
UCLA

JOURNAL OF LAW & TECHNOLOGY

Special Issue: Platforms and the Press

A CRISIS FOR NEWS; A CRISIS FOR DEMOCRACY

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SPECIAL ISSUE INTRODUCTION

Thomas Jefferson once famously quipped that, were he forced to choose between “a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.”² The implication, that a free and robust news media industry is essential to maintaining democratic and accountable government, is deeply rooted in American constitutional traditions. Given this context, current trends are deeply troubling. Over the past decade, the total number of newspaper reporters in the United States has dropped 47%, while print advertising revenue has fallen by two-thirds since 2006.³ As a result, today two-thirds of counties in America have no daily newspaper.⁴

The consequences of journalism’s decline are readily apparent. Across the country, trust in institutions of knowledge and governance continues to plummet, which fuels a rise in voter apathy, extremism, and even political violence.⁵ As legacy news outlets shut their doors or reduce staff, misinformation and conspiracy theories run rampant, blurring the line between fantasy and reality. It is no

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² Letter from Thomas Jefferson to Edward Carrington, Col. (Jan. 16, 1778), in 5 THE WORKS, 1786–1789, 251, 252 (Paul L. Ford ed., 1904–1905).

³ Jeremy Dear, *Fixing a Global News Problem*, COLUM. JOURNALISM REV. (Feb. 27, 2023), https://www.cjr.org/special_report/disrupting-journalism-how-platforms-have-upended-the-news-part-7.php.

⁴ *Id.*

⁵ See, e.g., *Public Trust in Government: 1958-2022*, PEW RSCH. CTR. (Jun. 6, 2022), <https://www.pewresearch.org/politics/2022/06/06/public-trust-in-government-1958-2022/>.

coincidence that the era of “alternative facts” and historic levels of dishonesty from elected leaders have coincided with the nadir of journalism in America.⁶

There is no single cause for the decline of traditional news media. While blame is often laid with the Internet’s disruption of the advertising-heavy business model that American newspapers came to rely on, some will note that the trouble began before the Internet became ubiquitous.⁷ Market consolidation and a “vulture capitalist” approach to newsroom ownership is also sometimes painted as the culprit.⁸ Online platforms, whose meteoric rise roughly coincided with an equally devastating decline in revenues for journalism, are probably the most popular whipping boy, especially among legislators.⁹ This is not entirely unfair, given the way that news outlets’ business models have become inextricably intertwined with those of online platforms. The platforms’ control over how an increasingly online citizenry accesses information leaves news media organizations dependent on them to distribute their products.¹⁰ Powerful network effects, and the dominance of targeted advertising in the digital economy, mean that Facebook and Google can leverage a dominant position over the information ecosystem, extracting the lion’s share of profits for themselves at the expense of journalistic organizations.¹¹ Disastrous episodes like the “pivot to video”, where Facebook fed misleading user engagement data to news media partners, did not help

⁶ Aaron Blake, *Kellyanne Conway’s Legacy: The ‘Alternative Facts’-ification of the GOP*, WASH. POST (Aug. 24, 2020), <https://www.washingtonpost.com/politics/2020/08/24/kellyanne-conways-legacy-alternative-facts-ification-gop/>; Glenn Kessler, Salvador Rizzo & Meg Kelly, *Trump’s False or Misleading Claims Total 30,573 over 4 Years*, WASH. POST (Jan. 24, 2021), <https://www.washingtonpost.com/politics/2021/01/24/trumps-false-or-misleading-claims-total-30573-over-four-years/>.

⁷ David Simon, *The Wire’s Final Season and the Story Everyone Missed*, HUFFPOST (Mar. 17, 2008, 4:36 PM), https://www.huffpost.com/entry/the-wires-final-season-an_b_91926.

⁸ McKay Coppins, *A Secretive Hedge Fund is Gutting Newsrooms*, THE ATL. (Oct. 14, 2021), <https://www.theatlantic.com/magazine/archive/2021/11/alden-global-capital-killing-americas-newspapers/620171/>.

⁹ See, e.g., Journalism Competition and Preservation Act, S. 673, 117th Cong. (2022), https://www.klobuchar.senate.gov/public/_cache/files/0/2/02edbc26-debb-41b4-8c19-da7090159e30/60AA7BF7A217968D95D8CE417B93C06C.sil22a02.pdf.

¹⁰ Courtney C. Radsch, *Making Big Tech Pay for the News They Use*, CTR. FOR INT’L MEDIA ASSISTANCE, July 7, 2022, <https://www.cima.ned.org/publication/making-big-tech-pay-for-the-news-they-use/>.

¹¹ See generally, LUIGI ZINGALES, FIONA S. MORTON & GUY ROLNIK, STIGLER COMMITTEE ON DIGITAL PLATFORMS, (2019).

matters either.¹² That notorious event caused chaos in newsrooms, who laid off staff and upended their publishing model to meet a supposed surge in demand for video content, only to discover after the fact that the entire premise was wrong.¹³

Regardless of the causes underlying journalism's current crisis, the dire nature of the situation, and the desperate consequences for American democracy if journalism does not find a path to sustainability, require a concerted and multistakeholder effort to develop novel and effective solutions to support news media sustainability and information integrity.

This Special Issue was developed as a contribution to these broader debates on how best to support quality journalism and, more broadly, how to promote integrity and veracity in the online political discourse. Although the articles were selected through an open call for papers, we were pleased to see that all of our authors, in addition to their academic credentials, share deep ties to civil society, and a strong history of engagement in hands-on problem solving in support of freedom of expression and foundational democratic rights. This underscores a need for practical engagement with the challenges facing America's political discourse, and to move beyond philosophical debates on the importance of the free press, to a more targeted approach to address the existential crisis facing the news media sector.

Courtney Radsch is a Resident Fellow at UCLA's Institute for Technology, Law & Policy who, prior to her arrival at UCLA, served as the Director of Advocacy and Communications at the Committee to Project Journalists, in addition to positions with UNESCO and Freedom House. Her article assesses different regulatory strategies aimed at supporting sustainable journalism against their potential to facilitate capture by either governments or powerful private sector interests. This is the core tradeoff underlying all such interventions, as any program which guaranteed news media sustainability at the cost of news media independence would be a pyrrhic victory.

Maria Luisa Stasi is a PhD candidate at Tilburg University, as well as a Senior Legal Officer at ARTICLE 19, one of the world's leading free speech organizations. Her article, which is based on an extensive series of interviews

¹² Laura H. Owen, *Facebook's Pivot to Video Didn't Just Burn Publishers. It Didn't Even Work for Facebook*, NIEMANLAB (Sept. 15, 2021), <https://www.niemanlab.org/2021/09/well-this-puts-a-nail-in-the-news-video-on-facebook-coffin/>.

¹³ Emily Bell, *Do Technology Companies Care About Journalism?*, in *MEDIA CAPTURE: HOW MONEY, DIGIT. PLATFORMS, AND GOV'TS CONTROL THE NEWS* 293 (Anya Schiffrin ed., 2021).

with stakeholders across the digital media ecosystem, considers the relationship between the large platforms' operational structures and the nature of their content offerings. In particular, it examines the likely consequences of proposed regulatory interventions to decouple the integrated structures which currently govern how content is produced and distributed, through a move to empower a new class of "middleware" providers who might intermediate between platforms and their users.

Frank D. LoMonte is a lawyer with an extensive track record of advocacy in support of press freedom and the right to information. Together with his co-authors, Brittany Suszan and Priya Dames, of the University of Florida, he authored an article on government open data portals and their role in supporting journalism and an informed community. Although the digital age has given rise to unprecedented opportunities for transparency and disclosure, the impact of these new technologies on America's political discourse is less certain, particularly given persistent challenges related to the value and utility of the data being shared. The authors assess the unrealized potential of these portals in the context of the broader open data movement, and provide recommendations for equipping both the press and the public with the information to meaningfully engage with democratic institutions.

The articles in this Special Issue are part of a package of research products addressing challenges related to sustainable journalism and information integrity, including an accompanying essay series in the Columbia Journalism Review, a major research product by UCLA's new Information Policy Lab, and an in-person symposium on platforms and the press which, taken together, are meant to address the problem as broadly as possible.¹⁴

There is no silver bullet to solve the ongoing crisis facing journalism. The economic and social challenges underlying the current struggle for sustainability are diverse and multifaceted, defying overly simplistic solutions. The centrality of this challenge to America's free press, and indeed to American democracy as a whole, requires that any potential intervention be carefully considered in light of its potential for adverse and unintended consequences, and for the behavior it may incentivize among key stakeholders. We

¹⁴ Michael Karanicolas, *Disrupting Journalism: How Platforms Have Upended the News*, COLUM. JOURNALISM REV. (Feb. 13, 2023), https://www.cjr.org/special_report/disrupting-journalism-how-platforms-have-upended-the-news-intro.php. For ITLP's other offerings on news media sustainability, see UCLA INST. FOR TECH., L. & POL'Y, <https://itlp.law.ucla.edu/> (last visited Mar. 1, 2023).

hope that these articles, and our broader programming, will advance the conversation about repairing our broken political discourse, and help to point the way towards solutions in support of a healthier democratic structure.