Comments submitted to the Federal Trade Commission regarding "Federal Trade Commission Staff Discussion Draft: Potential Policy Recommendations to Support the Reinvention of Journalism."

The FTC Staff Discussion Draft poses a danger to journalism that stems from fundamental misconceptions rooted in mistaken definitions, as well as in a misunderstanding of freedom of the press. "Freedom of the press" does not mean the establishment of special privileges and subsidies for a subset of particularly favored corporations (whether for-profit or not-for-profit) that happen to own newspapers. It means, rather, liberty for any American citizen to print anything he or she chooses.

During the 18th century, the printing press provided the only means of publication available. To share news, one took a letter from a correspondent received by post, transferred it into movable type, and printed it for distribution to the public in multiple copies. Hence, the origin of *The Washington Post*. Surely, no one would propose a reinvention so that only news received by mail would be considered "journalism." Of course, newspapers have also printed dispatches from correspondents conveyed by private couriers on horseback. Although the *Louisville Courier-Journal* is a venerable publication, FTC staff would not argue that only dispatches delivered by Pony Express qualify as "journalism." With the Marconi's invention of telegraphy, correspondents could send their dispatches by wire. Since not everyone could afford a telegraph office at home, newspapers could print wire stories and distribute them economically—evidenced in *The Macon Telegraph* and *The Nashua Telegraph*. Clearly, FTC staff would not insist that stories must be distributed by Western Union to be news today. Since then, the press has evolved to include broadcast, Internet, and text messages. But the underlying principle is the same. The rights of the press are rights of the People of the United States, not a privilege of sub-group of "journalists." As evidence, note that the term "journalism" does not appear in the First Amendment, although the word "press" does—Americans can print anything they like.

What is the etymology of "journalism?" The word "journalist" means "one who keeps a journal." What is a journal? Historically the word means a "daily record of transactions," or a "personal diary." From the French root, "jour," that is, "day." A journalist, then, would in its most basic meaning be a diarist who lets the public read what he or she has to say, in other words—a blogger, before computers and the internet.

So then, what is the press? A means of printing those personal diaries. And who has a press? Once upon a time, only millionaires and large corporations. Today, anyone with a laser printer, an inkjet printer, a computer, a monitor, an iPhone, a mobile telephone, a Xerox machine, offset printer, or any one of a myriad of advanced technologies that have come to complement the industrial printing press—in other words, anyone who can upload content to a website.

However, these FTC proposals for revisions in copyright, antitrust, and tax law appear designed to favor printed newspapers over new media. They are backward looking, regressive, unimaginative (the FTC's proposed tax on electronics recycles a fifty-year old proposal the Johnson administration's attempted to implement for public broadcasting finance) and would serve to undermine innovation, creativity, and the public's right to know. Indeed, they would serve to stifle the progress of science and the useful arts.

Today, in the age of the Internet, anyone and everyone can be a journalist. Anyone can print anything on the web. That is progress for freedom of the press and a boon to journalism, not reason to despair.

In privileging established or failing media corporations, many of which are in trouble not due to problems with "journalism," but because of bad investments, speculation in real estate, or general fecklessness, the FTC staff's draft proposal calls to mind George Amberson Minafer's cry to passing motorists in Booth Tarkington's classic tale of American progress, The Magnificent Ambersons:

"Get a horse!"

Like Tarkington's protagonist, the FTC appears to consider upstart competitors such as bloggers, websites, search engines, app developers, and new media companies as "riff-raff."

Unless they wish to meet the fate of George Amberson Minafer, old-line media companies and their FTC supporters need to embrace change, rather than erect walls of government protection, subsidy or special privilege.

For, had the FTC staff's proposed approach been adopted at the turn of the century, the US Government would have subsidized buggy manufacturers, horsewhip vendors, blacksmiths, and ostlers—paid for by taxes on automobiles and railways; protected by antitrust exemptions; and structured as "hybrid corporations" that would never die.

"Journalism" will survive the death of newspapers and the spread of the Apple iPad, just as it did the death of the mail packet boat, the Pony Express, the Western Union telegram and spread of radio broadcasting—indeed, lower costs of production and distribution, leading to economies of scale, promise a bright future for journalism in the internet age, so long as the FTC does not crush innovation in a misguided attempt at "reinvention" that is sure to discourage imagination and talent from future development of new media.

Therefore, it is my opinion that with the exception of its well thought out proposal to maximize the accessibility of government information through improvements to the Freedom of Information Act, policy recommendations in the FTC Staff Discussion Draft would promote dangerous and negative consequences for journalism in the United States.

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