their focus on reporting the news.

Simonson: If you're going to be economically successful, you have to meet the needs of the people, of the audience. That's true no matter what medium you're in. What happened so often in the formerly communist nations of Europe was that media operations got started as voices against the government. And they could be vigorously negative. Working with newspapers in Croatia in 1999, I asked them, "What happens after [the late president Franjo] Tudjman goes?" It was common knowledge he was suffering from cancer at the time. They said, "What do you mean?" Nobody had given any thought to what the publication might be for or against when he died.

In Slovenia, at the paper I mentioned where there was

anarchy, circulation dropped from 100,000 to 27,000 in two years because they were still advocating independence that had occurred two years before. They refused to focus on the needs of the country two years later, and those needs had changed. They weren't relevant in the way they had been before.

Too often, the people who are leaders in the media don't narrow down to what's really useful to their audience. That's the difference between marketplace success and writing for your own gratification.

Siemering: You also need to think of how your product can help the community and the economy. In Soweto, a black township west of Johannesburg, South Africa, Soweto Community Radio had a pizza shop as a sponsor. That shop was so successful as a result of the advertising they were able to open another shop.

One other way of raising money I wanted to mention: The Open Society Institute's Network Media Program supported the association of regional newspapers in Moldova so that they could offer group buys of advertising. That enabled them to greatly increase the amount of money they got from advertising, as opposed to street sales, for all of them. Then the OSI helped them pay for investigative reporting supplements that would be run in all the newspapers once a month.

By the development of the association, responsibly helping both economically and journalistically, all the papers benefited. All too often, some of these old associations are quite ineffective. They need a new vision and new leadership.

Thompson: Working in Kiev, I saw regional communication developing, people from newspapers and Web sites working together to educate advertisers, sharing experiences on setting rates, on best practices. As much of that as can happen is good, because eventually it will help build a regional economy. It's extremely valuable.

Q: What strikes me in hearing these anecdotes from so many different countries where you've worked is the creativity. You've encountered some extraordinarily creative solutions found nowhere in the Western model. Are media in these countries finding entirely new ways of doing things?

Simonson: Yes, but it needs to be said that all these marvelous things we're talking about aren't going to work

if there's government intervention. This is a very important part of the message.

The need for a free media without government intervention is crucial. Anytime the government wants regulations on anything, it's dangerous.

In Slovakia, when Vladimir Meciar was prime minister, the government could assign where a paper was printed. If the paper opposed Meciar, the government would take the paper off a modern offset press and put them on a 1909 press. All of a sudden they'd lose advertising from the auto companies and all the companies that required good reproduction for their ads. And the government could deny any responsibility for the declining revenue of this opposition newspaper.

In that kind of climate, free media is endangered.

Siemering: But to underline your point about the creativity, there is creativity there, and those of us coming in as consultants to news outlets in transitional states need to recognize that and not try to impose a Western model. It doesn't fit. If we give them the principles of fair, accurate, balanced coverage and sound business practices, they'll create operating principles that are best for them.

We give them the tools to build a structure, show them what materials will stand up, and what won't. I always begin with a mission statement because you must have some vision of what you're using the medium for. You may make a profit, but you need to serve the interests of your country and your community.

Simonson: I think the mission is one of the least understood things in an emerging market. I remember looking at a profit and loss statement at a very successful publishing organization, and asking about the mission. "To be profitable," is what they said. And I told them, "Look, you'd be profitable if you'd just close down this whole magazine division. It's the newspapers supporting you." They said they couldn't do that, and I had to tell them, "Then being profitable is not your mission."

Siemering: I'd just say that you need a clear mission and a profound sense of the importance of information in a free society. Dedication to accuracy and truth has to be the same as the sacred trust you have with a doctor. It's a professional obligation to provide the audience with information they can trust.

Keeping very close to your audience is also essential, so that you're always getting feedback and staying in touch with them. They're informing your message.

The challenge is to present the information in an engaging way so that people will want to hear or read what they need to know.

Siemering, Simonson, and Thompson participated in this panel discussion at the Office of International Information Programs in Washington, D.C.

The opinions expressed in this article are those of the interview subjects and do not necessarily reflect the views or policies of the U.S. government.

Journalism and Serving the Public Trust

By William F. Woo

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The relentless acquisition and independent presentation of news is the way the press serves the public trust. Journalism programs, departments, and schools need to become the places where such concepts are nurtured, protected, and ceaselessly advocated.

In 1892, the visionary Joseph Pulitzer, owner of the *New York World*, offered Columbia University the money to create the world's first school of journalism. At the time, what journalism education there was in the United States and elsewhere consisted of experienced editors and reporters passing along the rules and tools of the craft. Pulitzer's idea seemed farfetched.

Why, people wondered, would any university want to train journalists? They were mere ink-stained wretches who practiced what at best was a craft, learned on the job. The idea that journalists belonged in a community of humanists and scientists seemed laughable. Columbia's trustees rejected the offer.

Pulitzer, whose name is associated today with U.S. journalism's highest award, the Pulitzer Prizes, persevered. In 1904, he published an article titled "The College of Journalism" in *The North American Review*. In it, he laid out his case for journalism education.

"Our Republic and its press will rise or fall together," Pulitzer wrote. "An able, disinterested, public-spirited press, with trained intelligence to know the right and courage to do it, can preserve that public virtue without which popular government is a sham and a mockery. A cynical, mercenary, demagogic press will produce in time a people as base as itself. The power to mould the future of the Republic will be in the hands of the journalists of future generations."

Columbia accepted Pulitzer's money, but by the time it got around to opening a journalism school in 1912 and naming it after him, he was dead and the University of Missouri already had started the first school of journalism. Today journalism education is taken for granted. In the United States alone there are more than 450 programs, departments, and schools of journalism and mass communication. In a typical year, these produce

close to 40,000 recipients of bachelor's and master's degrees.

In this article, I shall put forward three themes. The first addresses the development and state of journalism education. The second examines some profound changes in journalism that raise troubling questions about its future. The third takes another look at Joseph Pulitzer's vision and argues that it is of paramount importance today to both journalists and journalism education.

When Missouri began its journalism school in 1908, it found that it had to invent a faculty. So from the start, the university emphasized practical experience. That remains its focus, though like most modern journalism schools today, it also teaches history, theory, research, and a broad array of other subjects. The original emphasis on practical experience, however, became the model for other universities.

In time, schools understood it was not enough to teach reporting and writing. They needed educators with advanced degrees, who could conduct research and develop theories of journalism. They needed a faculty skilled in pedagogy. Increasingly, journalism came to be thought of as a subset of communication.

Practitioners and scholars often found themselves on opposite sides of a growing and contentious rift. Some practitioners looked with disdain upon their scholarly colleagues, with their doctorate degrees and social science methods and jargon as more suited for ivory towers than the "real world" of journalism. Some scholars came to regard the practitioners as mere trades people and the "real world" of journalism as the crude industrial moorings from which academic institutions ought to divest themselves.

The ground over which this contest was waged was the old question of what a journalism education should be. Was it to be mainly practice? Theory? Some combination of these? Was its mission to produce Ph.D.'s or, as Pulitzer had envisioned, future generations of reporters and editors?

Over the years, the journalism school that Pulitzer had endowed at Columbia became one of America's finest training grounds for reporters and editors. Its graduates were found in the most prestigious news organizations. The cornerstone of its curriculum was a rigorous mandatory reporting course.

But in mid-2002, while the school was looking for a new dean, Columbia's president, Lee Bollinger, abruptly called off the search. More reflection was needed. "To teach the craft of journalism is a worthy goal, but clearly insufficient in this new world and within the setting of a great university," he said.

This was stunning. Here at Columbia, the citadel of journalism education directed at professional competence, the university president had declared that teaching the craft of journalism was insufficient.

More than 100 years after Joseph Pulitzer first advocated the establishment of journalism schools, there still was no agreement on what journalism education should be. The question of whether universities should teach journalism had been answered decisively. Far from settled, however, were the questions of why journalism should be taught and what an education in it should be.

For much of the 20th century, newspapers enjoyed a favored situation. Apart from other papers, they had no significant competitors. Newspapers were the country's main, everyday source of news and advertising. "I only know what I read in the papers," people said.

In the decades after World War II, however, three developments occurred that were to have an enormous impact on journalism. Inevitably, they affected journalism education.

The first was the rise of serious competition for people's attention and advertisers' money. Television and much later the Internet and an explosion of specialty publications bit deeply into the newspapers' traditional audience and sources of revenue. These competitors offered not only new ways of getting information; they also gave the public different points of view. Fewer people could say, "I only know what I read in the papers." Public trust in journalism declined.

The second impact on journalism was demographic. After the war, beginning with the many returning servicemen and women who entered universities, America became better educated and demanded a different kind of journalism—one that was more informed and had broader interests. Suburbs grew at the expense of central cities. Shopping malls replaced downtown department stores, upon whose advertising dollars the newspaper industry had been built. Afternoon newspapers, delivered by trucks that struggled through

rush hour traffic, began to die. More insidiously, the pace of modern life left people with less time for newspapers. They turned to the emerging medium of television for news, but even more for entertainment.

Finally, beginning in the 1960s, some news organizations discovered Wall Street as a source of capital. Whereas before World War II, the vast majority of America's newspapers were privately and independently owned, now public, chain ownership became the standard.

Thus in some cases, the measure of a news organization's success was decreed by the stock market, which looked at quarterly earnings and not the quality of journalism. Market pressures led to lower investments in news operations. As a priority within news organizations, journalism became overshadowed by other priorities. When executives of Gannett, America's largest newspaper chain, appeared before market analysts in Boston a few years ago, they never mentioned the word journalism in their formal presentation.

Large conglomerates gobbled up smaller organizations. By the end of the 20th century, reported Ben Bagdikian in the latest edition of his book, *The Media Monopoly*, most of what Americans read in their papers and saw on television was the product of only a handful of giant corporations.

What does all this mean for news organizations and universities? A place to begin is by recalling Joseph Pulitzer's words in *The North American Review*: "Our Republic and its press will rise or fall together . . . A cynical, mercenary, demagogic press will produce in time a people as base as itself."

What Pulitzer was saying is that journalism is more than just a way to make money or provide entertainment. It serves a public trust. Effective popular government, he had written, depended upon a "disinterested, public-spirited press, with trained intelligence to know the right and courage to do it."

Journalism is not an end in itself but only the professional means by which reporters and editors serve the public trust.

Before television and the Internet, not all of journalism was public-spirited, and cynics and mercenaries were easy to find. But in the many decades in which the press was privately owned, an ethic had developed: Journalism existed to serve the people. Often this was disregarded, but nonetheless journalists came to think of themselves as a Fourth Estate, independent of public or private power centers. Their mission was disclosure; their canon, objectivity; their discipline, verification; their credo, the people's right to know.

All of these are open to critical analysis, but for a long time journalists agreed on them. Journalism schools preached them. More than anything, these ideals rested upon a stable industry that understood itself.

But ask a newsroom or a classroom today, What is journalism? What business are journalists in or are being trained for? There is no consensus. Some will say the information business; others, the entertainment business, the news business, the profit business.

A better answer, as I wrote recently in *The Nieman Reports*, a journalism quarterly published at Harvard University, requires us to go back to first principles and ask, what is the purpose of journalism and of journalism education?

In that article, from which I shall be drawing in my concluding passages, I suggested that the purpose of journalism is not doing journalism any more than the purpose of surgery is simply doing surgery, that is, cutting people open and sewing them back together again. The purpose of surgery is healing.

Similarly, the purpose of journalism is more than reporting and writing stories, though as with surgery, skill and competence are essential. Its purpose has to do with something more fundamental, which I think of as serving the public trust.

The relentless acquisition and independent presentation of news is the way the press serves the public trust, a concept that transcends political systems. These systems,

after all, are only means to an end. For Americans, democracy is the political means to liberty.

Similarly journalism is not an end in itself but only the professional means by which reporters and editors serve the public trust. They do that by providing the news and information that free people need to make political, economic, social, and personal decisions.

When President Bollinger of Columbia declared that teaching "the craft of journalism is a worthy goal but clearly insufficient," he made a useful point. Young journalists who are ignorant of the social, historical, and theoretical context of their profession are doomed to live in the shallows. Journalists who understand only theory, history, ethics, and the law of the press are equally useless. Neither can serve the public trust.

The question of whether craft or academic breadth is a worthy and sufficient goal for "a great university" strikes me as irrelevant as asking whether it is better for young people to join the army or the navy at a time when the military already has been hijacked by a half dozen warlords.

I use "a half dozen" advisedly. That is the number of corporations that Ben Bagdikian says "dominate all American mass media" and provide "the country's most widespread news, commentary, and entertainment."

What are the implications of this for journalism

education? Some institutions may turn out excellent practitioners of craft. Others may produce graduates rich in historical, social, and theoretical understanding. But what does it matter if the owners of America's media are indifferent to these qualities?

The great task for journalism educators, in addition to providing practical training and academic breadth, is to equip their students with a firm sense of the public trust: how it developed, what it means to America, how it manifests itself or is betrayed in the work of journalists and news organizations. Journalism programs, departments, and schools need to become the places where such concepts are nurtured, protected, and ceaselessly advocated.

As I wrote in *The Nieman Reports*, "A press that is hostage to its investors is no more a free press than one that is hostage to government. Surely, great universities, and even lesser ones, can understand this." Joseph Pulitzer would have.

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The opinions expressed in this article do not necessarily reflect the views or policies of the U.S. government.

Broadcast Journalists Need Training to Meet Intense Demands

By Deborah Potter

Director of NewsLab

A research and training center for television journalists

Most broadcast journalists in the United States have some university preparation. Increasingly, working journalists argue that further refinement of their skills throughout their careers would better serve both the profession and the public.

Journalism in the United States is generally regarded as a professional discipline, yet it has little in common with other professions like law and medicine. In journalism, there is no specialized education, no entrance exam, and no expectation of continuing education. Most young Americans entering the field of broadcast journalism today have studied journalism at the university level. After they enter the workforce, however, they are unlikely to get any formal journalism training unless they seek it on their own.

Many working journalists actually urge students not to get a degree in journalism or a related communications field, but rather to get a broad education in the liberal arts. "It's one of the most worthless degrees you can have," says news director Dave Busiek of KCCI-TV in Des Moines, Iowa. "I would much rather see someone with a bachelor's degree who has spent a year or two on the street covering news and learning how to write."¹

Still, broadcast news is a competitive field, and students find that a journalism degree gives them an advantage, at least when looking for their first jobs. One survey found that fully 90 percent of college graduates taking their first jobs in television news came from journalism and mass communication programs. Employers want new hires to "hit the ground running" in today's short-staffed television and radio newsrooms, and news managers know that students with a broadcast journalism degree are familiar with the basics: how to shoot and edit audio and video and how to write in broadcast style.

At schools such as the University of Missouri and Brigham Young University, students gain experience producing and reporting for a daily television newscast. Most broadcast journalism programs also require students to complete at least one internship in a broadcast newsroom, which helps them build contacts in the field as well as develop a professional-looking resume tape. At

Columbia University's Graduate School of Journalism, students pay more than \$30,000 for a 10-month, hands-on program, and most think it's worth the money. "I came to Columbia to learn the nuts and bolts and to make the contacts I need to succeed in journalism," one student wrote in response to a recent survey. "I believe the school does an excellent job of that."

Future broadcast journalists not only need to learn the basic skills of the trade, they also need training to deal with the pressures they will face on the job, particularly time pressures. Over the last decade, local television stations in the United States have increased the number of hours of news produced daily, but most do not have a proportionally larger staff. Reporters are now routinely required to produce more than one story each day. That means they need training in how to work more quickly and more efficiently.

Two dozen educators who spent part of the summer of 2002 working in broadcast newsrooms around the country certainly got that message. As part of the Radio-Television News Directors Foundation Excellence in Education project, each teacher was assigned to a station for a four-week fellowship. These experienced educators were amazed by how much the profession had changed since they left the newsroom, and some of them had been gone less than a decade. For several, the biggest lesson learned was that they need to push their students harder to prepare them for the ever-looming deadlines and intense demands of today's television newsrooms.

Camilla Grant of The State University of West Georgia says she'll now require her students to produce reports for more than one medium, having seen how her host station, KMOL-TV in San Antonio, Texas, insisted that reporters routinely write for the station's Web site. Dutch Hoggatt of Harding University also came back from his newsroom fellowship planning to be more demanding. "The major thing I want to emphasize with my students is the speed at which stories need to be written and reported."

Teaching young journalists to work faster will only improve the quantity of what they produce, not the quality. They also need training in journalism ethics and law. They need to practice exercising good news judgment and grappling with difficult decisions on deadline. Should they broadcast graphic video from a crime scene? Should they lead the newscast with a late-breaking, highly visual story of little or no significance?

They need to be able to spot the holes in a story, and know where to look and what questions to ask to fill them. They need to learn geography and history, because news directors are looking for good thinkers, not just button pushers. Dan Weiser at KCRA-TV in Sacramento, California, asks potential new hires to explain the Dow Jones industrial average and finds many can't even come close. Sean Kennedy, news director at KTAL-TV in Shreveport, Louisiana, says one of his favorite questions for prospective employees is: Who are James Dean, Jimmy Dean, and John Dean? (Answer: a movie star, a country singer, and a Watergate figure.)

Future broadcast journalists need to learn these things in school because it's often the only formal training they ever get. U.S. journalists are not required to take continuing education courses to remain active in their profession, and few U.S. news organizations provide mid-career training opportunities to their employees. Fully half the journalists questioned in a recent survey by the Council of Presidents of National Journalism Organizations said they get no training at all.

The lack of ongoing training was most evident for journalists in local TV stations. The survey found that 81 percent of journalists said training in journalism ethics and values is important, but only 33 percent said they were getting it. More than half (54 percent) of TV journalists said they needed training in content or specific coverage areas, but just 13 percent said they were getting that training.²

News executives questioned in the same survey acknowledged they should provide more training for their employees, but said they don't have the time or the money to do so. "Though news organizations are in the knowledge business, the news industry lags behind others in providing its people with new knowledge and skills through professional training," said survey editor Beverly Kees.³

Too rare is the general manager like Shawn Oswald of KNSW-TV in Wichita, Kansas, who values training enough to make it a station priority. "It is a sad commentary on our business—we don't train people," Oswald told the Wichita Business Journal. "The industry has lost too many good sales people, reporters, and photographers by not training them."⁴ By contrast, in some European countries, television journalists with union contracts are given paid time off every few years to pursue professional development opportunities.

While their employers may not provide them training, U.S. broadcast journalists can and do seek training on their own from a variety of institutions and organizations. Most of these organizations are either independent or funded by membership dues. The Poynter Institute, a school for journalists in St. Petersburg, Florida, offers mid-career courses in reporting, producing, ethics, and news management for broadcast journalists. Professional membership groups like the Radio-Television News Directors Association, the National Press Photographers Association, and Investigative Reporters and Editors present regular regional and national workshops for their members. While the cost is generally low, the journalists who take part in many of these programs and seminars often have to pay their own expenses and sometimes must use their vacation time to attend.

On-the-job training is provided in some TV newsrooms, but it tends to be limited in both availability and scope. Young reporters can and do learn the finer points of their jobs from supervisors who edit and approve their scripts. But a recent survey of reporters with experience of two years or less found that almost 40 percent said their stations have no formal process for approving scripts before going on the air. This suggests that many of the least experienced journalists in TV news are getting little or no guidance in improving their work. Many stations rely on private consultants from outside firms like Frank N. Magid Associates or Broadcast Image Group to advise their employees.⁵ Some consultants offer training sessions on writing and producing. But more commonly, their advice is offered mainly to news anchors and focuses on appearance and presentation skills, not on journalism issues. Magid, for example, offers help with makeup, wardrobe, hair, and vocal inflection.

To fill the gap, nonprofit groups like NewsLab and the Project for Excellence in Journalism have stepped in to offer low-cost or free training programs in television newsrooms. These groups generally are funded by foundations with close ties to the field of journalism and provide training in storytelling, decision-making, newsroom organization, and specific topic areas, such as covering health or education.

Some television station groups are developing their own training programs to groom candidates for specific newsroom jobs that do not draw as many applicants as on-air positions. Susana Schuler, corporate news director

for Nexstar Broadcasting Group, Inc., created what she calls Producer School to attract producer candidates to her company's stations. The stations offer a paid internship to college seniors, whom they train to produce newscasts. In exchange, the students promise to sign a two-year contract if they're offered a producing job by any Nexstar station.

The Hearst Argyle group recently joined with the Belo Corporation to offer a "producer academy" to polish the skills of news producers already working at their stations. Hearst Vice President Candy Altman says participants worked on everything from newsgathering skills and ethics to headline writing and newscast production.

It is clear that there are also plenty of young journalists who need and want more training than they are getting. In the short term, however, that situation appears likely to continue. The current economic situation in the United States has led several foundations to reduce their financial support for journalism training programs, and newsrooms facing budget cuts are unlikely to fund training programs. In the long term, research may be needed to quantify the return on investment companies can expect when they provide training for newsroom staff. Anecdotal evidence suggests that training can help journalists in a number of ways, from improving their work to rekindling their passion for journalism. If studies can substantiate that training also pays off by improving a company's bottom line, the case for journalism training will be strong indeed.

1 Busiek quote: <http://www.emonline.com/newspro/111802jschool.html>

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2 Young reporter survey: <http://www.newslab.org/tuohey.htm>

3 Kees quote: <http://www.spj.org/news.asp?REF=230>

Columbia student survey: <http://spj.jrn.columbia.edu/2002-11-19survey.pdf>

4 Oswald quote: <http://wichita.bizjournals.com/wichita/stories/2002/10/28/story7.html.pdf>

5 Magid services: <http://www.magid.com/resources/ctd.html>

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