



Free and Independent Press—Lesson Plan

Student Objectives

- Understand the role of a free and independent press in promoting vibrant and diverse political discourse, transparency in government, and the free flow of ideas and opinions in a democratic society.
- Appreciate the issues raised by government regulation of the press and the democratic paradox of such regulation and the people’s “right to know.”
- Explore how a free and independent press can be threatened by private or government monopoly of news information and outlets in a democratic society.
- Analyze the reasons supporting and opposing legal prohibitions on majority control of news media by individual persons, corporations, or the government itself.
- Identify areas of agreement and disagreement with other students.
- Decide, individually and as a group, whether democracies should prohibit anyone from controlling a majority of the news media in a community; support decisions based on evidence and sound reasoning.
- Reflect on the value of deliberation when deciding issues in a democracy.

Question for Deliberation

Should our democracy permit monopolies of broadcast news media in local communities?

Materials

- Lesson Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Activities
- Handout 3—Student Reflection on Deliberation
- Reading
- Selected Resources
- Deliberation Question with Arguments
(optional—use if students have difficulty extracting the arguments or time is limited)



Free and Independent Press—Reading

1 A free press meets many needs in a democracy. It exposes government mistakes and
2 corruption that officials may want to keep quiet. It allows ideas to be publicly heard, examined,
3 and questioned. This free flow of ideas and information enables people to make informed
4 decisions about public issues—an essential activity of self-government.

5 In Europe and the United States, television is the primary source of information for most
6 people. Maintaining citizen access to information is challenging when all or most broadcast
7 media outlets are monopolized by powerful individuals, corporations, or the government itself.

8 **Democratic Government: Protector and Regulator of a Free Press**

9 European democracies generally try to protect and regulate press freedom and people's
10 access to information through law. The Russian Constitution, for example, states that "the
11 freedom of mass communication shall be guaranteed... censorship shall be banned." However, it
12 also reserves the right to determine "the list of data comprising state secrets" by federal law. In
13 the United States, decisions of the Supreme Court have largely shaped press freedom. While the
14 First Amendment to the U.S. Constitution reads, "Congress shall make no law... abridging the
15 freedom of speech, or of the press," these freedoms have never been absolute. Throughout U.S.
16 history, the government has attempted to limit press freedom on several grounds. These include
17 national security and interference with a national war effort.

18 **The Cost of Independence: Money and Media Access**

19 The U.S. journalist A. J. Liebling once said that “freedom of the press is guaranteed only to
20 those who own one.” Even when the law protects the media, it does not pay the cost of running a
21 media outlet. Media need money to remain independent.

22 Funding for broadcast media comes almost exclusively from advertisers. Advertisers buy
23 time or space to display their products and services during a broadcast. They also pay to sponsor
24 events. McDonald’s, Samsung, and Visa are all sponsors of the 2008 Olympic Games in Beijing.
25 Sponsors can insist that no competitor advertise during the same event. For example, if Coca-
26 Cola is an Olympic sponsor, then Pepsi Cola won’t be advertised or sold at the Games.

27 Adequate funding for broadcast media is a problem around the world, particularly in
28 regional or local markets. Andrey Richter, director of the Moscow Media Law and Policy
29 Institute, notes that the failure of the media advertising market to develop outside the major
30 population centers “has a negative effect on economic sustainability and the independence of
31 regional mass media.”

32 **Concentration of Broadcast Media Power: Examples and Consequences**

33 Corporations, very wealthy individuals, or the state itself control most broadcast media.
34 According to the EU Monitoring and Advocacy Program, television markets across Europe “are
35 highly concentrated both in terms of ownership and viewership. In most countries, the three
36 largest channels grab the bulk of the viewership.... At the same time, the ownership of private
37 broadcasts tend to be highly concentrated” (OSI/EU Monitoring and Advocacy Program, 2005).
38 The United States shows similar patterns. As a result, a small number of people can decide what
39 tens of millions of people see broadcast.

40 Owners of media empires have successfully used their communications power to gain public
41 office. During Silvio Berlusconi's successful 2001 election campaign to become prime minister
42 of Italy, for example, he headed a communications empire that included three of the nation's four
43 largest television channels. These channels represented more than 40% of the daily viewing
44 audience. According to Italian journalist Raffaele Mastrodonato, Berlusconi appeared on the
45 channels he owned over 60% more frequently than did his opponent.

46 What can happen when only a few decisionmakers determine which stories will receive
47 broadcast time? During August 2006, for example, all three major U.S. television networks
48 opened their evening newscasts with in-depth coverage of the arrest of John Mark Karr, a former
49 teacher suspected of murdering child beauty contestant JonBenet Ramsey. By contrast that day,
50 two networks only mentioned briefly the Bush Administration's use of the National Security
51 Agency to conduct secret surveillance on U.S. citizens, and the third network did not mention it
52 at all ("Mainstream TV Media Drops the Ball," 2006).

53 Even when someone wants to buy television time, commercial television networks are free to
54 say no. MoveOn.org, a left-wing U.S. political group, tried to buy advertising time for an anti-
55 Iraq War message during the 2004 Super Bowl. The television network, CBS, declined to run the
56 advertisement, citing a policy of avoiding political ads. According to Alex Jones of Harvard
57 University, "The rules are exactly what the owner of the news medium wants them to be.... they
58 are not rules, they are simply choices" ("MoveOn Knocked Out," 2004). In fact, CBS did run
59 three political advertisements during the Super Bowl—including one for President Bush's White
60 House Office of National Drug Control Policy.

61 In Central and Eastern Europe, public service television "remains the main source of news
62 for the largest part of the population" (OSI/EU Monitoring and Advocacy Program, 2005). Here,

63 too, public service television needs sufficient *economic* independence to protect *editorial*
64 independence. Commercial television in Europe attracts advertisers and viewers through popular
65 “reality TV” shows, revenue-generating sporting events, and documentaries and other programs
66 that feature high production values and special effects. In order to gain viewers, public service
67 television feels great pressure to imitate commercial programming so that government funding
68 will continue.

69 Political pressure and interference are also a threat to public service television’s
70 independence. Because public service television broadcasters use state funding, they also create
71 “buffer” structures to protect their editorial independence. This buffer usually consists of an
72 independent board of governors for policy and a management group for day-to-day affairs. Most
73 also have programming guidelines. The success of these measures in keeping public service
74 television independent varies by country. In the Czech Republic, for example, television
75 journalists report no direct pressure from the government. They do, however, receive indirect
76 pressure from members of parliament, who condemn critical or investigative reports. In other
77 countries, public service television transmits the government’s preferred message.

78 Large television networks also may limit the amount of programming by and for minority
79 communities. In Europe, there is very little minority programming. “Nowhere are quotas
80 imposed on commercial broadcasters for any programming directed at linguistic and ethnic
81 minorities” (OSI/EU Monitoring and Advocacy Program, 2005). Even among public service
82 broadcasters, only Macedonia has laws requiring a certain quota of minority programming. In the
83 United States, federal laws and guidelines only require reporting the number of broadcast media
84 licenses that are owned by women or racial minorities. Less than 10% of the 13,000 U.S.

85 licensed stations are controlled by female or minority concerns (FCC, 2004-2005). There is no
86 U.S. requirement to report the amount of minority programming that is broadcast.

87 **Monopoly Control in Broadcast Media: What's the Problem?**

88 In large countries, such as Russia and the United States, many people believe that bigger can
89 be better for media independence. Small local outlets work in isolation from each other and have
90 small budgets, so the government may more easily threaten or hide the big picture from them. By
91 contrast, big media organizations have the economic strength and geographic reach necessary to
92 stand up to the government. Even in smaller democracies, such as Estonia, media consolidation
93 has had a strengthening effect for media independence.

94 Opponents of broadcast media consolidation worry about the loss of local control. Czech
95 journalist Jan Urban notes that there is “a nearly absolute monopoly in electronic media as well
96 as in the advertising market” (O’Connor, 2004) in the Czech Republic. When a few corporations
97 monopolize the market, says CNN founder Ted Turner, “that’s like a dictator deciding what
98 candidates are allowed to stand for parliamentary elections and then claiming that the people
99 choose their leaders” (Turner, 2004).

100 One model for protecting against monopoly control comes from the Lithuanian constitution.
101 It states that “censorship of mass media shall be prohibited” and that “the State, political parties,
102 political and public organizations, and other institutions or persons may not monopolize means
103 of mass media.” Until recently, the United States also prohibited media companies from owning
104 more than one television station in a medium-sized or smaller market.

105 Supporters of large media organizations say such limits are unnecessary because the nature
106 of mass media is changing. In 2003, for example, the U.S. Federal Communications Commission

107 argued that policies limiting media ownership consolidation did not account for such alternatives
108 as cable and the internet. These new technologies would enable communities and individuals to
109 access diverse views without additional government controls on media ownership.

110 Opponents of media monopolies respond that the crucial issue is how many people a medias
111 outlet can reach. A pamphlet printed in a basement reaches far fewer readers than *Izvestia* or the
112 *Washington Post*. As U.S. law professor James Barron has written, “The test of a community’s
113 opportunities for free expression rests not so much in an abundance of alternative media but
114 rather in an abundance of opportunities to secure expression in media with the largest impact.”

115 Whether through regulations, court decisions, technology, or market forces, how societies
116 decide to keep mass media free and independent may determine their futures as democracies.



Free and Independent Press—Selected Resources

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Free and Independent Press— Deliberation Question with Arguments

Deliberation Question

Should our democracy permit monopolies of broadcast news media in local communities?

YES—Arguments to Support the Deliberation Question

1. Government regulation of broadcast news media equals government control of broadcast news media. Such control is the beginning of the end for freedom of the press. If the government can prohibit monopolies, it will expand its powers and use regulations to crush any powerful media it views as a threat.
2. People are naïve to believe that government will regulate mass media fairly. The government will inevitably favor those media who support the government. A free press is too important to democratic society for it to be left in the hands of politicians.
3. A powerful free press is sometimes the only institution that can oppose government. But power means independence, and independence requires money. To permit government to prevent or break up large independent mass media groups is to deny the mass media one of their only sources of power.
4. Concerns about private monopolies of broadcast news media are unfounded as long as there is a truly free market. Government regulations are slow and clumsy tools—they address problems of the past, not challenges of the future. Markets adjust quickly to the needs of society, use new technologies, and generate new products and services. The only groups who want government regulations are those who cannot compete in the real world of the market.
5. Everyone is a minority at some point, and “vulnerable” communities in a democratic society change from issue to issue. A free press can respond to market forces, including the under-met needs of all sorts of communities. Press freedom can permit minorities to emerge as power-brokers in mass media even if they have little power elsewhere. If broadcast news media are over-regulated by government, then minority communities will remain forever prisoners to the whims of those in power.



Free and Independent Press— Deliberation Question with Arguments

Deliberation Question

Should our democracy permit monopolies of broadcast news media in local communities?

NO—Arguments to Oppose the Deliberation Question

1. Government regulation of the press does not equal the death of a free and independent press. The rights of the press are like the rights of a person—no one's rights are absolute. Just as the government can place reasonable limits on the time, place, and manner in which a person speaks without destroying freedom of speech, so also the government can reasonably prevent monopolies in broadcast news media without destroying the freedom of the press.
2. The natural result of unregulated business is monopoly by the most powerful. Whether that monopoly is exercised by the state, by corporations, or by wealthy individuals, the market unfairly privileges the powerful over the needs of the many. This contradicts democratic principles. The needs of democracy are not served by permitting the control of all broadcast news media by just a few influential forces, whether they are government or private.
3. All regulation is not arbitrary regulation. Democratic government can serve the interests of the people. Legislatures and regulatory agencies respond to the needs and desires of small media producers, large media corporations, communities, and citizens. Public structures, not mass media monopolies, are best suited to protecting the free and independent information needs of democratic society.
4. In a democracy, laws protect citizens by limiting what public and private actors can do. The government, the wealthy, and the powerful always will find a way to express their concerns. Prohibiting monopolies in broadcast news media will protect freedom of the press by creating space for smaller, private voices to emerge.
5. Prohibiting monopolies in broadcast news media will best serve the most vulnerable members of society. Small and mid-sized communities are particularly at risk for having their views and needs ignored by powerful national interests that are far away. Poor, isolated, and minority communities will lack the means to make their voices heard.