

Conclusion

Confronting Market Failure

IN THE early decades of the twenty-first century, old problems afflict new media. Once again, America anguishes over the diminished democratic promise of its communication technologies.¹ Like broadcasting in the 1940s, digital media have become dominated by oligopolies driven by a corporate libertarian logic at odds with public interest principles.² Recent scholarship has linked these ownership structures to various shortcomings with American broadband, including disparities among communities and socioeconomic groups in terms of speeds and access, costs for service, and impediments to free-flowing information and content.³ Just as radio's full democratic potential was thwarted by commercial capture in the 1930s and 1940s, a similar fate faces the Internet today. This crisis in digital media coincides with the gradual collapse of journalism's last major institutional bastion: newspapers. Commercial journalism's contradictions were left unresolved in the 1940s, only to erupt in crisis once again in our present times. Now, as then, the newspaper industry faces a structural crisis and intense public scrutiny. However, unlike the 1940s crisis, the one today is likely a mortal blow to the

¹ I discuss some of these themes in Victor Pickard, "The Great Evasion: Confronting Market Failure in American Media Policy," *Critical Studies in Media Communication*, 2014, DOI: 10.1080/15295036.2014.919404.

² For a similar historical pattern, see Tim Wu, *The Master Switch: The Rise and Fall of Information Empires* (New York: Alfred A. Knopf, 2010). Wu describes a "cycle" in which every major American information industry, beginning with the telephone, has ultimately been taken over by cartels and monopolies.

³ Sascha Meinrath, James Losey, and Victor Pickard, "Digital Feudalism: Enclosures and Erasures from Digital Rights Management to the Digital Divide," *CommLaw Conspectus: Journal of Communications Law and Policy* 19 (2010): 423–79; Robert McChesney, *Digital Disconnect: How Capitalism Is Turning the Internet against Democracy* (New York: New Press, 2013); Susan Crawford, *Captive Audience: The Telecom Industry and Monopoly Power in the New Gilded Age* (New Haven, CT: Yale University Press, 2013).

industry, and rebranding self-regulatory measures as “social responsibility” will not save it this time.

The 1940s media policy debates are instructive for policy makers as they confront these crises. These earlier debates, to varying degrees, all focused on buffering media’s public service mission from undue market pressures. And nearly all of them were resolved in ways that aligned with a corporate libertarian logic that benefited commercial broadcasters and publishers. The 1940s saw a discursive narrowing of possibilities for meaningful public interest requirements and noncommercial alternatives. Similar parameters are at work in today’s policy discourse.

This discursive narrowing presents policy problems in two broad, overlapping areas: digital media and journalism. Before I examine potential policy interventions for supporting public service media, I briefly discuss three conceptual areas that were implicit in earlier policy debates but rarely addressed directly: public goods, market failure, and policy failure. Understanding these political economic relationships is the first step toward renegotiating the corporate libertarian paradigm. Integrating these concepts into our political discourses, practices, and institutions might encourage the implementation of sound public policy for the media system our democracy requires.

Public Goods

A growing number of scholars have argued in recent years that the information produced by news media should be treated as a public good.⁴ Because public goods are nonrivalrous (one person’s consumption does not detract from another’s) and nonexcludable (they are difficult to exclude from free riders), they do not operate as other commodities do, such as shoes or cars, within a capitalistic economy.⁵ They are, in the words of one economist, “both unique and fascinating because it is virtually impossible to allocate a pure public good through market mechanisms.”⁶ Journalism is not only a public good in an economic sense (especially in its digital form); it also serves “the public good” in a socially beneficial sense. Put differently, journalism produces *positive*

⁴ James Hamilton, *All the News That’s Fit to Sell* (Princeton, NJ: Princeton University Press, 2006), 8–9; Victor Pickard, Josh Stearns, and Craig Aaron, “Saving the News: Toward a National Journalism Strategy,” in *Changing Media: Public Interest Policies for the Digital Age* (Washington, DC: Free Press, 2009), 1–9; Robert McChesney and John Nichols, *The Death and Life of American Journalism: The Media Revolution That Will Begin the World Again* (New York: Nation Books, 2010), 101–3; Paul Starr, “Goodbye to the Age of Newspapers (Hello to a New Era of Corruption),” in *Will the Last Reporter Please Turn Out the Lights? The Collapse of Journalism and What Can Be Done to Fix It*, ed. Robert McChesney and Victor Pickard (New York: New Press, 2011), 31. See also Baker, *Media, Markets and Democracy*, 8.

⁵ Paul Samuelson, “The Pure Theory of Public Expenditure,” *Review of Economics and Statistics* 36 (1954): 387–9.

⁶ Paul Trogen, “Public Goods,” in *Handbook of Public Sector Economics*, ed. Donijio Robbins (New York: Taylor & Francis, 2005), 169–207.

externalities (benefits that accrue to parties outside of the direct economic transaction) – such as increased knowledge and an informed populace – that are vital for a democratic society. Goods that produce such tremendous positive externalities are sometimes referred to as “merit goods,” which society requires, but that individuals typically undervalue (are unable or unwilling to pay for), and thus the market under-produces.⁷ As an essential public service with social benefits that transcend its revenue stream, journalism is such a good. In its ideal form, it serves as a rich information source for important social issues, an adversarial watchdog over the powerful, and a forum for diverse voices and viewpoints.

Like many public goods exhibiting positive externalities, journalism has never been fully supported by direct market transactions; it always has been subsidized to some degree. Since the late nineteenth century, this subsidy has primarily drawn from advertising revenues.⁸ Today, this business model is increasingly unsustainable, as audiences and advertisers migrate to the Internet, where ads sell for a mere fraction of their paper-based counterparts. Despite their growth, digital ad revenues have not offset the enormous losses from traditional advertising. A 2012 Pew study found that declines in print ad revenues, which had fallen more than 50 percent since 2003, exceeded the gain in online digital revenue by a ratio of greater than 10 to 1.⁹ The 2013 report found some stabilization, but the growth in digital advertising “does not come close to covering print ad losses.”¹⁰ These and other data suggest that as a support system for journalism, ad revenue-dependent models appear to be increasingly unviable, and no other commercial models, including digital paywalls (online subscription models), are filling the vacuum.¹¹ The inadequacy of commercial support indicates what should be obvious by now: The market’s

⁷ I thank Chris Ali for bringing the concept of merit goods to my attention. For an excellent discussion of their implications, see Chris Ali, “Where Is Here? An Analysis of Localism in Media Policy in Three Western Democracies” (Ph.D. Dissertation, University of Pennsylvania, 2013). Des Freedman similarly argues that media products, like preventive health care services, are merit goods since individual consumers are likely to underinvest in them. See *The Politics of Media Policy* (Cambridge: Polity Press, 2008), 8–10. See also Richard Musgrave, *The Theory of Public Finance: A Study in Public Economy* (New York: McGraw-Hill, 1959), 13–15.

⁸ This characterization of advertising as subsidy might be disputable, but I am using it to drive home the point that advertisers were not paying for news media directly; they instead were paying to have access to eyes and ears. News was produced as a kind of by-product, a positive externality from the main exchange.

⁹ Rick Edmonds, Emily Guskin, Tom Rosenstiel, and Amy Mitchell, “Newspapers: By the Numbers,” *The Pew Research Center’s Project for Excellence in Journalism: The State of the News Media 2012*, accessed February 2, 2013, <http://stateofthemedias.org>.

¹⁰ Rick Edmonds, Emily Guskin, Amy Mitchell, and Mark Jurkowitz, *The State of the News Media 2013*, <http://stateofthemedias.org/2013/newspapers-stabilizing-but-still-threatened/> The 2014 Pew Report found that while other sources of revenue are growing such as capital investment and philanthropy, they account for a meager 1% of the current financial support for news.

¹¹ Victor Pickard and Alex Williams, “Salvation or Folly? The Promises and Perils of Digital Paywalls” *Digital Journalism*, 2 (2) 2014, 195–213.

systematic under-production of journalistic media qualifies as a clear case of market failure.¹²

Market Failure

Deriving from neoclassical economics, "market failure" is an analytical framework that typically refers to a scenario in which the market is unable to efficiently produce and allocate resources, especially public goods.¹³ This often occurs when private enterprise withholds investments in critical social services because it cannot extract the returns that would justify the necessary expenditures, or when consumers fail to pay for such services' full societal benefit. This scenario legitimates state intervention in the provision of public education, a standing military, a national highway system, and other essential services and infrastructures not supported by market transactions. The leading consumer advocate and researcher Mark Cooper has made a convincing argument that various kinds of "pervasive market failure" specifically affect the media industry. In addition to the lack of support for externalities and public goods, other market failures that frequently occur in the American media system are associated with structural flaws like oligopolistic concentration and profit maximization. Uncompetitive markets may lead to perverse incentives and the abuse of market power, which can result in a media system's degradation, including a failure to provide adequate interconnection between communication networks, communication services to all of society, and quality journalism.¹⁴

In the 1940s, market failure was evidenced by the rise of one-newspaper towns and a loss of local journalism. Signs of market failure in today's American media system are increasingly visible in the ongoing disinvestment in news production, exemplified by the reduction of home deliveries of leading

¹² I generally define journalistic media as based on news gathering that generates new information about socially significant issues.

¹³ See, for example, Francis Bator, "The Anatomy of Market Failure," *Quarterly Journal of Economics* 72, no. 3 (1958): 351–79; Joseph Stiglitz, "Markets, Market Failures, and Development," *American Economic Review* 79, no. 2 (1989): 197–203; Steven Medema, "The Hesitant Hand: Mill, Sidgwick, and the Evolution of the Theory of Market Failure," *History of Political Economy* 39, no. 3 (2007): 331–58; John Taylor, *Economics*, 5th ed. (New York: Houghton Mifflin, 2007), 15. See also Allan Brown, "Economics, Public Service Broadcasting, and Social Values," *Journal of Media Economics* 9, no. 1 (1996): 3–15.

¹⁴ Mark Cooper, "The Future of Journalism: Addressing Pervasive Market Failure with Public Policy," in *Will the Last Reporter Please Turn Out the Lights? The Collapse of Journalism and What Can Be Done to Fix It*, ed. Robert McChesney and Victor Pickard (New York: New Press, 2011) 320–39. See also Mark Cooper and Barbara Roper, "Reform of Financial Markets: The Collapse of Market Fundamentalism and the First Steps to Revitalize the Economy" (Washington, DC: Consumer Federation of America, March 2009). To be fair, different market structures may experience some of these failures, but behavior like profit maximization is particularly problematic in noncompetitive markets because it often results in too little production and consumption from society's perspective because the price is set above marginal cost.

metro dailies like the *Cleveland Plain Dealer* and the *New Orleans Times-Picayune* – the latter in a city where approximately a third of its residents lack Internet connectivity.¹⁵ Whether discussing the lack of support for local journalism or deficiencies in providing universal access to affordable and reliable Internet service, a focus on market failure deserves more prominence in American media policy discourse. Indeed, that media policy even requires a “public interest” category is arguably an implicit acknowledgment of endemic market failure in commercial media. Yet an explicit discussion of this subject, especially its role in the journalism crisis, has been noticeably absent among policy makers, a condition that leads us to policy failure.

Confronting Policy Failure

The concept of policy failure is undertheorized in the scholarly literature;¹⁶ here it refers to existing policy mechanisms’ insufficiency in dealing with significant social problems including market failure. Beyond policy makers’ lack of political will or incentive to act, a number of complications inherent to media policy debates combine to encourage such failure by masking the policy roots of media-related problems.

First, there is the invisibility of media policy. Because so many policy-making processes remain hidden, citizens’ relationship to government and the connections between policy and politics in general are obscured. The political scientist Suzanne Mettler highlights aspects of this phenomenon with her very useful formulation of what she calls a “submerged state,” in which the state is involved in people’s daily lives in profound ways that are rarely recognized.¹⁷ Whereas Mettler is drawing attention specifically to policies impacting households’ economic security such as retirement benefits,¹⁸ the influence of the invisible state extends to countless rules and infrastructures including subsidized mortgages, road maintenance, and safety standards. Further, when state intervention is acknowledged, it is often stigmatized for providing “handouts” to disadvantaged (and presumably undeserving) groups. Even expenditures benefiting the general public (public education, public media, public arts) are held suspect, while the more prevalent policy interventions that aid corporations (tax breaks, relaxation of antitrust laws, intellectual property protections) often remain invisible and unscrutinized, or even applauded. Misunderstandings about these largely hidden policy relationships lead to a distorted view of government’s regulatory role in society.

¹⁵ The *Picayune* has since resumed daily delivery, but at a much diminished capacity.

¹⁶ Not to be confused with the concept of “government failure,” which refers to those goods and services that governments are typically unable to provide.

¹⁷ Suzanne Mettler, *The Submerged State: How Invisible Government Policies Undermine American Democracy* (Chicago: University of Chicago Press, 2011).

¹⁸ Mettler notes that her framework of an invisible state can be applied more broadly. See *The Submerged State*, 15.

In particular, there is much confusion around how government regulates media, which is often elided by celebrations of new technologies and other forms of technological determinism. A widespread assumption is that if society simply allows inventors and entrepreneurs to develop new technologies, the communication system is self-correcting. This ignores market constraints and the state's ever-present role. The Internet's genesis is a classic case. Its early development was largely dependent on state subsidies via military and research institutions, but many see the Internet as a wild, unregulated terrain that emerged naturally from new technologies, market forces, and individual genius. To the contrary, government is inextricably involved at all times, from enforcing copyright laws (often seen by corporations as "good regulation") to applying antitrust laws (or lack thereof). The general confusion about government's regulatory role in everyday communication, combined with policy makers' lack of motivation to raise awareness, discourages public involvement in critical policy debates.

This leads us to the problem of policy inaction – what the political scientists Jacob Hacker and Paul Pierson referred to as "drift."¹⁹ Drift emphasizes policy failure's effect on society over time – how problems often worsen when regulatory agencies do nothing. For example, in the 1940s, as negative externalities such as excessive commercialism in the American media system increased, government could have intervened by applying structural measures like antitrust legislation to break up conglomerates or, with broadcast media, mandated stringent public interest obligations in return for using the public spectrum. But such systemic interventions rarely occur, as a result of both institutional inertia and calculated neglect. Moreover, given what might be called a "submerged state syndrome," the public is unlikely to call for affirmative regulatory intervention. This perceived absence of the state has concrete policy outcomes by limiting the range of possible trajectories in the public imagination. Consequently, vacuums emerge within policy discourses that allow imbalances to continue unabated, particularly given the assumption that a media system has developed according to the natural laws of the market and technological progress. Corporate libertarianism thrives in this discursive environment.

A third major factor that distorts policy discourse and practice is what I referred to earlier as "regulatory capture." This process is often subtle, involving not only media corporations' significant donations to politicians and their campaigns but also the sheer boots-on-the-ground power of having legions of lobbyists crowding the halls of Congress and key regulatory agencies. A media reform advocacy group calculated that in 2009, amid net neutrality and other key telecom policy debates, six leading telecom and cable companies and their lobbying firms employed more than 550 lobbyists – working out to more than

¹⁹ Jacob Hacker and Paul Pierson, *Winner Take All Politics* (New York: Simon and Schuster, 2010).

one lobbyist per member of Congress – and spent more than \$70 million on telecom lobbying in Washington, DC, alone.²⁰

Perhaps even more significant than direct payoffs to politicians is the much-lamented revolving door phenomenon. Already operative in the 1940s, this shuffling of personnel between the Federal Communications Commission and the communication industries it is meant to regulate remains a common practice. One recent analysis found that of the 26 commissioners and chairs who have served on the FCC since 1980, at least 20 have gone to work for corporations in the industries they previously regulated.²¹ Some cases have been quite blatant, as when the former commissioner Meredith Atwell Baker left the FCC to become a Comcast-NBC lobbyist not long after voting to approve those companies' mega-merger. She is now president of the leading trade group for the wireless telecommunications industry, CTIA-The Wireless Association. Similarly, the former FCC chairman Michael Powell now heads the cable industry's top trade association, National Cable and Telecommunications Association (NCTA). The current FCC chairman, Tom Wheeler, formerly headed both NCTA and CTIA, and was a top-level political donor for President Obama. This regulatory capture contributes to a "discursive capture," yielding master narratives that systematically write off alternative policy options such as subsidizing public media and breaking up oligopolies. Much of this ideological framework began to congeal in the 1940s and remains operative today, which leads to a fourth major constraint on media policy discourse.

America's corporate libertarian ideology fails to recognize public goods and downplays the existence of market failure. This, in turn, encourages seemingly commonsensical notions about self-regulation, which, upon reaching the level of ideology, are difficult to dislodge. C. Edwin Baker observed two arguments that have long been used to discredit state intervention in cultivating a vibrant media system: that the government has no legitimate role in markets and that the First Amendment specifically forbids government intervention in media markets.²² The ideological work that turned these arguments into truisms was still not complete in the 1940s – and such arguments continue to require constant maintenance and repair – but thinking outside their confines today is exceedingly difficult. Des Freedman dubbed these phenomena "media policy silences," which he defined as the "ideological processes of exclusion and marginalization that distort media policy making and undermine the

²⁰ See "Telecom Lobbying," *Free Press*, <http://www.freepress.net/lobbying>. Telecom lobbyists arguably have even more influence at the state level where they pressure legislatures to place constraints on municipal broadband services. See Jon Brodtkin, "ISP lobby has already won limits on public broadband in 20 states," *Ars Technica*, February 12, 2014.

²¹ Personal correspondence with Timothy Karr of Free Press, May 2, 2013.

²² See generally, Baker, *Media, Markets and Democracy; Media Concentration and Democracy*.

emergence of alternative paradigms and policy outcomes.”²³ Taken together, these discursive impediments obscure the policy roots of social problems, mask market inefficiencies in providing for society’s communication needs, and narrow the possibilities for alternative policy trajectories – all leading to policy inaction and, ultimately, policy failure.

Return of the Nervous Liberals

These corporate libertarian assumptions, first crystallized in the 1940s, continue to permeate American policy discourse, thereby diverting attention from a structural analysis of the media system’s problems.²⁴ This is true even of relatively liberal initiatives like the FCC’s 2011 report, “The Information Needs of Communities,” which offered a highly critical assessment of American news media’s failures but – perhaps fearful of its own logical conclusions – repeated the Hutchins Commission’s errors by prescribing only a minor role for public policy in addressing the journalism crisis.²⁵ A few days after the long-awaited report was issued, its author defended the study’s laissez-faire approach to a group of public advocates, arguing that more aggressive policy intervention was inappropriate for two reasons: first, because the government should not be choosing winners, and, second, because the First Amendment forbade it.²⁶

This defense sounds remarkably familiar to C. Edwin Baker’s description of commercial media firms’ standard anti-regulation arguments, and it shows to what extent a corporate libertarian logic is internalized even within the thinking of liberal policy makers. These familiar arguments are also demonstrably false. The government is *always* involved in markets, though often on behalf of corporate interests – a glaring contradiction in corporate libertarianism. Indeed, the American commercial media system could not operate without the state. Particular kinds of state intervention – copyright, relaxation of media ownership restrictions, and generally any measure that privatizes what had been previously in the public domain (such as the public airwaves) – are embraced, whereas any measure that aims to curb profit-seeking behavior is

²³ Des Freedman, “Media Policy Silences: The Hidden Face of Communications Decision Making,” *International Journal of Press/Politics* 15, no. 3 (2010): 344–61.

²⁴ Brett Gary used the phrase “nervous liberals,” first coined by Archibald MacLeish, to describe postwar liberals whose selective adherence to First Amendment freedoms allowed them to effortlessly switch from targeting fascists to blacklisting leftists during the ensuing Cold War hysteria. See Gary’s *The Nervous Liberals: Propaganda Anxieties from World War I to the Cold War* (New York: Columbia University Press, 1999). I have adapted the term to describe liberals made nervous by their own conclusions when they stray into a structural critique of commercial media.

²⁵ Steve Waldman, *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age* (Washington, DC: Federal Communications Commission, 2011), www.fcc.gov/infoneedsreport.

²⁶ Steve Waldman, *Future of Media Report Public Interest Briefing with Steve Waldman*, New America Foundation, Washington, DC, June 14, 2011.

scorned as regulatory and therefore anti-free market. Furthermore, a proscription on government intervention in media stands on a highly dubious reading of First Amendment freedoms. Given important legal precedents like the Supreme Court's AP decision, government intervention can be justified to ensure a structurally sound and protected press system.

Indeed, a long-standing – if little recognized – tradition exists in which the American government affirmatively mandated that media systems serve public needs. We see this vision briefly take hold in the 1940s and make subsequent appearances in the 1960s, but it traces back to the American republic's earliest days. Richard John's magisterial history of the U.S. Postal Service – a communication network that initially served primarily as a newspaper-delivery infrastructure – demonstrates this precedent.²⁷ In the first major American media policy debate, the federal government determined that it should privilege the postal system's educational purpose over fiscal considerations, and thus heavily subsidize it. Given the postal system's vital function, the notion that it should be entirely self-supporting was seen as absurd. In recent decades, however, most elite policy discourse has been hermetically sealed off from such ideas, and what was once nonsensical – that media the market no longer supports should be left to wither – is now commonsensical. The first step toward undoing the corporate libertarian paradigm is to realize that government has a legitimate duty to step in where the market has failed. This will require reaffirming what was once better understood: Affirmative media policy based on positive liberties is entirely consistent with American history and democratic ideals. Once the political opportunity arises, reformers will have a rich alternative tradition of positive press freedoms to draw upon, thereby realigning the First Amendment with a more progressive policy orientation.

Policy Reforms for Digital Media

The future of media is a digital one, yet as a society we are still grappling with the implications of this transformation. It would be comforting if concerns about media ownership and public interest obligations no longer mattered in the age of the Internet. For many, caring about the future of news media might seem quaint and anachronistic given the ubiquity of digital communications. But despite dramatic technological changes, similar policy quandaries remain, especially as we witness a new wave of digital media monopolies, oligopolies, and cartels.²⁸ The commercial Internet faces a norm-defining moment not unlike that of commercial radio in the 1940s. Such moments require normative

²⁷ Richard John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995).

²⁸ For a provocative argument on how we as a society should respond to these Internet cartels and monopolies, see Robert McChesney, "Be Realistic, Demand the Impossible: Three Radically Democratic Internet Policies," *Critical Studies in Media Communication*, 2014, DOI: 10.1080/15295036.2014.913806.

questions: What is the Internet's role in a democratic society? How can the public interest be protected in this digital media system? What is government's role in regulating that relationship? Thus far we have failed to address these questions adequately.

Actualizing this new digital media system's democratic potential requires a paradigm shift. It requires moving away from corporate libertarianism toward a framework that recognizes the public-good qualities of media and embraces government's affirmative role in providing for society's communication needs—especially as systemic media market failure becomes increasingly evident. Nearly a third of all U.S. households still lack broadband Internet, at least partly owing to prohibitive cost.²⁹ Even for those with access, services are sub-par and costly in a global comparison. Among leading democracies, American broadband is the seventh most expensive, and nineteenth in terms of speed. In terms of Internet penetration, the United States ranks fifteenth internationally, having dropped sharply over the past decade.³⁰ In terms of cost, the U.S. ranked 30th out of 33 countries, with an average price of \$90/month for higher speeds of 45 Mbps and over.³¹ The average American broadband customer currently pays more than \$40/month for 27 Mbps, while an average South Korean pays a fraction of that price for 70 Mbps.³² A more recent report exposes the degree to which American cities lag in broadband speeds and prices behind other cities around the world. For example, the same broadband speed that fetches \$21.75 in Riga, Latvia, costs \$112.50 in Washington, DC.³³

Given that duopolies presently dominate both the wired (Comcast, Time Warner)³⁴ and wireless (Verizon, AT&T) U.S. markets, it is reasonable to assume that a lack of competition plays an important role in this predicament.³⁵

²⁹ Pew Research Center, *Home Broadband 2013* <http://pewinternet.org/Reports/2013/Broadband.aspx> (accessed October 11, 2013).

³⁰ Organization for Economic Co-operation and Development, *Fixed and Wireless Broadband Subscriptions per 100 Inhabitants*, Annual Report, 2012 ed., http://www.oecd.org/sti/broadband/1d-OECD-WiredWirelessBB-2012-12_v2.xls (accessed October 11, 2013).

³¹ Tom Geoghegan, *Why Is Broadband More Expensive in the US?* *BBC News Magazine*, October 27, 2013, <http://www.bbc.co.uk/news/magazine-24528383>.

³² Organization for Economic Co-operation and Development, *Average Advertised Download Speeds, by Country*, Annual Report, 2011 ed., http://www.oecd.org/sti/broadband/BB-Portal_5a_13July_Final.xls (accessed October 11, 2013).

³³ Hibah Hussain, Danielle Kehl, Patrick Lucey, and Nick Russo, "The Cost of Connectivity 2013 Data Release: A Comparison of High-Speed Internet Prices in 24 Cities around the World" New America Foundation, October 2013. http://oti.newamerica.net/publications/policy/the_cost_of_connectivity_2013. See also Edward Wyatt, "U.S. Struggles to Keep Pace in Delivering Broadband Service," *New York Times*, December 29, 2013.

³⁴ If the proposed merger between Comcast and Time Warner goes through, this predicament may worsen.

³⁵ For an international comparison of mobile internet services, see Hibah Hussain and Danielle Kehl, "Americans Pay Six Times More for Mobile Internet Data than the French," *Slate*, http://www.slate.com/blogs/future_tense/2013/10/11/itu_report_shows_americans_pay_high_price_for_mobile_internet_data.html (accessed October 11, 2013).

According to the FCC, 96 percent of American housing units have two or fewer choices for wireline Internet access.³⁶ In a 2010 report, Yochai Benkler determined that American broadband's relative decline stems from policy differences with other democracies,³⁷ suggesting that this American exceptionalism is primarily political, with telecom corporations exerting disproportionate control over the policy process.

Because Internet service providers (ISPs) have little incentive to make the necessary investments to address these structural problems, one first step toward increasing capacity is to subsidize the build-out of new networks that can compete with the incumbents.³⁸ Susan Crawford makes a compelling argument that these digital communications industries wield such influence over the political process that aggressive structural intervention in the form of breaking up monopolies and oligopolies is highly unlikely for the immediate future. However, she sees hope in a smattering of community-owned Internet networks that provide cheap and reliable broadband services to their residents. Therefore, one arrow in the quiver against telecom monopolies should include community broadband initiatives – at least in the 30 states that have not yet passed laws making it extremely difficult or impossible for municipalities to offer these services, essentially ensuring a captive market for companies such as Comcast.³⁹ These locally owned and controlled wireless or municipal fiber Internet networks could be operated through community media centers supported by local and national tax revenues. These centers could be housed in post offices or public libraries to serve as hubs for community media production.⁴⁰

³⁶ Federal Communications Commission, *Connecting America: The National Broadband Plan*, 2010 <http://download.broadband.gov/plan/national-broadband-plan.pdf> (accessed October 11, 2013).

³⁷ Yochai Benkler, *Next Generation Connectivity: A Review of Broadband Internet Transitions and Policy from Around the World* (Cambridge, MA: Berkman Center for Internet & Society at Harvard University, 2010).

³⁸ For example, the governments of Japan, South Korea, and Sweden made significant investments in building out broadband infrastructure. See Saul Hansell, "The Broadband Gap: Why Do They Have More Fiber?" *New York Times*, March 12, 2009. President Obama's "broadband stimulus," which viewed the Internet as a crucial infrastructure, was arguably a first tiny step in this direction but insufficient.

³⁹ Crawford, *Captive Audience*, 256.

⁴⁰ A version of the Independent Media Center (IMC or Indymedia) experiment of the early 2000s could serve as a potential model, though it would require reliable funding instead of relying on all-volunteer labor, which challenged many IMCs' sustainability. See Victor Pickard, "Assessing the Radical Democracy of Indymedia: Discursive, Technical and Institutional Constructions," *Critical Studies in Media Communication* 23, no. 1 (2006): 19–38; Victor Pickard, "United yet Autonomous: Indymedia and the Struggle to Sustain a Radical Democratic Network," *Media Culture & Society* 28, no. 3 (2006): 315–36; Victor Pickard, "Cooptation and Cooperation: Institutional Exemplars of Democratic Internet Technology," *New Media and Society* 10 (4) (2008): 625–645. One important model is the Urbana IMC, which purchased the downtown post office building. In addition to providing community wireless services, this space produces a wide range of media, including a monthly print publication, an LPFM station, and a community

Analogous to the 1940s debates over broadcasters' commercial and political power over their programming content, today the gatekeeping capacity of ISPs is in question. Specifically, this debate hinges on whether the Internet should be protected according to "net neutrality" – essentially preventing ISPs from interfering with online content. This controversy traces back to a number of antecedents, including the 2005 Supreme Court's *Brand X* decision, which permitted the FCC's dubious 2002 reclassification of the Internet (specifically cable modem services) from a carefully regulated telecommunications service to a lightly regulated "information service." Without explicit net neutrality protections, ISPs can potentially interfere with users' online activities by slowing or blocking specific kinds of content, creating "fast lanes" for prioritized services, and thereby fundamentally altering the Internet's basic design principles.⁴¹ The net neutrality debate's long, ongoing saga is beyond this book's scope; its most recent permutation has left the issue in limbo after the DC Circuit Court of Appeals struck down the weak protections that the FCC had enacted in 2010.⁴² Verizon, who successfully sued the FCC to have the rules thrown out, used an all-too-familiar negative liberty argument that communication firms typically use to protect capital and shield themselves from regulatory intervention. It stated that "contrary to the FCC's assertion, broadband providers are speakers protected by the First Amendment."⁴³ Also problematic, open Internet protections have not thus far fully pertained to mobile services, which increasing numbers of Americans use to access the Internet. To maintain a free-flowing and democratic digital media system, net neutrality should be mandatory across platforms.⁴⁴ However, while

news website. See Sascha Meinrath and Victor Pickard, "The Rise of the Intranet Era: Media, Research and Community in an Age of Communications Revolution," in *Globalization and Communicative Democracy: Community Media in the 21st Century*, ed. Kevin Howley (London: Sage, 2009), 327–40. Another institutional exemplar is Philadelphia's Media Mobilizing Project, which uses new communication technologies to produce media in coordination with poor and working class communities. See Todd Wolfson, *Digital Rebellion: The Birth of the Cyber Left* (Urbana: University of Illinois Press, 2014).

⁴¹ Arguing that net neutrality is actually a type of ancient nondiscriminatory law – essentially common carriage – adapted to twenty-first-century infrastructure, Tim Wu reminds us that a "vibrant information economy cannot countenance discrimination at a level so basic as transmission on a public network." Wu, *The Master Switch*, 311.

⁴² *Verizon Communications Inc. v. Federal Communications Commission*, DC Cir., No. 11–1355, 1/14/14.

⁴³ Joint Reply Brief for Verizon and Metropcs, *Verizon v. Federal Communications Commission*, No. 11–1355 (DDC filed Dec. 21, 2012), p. 2. Elsewhere Verizon argues that these rules "infringe broadband providers' speech by, among other things, stripping providers of control over which speech they transmit and how they transmit it," p. 26. See also Paul Barbagallo, "Verizon First Amendment Challenge of Net Neutrality Tests Century of Regulation," Bloomberg, January 24, 2013 <http://www.bna.com/verizon-first-amendment-117179872014/>. In its decision, the court ultimately did not address Verizon's First Amendment argument.

⁴⁴ This requires reclassifying broadband as a telecommunications service protected by Title II of the Communications Act, thereby reaffirming the FCC's regulatory authority over Internet communications. See Sascha Meinrath and Victor Pickard, "The New Network Neutrality: Criteria for Internet Freedom," *International Journal of Communications Law and Policy* 12 (2008): 225–43. Of course, other kinds of online discrimination and preferential treatment not involving

having an open digital infrastructure is necessary, it does not specifically address the American journalism crisis, which I turn to next.

Taking the Profit out of News

American journalism lives a double life as a public service and a commodity. It is the latter identity – news as a profitable commercial entity – that has collapsed in recent years. With nearly all signs suggesting a slow but sure demise for advertising-supported journalism – seen most spectacularly in the newspaper industry – traditional news organizations continue to flounder for a last-minute rescue, whether through digital paywall models or some other technological fix. The Internet, paradoxically, is seen as both journalism's destroyer and its potential savior. The latter view assumes that new digital media will somehow combine with market forces and organically produce new models for citizen journalism. Thus far, little evidence suggests that this will manifest at sufficient levels. Saving commercial journalism from itself – or rather, extricating its good parts – must happen quickly before its slide toward ruin leaves behind hundreds of hollowed-out newsrooms. For while its business model has collapsed, journalism's public service mission is as vital today as any point in history. Salvaging it, however, will require public policy interventions.

Even modest policy changes could bolster public service journalism. Lessening market failure within the digital realm as described previously would greatly benefit news media, but policy reforms aimed specifically at journalistic institutions are also necessary. A three-pronged approach to reinventing journalism would involve new tax laws, subsidies for a new public media system, and research and development efforts for new digital models. Together, these initiatives would remove or lessen profit pressures and help restore journalism's public service mission. An immediate stopgap measure like tweaking tax laws would help struggling news outlets transition to new low- and nonprofit business models while also eliminating barriers to new ventures.⁴⁵ A number of promising initiatives have been waiting for months and years to be granted nonprofit status, and the IRS's inexplicable delays have caused unnecessary hardship for these news organizations.⁴⁶ Other worthwhile tax reform

ISPs occur with other large Internet firms, including those that often side with public interest groups during net neutrality disputes such as Google.

⁴⁵ For a discussion of these tax models, as well as historical models such as municipal-owned newspapers, see Victor Pickard, "Can Government Support the Press? Historicizing and Internationalizing a Policy Approach to the Journalism Crisis," *Communication Review* 14, no. 2 (2011): 73–95.

⁴⁶ Josh Stearns, "No News Is Bad News for Nonprofit Journalism," *Yes Magazine*, May 3, 2012. <http://www.yesmagazine.org/people-power/no-news-is-bad-news-for-nonprofit-journalism>. See also: "The IRS and Nonprofit Media: Toward Creating a More Informed Public," Council on

proposals have been floated in recent years but have yet to receive a full public hearing.⁴⁷ The finer details of tax law might not be the most compelling activist issue, but reforming them could induce both old and new media institutions to provide public service journalism.

Strengthening the already existing public media system would be a strong first step toward funding an alternative media infrastructure insulated from the commercial pressures that accelerated our journalism crisis. Right now, the United States is a global outlier among democracies in how little it funds public broadcasting.⁴⁸ The current crisis presents a rare opportunity to revitalize and repurpose this public media infrastructure by dedicating it to local news gathering as well as international and state-level news. Existing community and public radio stations could transition into multimedia centers (as many already are) that create digital media across multiple platforms and support investigative reporters in local communities, replacing the news media production often vacated by commercial newspapers. Funding for public media should be guaranteed over the long term and carefully shielded from political pressures, a process that would require removing it from the congressional appropriation process. A permanent trust could be supported by spectrum fees paid by commercial operators, a small consumer tax on electronics, or something equivalent to the universal service fund added to monthly phone bills. In the meantime, the United States could allocate targeted subsidies toward increasing public media's capacity, reach, diversity, and relevance. These subsidies could help broaden public media to include not just the Public Broadcasting Service and National Public Radio but also low-power FM stations, public access cable channels, and independent community Web sites, as well as the aforementioned community media centers.

All of these efforts would benefit from R&D investments in new digital start-ups.⁴⁹ Similar to private initiatives like the Knight News Challenge,⁵⁰ this federal R&D program could nurture promising journalistic experiments to help them become self-sustaining. Recent years have witnessed numerous creative proposals to jump-start innovative forms of multi-platform public media, including federal support for a journalism jobs program based on the Americorps model,⁵¹ instituting \$200 tax vouchers to put toward taxpayers' choice of

Foundations, March 4, 2013, <http://www.cof.org/nonprofitmedia?ItemNumber=18708#sthash.NHD3Y8Ui.dpuf>.

⁴⁷ See, for example, Senator Ben Cardin's proposed bill, the "Newspaper Revitalization Act of 2009," to help struggling newspapers become nonprofits. See also his op-ed "A Plan to Save Our Free Press," *Washington Post*, April 3, 2009.

⁴⁸ Rodney Benson and Matthew Powers, *Public Media and Political Independence: Lessons for the Future of Journalism from around the World* (Washington, DC: Free Press, 2011).

⁴⁹ Discussed in Pickard et al., "Saving the News," 44–5.

⁵⁰ The Knight News Challenge is an annual contest offering rewards of between \$1,000 and \$1,000,000 to promote innovative ideas in "news and information."

⁵¹ Pickard et al., "Saving the News," 43–4.

media,⁵² repurposing funds currently used for international broadcasting,⁵³ charging commercial broadcasters for their use of the public spectrum,⁵⁴ and having journalism schools take over news operations abandoned by professional organizations.⁵⁵

Given corporate libertarianism's control over American political discourse, such a policy reorientation may seem like a nonstarter, especially when conservative politicians routinely target public broadcasting for proposed budget cuts – at a time, no less, when the need for public media should be most self-evident. But polling data consistently show high levels of support for public broadcasting,⁵⁶ suggesting one clear example where the corporate libertarian paradigm is not based on popular consent. Regardless, establishing new reforms and expanding public media are possible only if we create a counter-narrative to corporate libertarianism.

Beyond Corporate Libertarianism

How we think about journalism is largely determined by how much we buy into a corporate libertarian paradigm that sees news and information primarily as commodities whose existence is dictated by their profitability. If we see journalism first and foremost as a public service or public good, then it must be sustained regardless of market support. Thus, an argument for subsidizing public media can be condensed to the following points.

- Despite its continued commercial devaluation, journalism produces a public good that is essential to democracy.
- The advertising model that has subsidized this public good for the past 125 years is no longer sustainable.
- No new commercial models are emerging that offset the loss of journalism within legacy media.
- Once society acknowledges this market failure, the need for policy interventions to promote public service journalism and to encourage new journalistic experiments becomes paramount.

⁵² McChesney and Nichols, *The Death and Life of American Journalism*, 201–206.

⁵³ Shawn Powers, “U.S. International Broadcasting: An Untapped Resource for Ethnic and Domestic News Organizations,” in *Will the Last Reporter Please Turn Out the Lights? The Collapse of Journalism and What Can Be Done to Fix It*, ed. Robert McChesney and Victor Pickard (New York: New Press, 2011), 138–150.

⁵⁴ Benjamin Lennett, Tom Glaisyer, and Sascha Meinrath, *Public Media, Spectrum Policy, and Rethinking Public Interest Obligations for the 21st Century* (Washington, DC: New America Foundation, June 2012).

⁵⁵ Leonard Downie and Michael Schudson, “The Reconstruction of American Journalism,” in *Will the Last Reporter Please Turn Out the Lights? The Collapse of Journalism and What Can Be Done to Fix It*, ed. Robert McChesney and Victor Pickard (New York: New Press, 2011), 55–90.

⁵⁶ Public Broadcasting System, *Today's PBS: Trusted, Valued, Essential*, 2013 http://www-tc.pbs.org/about/media/about/cms_page_media/625/2013_Trust%20Brochure.pdf (accessed October 11, 2013).

This reframing of the journalism crisis allows for commercial and noncommercial models to coexist by restoring balance between profit-making and democratic imperatives and creating a mixed, structurally diverse media system that is not overly dependent on market relationships. The historical record as well as recent events would suggest that a wholly commercial news system focused on advertising revenue optimization and profit maximization cannot easily withstand market fluctuations and is inadequate in supporting democratic society's communication requirements.

Of course, advocating public subsidies does not mean that the state should exert direct control over media; rather, it should help foster the structural conditions necessary for public service media to thrive. Despite Americans' discomfort with press subsidies, a growing body of academic research demonstrates that publicly owned media and government-subsidized privately owned media are no less critical of government than non-subsidized privately owned media.⁵⁷ Critical journalism and continued media independence – despite state subsidies – are exemplified by the often-confrontational BBC. Arguably, in liberal democracies with predominantly commercial media systems that overly rely on access to official sources (such as politicians), the state can play a larger role in shaping the news than it does in publicly subsidized media systems. Subsidies might liberate journalists to become more autonomous and thus more adversarial toward those in power. Drawing from a number of respected studies showing a strong correlation between public media systems and vibrant democracies, recent research has convincingly debunked the arguments that public press subsidies automatically create a slippery slope toward totalitarianism.⁵⁸ Likewise, research suggests that subsidies do not encourage subservient, uneducated publics; often the opposite appears to be true.⁵⁹

Over the past decade, American scholars have begun to examine the subsidy approach more closely,⁶⁰ and proposals for press subsidies long considered off-limits are gradually being reconsidered, as evidenced by a number of reports

⁵⁷ Rodney Benson, "Public Funding and Journalistic Independence: What Does Research Tell Us?" in *Will the Last Reporter Please Turn Out the Lights? The Collapse of Journalism and What Can Be Done to Fix It*, ed. Robert McChesney and Victor Pickard (New York: New Press, 2011), 314–19. For a fine example of this research, see also Rodney Benson, *Shaping Immigration News: A French-American Comparison* (New York: Cambridge University Press, 2013).

⁵⁸ Robert McChesney and Victor Pickard, "News Media as Political Institutions," in *Handbook of Political Communication Theories*, ed. Kate Kenski and Kathleen Hall Jamieson (Oxford: Oxford University Press, 2014).

⁵⁹ James Curran, Shanto Iyengar, Anker Brink Lund, and Inka Salovaara-Moring, "Media System, Public Knowledge and Democracy," *European Journal of Communication* 24 (2009): 5–26. See also Rasmus Kleis Nielsen and Geert Linnebank, "Public Support for the Media: A Six-Country Overview of Direct and Indirect Subsidies" (Reuters Institute for the Study of Journalism, Oxford University, 2011), <http://reutersinstitute.politics.ox.ac.uk/publications/risj-reports.html>.

⁶⁰ I synthesize much of this scholarship in "The USA: Unfounded Fears of Press Subsidies," in *State Aid for Newspapers – Theories, Cases, Actions*, ed. Paul Murschetz (Berlin and Heidelberg: Springer-Verlag, 2014), 357–72.

and op-eds.⁶¹ Even as these proposals incur wrath from those who still view press subsidies as dangerous, the beginnings of a new “popular front” consensus among liberal and radical intellectuals might be crystallizing around what James Curran refers to as “public reformism.”⁶² This position calls for strengthening public media to sustain the journalism that the private sector no longer supports. Since public media’s future is bound up in the political appeal of state activism, proposals for supporting journalism must convince broad constituencies that subsidies would not influence the press’s editorial viewpoints or news coverage. All public media subsidies should be based on complete transparency, systems of accountability, and multiple firewalls to prevent them from becoming instruments of the state. For example, one potential safeguard is to mandate a new kind of “ascertainment” by which subsidized media institutions must consult local communities to find out what stories residents would like to see covered. Reform proposals also should emphasize that they are not focused on simply propping up corporate incumbents and paper-based print media.

To be clear, the objective should always be stated as protecting journalism, not necessarily legacy newspapers. Few proponents of subsidies are advocating a direct bailout of the commercial media system or the preservation of traditional news organizations as they currently exist. Furthermore, sentimentality about ink-stained fingers notwithstanding, we should think proactively about digital journalism and aim beyond saving “dead tree” broadsheets. A restructured newspaper industry combined with a fully funded public media infrastructure could bring into existence, with time, not just reform, but a *transformed* media system, one less beholden to commercial interests and more accountable to diverse communities.

Presently, the politics to drive these policies are absent, and as long as the corporate libertarian paradigm that ascended in the 1940s remains predominant, they likely will remain so. Recent developments in media law and policy have only strengthened this paradigm as corporations are increasingly empowered and emboldened to act as political agents, seeking to undermine even weak redistributive mechanisms in U.S. society.⁶³ Moreover, the case for government

⁶¹ See, for example, Federal Trade Commission, “Potential Policy Recommendations to Support the Reinvention of Journalism” (discussion draft, Washington, DC, 2010); Lee Bollinger, “Journalism Needs Government’s Help,” *Wall Street Journal*, July 14, 2010. Lee Bollinger expands on these arguments in *Uninhibited, Robust, and Wide-Open: A Free Press for a New Century* (New York: Oxford University Press, 2010).

⁶² James Curran, “The Future of Journalism,” *Journalism Studies* 11, no. 4 (2010): 472.

⁶³ This is especially true after the 2010 Supreme Court decision in *Citizens United v. FEC*, which stands to reorder the political landscape along corporate libertarian lines by unleashing nearly unlimited and unaccountable corporate influence in political campaigns. For a penetrating analysis of this and related phenomena, see John Nichols and Robert McChesney, *Dollarocracy: How the Money and Media Election Complex Is Destroying America* (New York: Nation Books, 2013).

intervention has been further weakened in the public imagination with increasing disclosures of run-amok state surveillance via digital media. While dismantling this surveillance state must become a key policy battle in the years ahead, a progressive role for state intervention is still possible and necessary. After decades of American media policy largely favoring incumbent media corporations, a rare chance has emerged to create a truly public media system.

Media Reform Deferred

Ideas themselves do not lead directly to social change; reform requires the energy of grassroots movements, as well as long-term organizing and institution-building. In considering lessons from the postwar settlement's ascendancy and prospects for moving beyond it, a long view is useful. The history of media reform is one of missed opportunities and deferred alternatives, but the purpose of this research is not to mourn a lost golden age or to lament what could have been. Rather it is meant to link previous struggles to alternative futures, to learn lessons from past failures, and to see contemporary media reform movements as part of a long historical tradition, one that continually engages with the vexing intersections of media, democracy, and policy. Radical policy formations and ideas for new models typically exist at the margins of political discourse. It is incumbent upon scholars to bring those alternatives to light and to challenge dominant ideologies and relationships. The history discussed in this book is more than a declension narrative. In answering the "How did we get here?" question, this history reminds us about forgotten options – lost possibilities that we recover not only to correct the historical record by reclaiming agency and resistance but also to inspire future reform efforts. As we look back to the paths not taken, we may consider changing course.⁶⁴

Just as the New Deal era has been described as a period of chaotic experimentation, our current critical juncture calls for testing alternative models. But without a structural analysis we are left to fight against the symptoms of a fundamentally flawed media system instead of root causes. This evasion of structural reform in the 1940s poised newspapers for their current dissolution. However, a possible silver lining to the crisis is that new journalistic models are becoming more viable. Unlike in the 1940s, when prominent figures in the media industry viewed any suggestion of structural reform via state intervention with knee-jerk suspicion and hostility, now some industry leaders, perhaps out of desperation, indicate a greater willingness to experiment, as do many working journalists whose jobs are at stake. This trend may combine with a

⁶⁴ I discuss some of these themes in "Revisiting the Road Not Taken: A Social Democratic Vision of the Press," in *Will the Last Reporter Please Turn Out the Lights? The Collapse of Journalism and What Can Be Done to Fix It*, ed. Robert McChesney and Victor Pickard (New York: New Press, 2011), 174–84.

resurgent media reform movement to build the crucial public support that was lacking or disconnected from policy makers in the 1940s.

Concerns about unaccountable media monopolies and government complicity articulated in the 1940s continue to galvanize media reformers and public outrage. In 2003, nearly 3 million people wrote letters to the FCC contesting proposed plans for loosening ownership restrictions.⁶⁵ In 2006, more than 1 million people petitioned Congress to protect a then-obscure policy called net neutrality to maintain a nondiscriminatory Internet.⁶⁶ In 2012, 4.5 million people signed a petition to roll back two proposed Internet piracy bills that would have given government and corporations tremendous power over Web content.⁶⁷ With increasing numbers of Americans attempting to renegotiate the power dynamics between communities and media companies, uncovering the origins, contingencies, and contradictions of this relationship is timely. This study strives to recuperate lost alternatives by presenting a usable history and showing that “the public interest” is still a meaningful category in the digital era.

This analysis reaches the uncomfortable conclusion that the current commercial model for media is not adequately serving democracy. In particular, commercial journalism is failing; the normative framework of socially responsible media has too often failed; and the market-driven build-out of communication infrastructures has been insufficient. It is unreasonable to think that we can awaken tomorrow and jettison the entire apparatus. However, it is reasonable – in fact, it is absolutely necessary – for policy makers, media reform activists, and other stake-holding constituencies to begin pushing for structural alternatives. For this goal to be realized, we will have to renegotiate the postwar settlement, and to do this, we must know its history. The postwar settlement for American media marked a failure of reformers’ vision of media democracy, one privileging access over corporate profits and diversity over commercial values. It is this vision that has been deferred, still awaiting its moment.

History shows that democratization can occur when government, pushed by social movements, enters the fray on the public’s behalf. More than seventy years ago, an opportunity was lost. Instead of confronting the problem for what it was – the result of deeply systemic flaws endemic to commercial media – policy makers either avoided this task or were squelched by pro-industry counterattacks, especially red-baiting. Ultimately they fell back on palatable halfway measures, helping ensure that future generations of Americans would be forced to face similar crises. The American public has inherited the legacy of policy

⁶⁵ For a history of the early 2000s media reform movement, see Eric Klinenberg, *Fighting for Air: The Battle to Control America’s Media* (New York: Metropolitan Books, 2007).

⁶⁶ Stephanie Kirchgaessner, Patti Waldmeir and Richard Waters, “Google Action Tests Power of Cash vs Votes in Washington,” *Financial Times*, July 18, 2006.

⁶⁷ SOPA Petition Gets Millions of Signatures as Internet Piracy Legislation Protests Continue, *Washington Post*, January 19, 2012.

decisions from the 1940s that left intact a nominally socially responsible, self-regulated commercial media system. This corporate libertarian paradigm would prefigure much of the American media system for decades. The time has arrived for a renegotiated social contract. Instead of being constrained by past policy failures, we must learn from them and move forward with bold new models.