#### I proudly affirm the resolution: Resolved: In a democracy, a free press ought to prioritize objectivity over advocacy.

#### First, some definitions to clarify.

#### A free press is the freedom of expression in media without limitations by others

Liberties.EU 21 [Civil Liberties Union for Europe, rights advocacy organization in Europe, 11-9-2021, "Free press: definition and role in democracy," Liberties.eu, https://www.liberties.eu/en/stories/free-press/43809]/Kankee

What is free press? When we say a country has a free press, we mean that its news outlets and other publications, even individual citizens, have the right to communicate information without influence or fear of retribution from the state or other powerful entities or individuals. We often use the term “free press” and “independent journalism,” a subject we previously explored, more or less interchangeably. In modern history, a shared understanding of the principle of a free press was outlined by the United Nations in 1948. Article 19 of the Universal Declaration of Human Rights codifies it along with the right free speech: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive, and impart information and ideas through any media regardless of frontiers.” Today, most democracies have some protection for a free press, whether this protection comes from a constitution or individual law. In Europe, a free press is protected under Article 10 of the European Convention on Human Rights, and under Article 11 of the EU Charter of Fundamental Rights. What is the purpose of a free press? The purpose of a free press is to ensure that the people are free to receive and impart information that is not manipulated or serving a particular person, entity or interest. Its duty, in fact, is often to investigate people of power, and especially the government, to ask the hard questions and to attempt to uncover what’s really happening, regardless of the political fallout. Why is freedom of the press so important?

#### Objectivity in journalism is fact-based, non-subjective reporting

McLaughlin 16 [Greg McLaughlin, senior lecturer in media and journalism at the University of Ulster, 2016, “Journalism, Objectivity and War,” The War Correspondent, https://sci-hub.se/https://www.jstor.org/stable/j.ctt19qgf0x.7]/Kankee

objectivity under fire Objectivity in journalism has come under serious critique from academics (Glasgow University Media Group, 1976; Lichtenberg, 1996; Streckfuss, 1990; Parenti, 1993). They suggest in various ways that the news media do not simply report and reflect our social world but that they more or less play an active part in shaping, even constructing it; that they represent sectional interests rather than society as a whole.2 When these criticisms are leveled at journalists, their traditional defence is their practice of objectivity but what does it mean to be objective in journalism in the first place? According to Michael Schudson (1978), objectivity is based on the assumption that a series of ‘facts’ or truth claims about the world can be validated by the rules and procedures of a professional community. The distortions and biases, the subjective value judgements of the individual or of particular interest groups, are filtered out so that among journalists at any rate, ‘The belief in objectivity is a faith in “facts”, a distrust of “values”, and a commitment to their segregation’ (p. 6). Gaye Tuchman refers to this method as ‘a strategic ritual’, a method of newsgathering and reporting that protects the journalist from charges of bias or libel (1972, p. 661ff). Radical critiques measure journalistic claims to objectivity against analyses of how the news media produce and represent their version of reality according to sectional interests. Bias is not in the eye of the beholder but is structured within the entire news process; the news filters and constructs reality according to a dominant or institutional ideology (Glasgow University Media Group, 1976). ‘What passes for objectivity’, for American scholar Michael Parenti, ‘is the acceptance of a social reality shaped by the dominant forces of society – without any critical examination of that reality’s hidden agendas, its class interests, and its ideological biases’ (1993, p. 52). It is the difference respectively between the journalist as the professional, instutionalised reporter and the journalist as the partial eyewitness and writer. John Pilger points to the transparency of this ideology of professionalism, especially in a public service broadcaster like the BBC whose coverage of domestic and foreign crises has demonstrated its true agenda and its true allegiances: These people waffle on about objectivity as if by joining that institution or any institution they suddenly rise to this Nirvana where they can consider all points of view and produce something in five minutes. It’s nonsense and it’s made into nonsense because the moment there’s any kind of pressure on the establishment you find reporters coming clean, as they did after the Falklands. They were very truculent: ‘These were our people, our side. And now we’ll get back to being objective’. It’s the same with the term ‘balance’. I mean censorship for me always works by omission. That’s the most virulent censorship and what we have is an enormous imbalance one way, ...the accredited point of view, the sort of consensus point of view which has nothing to do with objectivity, nothing to do with impartiality and very little to do with the truth.3 The pressure to pursue objectivity in reporting has had serious consequences for journalism as a form of factual writing. James Cameron thought that ‘objectivity in some circumstances is both meaningless and impossible.’ He could not see ‘how a reporter attempting to define a situation involving some sort of ethical conflict can do it with sufficient demonstrable neutrality to fulfil some arbitrary concept of “objectivity”.’ This was not the acid test for Cameron who ‘always tended to argue that objectivity was of less importance than the truth, and that the reporter whose technique was informed by no opinion lacked a very serious dimension’ (1967, p. 72). There are, however, alternative forms of journalism that subvert the very notion of objectivity: the ‘New Journalism’ of the 1960s and what has been called ‘honest journalism’, described as a compromise between the blind assumption of impartiality and ideological commitment. War and alternative journalisms

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#### The value is Justice, defined as giving each their due, because the only reason to value anything else is because humans value it, meaning humans are valuable and deserving.

#### My value criterion is utilitarianism, which is to maximize expected well-being for the most amount of people.

#### That’s because Maximizing expected well-being is inherent to every action we take -- for example, if you put your hand on a hot stove, you’d pull it back before your brain sends a signal to pull it back—it’s scientifically proven.

### Contention 1: Democracy

#### The death of the fairness doctrine caused a massive decline in media trust by proliferating fake news and favoring opinion-based journalism over facts

Peltin 21 [Bradley L. Peltin, JD candidate at the University of Iowa College of Law with a B.A. in Political Science and History at the University of Wisconsin, 2021, “In the Public Interest: The Proliferation of Opinion-based T.V. News Content and the FCC’s Ability to Regulate Post-Fairness Doctrine,” SSRN, https://deliverypdf.ssrn.com/delivery.php?ID=143119101106099074120066000114104064029078039067056007087005122097103100090075108077049049044034012025110028109021127014015096049001036077001002080102100087094107070085026028026093086021126104007102124093027017097105095104105001088066071023005085127021&EXT=pdf&INDEX=TRUE]/Kankee

II. BLURRING THE LINE BETWEEN FACT AND OPINION ON TV Americans still overwhelmingly believe that the media is important to the functioning of our democracy, yet polling suggests that Americans do not think that television news media is adequately performing this important responsibility.203 In fact, Americans’ trust in the news media has been on a downward trajectory for a number of decades.204 Reaching a high of 72% in 1977 (the last data point before the Fairness Doctrine’s repeal),205 the number of Americans having a great deal/fair amount of trust in the news media plummeted to a low of just 32% in 2016 206 – before slightly recovering to 40% in 2020; but when focusing solely on television news, only 18% of Americans had a great deal or quite a lot of confidence in it in 2020.207 There are indications that an important contributor is the change in the content and presentation of television news over the past few decades. Part II of this Note explores current attitudes towards the news media and the consequences that arise from such attitudes. Section II.A discusses the proliferation of opinion-based programming, including the difficulty many news consumers have in distinguishing opinion from fact. Section II.B examines the nexus between the expansion of opinion-based content in newscasts and the consumer’s perception of bias, resulting in the erosion of trust in the media. Section II.C examines how consumers have reacted to the influx of opinion-based programs. Section II.D explains how the FCC has not historically been equipped to handle the question of unethical journalistic practices or media bias because it would be viewed as censorship, for which the FCC is prohibited from practicing. A. The Proliferation of Opinion-based News Content With the elimination of the Fairness Doctrine in 1987, the community trustee model of broadcasting where broadcasters were seen as having a “special responsibilities to ensure democratic discourse,”208 gave way to a free market model.209 In the free market model, “one-sided opinions spread over the airwaves,” news began to be tailored to viewership ratings, and “‘boring but important’ issues” were left on the editing room floor.210 “Firewalls that once strictly separated news from opinion [were] replaced by hopelessly blurred lines. Once-forbidden practices such as editorializing within straight news reports, and the inclusion of opinions as if fact, [became] not only tolerated; [but] encouraged.”211 These changes have led to the current state of affairs where opinion and fact are so intermingled that Americans have difficulty distinguishing between the two. A recent Pew study found that when given a series of factual and opinion statements, only 44% of adults aged 18-49 and only 25% of adults ages 50 and over were able to correctly identify all of the opinion statements. 212 The study was done to see “whether members of the public can recognize news as factual – something that’s capable of being proved or disproved by objective evidence – or as an opinion that reflects the beliefs and values of whoever expressed it.”213 Furthermore, the public is also becoming aware of this problem. In a 2017 Gallup study, 66% of respondents indicated that they believed the news wasn’t being reported objectively and that the news media “did not do a good job letting people know what is fact or opinion.”214 B. The Integration of Opinion-Based Content may be Behind the Perception of Bias and the Erosion of Public Trust in the News. Chief complaints among news consumers are those of bias or inaccuracy. This encompasses complaints of “overly sensational coverage, bias in the reporting and selection of stories, an expansion of news sources promotingan ideological viewpoint. . . and inaccurate reporting. . . .”215 In 1989, only 25% of Americans perceived the news to be plagued by a ‘great deal’ of bias.216 Between 1996 and 2007, that number hovered around 30% before increasing sharply to 37% in 2012 and 45% in 2017. 217 This perception has become such a problem “that less than half of U.S. adults can name a single objective news source.”218 The pollsters at Gallop posit that the “[i]ncreased perceptions of bias may be a major reason behind the erosion in media trust. . . .”219 Additionally, there appears to be a correlation between the low trust in the news media, the sharp uptick in perceived bias, and the integration of opinion-based content,220 including social media,221 into newscasts. This is unsurprising since “[p]ast research suggests that the way information is presented can shape perceived credibility of news.”222 Since the elimination of the Fairness Doctrine, broadcasters are believed to have had considerably more flexibility in their programming as it was no longer required to consider multiple sides of a given issue.223 Radio was the first medium to explore opinion-based political programs, and with its success, television soon followed.224 These opinion-based, prime-time programs have long been mainstays of cable networks,225 but over the last decade, opinion has seeped into nearly all cable news programs. Pew Research Center studied both cable and broadcast news in 2007 and in 2012; they found that while the traditional nightly news broadcasts on network TV remained relatively the same, programming on cable news channels “changed significantly”.226 Cable prime time programming, which had for a while been opinionheavy, was found to feature “the most lopsided ratio of opinion to traditional reporting (70% of the newshole to 30%).”227 But, Pew found that commentary/opinion outweighed factual reporting in both the morning and midday timeslots as well (on a ratio of 56% to 44% and 59% to 41% respectively).228 A more comprehensive report by the RAND Corporation supports these findings. In their report, RAND found that between 1989 and 2017, the reporting styles of broadcast networks “remained constant” although they did find a “gradual shift” from “precise and concrete language” to more “unplanned speech, expression of opinions, interviews, and arguments.” 229 For cable news networks, it was found that from 2000–2017, there was “a dramatic and quantifiable shift toward subjective, abstract, directive, and argumentative language and content based more on the expression of opinion than on reporting of events.”230 While acknowledging that additional studies needed to be done, the RAND study concluded that the trends toward opinion-based programming “might influence trust in the news media”.231 C. Responses to Opinion-based Programming Besides the fact that Americans are trusting the news media less, the habits of the viewing public have also changed. On one hand, many of those with strong political opinions eagerly tune into cable news programs because they mainly agree with the opinions and narratives being promulgated.232 Since the information on their chosen newscast generally conforms to these viewers’ existing beliefs, they believe it to be true (even when it’s not).233 This is supported by data showing that viewers are “more likely to classify both factual and opinion statements as factual when they appealed most to their side.”234 This also means, however, that people may be “vulnerable to false claims that confirm what is familiar but may be wrong.235 But others are tuning out, growing skeptical of nearly every news item they see or read.236 They are tired of the “ranting,” the pundits “bickering”, and the “news stories that verge on opinion.”237 While some have reverted back to the broadcast networks or local news,238others have stopped consuming news altogether.239 “Many people are numb and disoriented, struggling to discern what is real in a sea of slant, fake and fact.”240 D. The FCC Historically has been Prohibited from Intervening to Remedy Unethical Journalistic Practices or Bias as Intervention is now Seen as Unlawful Censorship.

#### US journalism deregulation imploded trust in media – journalists are “public trustees” with a responsibility to inform

Clemens 21 [Sarah Clemens, Deputy Managing Editor at the Concordia Law Review and JD Candidate at the Concordia University School of Law, 2021, “FROM FAIRNESS TO FAKE NEWS: HOW REGULATIONS CAN RESTORE PUBLIC TRUST IN THE MEDIA,” SSRN, https://deliverypdf.ssrn.com/delivery.php?ID=895008008009094093031067122001022119019084025012059023087067119099073116105028009070117058032027051013021109081096098124090125008090090084081026102082092126064000027090081086117113111115015067070084096030029106030011105014117065000074025087075090122024&EXT=pdf&INDEX=TRUE]/Kankee

Journalists face a credibility crisis, plagued by chants of fake news and a crowded rat race in the primetime ratings. Critics of the media look at journalists as the problem. Within this domain, legal scholarship has generated a plethora of pieces critiquing media credibility with less attention devoted to how and why public trust of the media has eroded. This Note offers a novel explanation and defense. To do so, it asserts the proposition that deregulating the media contributed to the proliferation of fake news and led to a decline in public trust of the media. To support this claim, this Note first briefly examines the historical underpinnings of the regulations that once made television broadcasters “public trustees” of the news. This Note also touches on the historical role of the Public Broadcasting Act that will serve as the legislative mechanism under which media regulations can be amended. Delving into what transpired as a result of deregulation and prodding the effects of limiting oversight over broadcast, this Note analyzes the current public perception of broadcast news, putting forth the hypothesis that deregulation is correlated to a negative public perception of broadcast news. This Note analyzes the effect of deregulation by exploring recent examples of what has emerged as a result of deregulation, including some of the most significant examples of misinformation in recent years. In so doing, it discusses reporting errors that occurred ahead of the Iraq War, analyzes how conspiracy theories spread in mainstream broadcast, and discusses the effect of partisan reporting on public perception of the media. Finally, this Note proposes creating an Independent Broadcast Council under the regulatory authority of the Federal Communications Commission that would oversee the reintroduction of a revised Fairness Doctrine using the existing statutory framework from the Public Broadcasting Act. Lastly, this Note addresses the implications of reimplementing regulations on the media, including addressing the First Amendment counterarguments as well as U.S. Supreme Court and court of appeals cases that suggest courts would uphold this proposal. INTRODUCTION “[W]herever the people are well informed they can be trusted with their own government.”1 For Americans, broadcast news remains the most popular source from which to receive that information.2 As a source of information to the American public, the importance of media credibility cannot be overstated. A public informed by objective facts can make educated decisions based upon those facts. When the Federal Communications Commission (FCC) began licensing broadcast television stations, it did so under the premise that broadcasters were “public trustees” who had the privilege and responsibility of using public airwaves to inform the public.3 This model and regulatory scheme ushered in half a century of public confidence in not only broadcast, but in the men and woman who provided the news.4 Yet, beginning with the FCC’s decision to abandon the Fairness Doctrine in 1987, broadcast underwent a significant deregulatory process throughout the 1980s and 1990s that eliminated many assurances the public had that information was fair and balanced.5 Public perception of media credibility in the United States reached its lowest level in polling history in 2016.6 Almost two-thirds of Americans believe that the media publishes fake news.7 Moreover, the perception of media credibility divides sharply among party lines.8 This perception of fake news was bolstered in recent years by a politician who calls the press “the enemy of the people.”9 “The Fake News Media has NEVER been more Dishonest or Corrupt than it is right now. There has never been a time like this in American History . . . Fake News is the absolute Enemy of the People and our Country itself!”10 Nonetheless, the issue of credibility in the media transcends a political campaign or presidency. Though the reason for a decline in public perception of the media is varied, this Note proposes that regulating broadcast news would fundamentally contribute to a decline in the perception that the media is fake news by increasing accuracy and transparency in broadcast media.11 In the current regulatory environment, broadcast news is no longer under an obligation to provide contrasting viewpoints or discuss issues of public importance, though such a requirement was once a prerequisite to a broadcast license.12 Despite challenges to its constitutionality, the Supreme Court upheld the requirement.13 Moreover, existing legislation that created an independent corporation to uphold programming standards for viewers extended only to educational stations but was never intended to regulate broadcast news.14 This Note asserts the proposition that deregulating the media contributed to the proliferation of fake news and led to a decline in public trust of the media. It asserts that to combat these issues and restore broadcasters to the role of “public trustees,” the government must reimplement a modern-day version of the Fairness Doctrine. To do so, this Note proposes creating an Independent Broadcast Council, independent of partisan politics, with a central focus of guaranteeing that broadcasters uphold their role as public trustees. It does so under framework consistent with existing law.15 Moreover, this Note proposes that amending the existing Public Broadcasting Act to expand the scope of legislation to encompass broadcast news and incorporate the key tenets of the Fairness Doctrine would significantly improve public perception of the media.16 The revised legislation would define the term fake news and warn consumers when it aired by creating a rating system.17 This Note proceeds in three Parts. Part I lays out the historical background of broadcast regulation in the United States. In so doing, it examines the key legislative and judicial decisions that led to the current regulatory environment. Part II analyzes the premise of fake news and how it contributes to negative public perception of the media before evaluating three recent examples of circumstances in which the media portrayed stories in a biased or factually unclear way that materially contributed to a decline in public trust. Part III introduces the proposal for an Independent Broadcast Council and identifies the framework under which the council would function. Moreover, it analyzes the three examples discussed in Part II under the context of the newly proposed guidelines to hypothesize how the reporting may have led to a different outcome had the council had an oversight role. Finally, Part III examines how these regulations have succeeded in other countries and shows how a current Supreme Court would likely hold on challenges raised against the regulations by reconciling two cases. HISTORICAL BACKGROUND

#### Repeal of the fairness doctrine killed objectivity in journalism

Zelizer 17 [Julian E. Zelizer, William E. Huntington Professor of History at Boston University with a Ph.D. from Stanford University, 2017, “How Washington Helped Create the Contemporary Media: Ending the Fairness Doctrine in 1987,” Media Nation: The Political History of News in Modern America, [https://www.degruyter.com/document/doi/10.9783/9780812293746-012/html]/Kankee](https://www.degruyter.com/document/doi/10.9783/9780812293746-012/html%5d/Kankee)

The news media has become as polarized as our elected officials. When a person turns on a television or radio news show, they are almost certain to hear a host who is explaining the news from a particular political perspective. Americans now consume the news the same way they watch football, baseball, or even professional wrestling. They tune in to cheer their favorite host or to hiss at the person reading the teleprompter as they explain what happened on a given day in Washington. The journalistic professional norm of objectivity that was forged at the turn of the twentieth century has all but vanished. There was a period in the mid- twentieth century, as the authors in this volume show, when news reporters insisted on presenting the facts without opinion and without interpreting the story from any particular political perspective. To be sure, as the essays in this volume also demonstrate, that ideal was never a strict reflection of reality. The roots of divisive journalism run deep. But in terms of scale and scope, the situation has changed. These days, almost everyone who is on the airwaves comfortably expresses their political points of view. Journalists are no longer fearful of expressing where they stand. Indeed, the network brass encourage them to do so. There are many explanations for how this happened— how we moved from the era of Walter Cronkite to the era of Bill O’Reilly and Rachel Maddow. Most importantly, technological changes that started with the ad- vent of cable television and accelerated with the emergence of the Internet ended the monopoly on political news that a handful of television and radio stations had enjoyed for de cades. With the proliferation of media sources that covered political news, most of which were not subject to older federal regulations that had been imposed in the 1930s and 1940s, it became easier for producers and editors to allow more opinions to be heard. There have also been important commercial changes that explain what happened. The breakdown of the strict division between the business and news divisions of television and radio stations has created greater incentives to publish and broadcast news that will attract as many viewers as possible. Th is has often meant providing news stories through a colorful and combative political lens. People like to tune in and see a fight. More hyperbolic and opinioned news attracts more eyeballs. In addition, there are also broader cultural changes that help us to understand why this shift took place. As Americans became more polarized in all aspects of life, it is natural that we see the same phenomenon take place within the news. One area that has not received as much attention is the realm of public policy. This is the focus of the following pages, with special attention to the history of television and radio. The essay builds on the work of historians who have been paying closer attention to the ways in which public policy has shaped the evolution of the news media. In his account of nineteenth century, for instance, Richard John provided a fascinating history of how communications developed in response to local regulatory policies. Changes in federal public policy during the 1980s played an important role in creating our current polarized media environment. In 1987, the Federal Communications Commission, with the strong support of the Reagan administration and Republicans in Congress, abandoned the Fairness Doctrine, which had been in place since 1949. The Fairness Doctrine had required radio and television stations to provide contrasting views representing all sides of an issue that was relevant to the public interest. When Democrats tried to pass legislation to formally implement the Fairness Doctrine in the late 1980s, they failed. President Reagan vetoed their legislation. This decision by the FCC, and then Reagan, had a huge impact since the regulation had provided the policy foundation for the norm of objectivity. The Fairness Doctrine was based on the fact that broadcasters needed to obtain a license from the federal government to be able to use the airwaves. The first medium that was subject to these types of restrictions was radio. Congress had retained the authority to grant licenses to radio stations only if they served the “public interest.” In 1927, Congress had articulated this principle through the Radio Act. The legislation provided Congress with leverage in terms of shaping what kinds of journalism would be legitimate for broadcast. Then the Communications Act of 1934 created the Federal Communications Commission, the agency that was to be responsible for regulating the airwaves. The battle over the right to editorialize had been intensifying. Commercial broadcasters had undertaken a fi erce war to overturn the “Mayflower Doctrine,” a regulation imposed in 1941, which prohibited any kind of editorializing on the airwaves. Liberals feared that if commercial broadcasters were successful in overturning this regulation, they would fl ood the airwaves with conservative shows, as there was a rightward drift in American politics taking place aft er World War II. Unions complained that without the Mayflower Doctrine radio would turn into a forum for probusiness views. “I hesitate to think what would happen when the bars are lift ed and a few men in key positions are given the power to beam their views to America’s radio audience . . . radio is a business, a big business, and as such is bound to represent that viewpoint,” wrote a group of labor leaders.1 Liberals tried to fight back against the campaign, warning that overturning the Mayflower Doctrine would open the airwaves to right- wing propaganda. The broadcasters won the war, and the doctrine was overturned. Despite the victory for commercial radio, the FCC did offer liberals a compromise, a much weaker measure that would provide some obligation to the public interest and balanced reporting— within the context of an unfettered commercial industry.2 The FCC released a report in 1949 stating that radio and television stations receiving licenses had to provide equal time to different political perspectives and to deal with issues of public concern. According to the doctrine, broadcasters had to “devote a reasonable portion of broadcast time to the discussion and consideration of controversial issues of public importance” and “that in doing so [the broadcaster must be] fair— that is must affirmatively endeavor to make . . . facilities available for the expression of contrasting viewpoints held by responsible elements with respect to the controversial issues presented.” They based this rule on the argument that since access to the airwaves was limited, the federal government had the authority to impose certain requirements on those companies to which they granted the right to broadcast. The Fairness Doctrine was a modest regulation. It didn’t provide much enforcement power, and it depended on the government checking into what stations were doing at the time of the renewal of their license. Dealing with violations depended on individuals bringing complaints to the government. Though it was not nearly as strong as the Mayflower Doctrine, the regulation still mattered within the industry and provided a check against how far major stations were willing to go in allowing for openly biased shows to reach the airwaves. The FCC strengthened the Fairness Doctrine in 1967 with two new decisions. The first was the “editorial rule,” which stipulated that if a station broadcast an editorial against a specific candidate, that candidate was to be given twenty- four hours’ notice and allowed to provide a response. The second rule stipulated that a station must provide notice to an individual whose personal character was maligned and to offer them ample time on the airwaves to respond to the charges. Conservative radio talk show hosts hated the Fairness Doctrine. Conservative voices, for instance, found a greater number of opportunities to make their way onto the airwaves through religious broadcasting, which oft en eluded the regulators.3 During the 1950s and 1960s, there were a growing number of these right- wing radio broadcasters who were taking to the airwaves and openly challenging the FCC regulation. Th e rules were not well enforced, so there were a number of opportunities for opponents to get on the air. In 1963, Myer Feldman reported to the president, in a secret study of right- wing movements, that conservative philanthropists were spending between $15 and $25 million every year to provide support to conservative broadcasts that aired on one thousand stations all over the country.4 In a dramatic surge of right- wing talk, conservatives were openly fl outing the Fairness Doctrine. Th ere were over a thousand shows by 1964 broadcasting all over the nation, funded by wealthy conservative philanthropists like H. L. Hunt and Howard Pew, which were sound pieces for the right. Th e Twentieth Century Reformation Hour featured Reverend Carl McIntire of New Jersey, who called civil rights a movement “working for a Socialist order in this free land,” and whose show played every weekday in forty- fi ve states, and the Manion Forum, hosted by the former dean of the Notre Dame law school, Clarence Manion, who had a huge following on over 261 radio stations.5 During a fifteen- minute show that aired on the Pennsylvania Christian Crusade Radio Hour (on a station owned by the Red Lion Broadcast Com pany), Reverend Billy James Hargis delivered a blistering speech in which he attacked every thing that he felt was liberal, from UAW President Walter Reuther to the United Nations. In this par tic u lar broadcast, Hargis charged that a well- known investigative journalist named Fred Cook, who had published hard- hitting books about the FBI and Barry Goldwater as well as a controversial article in Th e Nation entitled “Radio Right: Hate Clubs on the Air,” 6 had written for a communist publication and had defended Alger Hiss. Hargis also charged that Cook had attempted to bribe New York offi cials. Cook was a well- respected print journalist who had been receiving information about conservative talk radio from the Demo cratic National Committee, which had been increasingly concerned about rightwing organ izations that were sprouting up around the country.7 Listening to the show from his home near Asbury Park, New Jersey, Cook was furious when he heard the charges that Hargis was making about him. As soon as the show ended, Cook sent a letter to the owners of the station saying, “I shall expect you to grant me equal time, at your expense, as provided in FCC regulations, to answer in appropriate fashion this scandalous and libelous attack.” Executives at Red Lion sent him back a notifi cation that included the costs for airtime, asking him what he wanted to purchase.8 In their minds, they owed him nothing. Cook believed that the com pany was violating the FCC regulation. Th e FCC concurred with Cook. Red Lion still resisted and took the case to court. Th e Court of Appeals for the District of Columbia upheld the decision of the FCC. “Th e requirement that a broadcaster seek out any person who is alleged to have been personally attacked, furnish him a script, tape or summary of the broadcast, and grant him free time to reply, irrespective of ability to pay, places an obvious and unreasonable burden on the exercise of free speech,” complained Reverend John Norris, who owned Red Lion. “I don’t feel this is a fair decision. I won’t take it.” He challenged the decision. Th e case ended up in the Supreme Court. As the justices were reviewing the case, many network leaders were saying that the regulation should be eliminated. “Th e decision will have a major impact not only upon the entire broadcasting industry but upon the vigor and quality of the discussion of public aff airs in the United States,” claimed CBS, NBC, and the RadioTelevision News Director Association.9

In 1969, the Supreme Court issued, in a unanimous decision, Red Lion Broadcasting Co., Inc. v. Federal Communications Commission, in which they upheld the constitutionality of the Fairness Doctrine. The Court said that the FCC had the right to uphold the regulation, though it was not required to do so. Equal time had survived. Th e Court ruled that the FCC had the authority to impose these kinds of requirements in exchange for granting a license. Th e doctrine, the Court said, followed the wishes of Congress, which had decided that the public interest should be a guiding principle in determining who gained access to the airwaves. The FCC had very clearly defined the public interest as meaning “ample play for the free and fair competition of opposing views,” and the decision on this conservative broadcaster fi t those guidelines. The Court rejected the claim that the broadcaster had made in saying that this regulation violated free speech. At the heart of the Court’s decision was the “scarcity rationale.” According to the Court, given that there were a limited number of radio frequencies, Congress had the right to maintain certain requirements in determining who would be granted a license. Free speech, the Court said, was “the right of the viewers and listeners, not the right of the broadcasters.”10

Although enforcement of the Fairness Doctrine had been spotty, the existence of the federal rules, with the potential of court action, had created ongoing pressure against the political presentation of news. The rules also helped to support the kind of journalistic norms that Michael Schudson has written about, which made objectivity a goal of everyone in the news business.

Emboldened by the Court’s decision, two years later the FCC further strengthened the provision by putting in place a new procedure called the “Ascertainment of Community Needs.” The process stipulated that stations would have to provide a report each time they renewed their license, explaining how they were helping to discuss issues that were of concern to the communities that watched or listened to them. In 1974, the FCC released a report in which they said that the Fairness Doctrine was “the single most important requirement of operation in the public interest— the sine qua non for grant of renewal of license.”11 Conservatives as well as broadcasters who opposed the doctrine did not give up. Despite their disappointment with the Red Lion case, the Supreme Court had off ered them some solace in 1974 with a ruling in Miami Herald Publishing Co. v. Tornillo, which said that newspapers could not be subject to the same rule, since in the case of print journalism it could stifl e free speech. In the decision, Chief Justice Warren Burger wrote, “Governmentenforced right of access inescapably dampens the vigor and limits the variety of public debate.” Opponents of the regulation gained strength aft er the 1980 presidential election. President Ronald Reagan strongly supported repeal as part of his broader eff ort to promote deregulation. Like many other conservatives (though not all), Reagan believed that, notwithstanding claims of objectivity, the media clearly leaned to the left . Opening up the airwaves would provide the right with more opportunities to communicate their message to voters. Not all Republicans agreed with the president. As Nicole Hemmer shows in this book, some fi gures on the right saw the Fairness Doctrine as a way to go aft er the existing network structure. Th ere were some Republicans in Congress, including a young Republican fi rebrand from Georgia, Newt Gingrich, and Mississippi Republican Trent Lott, who believed that the Fairness Doctrine provided an impor tant check against the liberal bias in the media. Th ey agreed on the prob lem but diff ered on the policy solution. Th e grassroots activist Phyllis Schlafl y, for instance, disagreed with the administration. Since the doctrine had not been perfectly enforced, there was still more than enough room to broadcast rightward- leaning shows. Gary Bauer, who worked for Reagan’s Offi ce of Policy Development, warned in a confi dential memo to the White House that without the Fairness Doctrine “the networks are under no serious imposition to pres ent both sides. It is the only ‘stick in the closet’ to ensure a fair hearing.” Given that, in their minds, the ideological bias of the networks was liberal, he believed that repeal would hurt the right.12 Notwithstanding the splits that existed, Republican supporters of the Fairness Doctrine were overshadowed by conservatives who wanted to rules to be jettisoned. As Clarence Brown of the Justice Department argued, “Broadcasters are subject to a diff er ent set of rules in this regard from those applied to print journalists: there is no Federal Newspaper Commission second- guessing the editorial decisions made by newspaper editors, and attempts to impose similar restrictions on newspapers have been struck down by the courts.”13 Dramatic technological changes were also rendering the policy more diffi cult to defend. Cable tele vi sion started to undermine the rationale of scarcity that the Supreme Court had outlined as a basis for the doctrine. With satellite technology, the space available for broadcasting was proliferating at a rapid rate, so there was less need for the government to decide who would be able to broadcast. In June 1980, CNN had launched its twenty- four- hour cable news network. As Brown argued in his memo, “the presence of a large number of free broadcast voices is the best guarantee that the public will have full access to the information necessary to reach their own conclusion on any given issue. . . . Since 1969, the number of broadcast outlets has grown more than 30 percent and the number of cable TV subscribers from seven to more than 40 million.”14 Th e federal courts created another chip in the regulatory armor of the government in 1984. In the FCC v. League of Women Voters, the D.C. Cir cuit of the U.S. Court of Appeals reexamined a 1959 amendment by Congress that had been said to provide legislative support for the Fairness Doctrine. But, the court ruled, legislators had only clarifi ed the communications issue rather than offi cially legitimating the doctrine. In a 2–1 decision, the court, with Robert Bork and Antonin Scalia writing the language, ruled that “we do not believe that language adopted in 1959 made the Fairness Doctrine a binding statutory obligation.” Th ey concluded that the FCC had the right to enforce the rule but were not required to do so.15 Reagan’s strategy to push back against existing regulations was to staff bureaucracies and commissions with civil servants who opposed the mission of their organ izations. Th is was the case with the FCC. In 1985, under Chairman Mark Fowler, the FCC announced that it would conduct another detailed investigation into the doctrine to see whether it was still constitutional given the changes that had taken place in the market, and what eff ect the regulations had on free speech. Fowler was a well- known opponent of the Fairness Doctrine who had been working with Reagan since he ran for the presidency in 1976. When the Supreme Court issued its Red Lion decision, he had published an article in the Texas Law Review arguing that the constitutional basis of the doctrine— spectrum scarcity and the absence of a chilling eff ect— were no longer true. “We’ve got to look beyond the conventional wisdom that we must somehow regulate this box,” said Fowler, who had worked as a lawyer for the broadcast industry.16 He believed that tele vi sion was “just another appliance— it’s a toaster with pictures,” and he had concluded that “the perception of broadcasters as community trustees should be replaced by a view of broadcasters as marketplace participants.” Fowler, whose opponents called him “Mad Mark,” believed that the Fairness Doctrine violated the First Amendment rights of stations and stifl ed debate. Th e federal government under the current laws had the power to exercise editorial control over the media. In a profi le for the left - wing magazine Mother Jones, the reporter claimed that Fowler was “on a mission to return broadcasting to an imagined forest primeval, where brave entrepreneurs are free to fi ght it out, unburdened by government regulation.” Fowler announced that he pledged to “take deregulation to the limits of existing law. We should let the marketplace work its will.”17 Th e well known consumer advocate Ralph Nader would call him the “most damaging appointment Ronald Reagan ever made.”18 Fowler was not alone. A number of other members of the administration in the Justice Department and the Department of Commerce agreed. Bruce Fein, the general counsel to the FCC, had been arguing for years that changes in electronic technology had rendered the doctrine meaningless. When the Communications Act passed, he wrote in one memo, there had been 583 broadcast stations serving a population of 126.4 million. By 1984, there were 234.2 million people served by 4,736 AM radio stations, 4,671 FM radio stations, and 1,414 tele vi sion stations. Almost 37 percent of house holds, he added, had cable tele vi sion, while there were video delivery ser vices like MDS and DBS that off ered even more choices. “Th e competitive state of the electronic media marketplace assures that without content regulation the First Amendment’s goal of ‘the widest pos si ble dissemination of information from diverse and antagonistic sources’ ” will still be achieved. To further complicate matters he added that electronic and print media were converging. Papers like USA Today and the Wall Street Journal sent news from their national headquarters to local printing plants via satellite, while teletext services were expanding. “Th us I believe that there is no meaningful basis upon which to diff erentiate the print and broadcast media in terms of the constitutional protection accorded to their content.”19 With Republicans in control of the Senate, Congress responded to the court decision by instructing the FCC to hold hearings and produce a report on the doctrine and what kinds of alternatives might be used instead. In their fi nal report on the Fairness Doctrine, released in August 1985, Fowler’s commission detailed a number of prob lems with the doctrine, including that it was fundamentally a subjective pro cess to decide what was of public importance and how to determine what views deserved to be heard on any given issue. Th e doctrine, the report said, violated free speech.20 Moreover, the FCC pointed out that the regulations imposed on radio and tele vi sion were not required of the print media, where the Supreme Court had deemed them to be unconstitutional. Th e conclusion of their report was that the Fairness Doctrine should no longer stand since it constrained free speech and no longer served the public interest. Th eir report mentioned a number of instances when broadcasters didn’t even air certain stories for fear of legal retribution. “Th e potential of a chilling eff ect . . . is not restricted to the fear by a broadcaster that the Commission will fi nd a viola- tion of the fairness doctrine and impose sanctions on the licenses. A licensee may also be inhibited from presenting controversial issue programming by the fear of incurring the vari ous expenses and other burdens which may arise in the context of fairness doctrine litigation regardless of whether or not it is ultimately found to be in violation of the doctrine.” Th e FCC also claimed that the scarcity rationale was no longer applicable to the modern media: “the information ser vices marketplace has expanded markedly, thereby making it unnecessary to rely upon intrusive government regulation in order to assure that the public has access to the marketplace of ideas.” Th e number of radio stations had jumped from 2,564 in 1949 to 9,766 in 1985; there had been 51 tele vi sion stations in 1949, increasing to 9,766 in 1985, along with 6,000 cable stations.21 Sensing that victory was at hand, the National Association of Broadcasters mounted a massive public relations and lobbying campaign to kill the provision. Its president, Edward Fritts, argued that if the provision was repealed tele vi sion and radio stations would actually be able to off er more diverse views. Chicago Tribune columnist Stephen Chapman wrote that “A free press doesn’t mean requiring that every newspaper pres ent all points of view. If you don’t like the conservative slant of Th e Wall Street Journal, fi ne— buy the New York Times instead. But don’t expect the government to force the Journal to publish opinions it fi nds repugnant. Th e right answer to network TV bias is the one provided by Sen. Jesse Helms (R- N.C.)— get your own network and run it according to your own po liti cal beliefs. Th en let viewers decide which version of the news they want to see. If Dan Rather is really out of step with mainstream Amer i ca, CBS would prosper with a more conservative tilt.”22 Th ere were groups such as Morality in the Media in Mas sa chu setts that desperately urged the administration to stop moving toward deregulation. Th ey warned the president in November 1986 that the “American sense of fair play” was threatened.23 Th ere were other supporters of the Fairness Doctrine who joined them, including companies like Mobil, that feared that abandoning the provision could create too many opportunities for voices critical of the corporate world. Th at, however, was not their formal justifi cation, which rested on constitutional arguments. “What ever its shortcomings,” the com pany said in a full- page ad, “the Fairness Doctrine preserves a level playing fi eld in the market place of ideas. To abolish the doctrine, the com pany said, would weaken the oversight over a special class of monopolists— and diminish the First Amendment rights of the rest of us.”24 Most Demo crats in Congress opposed eliminating the Fairness Doctrine. Th e party claimed that it had been good for broadcasting and that the rules provided the government some authority to make sure that the networks devoted time to the news. “Unlike the print media,” said Oklahoma Demo crat Mike Synar, “broadcasters have a license, something no one else can have. With that license comes responsibility.”25 House Demo crats argued that without the doctrine the owners of stations would have little interest in continuing with serious newscasts. Th e Demo crats had the support of a co ali tion of good government organ izations such as Common Cause and Ralph Nader, who warned that “Th e fairness doctrine is not only constitutionally permissible, it is constitutionally required.” Th e repeal, he said, would mean that broadcasters could “ignore crucial issues or pres ent only one side” of debates. Liberal organ izations such as the American Civil Liberties Union, the AFL- CIO, and Americans for Demo cratic Action, all core liberal groups, wanted to codify the doctrine. In an unusual alliance, these liberal groups were joined by conservative organ izations like the Ea gle Forum and the Conservative Po liti cal Action Committee. When Demo crats attached a provision requiring the Fairness Doctrine to a $600 billion spending bill. Republicans tried to rebuff their eff orts. “It’s absolutely contrary to the First Amendment for us to make a law that intends to control or inhibit freedom of expression,” claimed Iowa Republican Tom Tauke.26 Despite their best eff orts, Congress passed legislation formalizing the regulation. Th e next step was to veto the bill. Kenneth Cribb, Reagan’s domestic advisor, urged the president to veto the bill on the grounds that the doctrine was unconstitutional. Reagan vetoed it with a message that Fowler had written. Th e latest doctrine from the FCC, he said, “strongly suggests that the Fairness Doctrine is at best unnecessary and at worst actually results in less diversity of speech than would obtain if there were a total free market.”27 Within the administration, the White House Counsel’s offi ce, the Justice Department, the Commerce Department, and the Offi ce of Management and Bud get all wanted the president to veto the bill. As Kenneth Cribb wrote advisor Rhett Dawson, “the Fairness Doctrine in Broadcasting Act is itself unconstitutional because, in violation of the First Amendment, it requires the private owners of tele vi sion and radio stations in every state to publish statements by members of the general public that they do not agree with, under the threat of criminal penalties to be imposed by a fi ve member Commission of the Federal Government.” Cribb called the Fairness Doctrine an “abomination.” He complained that some conservatives “dislike the big media so much that they would rather trust their fate to a fi ve member Federal Commission than rely on decentralized competitive market forces to preserve their access to the public. Th is is the height of folly.”28 Th e opponents of regulation called on the president to veto the bill. Th e National Association of Broadcasters and the Radio- Television News Directors Association called on the president to take action. So too did the editors of the Washington Post, which on June 10, 1987, published an editorial calling for veto of the bill.29 “Ignoring the fact that there is nothing ‘fair’ about the so- called ‘fairness doctrine’ with which government can control the broadcasting of ideas in this country, Congress has voted to convert this chilling federal regulation into a full- blown law. . . . It is a dangerous government control of free, in de pen dent, responsive broadcast journalism,” the editors warned.30 Upon issuing the veto, Reagan said: Quite apart from these technological advances, we must not ignore the obvious intent of the First Amendment, which is to promote vigorous public debate and a diversity of viewpoints in the public forum as a whole, not in any par tic u lar medium, let alone in any par tic u lar journalistic outlet. History has shown that the dangers of an overly timid or biased press cannot be averted through bureaucratic regulation, but only through the freedom and competition that the First Amendment sought to guarantee. . . . S. 742 simply cannot be reconciled with the freedom of speech and the press secured by our Constitution. It is, in my judgment, unconstitutional. Well- intentioned as S. 742 may be, it would be inconsistent with the First Amendment and with the American tradition of in de pen dent journalism. Accordingly I am compelled to disapprove this mea sure.31 Regulation supporters on Capitol Hill failed to override the president’s veto. Republican Robert Packwood warned that the Fairness Doctrine was a “terrible power to put in the hands of government in this country, any government, conservative, liberal or other wise.” Observing these events in Washington, columnist Clarence Page wrote that, Constitutionally, the doctrine stood on Jell- O, unless I missed something in my readings of the Bill of Rights, like a footnote where the Founding Fathers said, “Th is does not apply to tele vi sion and radio. Perhaps even in this enlightened age too many of us still tend to regard that boob tube as some sort of witchcraft , a magic genie fi lled with treachery and mischief who must somehow be kept corked up in the lamp or, at least, kept on a short leash. Leave it to the administration of former broadcaster Ronald ‘Dutch’ Reagan to try to cut through the witchcraft and strike the doctrine down.”32 Soon aft er the veto, the FCC announced that it would no longer enforce the Fairness Doctrine. Th e Syracuse Peace Council fi led a complaint that a local tele vi sion station had broadcast an ad supporting nuclear power without giving them equal time. Th e FCC refused to take up their case and then went even further by getting rid of the doctrine altogether. In doing so, the FCC proclaimed that: “Th e intrusion of government into the content of programming . . . actually inhibits the pre sen ta tion of controversial issues of public importance to the detriment of the public and the degradation of the editorial prerogative of broadcast journalists.” Dennis Patrick, the chairman of the FCC who had replaced Fowler, explained that, “We seek to extend to the electronic press the same First Amendment guarantees that the print media have enjoyed since our country’s inception.” Th e general counsel for the commission added that with 1,300 television stations and 10,000 radio stations in the United States, “numerical scarcity simply cannot justify diff er ent First Amendment treatment” for print than radio and television. The counsel of the FCC said that the rule had created an atmosphere “ under which they [broadcasters] have shied away from covering controversial issues in news, documentaries and editorial advertisements. . . . [Th is] completely frustrate[d] the goal of the doctrine to foster robust debate and diversity of views.”33

The decision was huge. Radio and television broadcasters understood that the regulatory obstacles toward politicized news had been dramatically lowered. The end of the regulation, combined with changing media opportunities resulting from the advent of cable, had created a new atmosphere. Among the first to take advantage of the new policy were conservative talk radio hosts, whose numbers expanded rapidly all over the country, with broadcasts by extraordinarily political and pointed right- wing broadcasters railing against liberalism, Democrats, and all of their opponents. Later the left would mimic what the right had done by establishing a number of outlets (rarely as successful) where the news could be presented from a liberal perspective. As print journalism felt intense pressure to survive the growing popularity of broadcast news, many outlets replicated the contentious style of television and radio (and later the Internet). Future efforts to reinstate the doctrine never succeeded. Politicians who wanted to bring back the Fairness Doctrine used a number of rationales, ranging from the fact that the political economy of broadcasting meant there still was scarcity in the ability to produce news, to the argument that newscasters still needed to serve the public interest. The recent victory of net neutrality rules within the FCC, which opponents called the Fairness Doctrine of the Internet, gave some potential for regulatory bite even if the production of news was now virtually limitless in the era of streaming broadcasts. But thus far the idea of enforcing balance seems quixotic to most observers of con temporary journalism. Without federal restraints and with unlimited access to broadcasting, the nation moved deeper and deeper into an age of polarized news without anything to hold these forces back.

#### Media echo chambers threaten democracy – only a fairness doctrine ensures fact-based and common-ground discussions

Friedland 21 [Julian Friedland, Assistant Professor of Corporate Social Responsibility in the School of Business at Metropolitan State University of Denver, 03-15-2021, “A Fairness Doctrine for the Twenty-First Century,” AREO, https://philarchive.org/archive/FRIAFD]/Kankee

Michael Goldhaber, who popularized the term the attention economy, said of the US Capitol insurrection: “It felt like an expression of a world in which everyone is desperately seeking their own audience and fracturing reality in the process. I only see that accelerating.” If we don’t do something about this, American democracy may not survive. For when there is no longer any common ground of evidence and reason, history shows that misinformation will eventually overwhelm public discourse and authoritarianism can take over. That is precisely what dictators across the world gleefully anticipate will happen in the US. Historically, such an outcome was prevented by the existence of public spaces in which people with differing viewpoints could confront each other. Radio became a national conversation platform, as the public and the Federal Communications Commission recognized the need to protect the airwaves from unrelenting political bias. Given that there were only so many spots on the radio dial, regulators reasoned that the space should be treated as a limited public resource, free from dishonest and misleading content. They therefore required stations to fairly represent opposing views: any station broadcasting one-sided opinions had to allow reply time for other perspectives. The fairness doctrine—which later also encompassed television—was in place from the 1940s up until 1987, when the FCC repealed it on the grounds that modern media technology provides for a potentially unlimited number of voices, so “the electronic press should have the same First Amendment guarantees enjoyed by print media.” As it stands, however, no court has ever deemed the fairness doctrine unconstitutional in letter or in spirit. That’s probably because the doctrine worked so well for so long and because judges feared the effects of new media technologies on public discourse. They were right to do so. Our present technology tailors news to each individual, according to increasingly sophisticated algorithms designed to predict engagement. The preselected material is often maximally provocative or sensational, which compels us to like, comment or share it among our affinity groups. Each of us manoeuvres for attention and recognition by a specific audience with shared identities, inclinations and allegiances. Naturally, what tends to emerge is self-arming groupthink. The upshot is that we now live in a cacophonic reality, which undermines the possibility of coherent national conversations based on common sets of recognized facts. The Biden administration could combat this by establishing a digital fairness doctrine for the twenty-first century. This would not mean setting up a government agency as the arbiter of truth. The purpose of such a doctrine is simply to preserve the possibility of a functioning national discourse on critical issues of public interest. It would not run afoul of First Amendment free speech guarantees, given that it would do nothing to block speech itself. In fact, it would expand and enrich national conversations, by preventing echo chambers prone to systematic bias. Any digital media platform employing targeting algorithms and with an audience of 1 million or more could be required to provide opposing viewpoints on a consistent basis: at least for the 10% most viewed news or opinion stories. Tax incentives could be provided for those who go above and beyond this. Top ranked stories would have to include prominent tabs marked opposing view or disputed claims. Disputed claims tabs would lead to a reputable third-party factchecking service and opposing view tabs would lead to an honest counterview, if available.

#### Providing objective information is a moral duty for democracies - it comparatively outweighs free speech

Klein 20 [Ian Klein, J.D. Candidate at the Texas A&M University School of Law, 2020, “Enemy of the People: The Ghost of the F.C.C. Fairness Doctrine in the Age of Alternative Facts.” Hastings Communications and Entertainment Law Journal, https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1809&context=hastings\_comm\_ent\_law\_journal]/Kankee

This scarcity and long history of regulation, combined with the legal fiction of broadcast spectrum scarcity explained in the following paragraphs, is likely enough to overcome this Red Lion hurdle. Second, and more importantly, in the context of the Red Lion holding and the history of broadcast regulation, the concept of scarcity serves to underline the duty of the federal government to make sure that the public has access to objective coverage of important issues.152 Red Lion was the culmination of a decades-long administrative, legislative, and judicial adaptation to the evolving nature of mass communication, during which every branch of the federal government emphasized the right of the public to be informed over the right of broadcasters to disseminate information.153 Since the Radio Act of 1927, broadcasting has been regulated because the public has a right to receive information.154 When the Communications Act supplanted the Radio Act, Congress was determined to require that the newly-created FCC had a duty to “serve the public interest.”155 The F.C.C. noted during its infancy that a democratic society should be given maximum opportunity to express diverse viewpoints on controversial issues, and, importantly, maximum opportunity to hear and read the conflicting view of others.156 As Justice White later wrote for the unanimous Red Lion Court, “[i]t is the right of the public to receive suitable access to social, political, esthetic [sic], moral, and other ideas and experiences which is crucial here . . . [t]hat right may not constitutionally be abridged either by Congress or by the FCC.”157 That right of access, based on the history and tradition of the decisions of both the Court and the FCC, extends not only to access to that information, but to the objective presentation of this information.158 Furthermore, “access” referred to the ability of broadcasters to broadcast information vis-à-vis the chilling effect and self-censorship that opponents of the Fairness Doctrine feared. However, as the Red Lion Court noted, “[i]t is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.”159 The fact that the notion of the public’s right to information was reiterated so often and so prevalently indicates that courts and lawmakers did not consider it incidental to their decisions, but as the governing principle necessitating the entire body of broadcast regulation. Furthermore, as legal scholars such as Mark Lloyd and John Berresford theorize, Red Lion’s Scarcity Principle was not only secondary to the emphasis on the public’s right to be informed, but was intended as dicta, which subsequent courts misinterpreted as the crux of the opinion.160 Lloyd suggests that the scarcity principle was merely “[d]ictum that suggests the Court was aware of the spectrum [of broadcast frequencies] as a public resource,” and that the Red Lion opinion was only about the constitutionality of FCC authority over broadcast licensees.161 According to Lloyd, the Red Lion Court’s determination that there was a scarcity of broadcast frequencies was not the conclusion of an engineering or economic analysis, but was the result of a purely legal analysis based on precedent and the record that centered on previous challenges to FCC authority.162 This is significant because, as Berresford points out in his 2005 FCC Research Paper, “[t]he Scarcity [Principle] appears to assume that there is a physical thing . . . of which there is a scarce amount . . . ‘the radio frequency spectrum,’ however, has no discrete physical existence . . . [t]he Scarcity [Principle] thus appears to be based on fundamental misunderstandings of physics.”163 Arbitrary rules made up by dead racists are nothing compared to the physical laws governing the reality of the known universe. The question of scarcity was thus “dislodged from the question before the Court” in Red Lion: Whether the FCC could constitutionally enforce the Fairness Doctrine.164 If the Scarcity Principle is a legal fiction (based on a scientific one), then Red Lion’s precedential value in upholding Fairness Doctrine 2.0 must rest solely on the end that the very nature of broadcast regulation sought to further from its inception:165 the right of the public to receive objective information.166 Legal Issues Surrounding Online News and Social Media

#### Ending media objectivity requirements spawned the Alt-Right and reinvigorated white nationalism

Cagliuso 21 [Dominique Cagliuso, writer with working on a Master in International Affairs with a concentration in Human Rights and a Specialization in UN Studies at Columbia University’s School of International and Public Affairs, 2021, “Age of the Alt-Right: New-Age Media and White Nationalism in Trump’s America,” International Social Science Review, https://digitalcommons.northgeorgia.edu/cgi/viewcontent.cgi?article=1529&context=issr]/Kankee

The New-Age of Media Since the turn of the millennium, both social and technological advancements have allowed the white supremacy movement to flourish. Through the use of the internet, they have been able to spread their ideology to millions. While the ideas and beliefs behind the Alt-Right movement are nothing new, the dissemination of their ideas through the internet is. A Senior Fellow at the Southern Poverty Law Center, Mark Potok, stated that the data they were collecting led them to conclude that “the advent of social media and other more dispersed means of sharing information had created a shift in how extremists shared their ideologies and how they recruited, too.”11 The SPLC maintains that most white supremacists today are no longer members of official groups but rather operate over the internet. The origins of the far-right's internet use can be traced back to the creation of the platform Stormfront. This white supremacist platform was created in 1990 as a virtual bulletin board for the Senate campaign of David Duke, a former Grand Wizard of the KKK. Eventually, the website went public in 1995 and became the stormfront.com that is still active today.12 Due to the creation of stormfront.com, around several hundred white supremacists were turning to the internet by 2000.13 In 2004, Robert Futrell and Pete Simi attributed the white power movement's success to the newly developed "free spaces" on the internet. These "free spaces" were defined as "network intersections that link otherwise isolated activist networks through physical and virtual spaces."14 Futrell and Simi concluded that the use of cyberspace would massively affect the white power movement by creating a new and easier platform to find existing members and to seek out potential recruits. With the creation of new platforms and websites gaining traction, the traditional magazine American Renaissance converted their publishings to the internet. After a decade of shipping out the original magazine, in 2000, they added a virtual magazine for their readers. By 2012, they ceased all shipments of the magazine and transitioned entirely to an online presence. The editor of American Renaissance, Jared Taylor, wrote to their subscribers about the decision to go virtual: Dear Subscriber; We will be shifting our efforts from the monthly publication into what we expect to be the very best race-realist website on the internet… We have seen the costs of printing and mailing continue to rise while, at the same time, more and more people look to the internet for information. When we began publishing in November 1990, it was tough to get unorthodox information about race. The only way to find out about them was through luck, word of mouth, or diligent library research… There was only a meager network of racially conscious whites who rarely met each other. The internet has given rise to scores of racially conscious websites, and it has become easy to find like-minded people. 15 In the twentieth century, news organizations tried to present information in an unbiased and objective way. Bias was meant to be avoided at all costs, and facts were supposed to be highly proven with evidence. In 1949, the Federal Communications Commission (FCC) enacted the Fairness Doctrine with the purpose of enforcing strict rules on broadcast media. The doctrine required any entity functioning under a broadcasting license needed to present unbiased news and cover all sides of an issue. Under these rules, the media was rewarded by presenting truthful, unbiased, and fair reports. Everything changed, though, when the Fairness Doctrine was repealed in 1987.16 The new media era began with the founding of FOX News in October1996.17 The network purpose was to showcase solely Republican and Conservative ideas and news. This creation of biased news networks quickly led to the "narrowcasting" seen today: where producers of news seek to gain readers for profit rather than share credible and unbiased news. They seek to reinforce the readers’ already existing viewpoints rather than inform them of all sides. The new media also rewards the speed of news rather than accuracy. It is seen as more important to be the first to report on a topic whether or not the content is yet proven as true or false. 18 The rise of the internet created a new medium for political discourse and gave birth to the Alt-Right movement. As it became more challenging for those with a racial bias to openly voice their opinions without persecution, the internet opened an entirely new platform for supremacists to express their ideology without social reproach. The Alt-Right success can be attributed to the internet’s lack of “opportunity costs—the energy, money, and psychological energy it takes to meet people, establish connections, and mobilize actions among groups of people.”19 By anonymously joining a movement for free by merely owning an internet-accessible device, the Alt-Right became the new haven for white nationalists. An expansive network of right-wing platforms has been created during this new digital era. A few of the most successful far-right websites that the Alt-Right frequent are Breitbart, Infowars, 4chan, American Renaissance, and Occidental Dissent. Social media sites such as Twitter, Reddit, and Facebook have also played vital roles in the movement’s growth—although there have been increased monitoring of hate groups on these sites in the past few years. Andrew Anglin created The Daily Stormer in 2013, one of the most well-known Alt-Right sites. It focuses on the sense of victimhood and marginalization that the Alt-Right strongly believes they are the subject of.20 Another significant Alt-Right player, Alex Jones's Infowars, is known as the conspiracymongering site at the center of many Alt-Right ideologies and conspiracy theories.21 Infowars is used to “fuel right-wing paranoia and propaganda.”22 Infowars truly emphasizes the concept of the “false flag,” used as a claim that anything potentially damaging to conservative values must simply be false. It is the concept that anything that has gone wrong, whether it be a scandal, a mass shooting, or an economic crisis, must be the fault of liberal policies or a plot by liberal players to undermine the conservatives.23 Without a doubt, the most prominent way that the AltRight represents themselves in our society today is through the internet. The Ideology of the Alt-Right

#### Fact-based journalism is key to reverse misinformation and polarization

Mcmanus 21 [Doyle Mcmanus, director of the journalism program at Georgetown University, 7-9-2021, "Trump's still waging a war on truth — and it's still bad for democracy," Los Angeles Times, https://www.latimes.com/politics/story/2021-07-11/trumps-still-waging-a-war-on-truth-and-its-still-bad-for-democracy]/Kankee

Last month, as thousands of former President Trump’s loyal supporters waited for him at a rally in Ohio, a chant rose from the crowd. “Trump won!” they roared. “Trump won!” The former president agreed. “We won the election twice,” he said, “and it’s possible we’ll have to win it a third time.” Eight months after he lost convincingly to President Biden, Trump and his followers are studiously maintaining an alternative reality — and having remarkable success keeping the fiction alive. Almost two-thirds of GOP voters told pollsters in one recent survey that they’re still convinced the election was stolen — a number that hasn’t changed much since November. This isn’t a harmless exercise in political puffery; it deepens the polarization of American politics and weakens democracy. The charge that the election was stolen doesn’t merely flatter Trump; it’s also an attempt to delegitimize Biden. It makes it politically dangerous for Republicans in Congress to collaborate with the administration — for why would anyone loyal to Trump negotiate with a usurper? The falsehood persists even though Republican officeholders have run investigations that debunk it. Last month, a GOP-led probe in Michigan found that the Trump camp’s charges of voting irregularities there were nothing more than “blatherskite.” Former Atty. Gen. William Barr, a Trump appointee, gave ABC News his pithy judgment of the president’s charges: “It was all bull—.” But many of the GOP faithful appear virtually immune to evidence. The fantasy hasn’t stayed alive on its own; Trump has spent much of his time since leaving office stoking his claims and warning Republican politicians that he will torpedo their careers if they don’t back him up. “If they don’t, I have little doubt that they will be primaried and quickly run out of office,” he said in a written statement last month. GOP politicians, fearful of Trump’s wrath, either tiptoe around the fantasy or join in promoting it. Arizona legislators have been auditing election results for more than two months; last week one GOP leader called for yet another recount after the current audit is complete. Legislators in Wisconsin and Pennsylvania, bowing to pressure from Trump, have said they are seeking audits or recounts as well. The Washington Post reported last week that hundreds of Republican candidates are campaigning on promises to loyally pursue Trump’s claims. There’s no mystery why Trump wants to keep his baseless narrative alive. The fiction transforms him from a loser to, if not a winner, at least a victim. It maintains his presumptive claim on his party’s 2024 presidential nomination if he decides to seek it and gives him a cause around which he can raise money. The consequences go well beyond Trump’s political future. As Jonathan Rauch of the Brookings Institution writes in his important new book, “The Constitution of Knowledge: A Defense of Truth”: “When compromise fails, ungovernability sets in.” Rauch argues that one root of our current political crisis is an “epistemic war,” a battle over whether such a thing as objective truth exists — or whether politicians should be free, as one Trump aide argued, to invent “alternative facts.” “Epistemic warfare is now the modus operandi of the Republican Party,” Rauch told me last week. “It’s become a substitute for ideology or policy.” He said he considers Trump “the greatest innovator in disinformation since the 1930s.” (And yes, he means since Adolf Hitler and Josef Stalin.) Rauch’s title, “The Constitution of Knowledge,” refers to his argument that Americans with differing beliefs need to agree on basic principles about truth, just as politicians with differing views adhere to the same Constitution. “People need not and cannot all agree that the same things are true, but a critical mass needs to … support norms like freedom of expression, intellectual pluralism, commitment to learning and respect for factuality and truthfulness,” he writes. Is there a way out of this crisis? There is, Rauch argues — but it’s going to take time and effort from a lot of people. Media organizations have stopped mindlessly spreading Trump’s most egregious lies, as some did in his first presidential campaign in 2016. Now they need to reinvest in fact-based journalism and in more and better fact-checking. Social media networks like Facebook, Twitter and YouTube still struggle to find workable rules to curb disinformation — but at least they’ve mostly recognized that spreading falsehoods is a bug, not a feature. And individual citizens need to join the battle by looking for better sources of information than their Facebook feeds and rewarding politicians who stand up for the truth. “It’s going to take all of society,” Rauch said. That’s daunting, but history offers grounds for hope, he added — again recalling the 1930s. “The reality-based community has withstood much worse.”

### Contention 2: Electoral Legitimacy

#### Fact based reporting is key to decrease polarization and the electorate’s vulnerability to foreign influence

Klaas 21 [Brian Klaas, fellow in comparative politics at the London School of Economics with a DPhil in political science at New College at the University of Oxford, citing Peter Pomerantsev, Senior Fellow at the SNF Agora Institute at Johns Hopkins University and project chair for the Information Warfare Initiative of the Center for European Policy Analysis, 3-23-2021, "Opinion: He worked in Russian media. He recognizes the same tactics at Fox News.," Washington Post, https://www.washingtonpost.com/opinions/2021/03/23/he-worked-russian-media-he-recognizes-same-tactics-fox-news/]/Kankee

In a newly released report, U.S. intelligence agencies outline how Russia yet again sought to subvert American democracy. The findings confirm that the Kremlin tried to plant damaging disinformation about Joe Biden among associates of then-President Donald Trump. That report and others that preceded it are important, because the foreign threat to American democracy is real and growing. But they should not distract us from a disturbing reality: The most serious danger to the United States from the Russian propaganda playbook doesn’t come from Moscow. It comes from Manhattan, where Fox News prime-time hosts broadcast conspiracy theories and disinformation while mimicking tactics that insiders in Russian media easily recognize. One person who finds the United States’ right-wing media ecosystem all too familiar is Peter Pomerantsev, who was born in the Soviet Union but fled and later settled in London. When Pomerantsev was in his 20s, he decided to return to Russia. He soon landed a plum job at the heart of Russian television production. While Pomerantsev worked in entertainment TV, he regularly swapped stories with colleagues who were focused on “news” production— which was laced with state propaganda. Pomerantsev describes how they attended Friday meetings used to set Kremlin-backed news agendas for the following week. Pomerantsev now teaches at Johns Hopkins University, and his latest book illuminates why propaganda is so effective at dividing us. Today, he watches American right-wing television news — particularly Fox News, Newsmax and OAN — with dismay. And he tells me that a career in Russian media would be perfect preparation for working at those networks. “It’s the same game,” Pomerantsev explains. “It’s the same rhetorical tactics, the same intellectual tactics, the same psychological tactics.” Specifically, Pomerantsev points to two major areas of strategic overlap. First, there’s a shared war on facts that tries to convince the viewer that accountability is a fool’s errand because true objectivity does not exist. “There’s this kind of pop-postmodernism, where Sean Hannity will say things like objectivity doesn’t exist, everybody’s biased,” Pomerantsev says. He points to Hannity’s infamous interview with Ted Koppel, in which he contrasted his own style with what he sees as the charade of “objective” facts in other areas of the press. “I don’t pretend that I’m fair and balanced and objective,” Hannity bizarrely boasted. “That’s exactly the same argument the Russians make,” Pomerantsev says. He recalls a famous phrase uttered by Dmitry Kiselev, a prime-time TV host who was also appointed by Vladimir Putin to run Kremlin’s international propaganda network, Rossiya Segodnya. “Objectivity is a myth that is proposed and imposed on us.” Prominent Republicans have parroted that argument, mimicking the Russian apparatus by challenging the notion of objective truth. In one television appearance, Newt Gingrich argued that it doesn’t matter if crime is down if Americans “feel” that crime is up. As Gingrich put it, “The current view is liberals have a whole set of statistics which theoretically may be right, but it’s not where human beings are.” That devaluation of facts inflames polarization in a particularly insidious way, because it allows a “choose your own reality” media culture. How can you compromise to solve problems or hold politicians accountable if you can’t even agree whether a problem or a scandal is real or not? Pomerantsev sees another commonality between Fox News and Russian media. Both, he argues, treat news as entertainment, complete with characters designed to depict those who hold opposing viewpoints as buffoonish caricatures. “They turn everything into a Jerry Springer show. ... Essentially, Tucker Carlson has ‘idiot liberals’ on.” Fox, he says, likes to present extreme left-wingers whose positions can be easily caricatured; Russian TV uses cartoonish members of the opposition as objects of ridicule. In both Russia and the United States, Pomerantsev argues, that kind of discourse creates a corrosive cynicism that erodes democracy. It forges partisan identities that are defined by an “us vs. them” mentality, reinforced with a destructive dose of conspiracy theories. So, what’s the way out? “The big mistake people make is to think: ‘What if we just give them the facts?’ It’s got nothing to do with that,” Pomerantsev says. “You’ve got to understand what you’re dealing with. They’re giving people a sense of identity, giving people meaning and giving people a way to interpret the world.” To break the cycle, the United States needs better regulation and a shift in the economic model around cable news. Fox News, OAN and Newsmax’s prime-time style might be familiar to Russians, but it is utterly alien to Canadians, Britons or Germans. Most prime-time political shows in functional democracies are far more rational and restrained, partly because they face more robust regulation. But we also need to ensure that it no longer pays to polarize. Advertisers should face more market pressure from consumers to ensure that they support only programming rooted in facts rather than dangerous conspiracy theories and tribalistic lies. The Kremlin might always back those who spread divisive propaganda, but Americans are free to push back against those who fund it. None of this discounts the threat posed by Russia itself. Putin is trying to undermine our democracy. But by allowing the rise of media outlets that use Russian-style tactics to create destructive, long-lasting polarization, we’ve been doing the job even more effectively ourselves.

#### Media regulation also solves hostile disinformation campaigns – Europe proves

Clemens 21 [Sarah Clemens, Deputy Managing Editor at the Concordia Law Review and JD Candidate at the Concordia University School of Law, 2021, “FROM FAIRNESS TO FAKE NEWS: HOW REGULATIONS CAN RESTORE PUBLIC TRUST IN THE MEDIA,” SSRN, https://deliverypdf.ssrn.com/delivery.php?ID=895008008009094093031067122001022119019084025012059023087067119099073116105028009070117058032027051013021109081096098124090125008090090084081026102082092126064000027090081086117113111115015067070084096030029106030011105014117065000074025087075090122024&EXT=pdf&INDEX=TRUE]/Kankee

E. Successful Regulatory Schemes in Europe Those who oppose the reinstatement of regulations on the media maintain that it infringes on First Amendment protections and the freedom of the press.306 Yet some of the most stringent regulations on the media exist in European countries that protect the freedom of the press. Even so, legislation to regulate fake news in Europe has rightly garnered concerns from the world press and human rights activists concerning free speech and press freedoms.307 European countries are cognizant of balancing a citizen’s right to be informed with a citizen’s right to be accurately informed. Following a wave of nationalist elections and referendums in which disinformation played a large role, Europe is looking for a balance between free speech and objective reporting.308 Perhaps no greater contrast exists against the backdrop of the 2016 presidential election in which disinformation was so prevalent than in France where similar efforts failed. Following the United States’ 2016 presidential election that Russia successfully infiltrated, then-French presidential candidate Emmanuel Macron became the target of Russian disinformation. However, unlike the United States, the structure of French media made it less susceptible to Russian inference. Like presidential candidate Hillary Clinton, Russia targeted Macron’s emails ahead of the French election and intended for a mass release.309 For two reasons, the emails did not gain traction in France in the same manner the release of Clinton’s emails gained national attention in the United States. First, French electoral laws prohibit media outlets from news coverage of political candidates for forty-four hours ahead of the election.310 Second, the media voluntarily abided by a request from the Macron campaign team the night the emails were hacked not to report on the content of the emails.311 Moreover, some traditional broadcasters denounced the Russian efforts and called upon their viewers not to allow themselves to be manipulated.312 Contrast this with the response of broadcast news in the United States after the release of Hillary Clinton’s emails. A study by the Columbia Journalism Review found that “the various Clinton-related email scandals— her use of a private email server while secretary of state, as well as the DNC and John Podesta hacks—accounted for more sentences than all of Trump’s scandals combined (65,000 vs. 40,000). . . .”313 More disconcerting, the study concluded, “these 65,000 sentences were written not by Russian hackers, but overwhelmingly by professional journalists employed at mainstream news organizations. . . .”314 At first blush, it may appear the dissimilarities between French and American media stem from ethics, not regulation. Put another way, American media sources could have voluntarily elected not to devote 65,000 sentences to Hilary Clinton’s email scandals which perhaps would have contributed positively to Americans’ perception of the media. Even so, this oversimplifiesbroadcasting priorities on the networks, particularly those owned by large conglomerates such as Sinclair that mandate coverage to the local stations. While the United States has slashed regulation on the media in the last 30 years, France has upheld regulations on public broadcasters.315 These regulations were passed following its prior success in combating Russian disinformation.316 In November 2018, under the initiative of French President Macron, France passed a law that defined the term fake news. The regulation defined the term as “[i]nexact allegations or imputations, or news that falsely report facts, with the aim of changing the sincerity of a vote.”317 A second part of the law mandates that social media establish a tool for users to flag disinformation.318 Moreover, the new legislation allows the Higher Audiovisual Council, the French broadcast regulator, to revoke the broadcast rights of television and radio stations found to be disseminating misinformation.319 After Macron was elected, despite efforts by the Russian government to elect his opponent, the French government issued a 200 page report concerning the danger of information manipulation aimed at informing other countries what it had learned as a result of Russian interference.320 One striking conclusion was that “[o]ne of the reasons why the Macron Leaks failed to have an effect on the 2017 French presidential elections . . . is that the French media ecosystem is relatively healthy.”321 The report also found that “distrust in institutions was one of the main reasons for the rise and effectiveness of attempts at information manipulation.”322 In determining why the Russian disinformation campaign failed in France but succeeded in the United States, the report posited “[c]ompared with other countries, especially the US and the UK, France presents a less vulnerable [ ] media environment for a number of reasons.”323 One reason may be that public trust of French media is high, a trust in which regulations, among other factors, play a role. Perhaps no country is more cognizant of the affect disinformation can have on its citizens than Germany.324 Under the Basic Law of the Federal Republic of Germany, codified after World War II, German citizens and press are guaranteed “the right freely to express and disseminate his opinions in speech, writing and pictures . . . .”325 The decision to protect freedom of the press was born out of the atrocities of World War II.326 With the protections of the press and freedom of speech, Germany has also determined a fundamental need exists to guarantee diversity in mass media.327 Article 41 of the Treaty governs the programming principles of broadcasters, and it mandates that broadcasters must “respect human dignity as well as the moral, religious and ideological beliefs of others. They should promote social cohesion in unified Germany and international understanding and should work toward a non-discriminatory society.”328 Article 56 mandates: “Providers of telemedia including journalistic edited offers . . . are required to include in their offers without delay the reply of the person or institution who is affected by an assertion of fact made in their offer at no cost to the person affected.”329 In Canada, under the Broadcasting Act, the broadcasting system should “serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.”330 Canada requires that any station licensed to broadcast must “provide a reasonable opportunity for the public to be exposed to the expression of differing views on matter of public concern.”331 This language in the Canadian Broadcasting Act is strikingly similar to what the United States’ Fairness Doctrine once required of broadcasters: “to provide a reasonable opportunity for the presentation of contrasting viewpoints on such issues.”332 Moreover, the Canadian Broadcasting Act requires that the broadcasting system “shall be effectively owned and controlled by Canadians;” enacted to enhance local content on Canadian broadcasting.333 Conversely, the absence of local content rules in the United States means that large media conglomerates, like Sinclair Broadcasting Group, can mandate national coverage in the local market. The Fairness Doctrine required broadcast licensees to “provide coverage of vitally important controversial issues of interest in the community served by the licensees . . . .”334 However, each “must-run” that Sinclair mandates its local stations air focusing on national issues reduces the time the station has available to devote to local issues. Yet one country stands above the rest in terms of public trust in the media. Denmark, regulated by the Press Council, was polled as the most transparent country in terms of distinguishing fact from fiction in reporting.335 Denmark enjoys freedom of speech, guaranteed under Section 77 of its constitution.336 Not unlike the United States, legal liability exists for libel, but the Danish press largely operates independent from government oversight.337 The Danish media in broadcast, print, and online are regulated under the Danish Press Council; members are appointed by the Supreme Court and journalist association.338 Participation in the Council is mandatory and if a journalist is found by the Council to have committed an ethical violation, the journalist can be sentenced to a fine or jail, though such sanctions are rare.339 In each country, freedom of the press is guaranteed but regulations protect the public from disinformation and fake news. Regulating broadcast news in the United States could have similar results while remaining within the confines of the First Amendment. CONCLUSION Broadcast news can inform the public, but it also can spread disinformation. Under the Fairness Doctrine, broadcasters once served as “public trustees” charged with providing fair and objective news to consumers. Yet deregulation led to a steep decline in public trust of broadcasters. An Independent Broadcast Council could provide the solution. An amendment to the Public Broadcasting Act could expand its scope to encompass a voluntary regulatory council tasked with upholding the standards of fairness and accuracy in broadcast. The media’s role is to inform, but it cannot do so without credibility. An Independent Broadcast Council would serve as an initial step toward restoring public perception of the media, and the framework exists to implement it. European countries have adopted legislation to combat fake news and address the “public trustee” component of broadcast news. The United States can follow the same approach and do so within existing law. Despite objections that regulating broadcasters would run afoul of the First Amendment, the United States Supreme Court has long held that free speech is the right of listeners, not broadcasters. Broadcasters have long had a duty to serve as “public trustees.” Yet the question remains whether broadcasters will choose to fulfil that duty or allow it to remain a relic of history.

#### Russian disinformation destabilizes democracy globally

Robbins 20 [Joseph Robbins, political science department head at Valdosta State University with a PhD from Texas Tech University, 9-23-2020, "Countering Russian Disinformation," Center for Strategic and International Studies, https://www.csis.org/blogs/post-soviet-post/countering-russian-disinformation]/Kankee

Introduction Russian disinformation operations are currently a cornerstone of the country’s efforts to wield influence worldwide. Whether trying to weaken the European Union, NATO, individual countries, or other groups, Russian operations perpetrated by cyberespionage groups such as Cozy Bear or Fancy Bear have fostered much anxiety, fear, and division throughout the world. Disinformation efforts have their roots in “active measures” or propaganda efforts orchestrated by the Soviet Union. Yet, the key difference here is that contemporary Russian efforts have been more successful than any Soviet operation could have ever imagined due to rethinking communication strategies (elaborated below) and the use of social media technology. Indeed, Russian disinformation operations were credited with sowing discontent in the United States and curtailing Hillary Clinton’s electoral support in 2016, boosting support for far-right Italian political parties among those consuming alternative news stories in 2018, and prompting a decline in Spanish leaders’ ability to influence public opinion during the 2017 Catalan crisis. Modern Russian propaganda efforts have led to policy responses from multilateral organizations, national governments, social groups, and corporations. A number of these approaches have been adopted by the Czech Republic and Estonia. The extent to which they will be successful over time is unclear, particularly given the Czech Republic President Miloš Zeman’s pro-Russia inclinations along with Estonia’s burgeoning populist presence, both of which play right into Moscow’s hands. Nonetheless, these approaches show a determination to combat disinformation threats that is rarely seen elsewhere. For example, in the United States, the response to disinformation currently largely rests on corporate policies set by Facebook, Twitter, and YouTube. In places like the Czech Republic and Estonia, moving beyond dependence on corporate response alone is thus far proving to be a more effective response to thwart Russian efforts. Russian Disinformation Strategies Internet-aided Russian disinformation strategies have been a hallmark of the country’s destabilization efforts for the past several years. Disinformation, for the purposes of this article, refers to the creation or spreading of information that is misleading or false with the intention to manipulate a given audience. Democracies, anchored in the embrace of a free press, are particularly vulnerable to disinformation, although this tactic has been used in many different settings. To date, Moscow has used these tools to target Ukraine, Germany, Italy, Syria, Spain, the United Kingdom, NATO, the European Union, and the United States. The playbook used in these countries contains a variety of actions undertaken by various actors—not all governmental entities. Research by Watts and by Weisburd, Watts, and Berger summarize the complex approach well. The overall approach unfolds in multiple stages and begins by infiltrating an audience then influencing it, followed by using kompromat to drive damaging narratives against certain politicians, movements, or organizations. These stages are administered through a combination of media actors (e.g., Russia Today [RT], Sputnik, and the country’s Internet Research Agency [IRA]), intelligence agencies (GRU, FSB, and SVR), along with “troll factories,” hackers, and “honeypots.” As Watts explains, these groups work hand-in-hand such that “trolls sow doubt, the honeypots win trust, and hackers … exploit clicks on dubious links sent out by the first two.” Mark Galeotti lays out a helpful schematic of the various forces and actors involved in Russian disinformation campaigns, each relating to the Kremlin in a different way. The end result of Russia’s technological “active measures” is a multichanneled, highly active, relentless propaganda machine that has pumped out a tremendous amount of damaging information in multiple contexts. Russian disinformation has proven to be effective in large part because it is motivated by a fundamental shift in communication strategies. Russian disinformation efforts have been so influential because they seek to form an early narrative, repeat the narrative, and employ a wide range of outlets, channels, and users to parrot this narrative. Because these Kremlin-engineered narratives are often the first of their kind (although some sources are indigenous in the target country, which the Kremlin then amplifies), the target audience has no frame in place to counter or challenge this new information. Likewise, the narratives are repeated and echoed by numerous actors, giving them the appearance of credible information. Indeed, from the public’s perspective, multiple actors with different perspectives reaching the same conclusion gives a narrative the veneer of truth. With Russian troll farms operating 24 hours a day, it is easy to see how these campaigns author new narratives and disseminate them widely and frequently. This approach essentially overwhelms the social media user with the amount of repetition and leads them to either accept the disinformation as fact or to fall back on their own baseline biases. Responding to these disinformation campaigns is very difficult, particularly in democracies that are buoyed by the free press. There has been great variance in how democracies and organizations like the EU have responded to these efforts, with varying degrees of success. This article examines the approaches used by the Czech Republic and Estonia along with multilateral responses from both the EU and NATO. The approaches discussed here are still evolving but it is increasingly clear that to have success against Russian disinformation and this complex propaganda machine, a multifaceted approach is vitally important. Czech Responses

#### Russian disinformation upsets the relative balance of power vis-à-vis the US

Posard et al. 20 [Marek N. Posard, military sociologist at the RAND Corporation and an affiliate faculty member at the Pardee RAND Graduate School, Marta Kepe, senior defense analyst at the RAND Corporation and nonresident senior fellow at the Atlantic Council's Scowcroft Center for Strategy and Security, Hilary Reininger, Post-doc and Assistant Policy Researcher at RAND Corporation, James V. Marrone, associate economist at RAND Corporation, Todd C. Helmus, senior behavioral scientist at the RAND Corporation and a member of the Pardee RAND Graduate School faculty, and Jordan R. Reimer, policy analyst at the RAND Corporation, working in the Defense and Political Sciences department, 2020, “From Consensus to Conflict Understanding Foreign Measures Targeting U.S. Elections,” RAND Corporation, https://www.rand.org/pubs/research\_reports/RRA704-1.html]/Kankee

Russia’s Aim Is to Preserve the Regime by Weakening the West Russia has long used various forms of active measures—a specific term that falls within the broader category of information efforts—against the United States, with a focus on U.S. domestic issues. Active measures (in Russian, aktivinyye meropriatia or aktivka) are covert and overt information efforts organized by a government to affect a target’s domestic and foreign politics and are used as an instrument of power (Godson and Shultz, 1985). These measures have helped shape the course of international and domestic events in Russia’s favor and helped subvert actions and trends that contradict the government’s intentions. Although many countries have sought to use active measures, the Soviet Union and then Russia institutionalized them over many decades and advanced them into a comprehensive foreign policy tool, particularly against the United States (Allen and Moore, 2018). This tool is used to undermine democratic governance processes in the United States and its allies with the overarching aim of weakening the United States and advancing Russia as a global power. This would then support Russia’s view of itself as the promoter of a world order and values that are alternative to the ones represented by the United States and its allies and their view of the liberal rules-based world order (Government of Russia, 2016; Radin and Reach, 2017; Stent, 2019). This section is divided into two parts. First, we discuss the objectives of Russian information efforts in the post–Cold War era. Second, we review some of the ways that Russia has applied these efforts against the United States. The research for this section draws on open-source publications, such as official documents, research reports and analysis, and commentary and case study databases by Western and Russian authors. Russian Information Efforts Reflect Four Objectives

### Contention 3: War Reporting

#### Objective reporting deters government propaganda – past lackluster reporting allowed the invasion of Iraq without proper justification or media oversight. It’s especially important in the context of the current Ukraine-Russia conflict.

\*fyi, this card is ridiculously long

Ryan and Switzer 9 [Michael Ryan, educator at the School of Communication at the University of Houston, and Les Switzer, professor in the School of Communication, adjunct professor in the Department of History, and co-director of the Center for Critical Cultural Studies at the University of Houston, 2009, “Propaganda and the subversion of objectivity: media coverage of the war on terrorism in Iraq,” Taylor and Francis, https://sci-hub.se/https://www.tandfonline.com/doi/abs/10.1080/17539150902752721?journalCode=rter20]/Kankee

More than 2400 terrorist actions against American citizens and interests were recorded from 1983 to 1998. In almost every case, the preferred counterterrorism response was law enforcement. The government used military force in response to only three incidents – the bombings by bin Laden’s followers of two US embassies in East Africa in 1998; the attempt by Iraq to assassinate former President George H. W. Bush in Kuwait in 1993; and the bombing by Libya of a West German discotheque in 1986 (Malvesti 2001). The US news media played a critical role in selling the invasion of Iraq to the American public as an appropriate response to the 9/11 terrorist attacks. We argue that (1) traditional principles of objectivity are incompatible with the dissemination of propaganda from any source; that (2) the media failed to employ principles of objectivity in covering the build-up to war; and that (3) the media endorsed the Bush administration’s exploitation of propaganda techniques to rally public support for war. The media generally have not acknowledged this failure in professional ethics – even as some isolated, though influential, media now do acknowledge lapses in judgement in covering news about Iraq. We offer a few suggestions about what journalists could have done differently. The framers of the US Constitution singled out the press for special protection under the First Amendment because they believed unfettered information and commentary were integral to a healthy democracy. The American people should reasonably expect nothing less than the press’s best efforts to provide accurate and complete news and commentary in the service of a burgeoning democratic state. Clearly, this means the press must challenge and not legitimise state propaganda. For its part, the press has a moral covenant with the people to do its very best to keep them informed, from stories about Little League baseball games to stories about war and peace. As international communication scholar Majid Tehranian puts it, ‘Without free and vigorous debate among competing views, no nation can achieve the level of integrated unity and determination necessary for democratic societies to act on public issues’ (Tehranian 2002, p. 79). It may seem naïve to suggest that the media have a moral covenant with the people – given the media’s poor coverage of the Bush administration, the war in Iraq and other issues – but we argue that the American people must expect more of the press and we propose a reasonable ethical standard by which the media can be judged. Journalists must decide which of an infinite number of events and issues are important for an audience to know about, and they must describe (or reconstruct) each event or issue as accurately, clearly and completely as possible. Ethical journalists can accomplish these goals when they use a strategy embodied in the principles of objective journalism. Examples of stories by journalists who use an objective approach may be found – in the past and even in contemporary news coverage of the war on terrorism in Iraq – in newspapers like The Christian Science Monitor and The New York Times, and in network television newscasts by people like Tim Russert and Tom Brokaw, but they are rare. Warren Strobel, Jonathan Landay and John Walcott, for instance, wrote a story refuting the Bush administration’s claim that Saddam Hussein had purchased special aluminium tubes for centrifuges to enrich uranium, possibly for nuclear weapons (Strobel et al. 2002). The Knight Ridder trio challenged the administration sources, and much of the media’s coverage, by reporting new evidence from different sources showing the administration’s story was false. Objectivity in news and commentary Many critical scholars believe that objective journalism has been misused and/or abused by journalists to such an extent that it is no longer relevant when discussing how the media might better portray the world to their audiences. We do not agree. An objective approach must be rehabilitated in an ongoing effort to re-establish and re-impose ethical standards for today’s journalists. We recognise that many journalists assume they merely mirror or reflect the news and do not play a major role in representing these realities to their readers, listeners or viewers. We also recognise that objectivity – which often is framed inadequately as merely giving equal time or space to (only) two sides of an issue – is the traditional strategy journalists claim they employ in this quest for truth. We argue for an alternative perspective. First, as journalists we can never be benign or neutral observers, because there is no fixed meaning in the world we are writing about to re-present. Second, as journalists we have essentially abandoned the largely unwritten standards that comprised the foundation of an objective approach to news reporting and writing. A news event or issue cannot be separated from its mediated image. While the media may reflect our world, the act of mediation itself is constitutive of the world that the media reflect. The journalist’s voice is always present in any given news report, and in this way the journalist represents the world of news to the news audience. Even a journalist covering a Little League baseball game may have strong feelings because he or she was a star or a dud or never played. These feelings may colour that journalist’s stories about Little League, just as a religious background may colour a journalist’s stories about the use of foetal stem cells in medical research. We do not argue that individuals can always control these feelings, for they cannot. But we do argue that an objective approach helps journalists and others produce more accurate, complete and impartial representations of reality.

The movement toward objectivity began in the Enlightenment and gained momentum as scientists began to unravel the mysteries of the natural world. Galileo and Copernicus, for example, showed that the Earth circled the Sun and was not the centre of the Universe. Georges-Louis Buffon and James Hutton demonstrated that the Earth was considerably older than the few thousand years implied by The Bible, and Charles Darwin, of course, popularised the notion of evolution by natural selection. Journalism – which was jingoistic, mean, partisan and politicised in early America – began to change in the late 1830s as the penny press made news available to the masses, and editors and writers sought new ways to conceive and package news in their quests for new readers and advertisers. As the scientific method became the dominant narrative in communicating knowledge, more and more journalists began to incorporate the scientific perspective, and to emphasise factual information, in their own work (Mindich 1998).Many journalists began seeking increased power and prestige by defining journalism as a profession and by aligning journalism with a less partisan and more objective approach. This approach was seen as a way to increase profits, and an objective strategy helped drive journalistic practices with the emergence of a mass, popular press beginning in the 1880s and the 1890s (Streckfuss 1990, p. 973). Objectivity was not viewed as a way to guarantee neutrality, but as a way to compensate for the human inability to be objective (Ryan 2006). As early as 1867, Haney & Co., Publishers, produced for literary and newspaper writers a book describing principles that were later seen as fundamental to an objective approach. Newspapers that strive to be profitable must not reflect political or other interests; they must report news, not opinions (Haney’s Guide to Authorship 1867, p. 85). Further, when a newspaper writer quotes an authority, he (sources and writers typically were men) must ‘do so fairly, and copiously enough to do him justice’ (p. 44). When reporting public records, a writer ‘should chronicle the facts, but not give opinions’, and when covering meetings, a writer should report ‘fairly and honestly as a matter of news, giving his personal views in another portion of his paper’ (p. 92). A more formal definition of an objective approach to journalism in America was proposed by journalism professor Charles G. Ross: News writing is objective to the last degree. . . . The viewpoint of the news writer must be that of the unprejudiced, but alert, observer. He must approach his story with a mind open to the facts and he must record the facts unvarnished by his own preferences and opinions. (Ross 1911, pp. 17–18, 20) The meaning of objectivity was refined as journalism practice matured and journalism training evolved during much of the 20th century. Journalism ‘played a significant role in the secularisation of American public life’, as sociologist Richard Flory notes, ‘by spreading ideas adopted from other institutional spheres of knowledge-production to the general public [and by offering] a modern, scientific perspective, appropriate to the age’ (Flory 2003, p. 397). This perspective, media ethicist Stephen Ward observes, ‘can be the practices of common sense or the technical methods of scientific research’ (Ward 2004, p. 17). The overarching goal of one who uses an objective approach is to describe those realities deemed to be newsworthy as accurately as possible. The philosophical underpinnings for objectivity are clarity, accuracy and completeness in identifying, gathering and reporting information; willingness to find and consider new evidence and alternative explanations; scepticism toward authority, the powerful and the self-righteous; initiative in finding answers and solutions and ways to expose lies and deception; impartiality, fairness and disinterest in reporting; refusal to serve any political, social, religious, cultural or scientific agenda; imagination, creativity and logical consistency; honesty about personal preferences and idiosyncrasies; communality in sharing findings; and verification of findings in subsequent reports. None of this excludes analysis and interpretation in information collection and writing, as some critics charge. Early admonitions to ‘keep your own opinion out of your stories’ referred to personal opinion unsupported by evidence. They did not refer to evidencebased analysis and interpretation that could be used to guide story selection, information collection, reporting, writing and editing. The standards of an objective approach apply to commentary as well as to news. This does not mean commentary must not contain opinion. It does mean those opinions must be clearly labelled and well supported by evidence gathered using the techniques of an objective approach. The opinions expressed certainly should not be based on faulty or incomplete information that could ultimately lead to poor decision-making (Ryan 2001, 2006). Ethical journalists honour the principles of objectivity – whether they call it pragmatic objectivity, epistemological objectivity, good journalism or something else – because their output will be transparent, rational, coherent, logical and factual. The approach requires a journalist, or anyone else, to follow the evidence to reasonable conclusions. ‘Objectivity is part of our culture’s attempt to say what knowledge is and how to pursue truth in the many domains of inquiry’, Stephen Ward (2004) argues. ‘Objectivity, properly understood, is a bulwark against authoritarianism in belief and practice. It is a defense against an obscurantism that allows the clever to manipulate the naïve or vulnerable’ (p. 318). The focus of media ethics typically has been on the individual journalist, but that focus is too narrow when the individual must function within an organisation buffeted by all kinds of pressures from government, advertisers, peers and the community. In many cases, the interests and concerns of the media corporation itself may place undue burdens on journalists who work in this environment. Nevertheless, these pressures do not abrogate ‘the ethical imperative of journalism to maintain its standards’, as Ward (2004) notes. ‘Awash in media, the public needs a core of objective news reporting. It needs quality news organizations that serve as islands of credible, verified reporting in a sea of bias and opinion’ (p. 325). Propaganda strategies and the run-up to war

The use of propaganda techniques is not consistent with a journalism that is defined by an objective approach to news. Journalists who use an objective approach seek to construct reality as accurately as they can, while those who use propaganda – as defined by communication ethicist Elspeth Tilley (Tilley 2005) – typically seek to bend reality to their own purposes. Tilley, who refined a propaganda index through analysis of the Australian government’s terror information package, defines propaganda as: communication that uses a specific set of rhetorical devices and cognitive heuristics to make claims or assertions, and to generalize (often unstated) broader assumptions from those claims, without providing evidence. [Labelling], particularly once it has become widely accepted as having a certain meaning and connotation, means evidence is not presented and examined on each occasion, but taken as ‘read’. (p. 70) Ethical communicators, especially in times of crisis, use ‘pluralist, evidence-based communication styles that offer data, research, history, context, and point readers to verifiable sources of information’ (Tilley 2005, p. 70). Propagandists typically serve someone’s narrow agenda, make claims that are not evidence-based, spread lies and deception, supply incomplete or misleading information, serve authority figures, and deny or hide their own interests and prejudices. Journalists who are committed to an objective approach do none of these things. We argue that America’s news media endorsed propaganda devices used by the Bush administration to generate public approval for invading Iraq. The focus is on propaganda devices that constitute Tilley’s propaganda index. The categories are described as bandwagon, glittering generality, transfer positive (positive qualities of something transfer to something else), transfer negative (negative qualities of something transfer to something else), name-calling, manifest destiny and plain folks. We report the results of several studies of media coverage of the run-up to the invasion of Iraq, but our primary focus is on our own study of editorials published in the ten largest US daily newspapers, which we searched for these propaganda devices:1 The Wall Street Journal, USA Today, The New York Times, Los Angeles Times, The Washington Post, Daily News (New York), Chicago Tribune, Newsday, Houston Chronicle and The Dallas Morning News. 2 The focus is on the 27 days preceding the invasion – 22 February–20 March 2003. Ninety-one editorials related to the invasion. Results were broken down into two time periods, 22 February–6 March and 7 March–20 March. The dividing point is 7 March, when Hans Blix, the chief UN weapons inspector, reported that Iraq, though increasingly cooperative, was not in full compliance with UN mandates. The question was whether this news was reflected in the editorials and whether more or fewer propaganda devices were used as war approached (Ryan and Switzer 2008). These newspapers and other media used six of Tilley’s seven propaganda devices, according to our research and other studies. Only the plain-folks technique seems to be missing from the propaganda armoury. Propaganda strategy 1: getting on the bandwagon The news media clearly supported the Bush administration’s effort to create a bandwagon effect (Table 1) – defined as an attempt to show that ‘everyone, most people, many people or any large collectivized group of people such as our school, our company, or our neighborhood thinks a particular, singular, and uniform way’ – to make it appear that all patriotic Americans supported the proposed invasion (Tilley 2005, p. 72). Part of this effort was the attempt to create the perception that there were only two options regarding Iraq, ‘use military force’ or ‘do nothing’ (defined as anything short of an invasion). Since few journalists or commentators seemed prepared to argue that the United States should do nothing, the bandwagon favouring a military option rolled freely from the beginning. Editorials in the ten largest US newspapers helped move the war wagon along. Seventy-nine editorials (and all ten newspapers) simply assumed Iraq would be invaded, as shown in Table 1, with more making that assumption in Period 2 (following the Blix report) than in Period 1. Forty-eight editorials (in seven newspapers) supported military intervention. Seven newspapers backed the war editorially: The Wall Street Journal, Newsday, The Dallas Morning News, USA Today, Daily News (New York), Chicago Tribune and The Washington Post. Three did not call for war, but they did not oppose it either: The New York Times, Los Angeles Times and Houston Chronicle. Not a single editorial attempted to slow the bandwagon by opposing military intervention; only five editorials counselled sacrifice by the public and only seven suggested caution. Ten of these twelve editorials were published only after it was clear the United States would invade Iraq. The bandwagon effect was supported by editorial writers who said urgent action was required – even after 7 March 2003. The newspapers frequently posed the question, repeated incessantly by Bush and other war advocates: How much time does this evil man need? Their frustration was captured in the president’s statement, ‘[H]ow much time do we need to see clearly that he’s not disarming? As I said, this looks like a rerun of a bad movie and I’m not interested in watching it’ (International Information Programs 2003). Most agreed with USA Today: Pretending that more time would prompt Hussein’s cooperation or conjure up a strong-willed international community ignores 12 years of history. It also perpetuates the kind of wishful thinking that got the world where it now stands.3 (USA Today 2003, p. 14a) Few in the media seemed to notice that Hussein was complying with UN directives or that Bush kept raising the bar for peace – first that Hussein must allow weapons inspectors, then that he must allow them in his palaces, then that he must list his weapons and ‘be cooperative’ and finally that Hussein and his sons must leave Iraq. A few editorial writers suggested that the embargo against Iraq, weapons inspections and diplomatic efforts were working, but most ultimately agreed with the president that ‘doing nothing’ was not an option. In this binary world, war was the only option. The bandwagon effect also was supported in other publications. Photographs of troops and military hardware published in news magazines before the invasion created an image of a determined, powerful nation ready for war: The analysis suggests that newsmagazine photographs primarily serve established narrative themes within official discourse: that published photographs most often offer prompts for prevailing government versions of events and rarely contribute independent, new or unique visual information. (Griffin 2004, p. 381) Photographs of human suffering, property damage and American casualties were accessible to viewers of news media like Al Jazeera, the Arab television and Internet network. Al Jazeera did show images of innocent civilian casualties, who were called martyrs, and of American and coalition war prisoners and casualties, who often were called invaders. American media outlets might have used such images – had they not self-censored themselves by stereotyping Al Jazeera and the Arab media in general as a propaganda tool of the terrorists – and framed them as part of a more comprehensive and accurate depiction of war. Military strikes were assumed from the start to be part of the US response. ‘The New York Times,’ for example, ‘constructed and celebrated heroes and bolstered leaders as they responded to the crisis. It mobilized for war and warned of a foreboding future, of suffering and sacrifice to come’ (Lule 2002, p. 286). The words ‘war’ and ‘terrorism’ were linked, and they constituted a mantra in network television’s pre-invasion coverage: ABC News broadcast eighty-six stories that contained the terms ‘war’ and ‘terrorism,’ CBS News aired ninety-six such segments, NBC News broadcast 133, CNN televised 316, and National Public Radio aired 166. The US print press available in the Lexis-Nexis archive published a total of 5,814 articles that mentioned the two terms. (Nacos 2002, p. 146) The New York Times, The Washington Post, and other individuals and media outlets – in unprecedented fashion – eventually acknowledged their coverage was flawed. Editors at The New York Times, for instance, ‘found a number of instances of coverage that was not as rigorous as it should have been. . . . Looking back, we wish we had been more aggressive in re-examining the claims as new evidence emerged – or failed to emerge’ (From the Editors 2004, p. 10a). The New York Times and The Washington Post acknowledged that reporters relied too heavily on sources who had vested interests in war or who had no knowledge of what was happening in Iraq. ‘Complicating matters for journalists,’ according to The New York Times, ‘the accounts of these exiles were often eagerly confirmed by United States officials convinced of the need to intervene in Iraq.’ Assertions by war advocates were unchallenged – or contradictory information was buried. Official claims got prominent play, ‘while follow-up articles that called the original ones into question were sometimes buried. In some cases, there was no follow-up at all’ (From the Editors 2004). Patrick E. Tyler’s story of 6 February 2003, according to Daniel Okrent, The New York Times’ public editor, ‘all but declared a direct link between Al Qaeda and Saddam Hussein’. The link would never be confirmed because there was no link. ‘Other stories pushed Pentagon assertions so aggressively you could almost sense epaulets sprouting on the shoulders of editors’ (Okrent 2004, Week in Review, 2). The bandwagon rolled on. The Washington Post also gave favoured treatment to pro-war news, according to staff writer Howard Kurtz: ‘Some reporters who were lobbying for greater prominence for stories that questioned the administration’s evidence complained to senior editors who, in the view of those reporters, were unenthusiastic about such pieces.’ Pentagon correspondent Thomas Ricks noted: ‘There was an attitude among editors: Look, we’re going to war, why do we even worry about all this contrary stuff ?’ (Kurtz 2004, p. 20a). Jessica Yellin, former White House correspondent for MSNBC, said in May 2008: ‘The press corps was under enormous pressure from corporate executives, frankly, to make sure that this was a war that was presented in a way that was consistent with the patriotic fever in the nation and the president’s high approval ratings.’ As Bush’s approval ratings went up, so did pressure from news executives to produce positive stories about Bush. Yellin said: ‘They would edit my pieces, they would push me in different directions, they would turn down stories that were more critical and try to put on pieces that were more positive.’4 There were isolated instances in which journalists reported evidence and made arguments that might have slowed the bandwagon. One example was The New York Times’ response to the 7 March report of Blix: ‘[T]he report of the inspectors on Friday was generally devastating to the American position. They not only argued that progress was being made, they also discounted the idea that Iraq was actively attempting to manufacture nuclear weapons’ (The New York Times 2003, p. 12). Most responses were like that of the Daily News (New York), however, which said the report contained ‘even more excuses’ (Daily News (New York) 2003a, p. 24).

Propaganda strategy 2: the glittering generality Glittering generalities are words and phrases that support a position without evidence (Table 1). These include: positive-sounding euphemisms (e.g., collateral damage and friendly fire for civilian or owntroop deaths . . .); broadly affirmative unverifiable adjectives (e.g., state-of-the-art, hightech); . . . vagaries (e.g., significantly increasing or highly trained, where the level of increase or training is not defined); subjective adjectives or adverbs (beautiful, stunning) which give positive effect without evidence. (Tilley 2005, p. 72) All were used by the media in the run-up to the war in Iraq. Sixty-three editorials published by the ten largest US newspapers we studied, for example, cited destroying Hussein’s unconventional weapons as a main reason for war, as shown in Table 1. But there was no credible evidence that he had such weapons or that he could deliver them against the United States or its allies. No editorial in any newspaper questioned whether Hussein had weapons of mass destruction – all assumed he did. Other reasons cited in support of the invasion included: to change the regime, 21; Saddam is ‘bad,’ twelve; to bring freedom to the Iraqis, eleven; to make the world safer, ten; to defend the country, eight; and to combat terrorism, six. The two reasons that resonated particularly well with many Americans, especially conservative Christians, were that Saddam is evil and must go and that America must fight to bring freedom to Iraq (Ryan and Switzer 2008). All of these are empty euphemisms that had little empirical support before the invasion, but they ultimately began to appear to be – and to be portrayed in the media as – hard evidence supporting an invasion. In fact, the Bush administration manufactured and cherry-picked evidence supporting the invasion. A glaring example was former Secretary of State Colin Powell’s speech to the United Nations when he sought approval for a resolution authorising military action against Iraq. Powell promised to show in his UN speech on 5 February 2003 that Hussein was secretly trying to produce weapons of mass destruction: We know that Saddam’s son, Qusay, ordered the removal of all prohibited weapons from Saddam’s numerous palace complexes. We know that Iraqi government officials, members of the ruling Baath Party and scientists have hidden prohibited items in their homes. Other key files from military and scientific establishments have been placed in cars that are being driven around the countryside by Iraqi intelligence agents to avoid detection. (US Secretary of State Colin Powell addresses the UN Security Council 2003) Powell presented photographs purporting to show that components of weapons of mass destruction were being moved; he maintained Iraq had failed to account for all weapons of mass destruction amassed in the 1990s; he said Iraq had mobile facilities for making biological weapons; he cited the purchase by Iraq of aluminium tubes to construct centrifuges used to enrich uranium; and he claimed Iraq had helped Osama bin Laden and al-Qaeda acquire gases and poisons. These were all positive statements supporting an invasion, but they were mostly false or misleading. A compliant media deemed the speech a success. Powell, USA Today asserted in its news columns, ‘forcefully laid out newly declassified evidence of Iraq’s efforts to develop and conceal chemical, biological and nuclear weapons, as well as new signs that an al-Qaeda terrorist cell was set up in Baghdad last year’ (Nichols 2003, p. 1a). The Pittsburgh Post-Gazette claimed in an editorial that Powell’s speech ‘was far more powerful than anyone had predicted’ and that ‘Powell did produce the proverbial “smoking gun”’ (Pittsburgh Post-Gazette 2003, p. 1b). Propaganda strategy 3: transferring positive qualities The media clearly used the transfer positive technique (Table 2) – the ‘process of association whereby the “good” of one thing rubs off onto something else’ (Tilley 2005, p. 72). They praised and made heroes of Western leaders, victims, survivors and rescue workers. ‘This shift of focus [in the days immediately following 11 September 2001] from victims to heroes helped to effect a transition from death to life, and it coincided with the rhetorical shift from shock to sorrow to patriotism’ (Kitch 2003, p. 219). Political and military leaders were portrayed as heroes – to their benefit. ‘The construction of political leaders as heroes . . . can legitimize the actions of those leaders and buttress their authority at critical times. The [New York] Times’ portrayal of President Bush as “a leader whom the nation could follow” offered implicit (and politically important) support for the administration’s response to September 11’ (Lule 2002, p. 284). President Bush elevated his own status by: attacking the ‘evil’ of the terrorists, using the word five times in his first statement on the September 11 terror assaults, and repeatedly portraying the conflict as a war between good and evil in which the United States was going to ‘eradicate evil from the world’ and ‘smoke out and pursue . . . evil doers, those barbaric people’. (Kellner 2002, p. 144) The media also used the transfer positive device by relying on spokespersons like former Secretary of State Colin Powell and former Secretary of Defense Donald Rumsfeld, as shown in Table 2. In addition, they relied on a host of military analysts who often agreed with the administration’s militaristic worldview and who would benefit financially from a war in Iraq. The paid analysts ‘often got more airtime than network reporters, and they were not merely explaining the capabilities of Apache helicopters. They were framing how viewers ought to interpret events’ (Barstow 2008, p. 1a). Two of the analysts were Barry R. McCaffrey and Wayne A. Downing, who worked for NBC. They were members of an advisory board for the Committee for the Liberation of Iraq, ‘an advocacy group created with White House encouragement in 2002 to help make the case for ousting Saddam Hussein. Both men also had their own consulting firms and sat on the boards of major military contractors’ (Barstow 2008, p. 1a). Two problems, however, did arise during the run-up to war. First, Bush’s heroic image had tarnished somewhat by the time it became obvious the United States would invade Iraq (roughly a month before the invasion) and, second, several major religious denominations expressed opposition to the proposed war. These difficulties had to be dealt with if the selling of the invasion were to succeed. Editorials in the ten largest newspapers employed two strategies. First, they seized on former British Prime Minister Tony Blair as the hero in hopes that his ‘positive outlook’ would rub off onto the war effort. Blair, like other members of the coalition of the willing, was lauded for standing his ground in the face of considerable political opposition at home. Second, editorials began to distinguish between Bush’s efforts to get international support for the war, which they said fell short, from the idea of war. Negative descriptors of Bush were far more common after 6 March 2003, when Bush was trying, and largely failing, to rally international support and to secure a new UN resolution, particularly in newspapers that did not call for an invasion: The New York Times, Los Angeles Times and Houston Chronicle. Bush was described in the editorials as confused, unfocused, cavalier, high-handed, disingenuous, reckless, wrongheaded, inflexible and too hasty. The main substantive concerns were that Bush’s diplomatic efforts were clumsy and ineffective, 14; that he did not explain clearly the costs and risks of war, 13; that he did not make the reasons for war clear, nine; that he dismissed critics’ concerns about the war, eight; and that he alienated allies, six. This excerpt from the Los Angeles Times is typical: But Bush and his advisors also bear much responsibility for the impasse that threatens to wreck the system of collective security that emerged out of World War II. Bush’s disregard for international treaties and his heavy-handed diplomacy have infuriated America’s allies, turning friends into foes. (Los Angeles Times 2003a, p. 14b) Most newspaper editorials, because of larger concerns, tended to ignore or to explain away Bush’s mistakes and inconsistencies. Newsday, which supported the war, wrote: ‘Whatever diplomatic mistakes and political missteps he made in getting there, Bush has taken a stand on Iraq from which he cannot back off without damaging his office and the credibility of the nation itself’ (Newsday 2003, pp. 25a, 26a). The opposition to the invasion expressed by many Christian denominations and individuals was more problematic. Many moderate and progressive Christians, as well as many conservative evangelicals, were uncomfortable with a war of choice, or what Bush and the news media called a ‘preemptive’ war – one in which the United States, acting in self-defence, would respond militarily to a proven threat (weapons of mass destruction). Many Americans, Christians and non-Christians, recognised that Bush was really proposing a ‘preventive’ war in which the United States, acting as an aggressor, would launch military strikes against a sovereign nation that might pose an unspecified threat at some unspecified time in the future (Dean 2004, pp. 132–136). But a preventive war would not satisfy the criteria set by Christians like Saint Augustine as early as the 5th century – it was not a just war.5 Many religious leaders refused to endorse a preventive war in Iraq, even though many members of their congregations did. Bob Edgar, head of the National Council of Churches, noted: ‘While we may have been silent then [before the war in Afghanistan], we certainly don’t think the way to get rid of terrorism is to bomb every government. Even bad governments’ (Gibson 2002, p. 6 opinion). The US Conference of Catholic Bishops sent to Bush on 13 September 2002 a letter stating: We respectfully urge you to step back from the brink of war and help lead the world to act together to fashion an effective global response to Iraq’s threats that conforms with traditional moral limits on the use of military force. (Letter to President Bush from Catholic Bishops 2002) The media dealt with the problem of Christian opposition by embracing Christians like Charles Colson (the Nixon administration’s chief counsel and one of the infamous Watergate Seven), who said: ‘Out of love of neighbor . . . Christians can and should support a preemptive strike, if ordered by the appropriate magistrate to prevent an imminent attack’ (Colson 2002, p. 72).6 Like the Bush administration, they also used another powerful propaganda technique: They essentially ignored the criticism. They gave enough coverage to show they made a good faith effort, but not enough to have an impact on the march to war. None of the editorials in the ten largest newspapers mentioned the calls by the major religious denominations or by Pope John Paul II for a peaceful solution and they ignored, downplayed or denigrated the marches and petitions of ordinary Americans against the impending invasion.

Propaganda strategy 4: transferring negative qualities Transfer negative (Table 2) is defined as a process of casting individuals or groups in a bad light by associating them directly or by implication ‘with negative incidents, places, people, or symbols’. The negative qualities ‘rub off’ on ‘the issue being discussed or discredit by implication an opposing viewpoint’ (Tilley 2005, p. 72). France, attacked in 45 editorials, was the prime target, followed by Russia, 19; Germany, 13; and the United Nations, eight. ‘Weapons inspectors’ were criticised in eight editorials, as shown in Table 2. The editorials also attacked individuals like French President Jacques Chirac and Prime Minister Dominique de Villepin and German Chancellor Gerhard Schroeder. Writers typically associated those who did not support the war wholeheartedly with ‘bad’ people. The Daily News (New York) managed to associate just about everyone with ‘appeasers’ when it wrote of Blix’s 7 March report: France and the other eager appeasers should stop their excuse making and do what comes naturally to them: retreat. Unfortunately, they are being handed even more excuses, courtesy of Hans Blix. The chief UN arms inspector . . . is wrapping everything in such carefully parsed language, he’s playing right into the hands of the cave-in crowd. (Daily News (New York) 2003a) The Wall Street Journal, in a particularly harsh editorial, managed to associate former Senate Minority Leader Tom Daschle with the despised French. The last line was, ‘The next time Mr. Daschle says he wants to “work with the President”, at least we’ll know which country’s President he’s referring to’ (The Wall Street Journal 2003, p. 14a). Many of the ten largest newspapers used the transfer negative device in attacking domestic critics of the war. They typically noted that critics had the right to protest, but they clearly wanted to intimidate and silence the protesters, often by casting them as ‘friends’ or ‘dupes’ of the evil terrorists. The Daily News (New York) said that opponents of the war were ‘determinedly blind to the facts’ or were ‘sadly ignorant of them’ and it stereotyped them as ‘peaceniks’ and ‘peacemongers’ (Daily News (New York) 2003b, p. 34). Mackubin Owens denounced in The Providence Journal (RI) ‘the lunatic ravings of those who hide behind the Constitution while trying to destroy it, and whose perspective is not that different from the pathological hatred and fanaticism that motivates Osama bin Laden’ (Owens 2001, p. 7b). Some of the guilt-by-association charges were levelled in clever, backhanded ways. The Dallas Morning News, for instance, chastised Mexican President Vicente Fox for failing to support war against Iraq publicly. The Dallas Morning News noted that Mexico, a member of the UN Security Council, can ‘decide for itself whether to authorize war’. However: Having enlisted to help maintain the world’s security, Mexico should demonstrate it takes that responsibility seriously by supporting the United States. Having thrust itself onto the world stage, it should act with all the courage, wisdom and foresight that its role requires. (The Dallas Morning News 2003, p. 22a) Mexico would not be acting with ‘courage, wisdom and foresight’, presumably, were it to associate itself with ‘them’ by voting against war. The media dutifully reported Bush’s assertion that Iraq had obtained uranium from Africa during his State of the Union speech on 28 January 2003: ‘The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.’ The uranium, yellowcake plutonium from Niger, could be enriched to make a nuclear weapon: Imagine those 19 hijackers with other weapons and other plans – this time armed by Saddam Hussein. It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known. (President delivers ‘State of the Union’, 2003) The media had to report Bush’s use of this propagandistic statement, but they failed to report that the charge had been discredited months before the president’s address and there was no evidence that Hussein was linked to al-Qaeda or the 9/11 attacks. The FBI later determined that two employees in the Niger Embassy had forged the documents and passed them to an Italian national for sale to contacts in the international intelligence community (Isikoff and Corn 2006, pp. 89–90). A few journalists did use an objective approach in providing credible coverage of antiwar perspectives. Knight-Ridder’s Strobel, Landay and Walcott (Strobel et al. 2002), who have already been mentioned, refuted the story about Iraq’s alleged purchase of aluminium tubes to enrich uranium. Some newspapers also published stories like Kim Campbell’s (2003) in The Christian Science Monitor, Laurie Goodstein’s (2003) in The New York Times and David Gibson’s (2002) in the Sunday Star-Ledger of Newark about religious opposition or indifference to the potential war. And some publications transcended some of the propaganda by showing they were at least aware of the potential impact a preventive attack by the good people (Americans) would have on the demon people (Muslims). The Los Angeles Times wrote, for example, that: Throughout the Middle East, a postwar occupation of Iraq would become part of the myth of an American empire come to wreak havoc on the Muslims. This refueled resentment would not make the world safer. It would not make the streets at home safer. (Los Angeles Times 2003b, p. 14b) Propaganda strategy 5: name calling Name calling (Table 2) seems in this study closely related to transfer negative, but it is treated as a separate category. Name calling is defined as ‘negative or “bad” labels or stereotypes (e.g., terrorists, extremists, fanatics, ferals, “rent-a-crowd”) that encourage a summary negative response without examining history, complexity, or evidence related to an issue’ (Tilley 2005, p. 72). The ultimate insult was to label someone a terrorist, whether the accuser had any evidence or not, and it was the most frequently mentioned pejorative name in the editorials of the ten largest newspapers. The terrorist was defined and described by the Bush administration, the media and war advocates as signifying an individual or group as evil, irrational and without goals – and as someone who, without evidence, could be detained indefinitely by the US government. This use of ‘terrorist’, under the definition that prevailed in the United States after 9/11, essentially stops conversation and makes it difficult to find the causes of terrorist behaviour, which is an important step in developing a responsible response to an attack. Saddam Hussein – whose name was mentioned 84 times, often without rancour, in the editorials we studied – was not often demonised as a terrorist, although his name was associated with terrorism. The writers of editorials published in the ten largest newspapers frequently settled for names that carried less emotional baggage than terrorist, the primary one (used 25 times) being dictator. Names that seemed to carry more emotion than dictator, but less than terrorist, were also used, the most favoured being tyrant, murderer and madman, as shown in Table 2. He was also called a monster, bully, thug, megalomaniacal, torturer, aggressive, psychotic, liar, cruel, terror-monger, beastly, deceptive, dirty and dastardly. Propaganda strategy 6: manifest destiny Manifest destiny – especially as used by American politicians since the beginning of the 19th Century – is the ‘deterministic invocation of God (of any kind or faith), destiny, fate, natural processes, or universal design, to lend support to an argument; removal of accountability for an idea or issue from individuals and attribution of responsibility to deterministic “greater forces”’ (Tilley 2005, p. 72). George Bush and Tony Blair tried in 2002 to rally support for the invasion of Iraq by asserting that it was the West’s destiny to protect future generations. They cited a report by the International Atomic Energy Agency (IAEA) that predicted in a ‘new’ intelligence study that Hussein could have a nuclear weapon within six months. ‘I don’t know what more evidence we need,’ Bush proclaimed. ‘We owe it to future generations to deal with this problem.’ In fact, the ‘new’ report was published in the 1990s, not in 2002, and the IAEA did not say Iraq could have a nuclear capability within six months of September 2002. It said Iraq could have had a nuclear capability within six months to two years at the time of the Persian Gulf War in 1991. Journalists could have discovered from the IAEA that Iraq’s nuclear weapons program was destroyed between 1991 and 1998 (Cirincione et al. 2004, pp. 22–23). The media also alluded to manifest destiny when they portrayed the 9/11 attacks as an assault only against the United States: This portrayal ‘precluded other sorts of framing such as “an attack on the West” which might have appeared had we seen the spontaneous street demonstrations of shocked and saddened people in Berlin, Copenhagen, Paris, London, and other parts of the world’. More than 1000 victims of the World Trade Center attack were not US citizens and many of the businesses were international. ‘But ours was an American story’ (Uricchio 2001). Print and electronic media across the United States used slogans such as ‘War on America’ and ‘America’s New War’, suggesting this was a US problem and that it was America’s destiny to solve it (Kellner 2002, p. 147; Nacos 2002, ch. 5). The media dutifully reported Bush’s incessant invocations of God as he attempted to generate support for war. They reported comments like, ‘the terrorists hate the fact that . . . we can worship Almighty God the way we see fit’, and the United States will ‘eradicate evil from the world’ (Kellner 2002, p. 144). The media typically did not greet such expressions with the scepticism they deserved and they rarely noted that many religious leaders viewed the circumstances much differently. God was invoked directly one time and indirectly five times in editorials published in the ten largest newspapers. None suggested that Bush used the word ‘God’ for propaganda purposes. Bush and the media also invoked manifest destiny in their use of words like ‘freedom’ and ‘liberty’. In their analysis of the Bush administration’s use of freedom and liberty, communication scholars David Domke, Kevin Coe and Robert Tynes found that editorial writers for 20 US newspapers echoed Bush’s rhetoric: ‘“Freedom” and “liberty” language and emphasis on these values as universal norms significantly increased . . . after September 11; these shifts over time paralleled the patterns of the president’s communications’ (Domke et al. 2004, p. 23). About 30% of the editorials they studied referred to freedom and liberty after 9/11, and half of those emphasised freedom and liberty as universal norms. What journalists should have done Journalists would have served the public better in the run-up to the invasion if they had adhered to principles of objectivity that were once a tradition in journalism. Had writers, editors and commentators followed these tenets, they would have challenged the dichotomous choices posed by the war advocates. They would have questioned whether there were only two options regarding Iraq, ‘do nothing’ or ‘use military force’, and whether such options as tightening the embargo or giving weapons inspectors more time were viable. They would have challenged the assertion that those who were not ‘with us’ were ‘with the terrorists’. They would have noted that one could oppose a US policy of violence and not be ‘with’ the terrorists. They would have questioned the use of ‘terrorist’, a term that has no intrinsic meaning, and challenged its use as a substitute for thinking. Terrorists were not defined as the powerless attacking the powerful who may have wronged them, as individuals who committed violent acts because they believed they had no other alternatives, as individuals who were foreigners to the Arab–Muslim communities in which they were embedded or as individuals who had legitimate grievances (Ryan and Switzer 2008, p. 304). The media, the Bush administration and war advocates made sure questions were seldom raised about the individuals who participated in the 9/11 attacks or about those who were called terrorists and held without trial following the attacks. The use of ‘terrorist’ and phrases like ‘death cults’ to describe groups and individuals: conveniently allows us to dismiss their obvious and usually explicit political goals as simply a mask for their irrationality. It encourages us to believe that those who oppose us for our actions are ‘in love with death’ rather than being governed by beliefs as important to them as ours are to us. By doing so it indulges us in waging ‘war’ on the manifestations of terrorism rather than dealing with its causes. (Steel 2004, p. 13) Journalists were shamefully careless about relying on partisan sources. Officials in the Bush administration selected facts that supported war, particularly those suggesting Iraq had weapons of mass destruction, and ignored evidence suggesting war was problematic. Journalists were dealing with an administration whose public dishonesty was perhaps unprecedented – a reality that was clear in a report produced in 2004 by the Carnegie Endowment for International Peace, which documented a long list of the lies the Bush administration told about the war in Iraq (Cirincione et al. 2004). The report showed the administration lied about Iraq’s weapons of mass destruction, about its missile program, about its contact with terrorists and about UN inspectors’ findings. Journalists committed to an objective approach could have exposed most of these lies. They certainly would not have disseminated them without caveats attached and without noting the pattern established by war advocates of emphasising facts that supported an invasion and discarding facts that did not. Journalists could have maintained an objective stance by interviewing scholars and consulting easily accessible texts concerned with the methods and goals of international terrorism, including the role of the media in facilitating terrorism. They could have interviewed Muslims, who thought the terrorists’ goals were correct even though their tactics were wrong, and US religious leaders who opposed the war. They could have displayed more prominently the views of those who suggested alternatives to war – such as giving aggressive diplomacy and weapons inspections more time, and tightening the embargo that would have made it impossible for Hussein to ship or to use unconventional weapons – if he had them. ‘Administration assertions were on the front page’ of The Washington Post, says Pentagon reporter Thomas Ricks. ‘Things that challenged the administration were on A18 on Sunday or A24 on Monday’ (Kurtz 2004, p. 20a). Journalists using an objective approach would not have attacked or ignored dissent, as the Daily News (New York) did when it said: ‘the dumb-and-dumber crowd, led by France and Germany, want to give Saddam yet more time. They floated a lily-livered proposal that would extend the futile inspections for at least another five more months’ (Daily News (New York) 2003c, p. 36). Nor would they have written, as syndicated columnist Max Boot did in Newsday, that war protesters are ‘making war more – not less – likely’ (Boot 2003, p. 39a). Journalists committed to an objective approach would have reported that the impending war might trigger a resurgence of Muslim religious fundamentalism in Iraq and elsewhere. They would have noted the potential impact a war might have on the broader struggle over fundamentalism within Islam and its consequences for the war against terrorism. They might have argued that those responsible for the 9/11 attacks would welcome such an invasion in the ongoing effort to rally Muslim support for their crusade against Western culture. One of the ironies in an era of ironies is that Hussein was the truth-teller and that those who were attacked for proposing that the United States ‘do nothing’ were in fact suggesting valid alternatives. Hussein had already dismantled his weapons program and he did not have weapons of mass destruction, a fact that he repeated constantly and that was verified by repeated UN inspections. The problem for Hussein was that he could not prove a negative proposition (just as a defendant at trial cannot, and is not required to, prove innocence). Bush and his cohorts did not feel the need to prove Hussein had the weapons they assumed he did. The mainstream news media accepted the administration’s rationale for going to war without serious question. Indeed, they legitimised and assigned credibility to Bush’s assertions by disseminating them without challenge and by ignoring or attacking contrary information. Whether or not the invasion of Iraq was justified in the war against terrorism is a question that will occupy the nation for decades, for the way in which the United States wages war tells much about the American mindset. The morality of preemptive or preventive wars against non-threatening nations is a legacy this generation of American warriors will leave for future generations to consider. Conclusions The most critical period to date in defining the war against terrorism was 11 September 2001–8 October 2003. The United States faced real choices: to respond to terrorism with military violence and the invasion of sovereign nations or to respond using a myriad of other methods outlined above that excluded state-sanctioned violence. The ethics of the profession demands that journalists – especially during a period of crisis – help identify and evaluate options, encourage an environment of calm determination and help government make the best decisions in the interests of the nation as a whole. This study suggests the US news media between 9/11 and the invasion of Iraq did not fulfil their ethical obligations to the American people or to the international community. Objectivity – the key, we argue, to maintaining an ethical standard in journalism – was almost completely abandoned. Although there were notable exceptions, the news media embraced the techniques of propaganda, consciously or unconsciously, to support an administration that was determined to exploit the fear of terrorism to rally public support for the invasion. News and editorial writers and editors amplified ‘the views of fear-mongering leaders who may stampede populations into approval of war or the removal of civil rights for minorities’ (Ward 2004, p. 327). The media have not, for the most part, acknowledged their responsibility for helping to create and maintain an environment in which no alternative to war was seriously considered. Much has been written about instances of failed media coverage, but individual media have not explained why they abandoned their own ethical standards, and they have done little to reassure readers and viewers they will behave differently the next time a US President tries to use fear to rally the people in a time of real or manufactured crisis (Isikoff and Corn 2006, Rich 2006, Ricks 2006, Ryan 2005). It is not at all clear that many journalists even understand these failures. When Knight Ridder White House correspondent Bill Douglas, a panellist at a 2005 conference, heard someone call the press corps a mouthpiece for the administration, he said: ‘Do not call us mouthpieces because that pisses me off more than anything’. When The Washington Post acknowledged that some of its war coverage was not up to standard, executive editor Leonard Downie, Jr said: People who were opposed to the war from the beginning and have been critical of the media’s coverage in the period before the war have this belief that somehow the media should have crusaded against the war. They have the mistaken impression that somehow if the media’s coverage had been different, there wouldn’t have been a war. (Kurtz 2004, p. 20a) The Washington Post also dismissed as unimportant the revelation from an IAEA official that Hussein had not tried to purchase yellowcake plutonium from Niger. The newspaper said the charge was not ‘central to the case against Saddam Hussein, and it did not even form part of Secretary of State Colin Powell’s recent presentation to the Security Council’ (The Washington Post 2003, p. 22a), a presentation that Powell later said is a blot on his record. Unethical coverage, and a refusal to explain that coverage, can have great impact on the media’s effectiveness as a catalyst for decision-making. Good decisions are based on solid information shared widely within a community. When the media lose credibility because of poor and unethical performance, the body of shared knowledge is suspect, and consensus and ‘right’ answers are harder to achieve. The loss of credibility does not do much for a news organisation’s bottom line, either.

#### A critical media is a critical check to ensure wars are legitimate – otherwise, governments exploit the media to justify conflicts

Eilders 5 [Christiane Eilders, senior researcher in political communication at the Hans Bredow Institute for Media Research, 12-2005, “Media under fire: Fact and fiction in conditions of war,” International Review of the Red Cross, https://www.corteidh.or.cr/tablas/a21917.pdf]/Kankee

Credibility crisis of war coverage To the mind of many observers, the 1991 Gulf war coverage in Germany plunged the media into a severe credibility crisis because of numerous cases of misinformation and an uncritical handling of information sources.2 The equally uncritical reporting on the war in Kosovo deepened that crisis and showed the lack of learning aptitude in the media.3 Media in other countries had also come in for severe criticism of their war coverage even before the 2003 Iraq war,4 but German observers were particularly fast and outspoken in their adverse comments on the media performance. Germany thus provides a good example of how the problem is perceived. Several studies on German coverage of the Kosovo war5 accused the media of having published statements and partly systematic misinformation by political players and military forces without careful prior examination. Criticism also focused on neglect of the controversial issue of the war’s legitimacy. My own content analysis of editorials in German quality newspapers confirmed the absence of a debate on the legitimacy and political appropriateness of the military mission.6 The opinions voiced did not vary widely and thus mirrored the broad parliamentary consensus in approving the war. Alternative perceptions questioning the assumed unavoidability of the mission were hardly expressed. In their discourse the media concentrated on the strategic aspects of war, and failed to raise questions of legitimacy and the negative consequences of the military intervention. Lessons learned in the 2003 Iraq war and their limitations

#### Media plays a critical role over public opinion, which can prevent wars

Eilders 5 [Christiane Eilders, senior researcher in political communication at the Hans Bredow Institute for Media Research, 12-2005, “Media under fire: Fact and fiction in conditions of war,” International Review of the Red Cross, https://www.corteidh.or.cr/tablas/a21917.pdf]/Kankee

Strategies of information control Although the media might lack autonomy and tend to follow parliamentary consensus, warring parties cannot rely on an automatically supportive media attitude. It goes without saying that they constantly develop new information control strategies to ensure that the media do not counteract their views. For warring parties the public perception of the objectives of war and the actual warfare, i.e. public opinion on the war itself, is an existential resource of modern warfare. Nowadays wars cannot be waged without public support. The less the United States relied on the compliance of its allies during the Iraq intervention, the more it endeavoured to convince its own public of the need for that war.14 In doing so, media coverage plays a decisive role. Not only is public opinion expressed in the media, it is also produced and regulated through the media. By keeping media coverage under control, it is possible to sway the general public towards affirmation or rejection of the war. The US withdrawal from Vietnam had been attributed to far too lax media coverage by military circles. The images of civilian victims, of the inhumanity of warfare and of US casualties had been blamed for the fact that the American public deprived the government of their backing for the war. This reasoning cannot be verified scientifically,15 but it led to a very creative handling of new forms of censorship by the military.16 Just recently, a major shift could be observed in the US strategy for wartime communication.17 Military-based “information operations” have replaced the better known foreign policy measures of “public diplomacy.” The US army has started to consider information as a discrete military feature, now that various military conflicts have shown that military superiority can no longer be converted outright into political superiority. The so-called information doctrine of 1998 finally made information a foremost priority of all military actions. Under the generic term “information operations” military and media instruments were merged. The high-tech concept of electronic warfare now also includes information security, public relations and perception control as well as instruments of public diplomacy. The idea is to modify perceptions among elites, soldiers and civilians and get them to understand that war is fought in people’s minds rather than on the battleground. Information is now supposed to preserve other military resources. The resulting military management of information is concerned either with domestic or foreign stakeholders in politics or society or with the warring parties involved. The most important objectives are legitimation, deterrence and camouflage. To achieve these objectives various approaches are adopted: besides securing one’s own chain of information and commands, the regulation and selection of flows of information are reckoned to be decisive for military superiority during war and in times of peace. Disruption of the opposing side’s information processes through information overload is considered just as essential as systematic deception and force multiplication through communication. Mass media are utilized for all these strategies: embedded journalists, the planning and implementation of media campaigns on military issues and the building of military TV stations are only a few examples of such use. The new strategies have proved successful, at least in the short run. During the 2003 Iraq war, for example, the US army took only one tenth of the number of prisoners it took in the 1991 Gulf war — as this time many Iraqi soldiers refrained from joining in the hostilities. Szukala also shows, however, that the successful regulation of intensified and systematized media relations gives rise, at least in the long run, to the problem of a “growing credibility gap.”18 The strategy of embedded journalism