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What's this?

FTC's Hearings on Journalism: Why?



by [Dan Gillmor \(Bio\)](#), December 3, 2009

Tagged: [broadband](#), [fcc](#), [ftc](#), [future of journalism](#), [public policy](#)

As everyone knows, the nation's scam artists, monopolists and market-riggers have all gone into hibernation during the worst economic crisis since the Great Depression. This has given the Federal Trade Commission the breathing room it needs to intercede in an arena where its role is, at best, unclear.

This week, the commission held a two-day workshop entitled [How Will Journalism Survive the Internet Age?](#) -- the purpose of which is "to explore how the Internet has affected journalism."

There's been lots of blogging, Tweeting and journalizing about it. Some people think it was a valuable exercise. I question that, especially the FTC chairman's announcement that the situation might well call for government intervention.

The event came under the FTC's Office of Policy Planning. Here's [its mission](#):

The Office of Policy Planning assists the Commission to develop and implement long-range competition and consumer protection policy initiatives and advises staff on cases raising new or complex policy and legal issues.

One of the Office of Policy Planning's primary roles involves competition advocacy, submitting filings supporting competition principles to state legislatures, regulatory boards, and officials; state and federal courts; other federal agencies; and professional organizations. The Office also organizes public workshops and issues reports on cutting-edge competition and consumer protection topics, addressing questions of substantive antitrust law, industry-specific practices, and significant national and international policy debates.

In addition to the Office of Policy Planning, several offices throughout the Commission, including the Bureau of Competition's Office of Policy and Coordination and the Policy Studies unit within the Office of the General Counsel, also provide policy advice.

This has what to do with journalism, exactly?



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Ah, we learn more in a [Federal Register Notice](#) (also PDF-only, naturally). The notice observes, in a promising start, that the Internet has created unparalleled possibilities.

The commission could have stopped there, and not bothered to hold the workshop. It could have recognized that we're in the early days of a transition from one set of business models (most of which have not been very competitive) to an emerging, hyper-competitive sphere. There's never been more reason for optimism than there is today, given the massive amount of journalistic and business experimentation going on all around us.

But the commission staff and many speakers found much to fret about, spurred in large part by the incessant whining of the newspaper industry in recent times. (Could it also have been influenced by the fact that the FTC chairman is [married](#) to a Washington Post opinion writer? No, this obviously had absolutely no bearing on anything.) The commission has discovered that the advertising model which once supported many kinds of journalism has eroded. Quoting several economists, the workshop notice says "public affairs reporting may indeed be particularly subject to market failure."

Market failure? What about the market failure -- which as far as I can tell never got any attention from a succession of FTC people during the past half-century -- of the monopolies and oligopolies created by media organizations during that period? The public affairs journalism was, for the most part, a modest spinoff of the extortionate advertising prices they charged when they had near-absolute market power to charge anything they wished. Only when there's real competition does the FTC get interested.

The commission, inevitably, is asking for opinions on whether federal taxpayers should subsidize journalism more directly than the indirect subsidies of low postal rates for print; giveaways of publicly owned airwaves (spectrum) to broadcasters; the odious "Newspaper Preservation Act" granting partial antitrust immunity to community newspapers, etc. (Believe it or not, meanwhile, the commission is asking if Congress should give journalism-related businesses even more antitrust immunity. Good grief.)

There's only one subsidy that makes sense, only one that wouldn't put government meddling squarely into the practice of journalism, an inevitable result of the direct subsidies being pushed by well-meaning but misguided media thinkers. It's not on the agenda, however.

As noted, taxpayer-assisted infrastructure -- especially the postal system and low rates for sending publications -- [helped create the newspaper business](#), and enabled a lot of other commerce. [Bring forward](#) that logic to high-speed Internet access for all Americans, and enable the 21st Century communications infrastructure for all competitors.

As it is, we're moving toward a market failure of frightening proportions, as the telecom industry clamps down, or threatens to, on people's ability to use Internet connections as they see fit. We're moving toward a media business consolidation that would terrify make any real champion of open markets: a cable-phone duopoly. Maybe the FTC could poke its nose into the truly scary potential of the [just-announced Comcast buyout of NBC Universal](#)? That would actually be useful.

The Federal Communications Commission has jurisdiction over telecom, and is looking at the issue. But when it comes to how journalism will thrive in (not just survive) the Internet age, this should be high on any list of competitive issues of interest to agencies that push for competitive markets.

The word "broadband" was nowhere to be found in the FTC's planning document. Coming from an agency that says it wants to promote competition, that spoke volumes.

(Cross-posted, with updates, from [Mediactive.](#))

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Oct 30 2009

[The Only 'Journalism' Subsidy We Need is in Bandwidth](#)

Posted by [Dan Gillmor](#) in [Business Models](#), [Media Business](#)

Robert W. McChesney and John Nichols believe that "[journalists deserve subsidies, too.](#)" They argue that America is "neering a point where we will no longer have more than minimal resources (relative to the nation's size) dedicated to reporting the news."

There's every reason to dispute their woe-is-us assumption. There's even more reason to say they are wildly off-base in calling for special subsidies for journalists.

The authors, longstanding activists in media reform, are exceedingly well-meaning. And they are more accurate than not when they say:

We seek to renew a rich if largely forgotten legacy of the American free-press tradition, one that speaks directly to today's crisis. The First Amendment necessarily prohibits state censorship, but it does not prevent citizens from using their government to subsidize and spawn independent media.

Indeed, the post-colonial press system was built on massive postal and printing subsidies. The first generations of Americans never imagined that the market would provide sound or sufficient journalism. The notion was unthinkable. They established enlightened subsidies, which broadened the marketplace of ideas and enhanced and protected core freedoms. Their initiatives were essential to America's progress.

If the authors had only pursued their logic, they'd have ended up at the only sensible conclusion — that taxpayers could well subsidize the equivalent of the postal and printing subsidies they celebrate (among many other infrastructure supports that helped get the news from one place to another, such as roads, never mind the [variety of other government help](#) that's gone to news organizations over the past several centuries.

What would following their logic lead us to in a digital world? That's easy: We should collectively install dark fiber to every home and business where it's feasible to do so, and put fiber as close to the ones that are too remote to make sense otherwise. It should be "dark fiber" — that is, data lines not controlled by government but available for others to light up to provide services for users.

This would not be about journalism only, any more than building roads in the 18th and 19th and 20th centuries was about helping newspapers deliver their goods to people's homes and businesses. It would be about boosting trade of services and information (for-profit and not-for-profit), one part of which would be media.

We are seeing an explosion of creativity and innovation in media *and journalism* right now. Entrepreneurs and big companies alike are experimenting in new forms of journalism and ways to

pay for it.

We have never had so much high-quality coverage in some areas, such as technology, as we have today. We have never had so much truly local conversation that has high value as we have today. And we will have vastly more tomorrow.

We may well be losing, at least temporarily, some of what [Alex Jones calls](#) "accountability journalism" — hard-nosed reporting of what powerful institutions, including government, are doing with our money and, in some cases, our lives. But to assume it will disappear and not be replaced, especially given some of the experiments we're seeing, is grossly premature.

But Nichols and McChesney make that worst-case assumption, and veer off to this conclusion:

Saving newspapers may be impossible. But we can save journalism. Step one is to begin debating ways for enlightened public subsidies to provide a competitive and independent digital news media. Also, we should greatly expand funding for public and community media, and establish policies that help convert dying daily newspapers into post-corporate low-profit news operations that realize the potential of the Internet. If we do so, journalism and democracy will not just survive. They will flourish.

We don't need government support of this kind. It will lead us down a path that media reformers will rue: licensing of journalists, picking of winners and other pernicious outcomes.

Government surely does have a role, no question. But it should be to create the fundamental communications infrastructure on which tomorrow's journalism can thrive.



This entry was posted on Friday, October 30th, 2009 at 8:48 am and is filed under [Business Models](#), [Media Business](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can [skip to the end](#) and leave a response. Pinging is currently not allowed.

8 Responses to "The Only 'Journalism' Subsidy We Need is in Bandwidth"

1. [SocraticGadfly](#) says:
[October 31, 2009 at 10:46 am](#)

Problems on your idea, though.

First, not just now, not just not in the next five years, or 10, but, IMO...

Advertising will NEVER "monetize" online news sites of national size and of national/international distribution.

Beyond continually falling online ad prices, people who know what they're doing block most online ads with a mix of software and an updated hosts file. As this percentage gets larger, online ads will either get more "creative" (i.e. irritating), or dollars will drop further.

I'm not saying Nichols is wrong; I am saying your idea is simplistic.

MY solution(s) on the other hand, are less likely of adoption, because they start with depending on the corporate newspaper owners to show more brains about the Internet than they have in the past. And, my idea No. 1 is — PAYWALLS!

STOP giving sh*t away! If your website ain't making money on its own, then FIX THAT. Paywalls, reduced content, or even getting rid of it, if you need to.

- [Reply](#)
2. [Charbax](#) says:
[November 1, 2009 at 5:35 am](#)

\$5 per month per person would pay for all the artists, musicians, film makers, journalists and bloggers, based on the measured popularity and quality of their works. No more publishers, newspapers, labels, production companies, distributors and other intermediaries.

- [Reply](#)
1. [Dan Gillmor](#) says:
[November 1, 2009 at 8:02 am](#)

Not my favorite solution by a long shot. For example, who would decide specifically how to divide it up? We'd just be creating a new middleman, no?

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Welcome from Dan Gillmor



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agree, but good info is already there. It is in our human nature to produce good, good enough, not...

Michael Vogel: I'm finding it more difficult to trust these social networking sites given their lack of privacy...

Seth Finkelstein: Garbage In, Garbage Out. No amount of "better filters" is going to create something...

1. [Charbax](#) says:
[November 1, 2009 at 10:08 am](#)

There can be about a dozen independent statistics services online like Google Analytics, Google Trends, Last.fm scrobler (that actually counts how many times you play back the downloaded files), Razorback statistics and other p2p BitTorrent/eDonkey statistics of p2p activity, basically people would be encouraged to let the statistics companies count and monitor not only what they download (which statistics services already do) but also install plugins to video/audio player software and into the actual browser, like Sidewiki, like Google Toolbar, basically a tiny extension in the browser reports back to the statistics firms all the articles that you read. A desktop/mobile phone switch instantly stops/resumes the reporting of your activities, if you want to have some "private" time. If you just have 1/100 people voluntarily signing up to report back their media consumption to independent statistics firms, then you will have 1000x more precise statistics on popularity. And add to that, let people rate (I like) or like a "star" button on everything, or just let it count when the whole video was watched, the whole song listened or the whole article was scrolled through at reading speed, then that counts as something that interested the user.

[Reply](#)

3. [Dave Chase](#) says:
[November 1, 2009 at 6:59 am](#)

Nichols, McChesney and "Socratic" have a failure of imagination. Dave Smith (Mediasmith) had an article over on the Harvard Business blog about Twitter's business model (or what some think is the lack thereof). http://blogs.harvardbusiness.org/cs/2009/10/twitters_business_model_brilli.html. Not long ago, people were saying the same thing about Facebook (i.e., no biz model). They achieved profitability faster than expected to due apps like Farmville with virtual goods. I'm not saying that exact model is the solution but it's new models that will offer a picture of the future.

Looking in the rear view mirror for models — i.e., simplistic display ad models — of the future is folly. Some of the examples Dave gave could apply to the news business. I have bought a lot of media over the years as a marketer and can tell you that a print ad or 30 second spot isn't the holy grail of marketing. I now own a local news and info site among other things and have already had advertisers ask us for our "Twitter offering". We don't have one yet but it points out that even a small local deli is looking for alternatives to what used to be the only game in town — the local newspaper. The basic notion of talking to prospective customers and actually listening combined with testing new ideas is the way to go.

Paywalls are the biggest non-starter followed by micropayments. Both have been tried countless times and failed in virtually every instance.

The real problem for the newspapers is their business people have been lazy and haven't gone out and spoken who should be their natural customers. At best they are covering 5% of the addressable market using old shoe leather sales models developed hmmm 200 years ago. New ad types, mobile apps, self-serve ads, Inside Sales models, and countless other innovations are out there. It's time for there to be a purge of the business people who've been lazy and put some people in who have some fire in their belly and some innovation. The bellyaching of this lazy bunch is getting tiresome. The latest is they gather yet again on Harvard's campus to rehash and nash team. They should be spending that time sitting down 1:1 with customers or perhaps putting up money for an X-prize of a new marketing tool to sell.

And for the record, I agree with Dan's suggestion about if there is going to be any subsidy that it be for dark fiber.

[Reply](#)

4. [Seth Finkelstein](#) says:
[November 1, 2009 at 8:43 am](#)

Dan, I realize A-listers basically need to hew to a line of rabid advocacy of advertising business models and all that entails, otherwise they'd get thrown out of the conference-club (it's not even frothing laissez-faire ideology, since per above, government subsidy is just fine if it's going to the businesses that A-listers serve!). But ... aren't you at least intellectually bothered by the need to fulminate against what's essentially the ONLY existing journalism model that's halfway functional RIGHT NOW? (i.e. public support) Not someday, not somewhere over the rainbow, not some little site held up as poster-child (e.g. TPMemo), not trust the A-list and if it doesn't work, well, they move on to the next hype/fad/attention topic. But, considered against the real world, isn't this standard convulsion itself an excellent exhibit in a Parade Of Horribles that should let us know something is

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wrong with it?

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1. [Dan Gillmor](#) says:
[November 1, 2009 at 8:41 pm](#)

Seth, I genuinely don't follow what you've said here.

[Reply](#)

1. [Seth Finkelstein](#) says:
[November 2, 2009 at 5:21 pm](#)

Sorry, I tried to pack too much material into a short comment, while also attempting to write it in a way intended to discourage certain possible lines of attack. Never mind. No good will come of it.

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May 13 2009

Government's Long History of Supporting Journalism

Posted by [Dan Gillmor](#) in [Business Models](#), [Media Business](#)

UPDATED

In 1791, James Madison penned a [short essay](#) that foretold a long, and ongoing, financial involvement by government in journalism. Madison said, in part:

Whatever facilitates a general intercourse of sentiments, as good roads, domestic commerce, a free press, and particularly a circulation of newspapers through the entire body of the people, and Representatives going from, and returning among every part of them, is equivalent to a contraction of territorial limits, and is favorable to liberty, where these may be too extensive.



The following year, partly in response to Madison's advice, Congress passed the Post Office Act of 1792. One of key provisions — in what, looking back, is a pivotal development of a robust and free press in America — let newspaper publishers mail papers for extremely low prices. It was an outright subsidy, for a social purpose.

The goal wasn't to give newspaper owners a special deal because they were nice people (many were not) or would support government positions (many did not). It was to ensure that knowledge would spread as quickly, and as widely, as possible. The First Amendment forbade interference in what people could publish; the Post Office law provision helped make it financially feasible to ensure that other people could *receive and read* what was published.

By all historical accounts, the 1792 law worked. It was central to the rise of the nation as a society based on knowledge.

More than two centuries later, as the newspaper business falls on hard times that may be terminal, we're hearing some calls for a taxpayer bailout of the industry, on the grounds that their journalism plays such a vital role in society that taxpayers [should subsidize it directly](#). Today, a member of Congress described at a conference [his proposed legislation](#) that would exempt newspapers from

income taxes in certain circumstances.

I'm against direct subsidies. They are poisonous, especially so if they are designed to prop up a business that is failing in part because it was so transcendently greedy in its monopoly era that it passed on every opportunity to survive against real financial competition. In my view, the newspaper industry deserves to die at this point.

I'm not against intervention at a more basic level, as I'll discuss below — namely, a build-out of fiber optic lines to every home and business in America so that everyone can compete freely in a true marketplace of knowledge.

But as people decry or laugh off a bailout of newspapers, as the New York Times' David Carr [did yesterday](#) in his column, they should remember that government has never entirely lacked financial influence — and it doesn't lack it now — over the journalism business.

Governments play major roles in the success or failure of all kinds of business. How corporations do business, and which ones pay which taxes, are decided by lawmakers. But journalism organizations have enjoyed their share of special treatment — and we should be glad, based on our nation's early history, that they did.

Intervening via the mail, as noted above, was the linchpin. A few decades after the Post Office Act of 1792, Alexis De Tocqueville traveled around the states to research his pathbreaking volumes on [Democracy in America](#). He observed how widely knowledge had spread in a largely rural nation. The essential instrument of this, he explained: "The post, that great instrument of intellectual intercourse, now reaches into the backwoods."

By the mid-1800s, says Bruce Bimber in his book, [Information and American Democracy](#), our postal system became the most dependable and comprehensive in the world. It was an unprecedented exercise in governmental assistance, Bimber argues — "a kind of Manhattan project of communication" that helped fuel the rise of the first truly mass medium.

Support for media has been a long-running thread. Even in the 20th Century, favorable mail rates helped countless magazines and newsletters stay solvent (or better). The rise of the Time Inc. magazine empire was aided immeasurably by the fact that it could mail its publications at a cost to the publisher that barely began to cover the actual cost to the system. (In the 21st Century, Time's [maneuvering](#) to ensure its own favorable rates, at the expense of publishers of smaller journals, made some economic sense but also had a odiously anticompetitive aspect.)

Newspapers have enjoyed other special federal and local advantages, meanwhile. One of the most flagrant special-interest favors in U.S. history has to be the [Newspaper Preservation Act of 1970](#), in which newspaper publishers got Congress and the Nixon administration to give the industry an exemption from antitrust laws. (I spent more than a decade at a company that was helped by this law.)

In many states, newspapers get special tax treatment, notably exemption from sales taxes. The state of Washington, for example, just [cut newspapers' main business taxes](#) by 40 percent (to the same rate enjoyed by Boeing and timber companies, the state's most powerful industries).

Print publications haven't been the only beneficiaries of government favors. The gifts to the newspaper and magazine businesses are dwarfed by what [broadcasters carved away from the taxpayers](#): namely free use of the public's airwaves. Local TV broadcasters, in particular, took advantage of this windfall, worth hundreds of billions of dollars over the decades, to make money at a rate that made even newspaper shareholders envious. (And local TV "news" has been, for the most part, a cesspool of violence, celebrity gossip and trivia that would have to improve to be mediocre; newspapers are only now becoming as lousy as local TV news has been through its entire history.)

I've only cited a few of the ways the nation's governments have been doing financial favors for the journalism business. Consider newspaper racks on your community's sidewalks; they're a subsidy in their own right, because not everyone can put a rack there. I could list many other special favors, but you get the idea.

The key point, again, is that calls for a federal bailout don't come in the context of hands-off treatment in the past — even though I personally find the direct subsidy idea abhorrent for all kinds of reasons, not least the way current proposals would protect enterprises that manifestly don't deserve it and the near certainty that such a bailout would lead to more direct government interference in the journalism itself.

What could government do? The 1792 Post Office Act had a noble outcome, and is instructive for today. So is a more recent federal endeavor: the Interstate highway system.

Welcome from Dan Gillmor



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In the 1950s, America's state and local highways were relatively well developed. What the nation decided it needed, and what corporate America couldn't begin to provide, was a robust system of long-distance roads.

With data, the reverse is true: the long-distance data highways, the "backbone" networks, exist in abundance. What we really need now is better local conveyances, the ones running to and into our homes. Big telecom carriers say they'll provide these connections — that is, they *may* provide these connections if they feel like it — only if we allow them to control the content that flows on those lines.

Imagine if we'd given the interstates to corporations that could decide what kinds of vehicular traffic could use them. If you want to worry about a threat to the journalism of tomorrow, consider the power being collected by the so-called "broadband" providers right now.

If we're going to spend taxpayers' money in ways that could help journalism, let's build out the data networks, by installing fiber everywhere we can possibly put it. Let private and public enterprises light it up, and let that market thrive — a market of ideas and business models based on the same principle America stood on in its early days, namely widespread access to knowledge. I'd be delighted to see my tax dollars used for that purpose, and I'm betting most other people would, too.

(Photo of postmaster instructions via the [Smithsonian Institution](#))



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One Response to "Government's Long History of Supporting Journalism"

1. [Henal](#) says:
[August 1, 2009 at 4:39 am](#)

Of course it would be a shame to allow things that we have known for so long to just disappear but I have to say your comment regarding let private and public enterprises light it up and the installation of fiber as an alternative to fund placement of taxpayers funds is on the button. The world has changed and it is regrettable but newspapers can not claim to be the only source of journalism.
Cheers
Henal

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