

THE BROOKINGS INSTITUTION

WEBINAR

SAVING THE NEWS

Washington, D.C.

Thursday, July 29, 2021

PARTICIPANTS:

E.J. DIONNE

W. Averell Harriman Chair and Senior Fellow, Governance Studies
The Brookings Institution

MARTHA MINOW

Author, "Saving the News"
300th Anniversary University Professor, Harvard Law School

TOM WHEELER

Visiting Fellow, Center for Technology Innovation
The Brookings Institution

* * * * *

P R O C E E D I N G S

MR. DIONNE: Welcome everybody. It is so great to have such a large audience with us today. And that is a sign of how important this conversation is and how important Martha Minow's book is. I'm E.J. Dionne. I'm a senior fellow at Brookings and it's a deep honor to do this not only because I usually admire this book. I think it is perhaps the best book I've read, honest and true.

And I've read a lot books about this on the current state of the media and what we need to do about it. And it's also in the best sense of the word the most challenging book because it steps way beyond solutions that are typically kicked around to try to deal with fundamental issues that the media face.

Before I go on, I really want to thank Carl Solaria (phonetic) for making this possible and also Kelly Parsons. I want to thank my assistant, Megan Bell, who was there at the inception and also Darrell West, the head of the Governmental Studies department at Brookings who as soon as I suggested this, welcomed it instantly. And that's because he knows, I think, how great Martha is.

She is simply one of the best people I've ever met. I'll just get that on the record so I can see my bias openly and happily. It's a real sign of how much people think about these issues that in advance of the event, we have gotten an extraordinary series of questions. And I promise you that Martha will see them all.

We will not have time to deal with every single one of them, but I'm just going to read a few of them right off the top to get you a sense of what's on people's minds because I think Martha is going to answer some of these questions right up front in her conversation.

My favorite, for reasons my colleague, Tom Wheeler, who is coming on later will explain, was from Christine Kabrol (phonetic) who asked, how vast is a vast wasteland of today's media sources. We had a great question from Marvin Kalb, my Brookings' colleague and a very distinguished journalist, who asked from what part of the government should one

realistically expect action to preserve the press?

Remember Martha's book is called "Saving the News: Why the Constitution Calls for Government Action to Preserve Freedom of Speech." We had a question from Hannah Hunter: how do you rebuild trust with an audience that has already left the information system we know of as news?

And one, I'll do one more, and I hope I pronounce your name right. Tom Grabisage (phonetic), what kind of news will win local publishers? The divorced audiences they struggle to attract? I've only scratched the surface here.

Last, I want to say that you can send your questions in and I will see them as the event goes on either one of two ways. Either to events@brookings.edu or on Twitter #SavingTheNews. For the sake of Martha's book sales, let's make #SavingTheNews go viral. And lastly, you can buy this great book by going to our Saving the News event's webpage and clicking the link that you will see there to get the book.

So, let me introduce Martha and also further the moment, invisible Tom. But Tom will be visible before we're done. Martha is the 300th anniversary university professor at Harvard Law School. She taught at Harvard Law School since 1981. She served as dean from 2009 to 2017.

I can't tell you the number of extraordinary people who had Martha as a professor, but one you might have heard of is a guy called Barack Obama. But the list goes on from there.

Her work focuses on advocacy for members of religious and racial minorities. She studies communications in democracy and ethnic and religious conflict. She helped launch the Imagine Coexistence, a program for the U.N. High Commissioner for refugees to promote peaceful development in post-conflict societies. She's written a slew of books. She writes them at about the pace that I write newspaper columns and they're really good.

The most recent is "Saving the News." She also wrote a wonderful book

that I commend to everybody called, "When Should Law Forgive," which actually maybe remarkably relevant to our moment, but we won't go there today.

My colleague, Brookings' colleague, Tom Wheeler will open the questioning. He's a businessman and author. He was chairman of the Federal Communication Commission from 2013 to 2017. He is now a visiting fellow at Brookings. At the FCC, I could go on and on about Tom, but I'll just say this. At the FCC, he led the efforts that resulted in the adoption of net neutrality, of privacy protections for consumers, an increased cybersecurity among other policies. That's a pretty damn good record. So, I'm really grateful that Tom eagerly wanted to be here for this event with Martha.

And I will stop now because I can't wait to hear Martha tell us how we are going to save the news. Welcome Martha Minow.

MS. MINOW: Thank you. And thank you all for being here and for making this possible. I think we're living in so many crises, we can be overwhelmed and even exhausted by them.

But one does seem to me at the core of political difficulties even our issues about the vaccine hesitancy is the crisis of the news. There's only one private industry that's mentioned in the United States' Constitution and it's the press.

And it's mentioned with the grant of protections. And yet, right now in a way that the framers may not have been able to imagine, the press in serious danger. We have thousands of communities that are really called and appropriately so news deserts because there is no local news. There are no local reporters. There's no local newspaper. There's no local media at all.

And in many, many places where there is local news, it actually is recycled. Features that are played across chains of outlets that are owned far away with no local reporters.

Have media was essential for the founding of the country, for self-government and continuing to the present. Media is essential for the accountability not only

of government but also of any centers of power. It is also essential for information about education, about health, about environment.

And the crisis, I don't think it's an overblown statement to say that we are experiencing one. I think that every single day, we hear about the firings and the letting go of employment of journalists that's newspapers but also any other media including television, cable. Newspapers reduce their employment by 47 percent for a decade up to 2018, it has only escalated ever since.

During the pandemic, in one month alone, COVID-19 caused a 30,000 staff of news media organizations to be laid off or furloughed. I could go on and on about those numbers, but more importantly is the effect. I was very struck maybe some of you were too when the Department of Justice did the investigation into the killing of Michael Brown in Ferguson, Missouri.

One of the things that was exposed was not only the dependence of the judicial system on fines and fees laid on the backs of poor people, but the lack of any local news. There was no one investigating what was going on there.

When we have lead in the water in Flint, Michigan, we all learn about it because there was local news. I talked with the public health person who blew the whistle there and she said, there are hundreds of other Flint, Michigans. We just don't know because there's no local news reporting on it.

So, when newspapers disappear, when media doesn't exist locally, there's a loss of the tent poles of the local community that enable connections and enable the kind of civic engagement that the democracy expects. With the decline of the news industry, we actually also see the rise of websites masquerading as journalism but not really being it at all.

And we also, of course, have the flood of the internet, which takes me to the causes of our current situation. I think there really are three. One is the rise of the internet so that there's a migration of attention, and frankly, advertising dollars to internet websites

and to internet social media. That means that these major sources of prior funding for media are funding activities that are not plowed back into reporting, not plowed back into stories.

Secondly, we have a kind of investment practice so that we have purchasing of chains of newspapers, for example, and of other media in order to get the subscriptions. But again, not to reinvest in the development of media.

And the third, frankly, is again related to the rise of the internet. The very benefit of eliminating intermediaries so that anybody can try to talk with anyone means that we've eliminated intermediaries, so the quality control is not there. I think there are good things about this, but we're all living in the period of disinformation, misinformation, fake news, floods of news. What some people call an infodemic, too much information. Not even call it really information, just noise.

And as any good lawyer knows in the litigation context, one way to hide information is to bury it in piles of material. And unfortunately, I think that's part of our crisis right now. We have an attention scarcity and we have money now concentrated in only a few digital companies.

Facebook which has, of course, more users than there are citizens of any nation. It has actually stepped up and tried to behave more responsibly than some sites. And yet, I think it is fair to identify many aspects of the current problem to the behaviors of Facebook and Google and several other of the big digital media companies.

But a second part of my argument is that besides a crisis, this is something that is fixable. In the past, we have actually lived in a world with media shaped by government. Now, I believe and the First Amendment's prohibition against the government controlling content. But the United States government has always contributed to supporting the development of media whether it's with the subsidies that the postal service has had since its founding to make it easier and cheaper for news to circulate or it is the regulation of the antitrust and economic concentration of ownership of media.

The government has deeply involved in the development of new

technologies of the media whether it's the telegraph or, for goodness sakes, the internet which grew from an investment by DARPA. It was a Defense Department innovation. You know, the algorithm that's at the core of Google was financed by a national science foundation grant.

The government has been involved in also in addressing public broadcasting. Making a competitor to the private industry. And in requiring manufacturers to include sufficient space so that the VH tuners could actually make room for more choice and the auctioning off of the spectrum creating funds that can be reinvested.

So, I can go on and on, but the government has always been involved. And I'm calling for the government to step up right now. I think that there are steps that can be taken. There's no silver bullet. There's no one solution that could fix the current problem. But I think there's two major types of solutions and some combination could make a real difference in our current situation.

The first is to tackle the forces that are undermining the viability of private news organizations. And the second is to amplify support sustain a variety of public interest, nonprofit alternative media sources.

So, I'll be brief in describing these because I actually -- I on one count have 14 recommendations. I'm sure we'll get into this in the discussion. But in the first bundle to tackle the forces undermining the viability of news organizations, one measure would be to actually enforce the electro property laws and require social media to actually find a way to compensate when they harvest or allow others to harvest the products of other news organizations and draw attention by doing so.

Another would be to alter the immunity that's currently granted to platform companies for the same liabilities that apply to conventional media so that they're not getting subsidized.

A third is to actually enforce and bolster consumer protection so that when we have terms of service agreements, we have the harvesting of private data that is really

the goal behind the social media industry. That it is not just depriving individuals of choice and information, but actually revenues can be shared again with the news industry, the media industry. We could tax the internet companies and cordon off at least some of the revenues and plow it back into the media ecosystem. You get the idea.

The second set of ideas are specifically then to provide more support. And yes, I'm worried about government control of content, but I think we've had good experience with public broadcasting and the ability of the government to create insulating mechanisms. So, it's not the government deciding what is broadcast. And there's similar proposals for building and investing in a public internet to create competition and something that's more reliable.

There are other proposals and I'm sure we'll get into them. One that I'm interested in thinking about is what would be a modern, up to date version of the Fairness Doctrine? Is there at least some way to help people get more information about what they're not seeing? What's the pattern of their information consumption? What would be an alternative?

So that's basically almost what I want to say, but I have just two closing thoughts before the discussion that I really look forward to. I return to the Constitution. I think that what is perhaps surprising in my argument is that I think that the First Amendment is not just a negative prohibition.

It's not just telling government hands off because as I've just described, the government has been always deeply involved in media. I think that in fact the presumption that there is an operational media and the devastating decline that we're seeing now calls for government action to sustain the media and to build it, and to build news in particular. And I do think that there's an affirmative. There's an obligation on the government to act. That's unusual.

And here's the last bit. If I am wrong about that it's not because of the language in the Constitution. It's because the courts have begun to go off the rails in their

interpretation of the Constitution. Striking down even laws that require disclosure, for example, of campaign contributions. A kind of liberal terrorism, an idea that really the First Amendment is simply a corporate antiregulatory provision. It's not.

The First Amendment was meant to guarantee what made the revolution possible, which was the expression of ideas and criticism and the circulation so that people could govern themselves. If that's in jeopardy, then the Constitution is not a suicide pact and we need to see our government act. Thank you.

MR. DIONNE: Thank you so much, Martha. And that is a wonderful use of the oval line, the Constitution is not a suicide pact to a new purpose. I want to say one thing and bring in Tom because there was one thing, I forget to say about him.

I think it's so we forget what the subsidies for the circulation of newspapers meant at the beginning of the republic because that was an enormous, enormous monetary contribution to the thriving of an American media. Because in many parts of the country people had to subscribe to, say, the New York Tribune or some other paper or Boston or Philadelphia or Washington to get it out to rural America before papers were established there.

I think if we forget that we forget the whole history. I'm so glad you underscore that and it's why the Constitution explicitly calls for post offices and post roads.

About Tom, I forgot to do one of the most important things you could do which is mention the title of his book because it's a great title, and it shows why he's here. His recent book is called *From Gutenberg to Google: The History of Our Future*. And you will see that Tom is really a cool tech guy and I'm not because he has one of those tech open shirts and I'm very this into this thing called a necktie. Welcome, Tom Wheeler.

MR. WHEELER: You know, E.J., I've had a lot of introductions but none like that. Thank you.

It is a real privilege to be here with you, E.J., and with Martha. And let me just second what you said about saving the news. What a great book. What a fun book. It

is chalk-a-block with facts and insights that make it just a lot of fun and very stimulating to read.

So, Martha, I want to pick up on, you know, I think probably the two key things that I took away from the book and I'm macroing it. Is one that you keep talking about and you just reinforced in your conclusion there about how the First Amendment presupposes the existence of a free press.

And then you make this very interesting insight that says, the probably is that we have been focusing on the rights of speakers and ignoring the rights of listeners, which is just a great way of positioning this whole discussion.

But my question for you, and I know that you spent 200 and something pages answering this. And so, we only need an answer in three minutes, but my question to you is how do you get there from here? I mean, yeah, you've got these 14 different proposals. But we've got a reality where the economic interests are served by the status quo. Where the political interests including of those who rail against web services are served by the status quo.

And this kind of picks up, I think on what Marvin Kalb was asking and that is, okay, how do we get to the point where we're paying attention to listeners, not just speakers?

MS. MINOW: Well, thank you for that wonderful question and also for your own terrific book and your outstanding work to make communications better in this country. And leave it to you to put your finger on really a core point which is the First Amendment does, of course, protect all of our freedoms to speak, but it also protects our ability to receive information, to hear, to obtain information.

The courts have acknowledged that. It's not been a dominant theme, but it has absolutely been recognized. But operationalizing it as you say is really, really challenging. I think about it in the way that the word ecosystem has come into this field, which is we need a healthy ecosystem of information.

It's not that anybody has an enforceable right to get a subscription to the New York Times or the Sacramento Bee. It's that we need to have an environment in which there can be those producers and in which the readers and users can actually obtain. And in the current age sort through information without it being deluged.

Just let me take an example. You know, I think a popular misunderstanding is that the First Amendment applies to social media platforms. And so, they cannot moderate, they cannot edit. Of course, that's false. The First Amendment does not apply to private entities. But let's just take the issue of moderation seriously.

Every social media platform absolutely moderates. Even the ones that claim they don't, and if they didn't there would be an overwhelming amount of spam or its equivalent. So, the sorting function is what's critical. And what seems to me, one half of the problem right now is the internet companies haven't been held to an adult level of responsibility for the power that they now exercise.

So, I mentioned eliminating or modifying the immunity of Section 230 of the Communications Decency Act. It, again, is not a silver bullet, but it's a symptom of the moment. When the internet was created, you know better than I do, Tom, there was this, you know, hope that it would take off and support new industries, but no knew that it would. And so, the creation of an immunity was very much with this fuel of, well, we need to insulate from competitive pressures and the burdens of law, these fledgling new companies.

Well, these fledgling new companies are among the best capitalized companies in the history of the planet. They do not need to be insulated anymore. And that's just a hint of taking responsibility for the power that they exercise.

So, when I say ecosystem, and this is the other half of the agenda, I think that amplifying the competition from public media is one way to improve the ecosystem. You know, the success of Sesame Street to me is shown by the fact that it's now on a private network. But it took the creation of public investment to show that there was a market for children's television. And to create an environment in which there's a competition for more

quality.

And so, I think government investments in a public internet that maybe can demonstrate how you can actually identify more reliable information than the current private sector has done. That might too show that there's a market.

MR. DIONNE: So is it inordinate to say today is brought to you by the letter S as in saving the news, which is what kicked this off. Tom, come on in because I wanted to ask you a question that would actually go to Martha but to you too. But Tom --

MR. WHEELER: I just wanted to follow up one second on what Martha said. Really a profound response.

We are now seeing the courts turn the First Amendment into an economic tool. You know, your former colleague, Elena Kagan, I think calls it weaponizing the First Amendment.

Justice Cavanagh, when he was a judge in the D.C. Circuit ruling in the open internet, in the net neutrality case, said that there was a First Amendment right that Comcast or Verizon or AT&T had to discriminate as to who got -- be able to reach the three of us and everybody who is listening here on the internet. And how do we get beyond that kind of thought process? This weaponization you talked about?

MS. MINOW: Well, I am very worried about that and as I have pointed out, you know, it was the Court of Appeals for the Fourth Circuit that struck down Maryland's campaign finance donation requirement. And the weaponizing has extended so that I think there's even concern about forced disclosures by the Securities Exchange Commission.

I mean the fact of the matter is as my colleague, John Coates, has demonstrate. The lion's share of First Amendment cases that have been brought in the last 20 years have been brought by corporations as a deregulatory tool. So, we can blame the courts, but it's really actually a bigger problem about who's using the courts and who does not have access to the courts?

You know, I'm an academic so I believe in information and learning and I'm

hoping that criticism of this direction is at least helpful. But, you know, it probably will be more important to change who gets appointed to courts so that people actually are concerned about the public good and not just the corporate interest.

MR. DIONNE: I just want to say two of my personal obsessions are political reform and the direction of the courts. And I didn't plan this, the direction of this conversation, but I think it shows how these issues keep coming at us in so many different ways.

The question I wanted to ask, and I'd love Tom's response to your response, is, you suggest treating internet platforms as public utilities and you proffer that to antitrust action. One of the reasons I like this book, 148 pages – this is chock-a-block full of ideas and in only 148 pages – one of the reasons I like this book is you really take on hard issues. You take a stand that people can argue about. And I think this is a really important - - these are important alternatives. Why do you land where you land, Martha, on that one?

MS. MINOW: Well but thank you for at least anticipating that I'm going to be attacked very quickly. But I think that the structural features of the internet are clearly one of the big issues that we need to address. And I don't think it's by accident that we see drumbeat and bipartisan interests in dealing with concentrated wealth and dealing with monopoly power or oligopoly power.

And I predict we will see a lot of proposals. We already have under the Biden administration, new people in place at the Federal Trade Commission, the Department of Justice. We have people from both sides of the aisle in the Congress calling for antitrust and breaking up big internet companies.

I'm skeptical about that as a solution. Although, threatening it seems to me a very good strategy. Not only because it may lead to more responsible behavior, but maybe it would lead to consent decrees and voluntary, semi-voluntary action by the companies. But I think that the -- let's take Facebook.

Let's say break up Facebook. Facebook is broke up until five companies.

They're still going to be among the biggest companies in the world. And that's not even getting to the just practical problems with antitrust proof, which in the current day requires something about harm to consumers. And under current law, the fact that social media companies give their products so-called for free is already a barrier.

Although, I think we should all recognize that we're giving over our data and that's not for free. But more importantly, a big AT&T antitrust actions, IBM antitrust actions. We're talking at the minimum 10 years of litigation. And maybe at best a consent to agree or a settlement.

This is a crisis. We need action now. So, I come to the public utility framework in part because I do believe the structure of the investments, the environment here, the nature of the corporate control is a big problem. I just don't think antitrust is the solution.

So public utility is an old framework. It's not designed for our current moment. And yet, it has some qualities that fit our current moment. You think about the electric company. You think about the water company. They could be held in private hands.

I believe in the profit motive. I think that competition is a really good thing. But where there is a good that we all need that it's a necessity that we can't really live without it then the -- and it requires large capital outlay. Then there is going to be a tilt towards competition that doesn't succeed and consumer demand that can't go elsewhere. And that's what we have with the big internet companies.

So public utility framework would allow there to remain private ownership, but to have regulations. And the analogy would be that there has to be universal service. But I think the analogy here or the particular direction of public utility regulation might be there has to be consumer protection. Where there has to be some kind of disclosure of the architecture of the social media sites and an ability to opt out of auto scroll so that your 12-year-old doesn't end up down a dangerous rabbit hole of increasingly extremist's, terrorist's information.

Right now, we have nothing that halts that activity. And instead what we have is a marketplace that has shown that engagement with outrageous terrifying and horrifying material. That's the way that advertisers make their money with the eyeballs. That's how the media companies are making their money. And if there isn't a halt to it, frankly, not just democracy is in danger, but with the recruitment of terrorists I don't want to be extreme about this, but I served on a commission on recruiting violent extremists.

There are people getting up every day trying to figure out how to recruit the 12-year-old.

MR. DIONNE: Tom, do you want to get in on this?

MR. WHEELER: I think what you and I are violent agreement as to results. And our real only difference is the terminology. You know, a public utility is something that is so important that to everyone that government goes out and engages a supplier and regulates the terms and conditions of that.

You know, losing Facebook is not the equivalent of losing water, but -- and one of the things that you point out --

MR. DIONNE: That's the quote of the day, Tom, by the way.

MR. WHEELER: They -- one of the things that you point out in the book is the need for some kind of a commission to establish standards. And there absolutely.

And what we need to have -- we need to be thinking -- so utility to regulation is an industrial concept. And we need to break from the industrial era concepts and get to internet era concepts that don't change the responsibility but do change the way in which that responsibility is effectuated.

You talk about standards, for instance, as one of the things you want your commission to do. I totally agree. As you know, here at Brookings and up at Harvard, we've suggested the creation of a new digital platform agency. But the point here is that we have an incredibly successful technical environment based on constantly evolving technical standards.

You know, we've got from 2G to 3G to 4G to 5G. My goodness, how did that happen? The standards for the technology evolved. What we don't have anything of are behavioral standards. The companies make the rules. And when the companies make the rules, guess who those rules are going to benefit?

So, all I'm suggesting is that I think you're right in the results. And we need to have behavioral standards. We need to have government oversight and enforcement of those standards. But I question whether it really is a utility regulation.

MS. MINOW: You make an awfully good point. You know, maybe we'll see a Congress that actually acts. So, I was trying to think through what if Congress doesn't act? What's available?

MR. WHEELER: Yes.

MS. MINOW: But if Congress is willing to take up the charge that you just described and to actually invest significant resources that it would take to do it well. One of the dangers, of course, is that the arms race right now, the companies have much more resources than the Federal Trade Commission has, the Department of Justice has. So how to make it actually real is a large part of my concern.

But no, I'll accept violent agreement. I think that's great. And I think that if there were some of the reforms of the sort that we're talking about that is one way to rebuild trust as one of the questions was rightly asking.

You know, there's a reason to have distrust when there is equal result of your search for misinformation as correct information about whether the COVID vaccine interrupts your DNA. There's a problem here.

MR. DIONNE: Let me first remind everybody that you can send your questions into us at events@brookings.edu or [#SavingTheNews](https://twitter.com/SavingTheNews) on Twitter.

We have a bunch of really good questions that came in on local news. And my colleague at the Washington Post, Margaret Sullivan, has written a great little book on news deserts and the problems facing local news, which I think is the largest -- it maybe one

the largest crisis we face.

National and international publications can survive online a whole lot easier than local newspapers can. And just to shout out the participants today. I mentioned Tom Brubasich (phonetic), and again I apologize if I got your name wrong, who asked a question about this. Mark Greenberg talked about the threat to local newsrooms from hedge funds. He mentioned Alden (phonetic) and Caroline Kaywood also mention Alden.

And then related to that we had a question that came up just shortly, a little while ago. What is the actual and potential role of municipal owned and cooperatively owned cable and other communications systems? And so, that is one concrete solution.

There is also the Local Journalism Sustainable Act which was a bipartisan bill. Ann Kirkpatrick, a Congresswoman from Arizona, a Democrat, and Newhouse a Republican from Washington it's tax credits for subscribers. We'll have newspapers and small businesses that advertise with local media. What do you make of that as an idea? It goes to Marvin Kalb's earlier question; which parts of government might be helpful to media? So, talk about all of this in the context of the crisis of local media.

MS. MINOW: I agree that local media is the biggest -- the bleeding edge of the crisis. And we saw during this COVID era the hunger people have for relevant, timely information. Not just about where a vaccination site is but, you know, what is going on in the local community?

I think that the Local Journal Sustainability Act which was actually introduced into the Senate this past week by Senator Cantwell has a lot going for it. It is in essence using the tax device which could happen at the state level as well, by the way, not just at the federal level, to create a kind of subsidy. A public subsidy with the three different actors.

So, a tax donation by individuals can be deducted. Whether it's in the form of a subscription for a local news outlet or it's a donation to a nonprofit organization. A tax credit can be given to small businesses if they advertise in a local outlet. And a relief from

the payroll tax can be given to the entities if they hire additional journalists.

I think that those are very promising for a couple of reasons. One, they pluralize the sources. You know, it doesn't put the choices in the hands of the government. It's in the choices of individuals and small businesses. What kinds of outlets they want to support? And secondly, it really does recognize that if there isn't investment put back into the local news, it will not survive. Which takes me to Alden and some of the hedge fund purchases.

At the moment in the United States --

MR. DIONNE: Do you want to explain for those who aren't into this issue just a little bit about it.

MS. MINOW: Yes. Half of small rural, small town suburban newspapers in this country are owned by hedge funds, which means that these are entities that are buying what they see as a source of income, a steady stream because there is still subscription income but they are strip mining.

Almost all of them are using it to take the money out, which is often what hedge funds do. Break up or close the entity after taking the assets away and what they're not doing is it rebuilding a business model that is sustainable or finding ways to reinvest. And instead, they're cutting staff. That's one of the major drivers of the numbers that I refer to of the reductions. And the numbers of people in America who make a living as a journalist.

You know, they're probably -- we are living through what has a combination of technological and environment sociological changes. Probably we're going to live in a world where digital first. Maybe digital only is the way that media communicates. I'm old fashion. I like hard copy. I like paper. Maybe better environmentally. Although then there's the energy issues. We can go down that rabbit hole too.

But I think that what it takes to make the transition for these small-town newspapers to something that's sustainable is not going to be found by the national or

global hedge funds looking for quick return on their investment. It's going to be found by steady and slow investment. A combination of philanthropic and local and subscribers. There's not going to be one revenue source, but probably more and more of these possible sources of media will have to be digital or digital first.

And I'm worried that by the time that any action is taken, we'll just have more and more and more deserts. I do think that the local news problem is maybe we see a little bit of light. A recent report I saw this week is that some of the big chains like Gannett are selling their holdings to local purchasers because there's now enough of an outcry that you can have circulating these features that have nothing to do with the local community only so long. The subscriptions are going dry up. People are not going to keep coming to it.

I also learned something interesting about data analytics, which, you know, it's a balloon to all of us. But the question is what are they used for? If the data analytics about digital users help the L.A. Times discover as it did that it can convert a reader into a subscriber if they're interested in three areas of content. You know, it's like politics, cooking, sports. That's useful information.

And that's the kind of information that could be shared, you know, across many different local communities. More research about what does it take to get subscribers? More sharing of backend offices.

You know, frankly, local governments to go to Marvin Kalb's question. The local governments state and local governments could do a lot to have any trust exemptions, for example, to allow consortia of local entities to share back offices, to share data analytics. You look at something like ProPublica. Wonderful model, a national investment in collecting information, building databases, but then making it available to local news so that when there is a database assembled about over prescription drugs by name of doctor. A local story can easily be written about the local doctors.

So, the same way that the Associated Press actually has to make its resources available the Supreme Court says. It can't exclude. It can't pick and choose who

is going to be a member. We could imagine consortia associations that support a variety of local news.

MR. WHEELER: And let's not forget broadcast outlets.

MS. MINOW: I was just going to ask you about that. Thank you.

MR. WHEELER: So, I mean and try to go back to Marvin Kalb's question again. So, the federal government licenses local broadcasters with the public's airways. Gave them away for free to local broadcasters to serve the public interest, convenience and necessity, and to provide the diversity of voices.

The problem that the FCC constantly confronts and it was raised to the nth degree by the Trump FCC unfortunately is that broadcast consortiums come in and say, oh, we have so much competition from the new media that you must allow us to gobble up our competition here in town so that we can have one studio and speak with one voice. Cut out all those pesky reporters and all this sort of thing that we need.

And the Trump FCC went whole hog in that direction including, if you can believe it, repealing the FCC rule that it existed forever. The local broadcaster had to have a local studio. That's the reason you're given a license. And so, what we're seeing is that this, all my goodness, we have all this new digital competition is being manipulated to argue why we should have no competition in terms of the video delivery of local information.

MS. MINOW: So, the very best part of my book is the fact that it's written by my father.

MR. WHEELER: Yes.

MS. MINOW: My father knew --

MR. DIONNE: And that's where a vast wasteland comes in just for those of you who didn't catch the joke at the beginning, but go ahead.

MS. MINOW: And one reason, he as Chair of the Federal Communications Commission and as someone involved in media for his entire career since. He emphasizes in the preface that those two words, public interest, have been disappearing and that the

Federal Communication Commission frankly has in its statute but does not enforce the public interest requirement in the licensing process anymore.

So I agree whole heartedly and I want to pick up that question about cable as well because with cable it's going to be as much the local government that has to act as it's renewing yet again the monopoly to a particular cable provider who is not providing local coverage at all or quality at all.

There are, unfortunately, many, many parts of this country where there's no choice. And that is a major, major problem.

MR. DIONNE: I want to say if you love family values, you've got to love this book because Martha's book is an omiyage to her dad who was the head of the FCC. And his preface is an omiyage to his daughter. It's a wonderful twofer there.

MS. MINOW: Well, I have to add the threefer which is the title came from my mother.

MR. DIONNE: Oh, I love that. Another reason you should order this book. We don't have a lot of time left. And there's another issue that has come up a lot and it's very much on our minds with the disinformation around the virus.

And that's how do you deal with disinformation? And a couple of our questioners who have come in. Robert Workman and John Majors both in different ways raise the issue of how do you deal with disinformation, untruth in ways consistent with the First Amendment? And what do we do about this mess? Because it is a mess. And not only has it caused immense -- has it caused a large number of problems in our politics but now it's playing games with life and death when we look at what's happening around the virus. Politics is life and death too, by the way.

How do you talk about this large problem and a bit about how you deal with it in the book?

MS. MINOW: Well, I'm glad you said talk about it because this is one, I cannot solve. I can say something about it. You know, one thing I can say is that a lot of the

objections that the social media companies had to being given a responsibility of monitoring content diminished dramatically during COVID.

And the objections that took the form of, we are not capable. The scale is so enormous that we can't monitor what's going on. Well, enter COVID. And suddenly, it turned out to be not only possible but a selling point for Facebook and Google to be able to say, we will highlight the reliable sites.

Now, that's not the government telling them to do it. That's in their own self-interest, but it's also their acknowledgement of the public interest that they really do need to take into play. Here's where it gets really hard. When we're dealing with so many aspects of our lives where what is true is not so clear.

I mean even when it comes to COVID information. Should you wear a mask or not? The best advice was changing. It's changing again.

Who decides what's true or not true? If we were to have more enforcement of consumer protection, we could at least have some guard against fraud. If we were to have some requirement that bought accounts, robot created accounts for foreign information. Had to disclose its sources. That would be helpful. But when the government gets involved in trying to decide what's reliable or not reliable, I really worry.

We look at how governments in other parts of the world take that claim of misinformation as a justification for silencing criticisms of the government. So, I come back to the ecosystem and how do you create competition? How do you have a public media site?

Among the most trusted news sources in America are public media. Public radio, also very trusted, more trusted than almost any other are local media. So, let's bolster the ones that are trusted and trustworthy. And have them compete. Have them set a standard. But I think that this -- the problem is, and it goes to a question that you said at the top of the hour, how do you rebuild trust when it's been lost?

It's really, really hard because what trust requires is believing that the

person or actor on the other side has your interests in mind. And what we see over and over again is that is not what the information ecosystem is about. It's about manipulating people. It's about actually exploiting our cognitive foibles and blind spots. I mean the social media companies have on full employment psychologists who advise them how to activate the emotional part of the brain rather than the reasoning part of the brain.

So, this is a very serious problem that is unprecedented. People say that human beings evolve to be able to be in environments where they could know 250 people. Imagine now, you have literally billions of people potentially that you could be in contact with. We do not have centuries to evolve the social practices that we need to deal with this.

We have to figure out something and something soon.

MR. WHEELER: So, E.J., let me just interrupt. I wanted to bring you in. I want to throw a question at Martha to close it out. We've got about five minutes left. I really wanted you to come in on this. But Martha just to tip you off in advance for you to think about it.

This is not the first time in our history where we've been moaned to state the media. And we've gone through many media revolutions in our history. And so, I'd like you to look back. Take us from that history to now. What do you see that we need to be worried about and afraid of? And what do you see that we might be hopeful about from that past.

But, Tom, come back in on this other question.

MR. WHEELER: Well, we are incredibly simpatico on this point that you just made. The point that I was about to make is, you know, we also -- E.J. and I have a wonderful colleague by the name of Jonathan Rauch who wrote another fabulous book called the *Constitution of Knowledge* in which he talks about yellow journalism.

And how it was scourged, you know, towards the end of the gilded era. And how did they overcome that kind of -- same kind of manipulated use of the means of expression? And that was by the creation of standards. Professional standards, behavioral standards, et cetera. And that's what we don't have right now because it's the companies

that are making the rules.

So, this takes us back to Martha's earlier suggestion that really what we need is how do we get to the point where we are debating what the standards should be? And how do we put in place a structure that will deliver standards? Not necessarily government-based but at least government supervised and enforced that can attack this the same way yellow journalism was attacked.

MS. MINOW: So perfect. And that is exactly where I was going to go. And I think Jonathan's book is pointing the and picking up the period that E.J. wanted me to note. The yellow journalism being one of the dark moments in American media. And it was self-regulation. It was the creation of standards by journalists, not by the government.

And I'm interested in what would it take to create a climate where that kind of voluntary action is either nudged or maybe required. So, go back to the immunity given to the social media platforms. If it was conditional immunity, which another one of your colleagues, Ben Wittes, has argued for.

If it were conditioned on the creation of standards which are then not government mandated, but subject to review maybe by independent groups. They're critiqued. They're compared with other standards and a requirement of compliance and disclosure about how are the companies actually monitoring? What are they revising? Then we could have a virtuous competition. And that is I think the direction that we need to go.

MR. DIONNE: Thank you so much. I'm going to ask my friends to give me just maybe a half a minute or maybe a minute extra because I want to read the -- from the end of Martha's book.

I want to thank Martha. I want to thank Tom. I want to thank all the people who joined us today. And thank you for your concern about the state of the media and our democracy.

You just got a taste of what you're in for when you order and read Martha's book. And I just want to read you the end because I think it will make you want to join this

conversation yourself.

The success of our Constitutional experiment depends on our ability now to enable in our rapidly changing world the production, distribution, rigor, and trust in news that are essential to a democracy society. The framers of the First Amendment understood this when they committed to protect freedom of the press. The only private business named to the Constitution the tools to do so are within our reach.

Thank you, Martha, for reaching for them and may we all join you in this quest. And thanks everybody for joining us today.

MS. MINOW: Thank you so much.

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2024