The media make up one of the most unusual institutions of American democracy. They are not a singular institution, such as the Congress or the presidency. Rather, the media comprise an industry that exists primarily for communication and entertainment. The main business model is simple enough. Using communication technologies such as the printing press and Internet, media firms develop and distribute content—news articles, TV shows, websites, and the like—to attract an audience. The audience pays for access to content by purchasing subscriptions, paying cover prices and access charges, and buying computers, televisions, and radios. More significant still, other businesses, organizations, and individuals want access to that audience, and they will pay media firms to advertise their messages. Most media revenue derives from advertising, from selling access to the audience attracted by television and radio, newspapers and magazines, and the Internet.¹ And the audience is huge. Nearly every household in the United States has at least one television; three-quarters have Internet access. The typical American adult watches four hours of television a day.

Politics and public affairs are an important part of the content produced by the media. People are willing to pay for information about politics and public affairs, and politicians and organized interests are willing to pay to reach that audience through advertisements or events that will attract news coverage. Most major media outlets offer news coverage and analysis as a way to attract readers and listeners. The major television networks—ABC, CBS, NBC, and Fox—offer approximately six hours of news programming every day, and some media organizations are devoted exclusively to politics and public affairs. The cost of news programs to consumers is minimal, even free, and the content is presented in a widely accessible manner. In this way, the media offer most people an easy

way to learn about the important actions of the government, the state of the nation, and the choices in an election.

The media, then, address one of the most important problems of democracy—how to create an informed electorate. As we discussed in Chapters 10 and 11, democratic politics assumes some awareness among the electorate about who is in power, what problems the nation faces, and what actions and policies the government has taken. The news media make information about politics and public affairs readily and widely accessible, even entertaining. Most Americans learn about government and politics not through firsthand experience but from media sources and through the lenses of those who report the news or comment on important issues and events.

The challenge for every democracy is how to foster the development of media that will allow for robust discourse and dissent. The United States, from its inception, has embraced the principle that a free press allows people to speak freely and to make reasoned electoral decisions. The First Amendment to the Constitution states that “Congress shall make no law . . . abridging the freedom of speech, or the press.” Over time the Supreme Court has expanded that idea to cover all forms of communication and has interpreted that restraint to apply to all levels and branches of government, not just Congress.

A free, open, and largely unregulated media environment is the engine of American democracy. It is the great marketplace of ideas. Collectively the media present a vast range of ideas, opinions, and information and make it easily accessible to everyone. Any consumer may choose to watch, read, or listen to what

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**CORE OF THE ANALYSIS**

1. The primary objective of the American media is to make profits, which they do by charging fees to access their content and by selling advertising.

2. The market for news is extremely large, as most Americans rely on the media to find out about issues, government activities, and electoral choices. This makes the private media industry into an important part of the public sphere.

3. Politicians, bureaucrats, organized interests, and private citizens can shape how the media portray public issues by providing information to journalists.

4. The U.S. government takes a light hand in regulating media ownership and operation, relying on the marketplace to produce a robust flow of information about politics and government affairs.
she wants. Those media that do not attract consumers fail, whereas those that offer people what they want succeed. This system does not always provide the ideal outcome, but, at least in theory, it is considered the best way to guarantee an adequately informed public. The First Amendment, wrote Judge Learned Hand at the height of World War II, “presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all.”

An alternate view holds that journalists and owners of media firms hold a privileged and powerful position in any society, and with that privilege comes responsibilities that can only be ensured through regulation. Most countries regulate political speech by limiting advertising; they require a minimum amount of public affairs programming; and they regulate what is and is not said by reporters. Slander and libel laws apply to American journalists as do restrictions owing to national security, but there is far less regulation of reporting in the United States than in just about every other country. Most other countries underwrite or own their main broadcast media outlets, such as the Canadian or British Broadcasting Corporations. In the United States, media firms succeed or fail as businesses and rely on their ability to attract audiences and revenue, not on whether they provide a public service or good.

How and how well does the marketplace of ideas work? Is there enough competition? Today, for example, very few cities are served by more than one local newspaper. Local news monopolies may give owners, editors, and journalists excessive political power in their local markets. Or is there too much competition? The emergence of the Internet has cut into the profit margins of traditional media, forcing newspapers and television and radio companies to cut their more expensive staff, often the very reporters who produce the content on the news. Media firms, Congress, and executive agencies (especially the Federal Communications Commission [FCC]) must deal with these and other complex questions over the coming decades as new communications technologies transform the media industry in the United States and the ways that people become informed about and engage in politics.

THE MEDIA AS A POLITICAL INSTITUTION

Perhaps the most salient feature of the American media—as an industry and as a political institution—is the diversity of sources, firms, and technologies. There are approximately 1,400 daily newspapers in the United States and 1,500 television stations affiliated with seven major broadcasting networks. Hundreds

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2 This idea is most elegantly expressed in the majority opinion in the Supreme Court case New York Times v. Sullivan, 376 U.S. 254 (1964).

of weekly magazines, independent television stations, and affiliates of smaller networks are devoted to national politics. Countless websites stream news from sources throughout the world. These media reach every community in the United States and provide information in every language.

Types of Media

There is some order to the apparent chaos. The American media are organized into three categories—print, broadcast, and Internet. Regulations of the media follow these lines. Print media, such as newspapers and magazines, have long enjoyed strong First Amendment protections and provide a good example of the “marketplace of ideas.” The technology of printing presses and digital reproduction makes it quite easy for new papers to enter local markets, and that fact has led the courts to stay the hand of those pushing for regulation of print media.

Broadcast and cablecast media, by contrast, have historically faced technological limits that have led to restrictions on ownership, distribution, and at times content. With the advent of radio in the 1920s, the need for regulation immediately became evident. Broadcasters would vary the strength of their signal and the part of the radio-frequency spectrum over which they broadcast to find audiences and squelch other broadcasters. That behavior threatened to ruin the medium, because consumers could not reliably find the programming that they wanted. In 1927, Commerce Secretary Herbert Hoover introduced the first regulations of broadcast media, requiring every broadcaster to secure a license from the U.S. government and to agree to send its signal only over a narrow band of the spectrum (which would be allocated to that station within a certain region). The U.S. government could revoke that license for failure to comply with spectrum regulations. In the late 1940s, concern about the use of the spectrum in emerging television technology led the federal government to freeze the development of that nascent industry for four years while the Federal Communications Commission worked out a distribution and ownership plan. Regulation of the broadcast spectrum continues to dictate federal communications policy to this day. Because spectrum is limited, broadcasting and cablecasting firms serve a public trust and bear responsibility for their actions.\(^4\) Of course, spectrum is not very limited any more. Rather, this view exhibits the history principle at work. When broadcasting and cable were developed the technology was not as good as today, and the technology limited the number of stations possible, with only some firms having access—hence, the public responsibility. Today, broadcasting and cable technology permit hundreds of channels. Nonetheless the

rules developed in the 1920s persist, and those firms that have flourished under the rules fight to keep their control over the airwaves.

Since the mid-1990s, a third media sector has arisen, one driven by Internet technology. Internet technology blurs the line between the other two media sectors. It requires governance for the assignment of web domains, but it otherwise operates as perhaps the most open and competitive of the three sectors. The Internet sector is still developing its distinctive identity as a mode of communication, especially political communication. For the first two decades of its existence, the traditional media dominated the Internet provision of content, as print and broadcast firms moved their content online. But since 2000 an increasingly unique and distinctive form of web-based political communication has emerged, including blogs and citizen journalism, which many fear is supplanting traditional media and the norms of professional journalism. The 2008 election marked the true arrival of the Internet as one of the three pillars of “the media.”

In 2008, for the first time, more people reported that they got news from a digital platform, including websites, social networking, and mobile devices, than from newspapers (Table 14.1). By 2013, Internet and mobile technologies had far surpassed radio and newspapers: 50 percent of the public reported that they got some of their news through the web or a mobile device, compared with just 28 percent by newspaper and another 23 percent from radio.

### Table 14.1

**TRENDS IN NEWS CONSUMPTION, 1994–2012**

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<tbody>
<tr>
<td>Watched news on TV</td>
<td>72</td>
<td>59</td>
<td>59</td>
<td>56</td>
<td>54</td>
<td>60</td>
<td>57</td>
<td>57</td>
<td>58</td>
<td>55</td>
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<tr>
<td>Read a daily newspaper</td>
<td>49</td>
<td>50</td>
<td>49</td>
<td>47</td>
<td>41</td>
<td>42</td>
<td>40</td>
<td>34</td>
<td>31</td>
<td>29</td>
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<tr>
<td>Listened to news on radio</td>
<td>47</td>
<td>44</td>
<td>48</td>
<td>43</td>
<td>41</td>
<td>40</td>
<td>36</td>
<td>35</td>
<td>34</td>
<td>33</td>
</tr>
<tr>
<td>Got news online</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>24</td>
<td>23</td>
<td>29</td>
<td>34</td>
<td>39</td>
</tr>
<tr>
<td>Got news from any digital platform</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
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<td>–</td>
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<td>42</td>
<td>50</td>
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Broadcast Media. Television news reaches more Americans than any other single news source. Tens of millions of individuals watch national and local news programs every day. Television news, however, covers relatively few topics and provides little depth of coverage. Television news is more like a series of newspaper headlines connected to pictures. It serves the important function of alerting viewers to issues and events but provides little else.

The 24-hour news stations such as Cable News Network (CNN) offer more detail and commentary than the networks’ half-hour evening news shows. In 2003, at the start of the war in Iraq, CNN, Fox News, and MSNBC provided 24-hour-a-day coverage of the war, including on-the-scene reports from embedded reporters, expert commentary, and interviews with government officials. In this instance, these networks’ depth of coverage rivaled that of the print media. Normally, however, CNN and the others offer more headlines than analysis, especially during their prime-time broadcasts. Nevertheless, in recent years, cable has been growing in importance as a news source.

Radio news is essentially a headline service without pictures. In the short time that they devote to news (usually five minutes per hour), radio stations announce the day’s major events without providing much detail. All-news stations such as WTOP (Washington, D.C.) and WCBS (New York City) assume that most listeners are in their cars and that, as a result, the people who constitute the audience change markedly throughout the day as they reach their destinations. Thus, rather than use their time to flesh out a given set of stories, these stations repeat the same stories each hour to present them to new listeners. In recent years, radio talk shows have become important sources of commentary and opinion. A number of conservative radio hosts, such as Rush Limbaugh, have huge audiences and have helped mobilize support for conservative political causes and candidates. Liberals have had less success in the world of talk radio and have complained that biased coverage over radio has hurt them in elections.

In recent years, much of the content of the news, especially local news, has shifted away from politics and public affairs toward “soft news”—coverage focusing on celebrities, health tips, advice to consumers, and other topics more likely to provide entertainment than enlightenment. Even a good deal of political coverage is soft. For example, articles about the Obamas’ choice of their dog Bo outnumbered stories about the Iraq War by 3 to 2 during April 2009.6

Another category of programming is sometimes called infotainment. This term refers to material that purports to combine information with entertainment. The Daily Show with Jon Stewart on Comedy Central calls itself America’s “most trusted name in fake news,” yet a significant fraction of people under 35 years of age report this show as one of their main sources of political information and news. The news on The Daily Show is not fake but a comedic twist on current events and on the media itself, especially CNN and Fox News.

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Print Media. Newspapers remain an important source of news even though they are not the primary news source for most Americans. The print media are important for at least three reasons. First, as we see later in this chapter, the broadcast media rely on leading newspapers such as the New York Times and the Washington Post to set their news agenda. The broadcast media engage in very little actual reporting; they primarily cover stories that have been “broken,” or initially reported, by the print media. For example, sensational charges that President Bill Clinton had an affair with a White House intern were reported first by the Washington Post and Newsweek before being trumpeted around the world by the broadcast media. It is only a slight exaggeration to observe that if an event is not covered in the New York Times, it is not likely to appear on the CBS Evening News. One important exception, obviously, is the case of “breaking” news, which can be carried by the broadcast media as it unfolds or soon after, whereas the print media are forced to catch up later in the day. For example, dramatic real-time videos of the collapsing World Trade Center towers were seen by tens of millions of Americans on September 11, 2001. Second, the print media provide more detailed and more complete information, offering a better context for analysis. Third, the print media are also important because they are the prime source of news for educated and influential individuals. The nation’s economic, social, and political elites rely on the detailed coverage provided by the print media to inform and influence their views about important public matters. The print media may have a smaller audience than their cousins in broadcasting, but they have an audience that matters.

Today, however, the newspaper industry is in serious economic trouble. The rise of websites advertising jobs, items for sale, and personal ads has dramatically reduced newspapers’ revenues from traditional advertising, such as “help wanted” and personal ads. The Rocky Mountain News in Denver closed in 2008, and in 2009 the Seattle Post-Intelligencer announced it would adopt an online format only. Major newspapers serving dozens of large U.S. cities and metropolitan areas confirmed in 2008 and 2009 that they faced serious financial difficulties that might end in closure, including the Philadelphia Inquirer, the Minneapolis Star Tribune, the Miami Herald, the Boston Globe, and the San Francisco Chronicle. Such closures would leave many cities with one or possibly no daily print newspapers. And in 2013, the Graham family, which had owned the Washington Post for three generations, surprised the industry by announcing the sale of the paper to Jeffrey Bezos, founder and CEO of Amazon.com. It is widely believed that the troubles experienced by these papers are the beginning of a wider transformation of the print media in the United States that may leave the country with few or no print newspapers—the traditional “press”—in the future. The great unknown is whether other venues, such as the Internet, can adequately replace newspapers, especially in the provision of news about local area politics and public affairs.\footnote{\textit{24/7} Wall Street, “The 10 Most Endangered Newspapers in America,” \textit{Time}, March 9, 2009, \url{www.time.com/time/business/article/0,8599,1883785,00.html} (accessed 5/7/09).}

The possible demise of major city newspapers raises important questions. Since the beginning of the Republic, newspapers have been ingrained in the way we think about political communication. The First Amendment specifically
protects a “free press,” and legal doctrines and laws concerning political communication in the United States have evolved around the idea of a robust press serving every community. Many cities now face the prospect of no significant press, in the conventional sense. These changes will likely force a rethinking of the laws governing many aspects of political communication in this country, from campaign finance laws to obscenity standards to ownership guidelines. So far, the U.S. Supreme Court has not extended the same set of free press protections to broadcasters.8

This transformation of print media may change the extent to which people are informed about politics and public affairs. The media that will replace newspapers may raise the overall level of information among the mass public or create further differences between those in the know and those who decide to tune out politics. The Internet, television, radio, and other outlets that replace newspapers may reach more people with similar content, or they may segment the audience further, reducing the number of people aware of public affairs. Social science research so far suggests that the decline of newspapers is changing news-gathering behavior. Rather than rely on a single source—the daily paper—Americans are sampling many different sources, a practice known as “grazing” according to a recent study by the Pew Research Center. And that behavior is facilitated by the Internet.9

The Internet. The Internet emerged as a major form of communication in the mid-1990s. As with radio in the 1920s and television in the 1950s, over the span of a decade the Internet grew from a curiosity into one of the dominant modes of communication. Internet news providers now stand as a significant competitor to traditional media outlets. Every day tens of millions of Americans scan one of many news sites on the Internet for coverage of current events. Websites such as Craigslist have taken away one of the most important sources of revenue for newspapers—classified advertising. As classified advertising has moved online, newspapers have seen an important line of revenue dry up. At one of many recent forums on the changing media world, an editor at the Boston Globe said, “Who knew that the problem we would face would be one of too much competition rather than too little.”

In many ways, the Internet as a medium parallels newspapers, television, radio, and magazines. The main newspapers and television outlets—such as the Wall Street Journal and the New York Times, Reuters and the Associated Press, CNN and Fox News—are mainstays of the Internet. All have websites that they use to attract audiences to their traditional media and that they use to sell advertising. The Internet, however, has revolutionized how content is provided and what content is accessible to audiences. The Internet captures the strengths of the traditional media. It combines the depth of newspaper coverage with the

timeliness of television and radio, but it goes much further. Look at the website of one of the traditional media outlets, such as the New York Times or CNN. There you will see a reproduction of the content on the newspaper or headline news from television that resembles a traditional newspaper, but there is also streaming video like a television report or audio like a radio program, and you will also find commentary from many different sources, like an opinion magazine or news journal, such as Time magazine.

Unlike a newspaper, which is wholly new every day, a website, such as for the New York Times, can keep important stories up for many days. Most news websites contain easily searchable archives of past stories, which allows persistent readers to follow the thread of the news. Many websites now function as aggregators, accumulating news on a given topic from many different sources. Perhaps the most powerful such aggregator is Google, whose news service accumulates and organizes information from news organizations as different as the Wall Street Journal and Al Jazeera, Reuters and the Associated Press, and the Lebanon Daily Star and Shanghai Daily. In addition to traditional news sites, there have emerged more specialized sites. Some focus on commentary, such as Slate; others on investigative reporting, such as the Drudge Report; others provide polling and other analytics, such as Cook Political Report; and still others offer a roundup of news, commentary, and analytics, most notably RealClearPolitics and Politico.

In many ways, the Internet most closely approximates the marketplace of ideas mentioned in this chapter's introduction. There is an unparalleled amount of information and commentary available on any one news site, let alone on one of the aggregator sites.

The Internet differs from traditional outlets in another important way: it allows people to get involved directly. Individual citizens can more easily help create the news and interpret it. Public-access television and radio has always been a source of citizen journalism, but the World Wide Web has expanded greatly the space available for news, commentary, and debate. Most news sites provide space for people to post their own photos, video, and blogs of important events. Individuals who are at the scene of a natural disaster or important political event can provide more (and sometimes even better) coverage of a story and more quickly than a reporter.

The ability to connect with others through the Internet—through e-mail, blogs, Facebook, Twitter, and other social media venues—makes the new media a two-way street. The traditional media firms can distribute information and citizens can contribute to journalism, and people can also connect with one another directly. The power of these new media is not lost on political organizers and campaigns. Political entrepreneurs within social movements and the political parties have sought to organize online advocacy groups to raise money, make their positions known through e-mail and letter campaigns, and provide support for politicians who accept their views. One of the most successful of these enterprises is MoveOn.org, founded by two liberal Silicon Valley entrepreneurs. MoveOn seeks to build electronic advocacy groups, allowing members to propose issues and strategies and then acting on behalf of those that appear to have the highest level of member support. Reflecting the importance of the
Internet, two days after announcing her bid for the 2008 Democratic presidential nomination, Senator Hillary Rodham Clinton fielded questions from voters in an online chat. Speaking into a webcam, Clinton discussed health care, energy policy, and even her favorite movies with a group of preselected voters. President Obama’s Press Office developed White House Live, a service that streams video of events live and keeps an archive of past events. A typical day will have live video of two or three events, such as the president touring a natural disaster, holding a press conference, or meeting with other world leaders. As the 2012 presidential campaign unfolded, the Internet had become the medium of choice. Governor Tim Pawlenty announced his bid for the presidency on Facebook. Obama restarted his presidential campaign with an online video. And Mitt Romney kicked off his campaign with a tweet.  

Regulation of the Broadcast and Electronic Media

In most countries, the government controls media content and owns the largest media outlets. In the United States, the government neither owns nor controls the communications networks, but it does regulate the content and ownership of the broadcast media.

The print media in the United States are essentially free from government interference. The broadcast media, on the other hand, are subject to federal regulation. American radio and television are regulated by the FCC, an independent regulatory agency established in 1934. Radio and TV stations must renew their FCC licenses every five years. Licensing provides a mechanism for allocating radio and TV frequencies in such a way as to prevent broadcasts from interfering with and garbling one another. License renewals are almost always granted automatically by the FCC. Indeed, renewal requests are now filed online.

Through regulations prohibiting obscenity, indecency, and profanity, the FCC has also sought to prohibit radio and television stations from airing explicit sexual and excretory references between 6 A.M. and 10 P.M., the hours when children are most likely to be in the audience. The FCC has enforced these rules haphazardly. Since 1990, nearly half the $5 million in fines levied by the agency have involved Howard Stern, the shock jock whose programs are built around sexually explicit material. In 2004, after another set of FCC fines, Stern’s program was dropped by a major outlet, Clear Channel Communications. Stern charged that the Bush administration had singled him out for censure because of his known opposition to the president. To avoid FCC regulations, he relaunched his show on Sirius Satellite Radio in 2006.

For more than 60 years, the FCC also sought to regulate and promote competition in the broadcast industry, but in 1996 Congress passed the

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Telecommunications Act, a broad effort to do away with most regulations in effect since 1934. The act loosened restrictions on media ownership and allowed for telephone companies, cable television providers, and broadcasters to compete with one another for the provision of telecommunication services. Following the passage of the act, several mergers between telephone and cable companies and between different segments of the entertainment media produced an even greater concentration of media ownership.

The Telecommunications Act of 1996 also included an attempt to regulate the content of material transmitted via the Internet. This law, known as the Communications Decency Act, made it illegal to make “indecent” sexual material on the Internet accessible to anyone under 18 years of age. The act was immediately denounced by civil libertarians and brought to court as an infringement of free speech. The case reached the Supreme Court in 1997, and the act was ruled an unconstitutional infringement of the First Amendment’s guarantee of freedom of speech.

Although the government’s ability to regulate the content of the electronic media on the Internet has been questioned, the federal government has used its licensing power to impose several regulations that can affect the political content of radio and TV broadcasts. The first of these is the equal time rule, under which broadcasters must provide candidates for the same political office equal opportunities to communicate their messages to the public. If, for example, a television station sells commercial time to a state’s Republican gubernatorial candidate, it may not refuse to sell time to the Democratic candidate for the same position.

The second regulation affecting the content of broadcasts is the right of rebuttal, which requires that individuals be given the opportunity to respond to personal attacks. In the 1969 case of Red Lion Broadcasting Company v. Federal Communications Commission, for example, the U.S. Supreme Court upheld the FCC’s determination that a radio station was required to provide a liberal author with an opportunity to respond to an attack by a conservative commentator that the station had aired.11

For many years, a third important federal regulation was the fairness doctrine, under which broadcasters that aired programs on controversial issues were required to provide air time for opposing views. In 1985, the FCC stopped enforcing the fairness doctrine on the grounds that there were so many radio and television stations—to say nothing of newspapers and newsmagazines—that in all likelihood many different viewpoints were being presented even without the requirement that each station present all sides of an argument. Critics of this FCC decision charge that in many media markets the number of competing viewpoints is small. Nevertheless, a congressional effort to require the FCC to enforce the fairness doctrine was blocked by the administration of President Ronald Reagan in 1987, and the doctrine died.

The emergence of the Internet has presented two substantial regulatory challenges: (1) protecting intellectual property and (2) setting standards to create a rational system of domains and websites. The first issue concerned whether the Internet could function as a profitable means of distributing content. In A&M Records v. Napster, the Ninth Circuit court sided with record companies against firms that offered free Internet distribution of copyrighted content.\textsuperscript{12} The second sort of challenge is how to organize and govern the Internet. In the 1990s, Tim Berners-Lee organized researchers, firms, and government agencies involved in the development of the Internet in the international World Wide Web Consortium.\textsuperscript{13} The Consortium is a form of self-regulation by corporations and organizations that has led to the development of new concepts of intellectual property and new concepts of communication wholly different from traditional print and broadcast media. The philosophy of the Consortium calls for much less government regulation and a much more communal flavor than the notion of competitive markets that lies behind America’s conception of print media.

**Freedom of the Press**

Unlike the broadcast media, the print media are not subject to federal regulation. Indeed, the great principle underlying the federal government’s relationship with the press is the doctrine against prior restraint. Beginning with the landmark 1931 case of *Near v. Minnesota*, the U.S. Supreme Court has held that, except under the most extraordinary circumstances, the First Amendment of the Constitution prohibits government agencies from seeking to prevent newspapers or magazines from publishing whatever they wish.\textsuperscript{14} Indeed, in the case of *New York Times v. United States*, the so-called Pentagon Papers case, the Supreme Court ruled that the government could not even block publication of secret Defense Department documents furnished to the *New York Times* by an opponent of the Vietnam War who had obtained the documents illegally.\textsuperscript{15} In 1990, however, the Supreme Court upheld a lower-court order restraining CNN from broadcasting tapes of conversations between the former Panamanian leader Manuel Noriega and his lawyer, supposedly recorded by the U.S. government. By a vote of 7–2, the Court held that CNN could be restrained from broadcasting the tapes until the trial court in the Noriega case had listened to them and decided whether their broadcast would violate Noriega’s right to a fair trial. This case would seem to weaken the no-prior-restraint doctrine. But in later decisions, the Supreme Court ruled that cable television

\textsuperscript{12} A&M Records v. Napster, 239 F.3d 104 (9th Circuit 2001).
\textsuperscript{14} *Near v. Minnesota* ex rel., 283 U.S. 697 (1931).
systems were entitled to essentially the same First Amendment protections as the print media.\textsuperscript{16}

Even though newspapers may not be restrained from publishing whatever they want, they may be subject to sanctions after the fact. Historically, newspapers have been subject to the law of libel, which provides that newspapers that print false and malicious stories can be compelled to pay damages to those they defame. In recent years, however, American courts have greatly narrowed the meaning of libel and made it extremely difficult, particularly for politicians and other public figures, to win a libel case against a newspaper. The most important case on this topic is the 1964 Supreme Court case of \textit{New York Times v. Sullivan}, in which the Court held that to be deemed libelous, a story about a public official not only had to be untrue but also had to result from “actual malice” or “reckless disregard” for the truth.\textsuperscript{17} In other words, the newspaper had to deliberately print false and malicious material. In practice, it is nearly impossible to prove that a paper deliberately printed false and damaging information, and as conservatives discovered in the 1980s, it is very difficult for a politician or other public figure to win a libel case. Libel suits against CBS News by General William Westmoreland and against \textit{Time} magazine by Ariel Sharon of Israel, both financed by conservative legal foundations that hoped to embarrass the media, were defeated in court because they failed to show “actual malice.” In the 1991 case of \textit{Masson v. New Yorker Magazine}, this tradition was again affirmed by the Court’s opinion that fabricated quotations attributed to a public figure were libelous only if the fabricated account “materially changed” the meaning of what the person said.\textsuperscript{18} To all intents and purposes, the print media can publish almost anything they want about a public figure.

\section*{Organization and Ownership of the Media}

The scope and breadth of the media industry in the United States are impressive: more than 2,000 television stations, approximately 1,400 daily newspapers, and more than 13,000 radio stations. There are 20 major television networks, up from just 3 in the 1970s, as well as an extensive system of public television and radio stations.

The media environment since the 1980s has opened considerably, and wholly new networks devoted to news have emerged and succeeded. CNN became a major news source in the late 1980s and gained a substantial market share during the first Gulf war in 1991. At one point, CNN was able to provide live coverage of American bombing raids on Baghdad after the major networks’ correspondents had been forced to flee to bomb shelters. In the 2000s, a competitor news

\begin{itemize}
  \item \textsuperscript{17} New York Times v. Sullivan, 376 U.S. 254 (1964).
\end{itemize}
channel emerged: Fox News. By 2003, Fox had displaced CNN as the nation's primary cable news source, and by 2013 Fox News was the seventh most highly rated cable channel, trailing USA, Disney, ESPN, History, TNT, and TBS. The rise of Fox News has had important political implications because its coverage and commentators are considerably more conservative than CNN's. The emergence of Fox News also demonstrates the importance of the existence of more and varied news sources. When there are few sources of news, each is likely to appeal to the same broad national audience and, accordingly, to maintain a middle-of-the-road stance. When there are more sources, each is likely to position itself within a discrete ideological or partisan niche, increasing the diversity of viewpoints presented to listeners and viewers.

**News Concentration.** Nonetheless, there is a very real concern that these trends mask considerable concentration in the industry. The problem is most evident in the wire services, which provide a steady stream of stories and images. There is now just one American wire service, the Associated Press (AP). United Press International (UPI) went bankrupt in the 1980s and has since failed to reemerge as a competitor. In Europe, Reuters offers wire service and has the dominant market position similar to AP. Interestingly, CNN may make a run at offering its own competing service, especially for graphics and images.

Concentration of ownership of media outlets raises further concerns about the robustness of the marketplace of ideas. The 1996 Telecommunications Act opened the way for additional consolidation in the media industry, and a wave of mergers and consolidations has further reduced the field of independent media across the country. Since that time, among the major news networks ABC was bought by the Walt Disney Company; CNN was bought by Time Warner; and NBC, which was owned by General Electric from 1986 until 2011, is now owned by Comcast. The Australian press baron Rupert Murdoch owns Fox plus a host of radio, television, and newspaper properties around the world. Murdoch's entry into the American market was of considerable importance because it required changes in U.S. laws prohibiting foreign ownership of U.S. broadcasting firms. As a result of these consolidations, a relatively small number of giant corporations now control a wide swath of media holdings, including television networks, movie studios, record companies, cable channels and local cable providers, book publishers, magazines, and newspapers. This development has prompted questions about whether enough competition exists among the media to produce a diverse set of views on political and corporate matters or whether the United States has become the prisoner of media monopolies (Figure 14.1).

In June 2003, the FCC announced a set of new rules that seemed to pave the way for even more concentration in the media industry. The rules mandated that the major networks could own television stations that collectively reached

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20 For a criticism of the increasing consolidation of the media, see the essays in Erik Barnouw et al., Conglomerates and the Media (New York: New Press, 1997).
45 percent of all viewers, up from 35 percent under the old rules. The new FCC rules also permitted a single company to own the leading newspaper, as well as multiple television and radio outlets, in a single market. In the largest cities, this could include a newspaper, three television stations, and as many as eight radio stations. Major media companies, which had long lobbied for the right to expand their activities, welcomed the new FCC rules. Critics, however, expressed grave concern that a decision would result in a narrowing of the range of views and issues presented to the general public. Congressional opponents of the FCC’s action sought to overturn the rules but were stymied by opposition from the House Republican leadership as well as a threatened presidential veto. However, a federal appeals court placed the new regulations on hold, and in January 2005 the Bush administration decided not to appeal the case to the Supreme Court. The FCC debuted new rules in 2007 to comply with the federal appeals court’s ruling. In November 2012, a proposal to streamline the cross-ownership rules was introduced on to the FCC’s agenda for the third time in a decade. The cross-ownership

rule, however, might outlive the printed newspaper itself. The fight over the cross-ownership rule shows the power of institutions and regulations even when it comes to the flow of information in our democracy.

Distribution of news over the Internet goes against the trend toward increased concentration of media ownership. From the audience’s perspective, the problem of increased concentration is that it will lead to less variety in the news and fewer voices heard. The Internet has made people less dependent on a single local newspaper to get information, however. Using websites that aggregate news from many different sources, a consumer can readily get many views on the same event. And people can easily search official websites to find out local information, such as meeting times of city councils and school committees.

One important question is whether there will become increased concentration of news distribution through the Internet as well. Google has emerged as the dominant search firm. Its position allows it the power to block out certain sites and effectively censor the news. This problem arose recently in China. Google China, a subsidiary of Google, was forced by the government to censor many websites, especially those of dissidents. In order to maintain access to the enormous China market, Google complied, effectively blocking non-Chinese media from those users and conversely blocking Chinese media websites from others, including users in the United States. Eventually, Google directed traffic to those websites through its Hong Kong subsidiary, but the tense negotiations over access to the web and to the Chinese market continue between Google and the Chinese government. While censorship in China might seem like a faraway problem, an American firm (Google) is at its center. Google was sufficiently powerful to negotiate access to censored websites, but it also had the market power to restrict access of U.S. users to China.

WHAT AFFECTS NEWS COVERAGE?

Because of the important role the media can play in national politics, it is essential to understand the factors that affect media coverage. What accounts for the media’s agenda of issues and topics? What explains the character of coverage? In other words, why does a politician receive good or bad press? What factors determine the interpretation, or spin, that a particular story will receive? Although a host of minor factors play a role, there are three major factors: (1) journalists or producers of the news, (2) politicians or other sources of the news, and (3) consumers.