BAUM LECTURE 2010†

Lee C. Bollinger

As part of the Baum Lecture Series at the University of Illinois College of Law, Columbia University President Lee C. Bollinger delivered a lecture on September 14, 2010, on the essential role of a global free press in providing the information needed to understand the many problematic issues we face as a result of globalization. In this presentation, President Bollinger addressed the challenges of maintaining high-quality institutions of American journalism with an international reporting capacity in the face of rapidly changing market forces. He further discussed America's interest in seeing the rise of a free and independent press in nations such as China that lack traditions of free speech comparable to those developed in the United States over the past century.

President Bollinger begins with a discussion of globalization and the necessity of establishing a free and open press able to report on a globalized society. He then discusses the evolution of journalistic institutions in the United States and the alarming decline in the international reporting capacity of the U.S. media. President Bollinger offers several recommendations for how the United States may convince closed societies, such as China, to start moving towards more open communications systems as part of their economic and political development. He further recommends public support for international newsgathering operations serving American audiences and suggests that such support, in combination with private media, will be necessary to keep the United States informed about global society.

It is always difficult in the midst of an era to know its defining characteristics. But I would be surprised, if in future decades, people did not say that the period from the end of the twentieth century to the beginning of the twenty-first century was the period in which the shape of the modern world was determined, and that the primary forces that caused this new world were twofold: the spread of capitalism and free market economies throughout the world and the invention of new technologies of communication (principally the Internet, the World Wide Web (which

† This Article was originally presented on Tuesday, September 14, 2010, as the second lecture of the David C. Baum Memorial Lectures on Civil Rights and Civil Liberties at the University of Illinois College of Law.

is only about fifteen years old), and satellite communications). We live, as never before, in an interdependent and integrated world economy. Nearly half of the revenues of the S&P 500 corporations are generated from business conducted outside the United States;[1] developing countries now provide roughly half of the manufactured goods bought by developed countries (up from fourteen percent in 1987);[2] and, on a more personal scale, a not insignificant portion of many Americans' retirement fund or 401K is invested in foreign enterprises. At the same time, the ability to communicate and have access to information, knowledge, and opinion has taken a giant leap forward. Billions of people across the planet have some degree of access to the Internet.[3] Global media outlets are proliferating, with newer entrants such as Al Jazeera, CCTV, and France 24 joining traditional international institutions such as BBC and CNN.[4] Meanwhile, the websites of The New York Times, The Washington Post, and The Associated Press and Reuters are garnering tens of millions of "visitors."[5] As The Associated Press reports, when they "publish" an article it can reach several billion people.

The consequences of globalization are both good and bad. Certainly, the most notable benefit is lifting up hundreds of millions of lives destined for poverty and sickness and creating a diffusion of basic wealth and well-being that all humans deserve.[6] This effect is, by any measure, a great good, and we should all rejoice in this extraordinary development in human history. We also have some very practical reasons for being happy about this phenomenon. For the fact is that our prospects for a full recovery from the recent Great Recession over the next five to ten years depend significantly on the creation of new wealth in emerging economies, which is necessary to make up for the decline in aggregate demand caused by the protracted period of excessive spending and borrowing by the American consumer.[7] The positive facets of globalization

1. *See* Kelly Evans, *Strong Profits. Weak Economy. Odd Couple?*, WALL ST. J., July 30, 2010, at C1.

2. *See* WORLD TRADE ORG., TRADE PROFILES 2009; WORLD TRADE ORG., WORLD TRADE DEVELOPMENTS (2009).

3. *See Internet World Stats: Usage and Population Statistics*, MINIWATTS MARKETING GRP., http://www.internetworldstats.com/stats.htm (last visited Apr. 3, 2011).

4. *See, e.g.*, Orayb Najjar, *New Trends in Global Broadcasting: "Nuestro Norte es el Sur" (Our North is the South)*, 6 GLOBAL MEDIA J., Spring 2007, *available at* http://lass.calumet.purdue.edu/cca/gmj/sp07/gmj-sp07-najjar.htm.

5. Press Release, comScore, The New York Times Ranks as Top Online Newspaper According to May 2010 U.S. comScore Media Metrix Data (June 16, 2010), http://comscore.com/Press_Events/Press_Releases/2010/6/The_New_York_Times_Ranks_as_Top_Online_Newspaper_According_to_May_2010_U.S._comScore_Media_Metrix_Data.

6. *See generally* JEFFREY D. SACHS, COMMON WEALTH: ECONOMICS FOR A CROWDED PLANET (2008); JEFFREY D. SACHS, THE END OF POVERTY: ECONOMIC POSSIBILITIES FOR OUR TIME (2005).

7. For a general discussion of this issue as well as links to other sources, see Op-Ed., *Room for Debate: Saving the World, Without U.S. Consumers*, N.Y. TIMES, (Sept. 25, 2009, 6:32 PM), http://roomfordebate.blogs.nytimes.com/2009/24/saving-the-world-without-us-consumers/; see also INT'L MONETARY FUND, WORLD ECON. OUTLOOK UPDATE (2010); Edmund L. Andrews, *U.S. Sees Rough*

are far more extensive than economic benefits, affecting as they do our broader appreciation of the vast variety and intrinsic interest of the human condition.

Yet we also know that globalization does not spread its consequences only benignly over humanity and the natural world. We face a host of problematic and vexing issues as a result of globalization. Many are notorious: the rise of violent extremism among populations threatened by modernity, the potentially catastrophic consequences of climate change, the extreme shortage or depletion of the earth's natural resources, the degradation of the environment,[8] the periodic and extraordinary breakdowns in the world economy,[9] the spread of disease, the loss of cultural sites and artifacts, the growing divide between rich and poor, the problems of dealing with increasing multicultural societies, and the list continues.[10]

To realize the enormous positive potential of globalization—to channel it, regulate it, and encourage it in the right ways and to grapple with its manifold problems—will require many things. Among the most important is ensuring that the world has the *institutions* necessary to accomplish what we need. Institutions—political and civil—are central to the structure of any society, including an emerging global society. Two such institutions that we have invented and relied upon now for centuries are universities and the press. In my recent book[11] and in this lecture, I am concerned with the latter, but I link the two because doing so helps to make an important point about the press. Both of these institutions are concerned with providing objective and accurate information, ideas, and analyses that we need in order to both understand and act in our world. There is a deep kinship between the academy and the press. The press is more concerned with grasping the here-and-now of the world, the current state of things. We in universities are generally more concerned with taking our time and thinking a bit more deeply about things, trying to see matters in a larger context. Obviously, there are differences, but the journalist and the scholar are more similar than not, and, importantly, both are motivated in their hearts by a desire to serve the public good according to certain professional standards.

This comparison helps to highlight those features of the press that are so important and relevant to the new world of globalization. In the

Consensus on Lessons of Crisis as Leaders of G-20 Gather, N.Y. TIMES, Sept. 23, 2009, at B5; James W. Hemerling, *In Recession, Focus on Emerging Markets*, BLOOMBERG BUSINESSWEEK (Jan. 14, 2009, 9:00 AM), http://www.businessweek.com/globalbiz/content/jan2009/gb20090114_675226.htm.

8. *See, e.g.*, James K. Boyce, *Green and Brown? Globalization and the Environment*, 20 OXFORD REV. ECON. POL'Y 105 (2004).

9. *See generally* INT'L MONETARY FUND, *supra* note 7.

10. *See, e.g.*, JOSEPH E. STIGLITZ, GLOBALIZATION AND ITS DISCONTENTS 4–22 (2002).

11. LEE C. BOLLINGER, UNINHIBITED, ROBUST, AND WIDE-OPEN: A FREE PRESS FOR A NEW CENTURY (2010).

United States, the Supreme Court has played a major role in articulating the special role a free and independent press can play in society. These theories have primarily focused on the *political* and *social* benefits we derive.[12] The press is part of the marketplace of ideas through which we seek to understand our world and to find truth. It also serves the needs and interests of citizens in exercising their sovereign responsibilities. It does this by not only exposing the misdeeds and errors of government, but also by informing us more generally about the issues we must face and resolve. Collectively, the press is our national public forum, the place we turn to (many hours a day for many of us) to participate in, and be educated by, the ongoing discussions of matters that are of immediate interest. All in all, therefore, a free press serves the public good in many ways. It is *not* just a "business" like General Motors or Goldman Sachs. In fact, sometimes we even say the press is the "fourth branch" of government with its own distinct powers and semi-official responsibilities.[13]

Now, with the phenomenon of globalization well underway, it is imperative that we begin to think much more systematically about how we will build and develop the concept of a free press for a new global public forum. This is part of a much larger historical process that has been underway for centuries. Authority and structures related to authority have to shift as human activity changes. This happened throughout the last century in many areas of society. The U.S. economy went from a collection of mostly local and regional affairs to a national system. Policy making and regulation had to shift accordingly. Just one among many examples is our central banking system. Established in 1913, the new Federal Reserve System was organized to provide twelve regional banks with the authority to deal with what was then a set of regional economies.[14] But in the ensuing decades, as the economy became national in scope, a more centralized banking authority was needed, and the powers of the Federal Reserve Bank in Washington, D.C. grew accordingly.

We can see the same process unfolding over the twentieth century with respect to the First Amendment and the constitutional rights of freedom of speech and press. As the issues faced by the nation became more national in reach, in part because of the growth of a national economy, and as the technologies of communication facilitated a national discussion (especially with the introduction of radio and television broadcasting), the power of local communities to set the balance between a free press and other societal interests (like personal reputation, privacy, offensiveness, and so on) became intolerable. Censorship anywhere ef-

12. *Id.* at 5–6.

13. *See* MARTIN A. LEE & NORMAN SOLOMON, UNRELIABLE SOURCES: A GUIDE TO DETECTING BIAS IN NEWS MEDIA 102–41 (1990).

14. Manuel H. Johnson, *Federal Reserve System*, LIBR. ECON. & LIBERTY, http://www.econlib.org/library/Enc1/FederalReserveSystem.html (last visited Apr. 3, 2011).

fectively constituted censorship everywhere, since speakers in the new national forum would naturally be inhibited by censorship anywhere in the system. This was one of the great insights of the Supreme Court in *New York Times Co. v. Sullivan*, which nationalized the rules with respect to defamation laws throughout the country.[15] Remember that *Sullivan* involved a libel lawsuit brought by a public official in Alabama against the New York Times for an advertisement that allegedly injured the official's reputation.

This is exactly the process that must now unfold at the international level as the phenomena associated with globalization necessitate the creation of a forum suitable for handling the information we need and the issues we must resolve. Fortunately, we have the technological capacity for a very effective global discussion led by a vibrant press. What we do not yet have, however, are two critical elements. First, we do not have sufficient international consensus about the vital role of an independent and professional global press with appropriate levels of access and limits on censorship. Second, we do not really have the capacity for high quality, professional journalism on a global scale. I want to take up each of these areas for discussion.

Virtually no nation—even those with a commitment to a vibrant press such as the United States—is presently structured to embrace a global free press. Certainly, many nations in the world today actively fear an independent press and see journalism more as an instrument of governmental policy than as a key source of objective information and analysis for their society. In these countries, there are very serious restrictions on press access to information and newsworthy events and debilitating censorship. The important point to realize is that the problems such restrictions on the free flow of information and ideas create are not limited to speech in those nations. What happens in a system of global communication is the same thing that happens with local censorship in a national system: namely, censorship chills speakers wherever they are. If what I say from the United States brings a criminal or civil action against me in another country, as is happening today and will happen with greater and greater frequency as communication becomes ever more global, such legal action will matter, and I will adjust my expression to take account of that potential reality. Therefore, as I have said, censorship anywhere becomes censorship everywhere. Furthermore, we must recognize that a lot of what we will need to know about the world will come through the efforts of "local" journalists. When "local" journalism is suppressed, therefore, *our* interest in hearing and knowing are similarly curtailed. In other words, because issues within countries are now often global in significance (that is, after all, what globalization amounts to),

15. 376 U.S. 254 (1964); J. Skelly Wright, *Defamation, Privacy and the Public's Right to Know: A National Problem and a New Approach*, 46 TEX. L. REV. 630, 647 n.59 (1968).

censorship in China, for example, is as significant or at times even more significant to us as censorship in California.

This difficulty is the heart of the problem we have to solve, and it promises to be one of the great debates of the century, one that may well replicate the debates internal to our own country over the limits of free speech and free press during the last century. We need to be both patient and humble as we enter this process. Our own experience in the development of a vibrant free press principle was not by any means a straight line to robust protection. We only began interpreting the First Amendment (at the level of the Supreme Court) in 1919,[16] and our approach was neither consistent nor, I would say, wholly admirable. We too sent people to jail (including, it should be noted, a candidate for president of the United States) merely for giving speeches or publishing commentary that the government claimed would undermine good public order or threaten national goals.[17] We too tried to enjoin the press from publishing official secrets.[18] We too denied the press access to newsworthy events and information.[19] And we too set up an administrative system for licensing part of the press (broadcasting and cable) and regulating it—including its content—in order to promote the "public interest, convenience, or necessity."[20] In other words, our own recent history by our own current standards is checkered in character and complex in its implementation.

In many places throughout the world, what we ended up discarding is currently accepted. China, in particular, appears to be struggling with a commitment to a more or less open economic system and a relatively closed communications system.[21] Understanding China is one of the great tasks of the modern day, and I would be among the first to say that we are not—in neither the academy nor in the press—devoting anything close to enough intellectual resources to that purpose. With respect to the U.S. press, apart from the financial press employed by Bloomberg

16. *See* Debs v. United States, 249 U.S. 211 (1919); Schenck v. United States, 249 U.S. 47 (1919).

17. Eugene V. Debs ran for President on the platform of the Socialist Party of America in 1904, 1908, 1912, and 1920. He was arrested and convicted of violating the Espionage Act of 1917 following a speech in Canton, Ohio, on June 16, 1918, in which he opposed the war and urged resistance to the draft. *See generally* ERNEST FREEBERG, DEMOCRACY'S PRISONER: EUGENE V. DEBS, THE GREAT WAR, AND THE RIGHT TO DISSENT (2008). He appealed to the Supreme Court of the United States, which affirmed his conviction in 1919. *Debs*, 249 U.S. at 216–17. Debs's 1920 campaign for President took place while he was still in prison. FREEBERG, *supra*, at 203–14.

18. *See* N.Y. Times Co. v. United States, 403 U.S. 713, 714 (1971) ("We granted certiorari in these cases in which the United States seeks to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled 'History of U. S. Decision-Making Process on Viet Nam Policy.'").

19. *See* BOLLINGER, *supra* note 11, at 24–29 (noting a line of Supreme Court cases finding the press has no constitutional right of access to information).

20. *See id.* at 29–43 (reviewing Supreme Court precedent accepting the constitutionality of the FCC's mandate of implementing a licensing and regulatory regime for the broadcast spectrum).

21. *See id.* at 88–91 (discussing China's restrictions on speech and press).

News, we may only have two dozen full-time foreign correspondents covering all of China. That clearly is not in our national interest. I will, in a moment, come back to that issue of capacity, but now I want to focus on two contrasting interpretations of contemporary China. One view surmises that the very sophisticated leadership of China understands and accepts that the changes in Chinese citizens through capitalism will inevitably result in greater demands for intellectual openness.[22] It is just a matter of time according to this view. But another view, and one I am hearing increasingly from serious China observers, is that the leadership believes quite the opposite—namely, that they can have both sustained economic growth and a closely controlled society intellectually.[23] They see these not as inconsistent or in tension but as complementary. I hear people in many countries saying they are watching to see how this great debate will now unfold.

We need to give very serious attention to how we might persuade the Chinese over time that it is a mistake to choose a closed over an open society. Obviously, this will not be easy, assuming they take the position many are fearfully positing. Up to this point in our history, the dialogue about matters such as this has generally taken the form of principles of fundamental human rights.[24] Clearly, the concept of human rights has been one of the great advances in human civilization, and we should continue to aspire to these ideals. But one of the key aspects of what we call globalization and the emergence of a global society, with increasing interdependency among peoples and with all the potential and the problems that are beyond the reach or solution of any one nation, and with the corresponding need for a global public forum, is that now all of us are directly and adversely affected by the suppression of information in any

22. *See, e.g.*, *Change You Can Believe In?: The Prime Minister Calls Frankly for Political Reform*, ECONOMIST (Aug. 26, 2010), http://www.economist.com/node/16891829?story_id=16891829 (stating that Chinese prime minister "declared that economic gains could yet be lost without reforms to the political system" including "'creat[ing] conditions for the people to criticize and supervise the government'"); Interview by Bernard Gwertzman, Consulting Editor, Council on Foreign Relations, with Nicholas D. Kristof, Columnist, The N.Y. Times (June 2, 2009), *available at* http://www.cfr.org/china/prospects-political-change-china/p19552 ("There's a view among the 'modernists' within the Communist Party that you can't continue to reform the economy and to develop an economy unless you loosen the political controls.").

23. *See, e.g.*, Ross Clark, Op-Ed., *China: Perestroika, No Glasnost*, DECCAN CHRONICLE (Feb. 2, 2010), http://www.deccanchronicle.com/op-ed/china-perestroika-no-glasnost-748 ("China has in some cases used authoritarianism to promote economic growth. There is a direct link between the revival of the Chinese economy this year and the presence of greater government control."); Ed Feulner, *China: Economic Growth Isn't Expanding Freedoms*, CNSNEWS.COM (Aug. 24, 2010), http://www.cnsnews.com/commentary/article/71513 ("[W]hile China is making vast economic progress, it isn't moving forward on human rights.").

24. *See, e.g.*, Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III), art. 19 (Dec. 10, 1948), http://www.un.org/en/documents/udhr/ (recognizing free speech as universal human right).

one nation.[25] We have, therefore, additional reasons for objecting to censorship beyond our noble concern that all people possess basic human rights. Coming to grips with this new reality is what undoubtedly motivated Secretary of State Hillary Clinton, shortly after China announced that it would continue to monitor and censor Google, to give a landmark speech discussing Chinese actions that could threaten not only the rights of Chinese citizens but the rights and interests of the rest of the world and therefore had to be taken up as a matter of U.S. foreign policy.[26] Secretary Clinton did not go on to say what might follow from this new realization, but we can begin to imagine a number of consequences.

One thing we might say is that we can no longer continue building a trade relationship with China unless it begins to allow the free flow of information to match the free flow of goods and services. It is simply too dangerous to American interests to become dependent and intertwined economically without a parallel openness.[27] If we want to actually persuade China, which after all always ought to be our primary goal, are we ready and able to make the case to them that they and we will be better off if they choose a path of openness for an independent press? Our own arguments for robust free speech and press, as I indicated earlier, have tended to center on the *political* and *social* ends of truth, Madisonian democratic self-governance, and tolerance.[28] These ideas probably will be more difficult to develop persuasively for China. What we do know about China is that it believes in the national benefits of a free-market economic system.[29] I think our best opportunity, therefore, is to make

25. BOLLINGER, *supra* note 11, at 113 ("In an increasingly interconnected, global society, . . . censorship anywhere can become censorship everywhere."); *see also* Hillary Rodham Clinton, Sec'y of State, Remarks on Internet Freedom (Jan. 21, 2010), *available at* http://www.state.gov/secretary/rm/2010/01/135519.htm ("In an internet-connected world, an attack on one nation's networks can be an attack on all.").

26. Clinton, *supra* note 25; *see also Hillary Clinton Calls on China to Probe Google Attack*, BBC NEWS (Jan. 21, 2010), *available at* http://news.bbc.co.uk/2/hi/americas/8472683.stm (stating that China's response to Clinton's speech was that "the row should not be linked to relations with the US"). Also, Mrs. Clinton's speech implicitly recognized that internet freedom will be taken up as a matter of foreign policy: she stated that the State Department is trying "to coordinate foreign policy in cyberspace." Clinton, *supra* note 25. She also stated that the United States "intend[s] to address those differences [regarding the internet between itself and China] candidly and consistently in the context of our positive, cooperative, and comprehensive relationship." *Id.*

27. *Cf.* Feulner, *supra* note 23 (discussing U.S. economic dependence on China).

28. *See* BOLLINGER, *supra* note 11, at 18–19 (citing *New York Times v. Sullivan* for the idea that sovereignty rests in the people and citing Harry Kalven's idea that *Sullivan* recognized that the "[First] Amendment has a 'central meaning'—a core of protection of speech without which democracy cannot function"); *id.* at 47 (arguing that "freedom of speech and press are essential to a self-governing society"); *id.* at 46–47 (citing John Milton, John Stuart Mill, and Justice Holmes for "interest in discovering the truth" as rationale for free speech); *id.* at 50 (viewing "our extraordinary protection of freedom of speech and press as an experiment in tolerance"). *See generally* David A.J. Richards, *Toleration and Free Speech*, 17 PHIL. & PUB. AFF. 323 (1988) (discussing Bollinger's conception of free speech promoting tolerance).

29. *See, e.g.*, CHINA DEV. RESEARCH FOUND., ELIMINATING POVERTY THROUGH DEVELOPMENT IN CHINA (2009) (assessing China's recent achievements in reducing poverty); NELSON CHOW & YEUBIN XU, SOCIALIST WELFARE IN A MARKET ECONOMY: SOCIAL SECURITY REFORMS IN

the case that openness over time is critical (necessary if not sufficient) for sustained economic growth.[30]

The argument might go like this. Right now you are able to grow economically, at a rate never before witnessed in human history, because you have a natural base in manufacturing and exporting of goods, which notably does not require a high level of societal creativity and innovativeness (what my colleague Ned Phelps calls dynamism).[31] At some point in the not-too-distant future, however, maybe five or twenty years hence, you are going to lose that advantage in the world market, and your continued success will then depend upon a culture and social character that thrives on independent thinking and creativity.[32] There is, moreover, a direct link between the commitment to a vigorous free press (as well as free speech) and that kind of character.[33] You would be wise, therefore, to begin to cultivate that shift.

GUANGZHOU, CHINA (2001) (examining China's transition to a market economy and its effect on traditional social security systems); *The Gloves Go on: Fighting Poverty in Emerging Markets*, ECONOMIST, Nov. 28, 2009, at 68 (noting China's success in reducing poverty through embracing free market principles); *Two Billion More Bourgeois: The Middle Class in Emerging Markets*, ECONOMIST, Feb. 14, 2009, at 18 (noting rapid growth in China's middle class, and adoption of middle class values, including free markets and democracy).

30. *See, e.g.*, HASAN KIRMANOĞLU, POLITICAL FREEDOM AND ECONOMIC WELL-BEING: A CAUSALITY ANALYSIS 2 (2003) (describing generally scholars that correlate democracy with economic development); Yang Yao, *The End of the Beijing Consensus: Can China's Model of Authoritarian Growth Survive?*, FOREIGN AFF. (Feb. 2, 2010), http://www.foreignaffairs.com/articles/65947/the-end-of-the-beijing-consensus?page=show ("[T]here is no alternative to greater democratization if the CCP wishes to encourage economic growth and maintain social stability."); *see also* Jakob de Haan & Clemens L.J. Siermann, *New Evidence on the Relationship Between Democracy and Economic Growth*, 86 PUB. CHOICE 175, 193 (1995). Although de Haan and Siermann do not take a strong position that democratic rights encourage economic growth, *id.* ("[W]e question the robustness of the support that many authors claim to have found for a positive relationship between democratic freedom and economic growth."), their research recognizes that "when a country seeks a high level of economic growth, it is not appropriate to adopt a policy in which democratic rights are repressed." *Id.* Further, Kirmanoğlu's own empirical research did not indicate a strong correlation between political freedom and economic growth. KIRMANOĞLU, *supra*, at 7; *see also* Bill Emmott, *Communications, Media and Economic Development*, DOHA DEV. FORUM (Feb. 17, 2004), http://www.billemmott.com/speech.php?id=8 (arguing that although "free media is . . . an important potential servant for economic development," "we in the media should be careful with how glibly we claim that a free media is essential for development").

31. Edmund S. Phelps, Keynote Lecture, EcoSoc Conference, United Nations, Perspectives on Economic Development (Oct. 8, 2007) (providing definition of "dynamism").

32. My theory seems compatible with the New Growth Theory, which is a theory recently made popular by Paul Romer that argues generally that "economic growth results from the increasing returns associated with new knowledge." JOSEPH CORTRIGHT, NEW GROWTH THEORY, TECHNOLOGY AND LEARNING: A PRACTITIONER'S GUIDE, at ii (2001). For a more in-depth discussion of the theory, see generally Terry Roe & Hamid Mohtadi, *International Trade and Growth: An Overview Using the New Growth Theory*, 23 REV. AGRIC. ECON. 423, 435 (2001) (describing growth from "innovation" and growth from "imitation").

33. It seems like many economists do not think the link is quite so direct (but it is acknowledged in the next paragraph that there is not too much evidence right now to support this theory). *See, e.g.*, *supra* note 30 and accompanying text (discussing economists' hesitation in stating that there is a robust link between democratic freedoms and economic growth).

While I believe the argument I have just made to be true, and it certainly fits well into our (the United States) perspective on life, I have to admit that we have precious little study, analysis, and data to support it. It is, as I have said, a different tactic from the one we have successfully employed in this country to develop our own commitment to a free press. We would be wise to expand our understanding of freedom of the press and its relation to all the things we value (including a vibrant economy) in order to be better able to make the case for greater openness in the global debate about that principle. In the new global society, we need to be prepared to make new and different arguments, as well as to listen carefully to the ways others conceive of organizing themselves collectively to get the information and knowledge we need.

That brings us to the importance of developing a set of legal norms, as the First Amendment has served in the United States, to guide us on these issues of access and censorship. In fact, international law and the jurisprudence of the United Nations have such a norm, embodied principally and originally in Article 19 of the 1948 Universal Declaration of Human Rights[34] and then incorporated into the International Covenant on Civil and Political Rights.[35] Some 192 nations[36] have signed on to the Declaration by becoming Member States[37] and 72[38] on to the Covenant. Article 19 of the Covenant declares, in forceful language, "Everyone shall have the right to hold opinions without interference."[39] It is worth noting that, from the standpoint of comparing it to the First Amendment, there is a strong endorsement of the right of citizens to have access to information, a demand that freedom of speech and press be respected by nations for all world citizens, and an application of these principles to all forms of media. The language that might cause pause (again, taking the First Amendment as a benchmark) is the third paragraph of Article 19,

34. *Universal Declaration of Human Rights*, OFF. HIGH COMM. FOR HUM. RTS., http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx (last visited Apr. 3, 2011) ("Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 . . . .").

35. International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), U.N. Doc. A/RES/2200A (XXI) (Dec. 16, 1966), *available at* http://www2.ohchr.org/English/law/ccpr.htm.

36. *What Are Member States?*, UN MEMBER STATES: ON THE RECORD, http://www.un.org/depts/dhl/unms/whatisms.shtml (last visited Apr. 3, 2011) ("Currently there are 192 Member States of the United Nations.").

37. Adopted by the General Assembly in 1948, the Universal Declaration of Political Rights applies to all Member States of the United Nations. Universal Declaration of Human Rights, *supra* note 24 ("Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms. . . . Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations . . . both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.").

38. International Covenant on Civil and Political Rights, *opened for signature* Dec. 19, 1996, 999 U.N.T.S. 171 ("Signatories: 72. Parties: 167.").

39. International Covenant on Civil and Political Rights, *supra* note 35.

which restricts these freedoms "[f]or the respect of the rights or reputations of others" and "[f]or the protection of national security or of public order . . . or of public health or morals," and then language in the following Article 20, which speaks of limitations on the basic principle, noting, "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."[40] This language is the source of the major current controversy involving the argument of many Islamic nations that so-called "defamation of religion" be condemned and prohibited through an international convention.

I do not have time in this context to discuss in depth the prospects of Article 19 becoming substantively a powerful force for press freedom in the world. But I would make several key points. First, the general problem with Article 19 is the lack of any provision for effective enforcement. As with so many international legal norms, the substance may be good but the implementation is weak or even nonexistent. Investigations and reports, which are largely all that is currently allowed, are not insignificant, but they do not take us far enough towards the desired goal. Here, the unwillingness of nations to forego any degree of independent sovereignty to the collective good will, if not corrected, seriously impairs our chances of creating a sound and workable global society. The United States must at some point take the lead here. It is in our long-term national interest to do so. Second, the text of Articles 19 and 20 are *potentially* consistent with our current First Amendment doctrines. The question before us, therefore, is not whether the legal text is congruent with our own perspective, but whether we should and will commit ourselves to a *process* that may yield a good interpretation over time. Third, there are more hopeful signs in this regard when one turns to certain regional conventions where the incorporation of the substance of Article 19 is accompanied by a system of effective judicial enforcement. A notable instance is the Inter-American Court of Human Rights.[41] Some dozen or more decisions respecting press freedom have begun an important jurisprudence of freedom of the press. Fourth, there are other international legal structures, more effective than the International Covenant on Civil and Political Rights (ICCPR), to which freedom of the press might be meaningfully and logically attached. The most promising is the system of the World Trade Organization (WTO). There are now some cases in the WTO in which censorship and restrictions on the press and media are objected to on the ground that they constitute an unfair trade practice, most recently Google's accusations that China's censor-

40. *Id.*

41. *Human Rights*, ORG. AM. STATES, http://www.oas.org/en/topics/human_rights.asp (last visited Apr. 3, 2011) (noting that the court, located in Costa Rica, specializes in cases involving human rights and other issues pertaining to that topic).

ship of their site was an "unfair barrier to trade."[42] These are promising developments. Some experts in the international trade community do not think it would be a good idea to incorporate the interests of freedom of the press into the law and policies of free trade.[43] While more effective as an international legal system than nearly every other attempt to create a legal system for the international community, the WTO is always fragile and every interest (labor and environmental concerns are two prominent examples) can arguably become "free trade" issues, with the unhappy outcome that the entire system will collapse because too much has been added together. I would contend, however, that information has a far closer nexus to the evolving economic system—a necessary condition for it to thrive—than other related, albeit also important, interests. Fifth, and the last point I would make here, is how imperative it is for the First Amendment community to begin devoting more attention to these issues. This is a highly talented, creative, and deeply informed group of professors. Over the past fifty years, the scholarly analysis of the First Amendment has contributed enormously to its development.[44] Yet today there is strikingly little attention paid to what is happening and needs to happen on the global stage. I hope this trend will change.

I want to move beyond the problems of censorship in the global public forum and take up the other important question, namely, what do we need to do to make sure we are getting the information and ideas—the *quality* as well as the amount—we need to deal with this new global society? Both are closely related—indeed, perhaps the best way to overcome censorship is for people to experience the highest quality journalism so they will know what they are missing. In any event, as is always true, we can have all the freedom in the world and yet fail because we do not use that freedom wisely. So, what issues are the issues involved in building up our journalistic or press capacity to produce the journalism we need?

Let me begin with two observations. First, there has been a very significant and distressing contraction in the coverage of the world by the American press since the onset of the financial crisis that has overwhelmed the profession.[45] The story of sharply declining revenues of the

42. *See* Mark Drajem, *Google Wants U.S. to Weigh WTO Challenge to China Censorship (update 3)*, BLOOMBERG (Mar. 3, 2010, 5:37 PM), http://www.bloomberg.com/apps/news?pid=newsarchive &sid=am64olotZWbw (describing Google's push to have China's censorship as an unfair barrier to trade before the WTO).

43. *See, e.g.*, Daniel W. Drezner, *A Technical Solution to a Political Problem?*, FOREIGN POL'Y (Feb. 4, 2010, 2:18 PM), http://drezner.foreignpolicy.com/posts/2010/02/04/a_technical_solution_to_a_} political_problem (blog post by Daniel Drezner, professor at the Fletcher School of Tufts University, casting doubt on using WTO procedures to bring down China's "Great Firewall").

44. *See, e.g.*, N.Y. Times Co. v. Sullivan, 376 U.S. 254, 280 n.20 (1964) (noting that the "consensus of scholarly opinion" supported the Court's decision and citing such articles).

45. Jim Lobe, *Networks' Int'l News Coverage at Record Low in 2008*, INTER PRESS SERVICE (Jan. 5, 2009), http://ipsnews.net/news.asp?idnews=45300.

major press due to the migration of readers and viewers and advertisers to the Internet is by now well told.[46] Along with the inevitable shrinkage of newsrooms has come the elimination of foreign bureaus and foreign correspondents.[47] Reporting of foreign news is, naturally, down as well. So, at the very moment when we need an expansion of journalism, there is a contraction. Second, a separate and very interesting parallel development is the rise of national media designed to have a global presence. BBC World and BBC World Service have been and are leaders here, but we now find other major entrants into this arena—notable examples being Al Jazeera of Qatar, Xinhua and CCTV of China, and France 24 of France.[48] Third, it is a reasonably debatable question whether the proliferation of expression via the Internet will naturally provide the kind and quality of information we need in the new global society. People often point to the rise of "citizen journalists" as an offset to the declining fortunes of traditional press.[49] I am among those who believe that this is not an even exchange, and therefore, we will need to do more than adopt a *laissez faire* attitude here. I believe, as I indicated at the outset, that *institutions* are extremely important to the success of journalism, just as they are to scholarship. Fourth, I believe that, while the free market is extremely useful and effective in promoting good journalism, it is not enough to get us where we want to be. The press, as we have come to define its role in public life, is a *public good*, and public goods never completely thrive in a free-market environment.[50] Hence I favor, and have argued for, a substantial commitment of state funding for the press, and I favor a commitment to establishing a U.S. press with a broader global reach and footprint.

Before saying how that might happen, let me provide a more complete answer to those who believe that public funding is inconsistent with

46. *See, e.g.*, Katharine Q. Seelye, *Drop in Ad Revenue Raises Tough Question for Newspapers*, N.Y. TIMES, Mar. 26, 2007, at C2 (describing how ad revenues began dropping even before recession).

47. Diana Saluri Russo, *Is the Foreign News Bureau Part of the Past?*, GLOBAL JOURNALIST, Fall 2009, at 22, 24 (discussing closing of foreign bureaus and increased reliance on outsourcing); *see also* Reena Vadehra, *The End of an Era?*, GLOBAL JOURNALIST, Winter 2006, at 81, 81 (noting the closing of international bureaus even before the recession).

48. *See* Philip Seib, *Hegemonic No More: Western Media, the Rise of Al-Jazeera, and the Influence of Diverse Voices*, 7 INT'L STUD. REV. 601 (2005) (discussing increasing role of Al Jazeera in international news arena); Sky Canaves, *CCTV Advertising Revenue Set to Rise*, WALL ST. J. (Nov. 19, 2009), http://online.wsj.com/article/SB10001424052748704204304574545251004129012.html; Dan Carlin, *CNN, BBC, Al Jazeera . . . and France 24?*, BLOOMBERG BUSINESSWEEK (Dec. 4, 2006, 12:19 PM), http://www.businessweek.com/globalbiz/content/dec2006/gb20061204_819823.htm.

49. *See, e.g.*, Jason Stverak, *The Pros and Pros of 'Citizen Journalism,'* ONLINE JOURNALISM REV. (Mar. 12, 2010), http://www.ojr.org/ojr/people/stverak/201003/1830/ (defending necessity of citizen journalists in increasingly online world and encouraging partnership with traditional newspapers).

50. Edward H. Clarke, *Multipart Pricing of Public Goods*, PUB. CHOICE, Fall 1971, at 17, 17 ("The free market has long been regarded as inferior to other institutional devices for making resource allocational decisions involving public goods."); Robert W. McChesney, *Theses on Media Deregulation*, 25 MEDIA CULTURE & SOC'Y 125, 130 (2003) (labeling media as a public good because it is nonrivalrous, and noting its long history of regulation).

our free press traditions and a break with our very successful experience in creating probably the most vital system of free press in the world today.

We need to start with a simple fact: our press today is the result of a highly mixed and complex structure designed over the course of the last century. It has *not* been only private ownership operating in a completely open and free market as many people seem to assume. Newspapers have, indeed, largely been under private ownership, but by the middle of the twentieth century, it was clear that certain features of the daily newspaper business were leading to monopoly status in virtually every city across the country. Within a decade or so, nearly all towns and cities had one daily newspaper (or one owner, as amendments to the antitrust laws allowed so-called joint operating agreements between formerly competing newspapers).[51] I will come back in a moment to the consequences of this development, which was not by any means all bad. Broadcasting, meanwhile, was designed (under the Radio Act of 1927 and then the Communications Act of 1934) to be a special combination of private owners licensed by the government and regulated according to the "public convenience, interest, or necessity."[52] That system included the regulation of content, not censorship in the sense of forbidding the expression of certain ideas (with the notable exception of "indecency"), with regulations intended to expand the range of voices the "public" needed to hear yet would not if the "licensees" could just follow their "business" interests. Hence the government devised policies to promote coverage of "local" news, "fairness" in the discussion of public issues, and "equal time" in the coverage of candidates for public office—all, by the way, upheld by the Supreme Court as constitutional under the First Amendment.[53] What is most significant about this branch of the U.S. press and how it was structured is that it would have been possible to utilize an entirely free-market approach, namely by auctioning off the airwaves and leaving its development thereafter to private decisions in the market. This, however, was not the course chosen or demanded by the First Amendment. Lastly, in this very brief overview of the history of the press in this country, we need to take note of a third branch of the U.S. media, namely the system of public broadcasting which was designed in the 1960s with direct public funding.[54]

Overall, then, we must conclude that the "press" as it has evolved in the United States is *not* the product of the system of private property op-

51. BOLLINGER, *supra* note 11, at 65 (describing "concentration of ownership" as a positive development). Joint operating agreements were created by the Newspaper Preservation Act of 1970, Pub. L. 91-353, 84 Stat. 466 (codified at 15 U.S.C. §§ 1801–1804 (2006)), and exempted newspapers from certain antitrust laws.

52. 47 U.S.C. § 303 (describing powers and duties of the FCC).

53. Red Lion Broad. Co., Inc. v. FCC, 395 U.S. 367, 400–01 (1969).

54. *See* FCC v. League of Women Voters, 468 U.S. 364, 366 (1984).

erating in a completely free market. (Of course, one can take the position that the press, as it now exists, would be much better had these government interventions not occurred; but personally I do not find that persuasive and one rarely hears it made.)[55] Let me say that I do believe that the market is a powerful system for a strong free press and must be the dominant model. But just as there is no reason in experience to conclude that a free market alone will yield the press we need, so is there no reason in theory. For a free press, as we have conceived of it and as I observed at the outset, is really a public good, with an important systemic and public service role to play, and, just as with scholarly research and universities, you simply cannot expect serious journalism or basic research to flow only from a free market. It will always require some other element of motivation besides maximizing profits. Even daily newspapers became better (in the sense of elevating their capacity to inform their readers and the public) by not pocketing their monopolist profits but instead by investing the money in hiring more specialists—economists, scientists, lawyers, foreign correspondents, etc.—to deepen their coverage of news.[56] This began in the 1970s and continued until recently, when under major new pressures from the market and the loss of their previous protective monopolistic moat they have begun shedding this journalistic capacity.[57]

Now, again, my point is not that in order to sustain a high quality institution of the press you must rely on monopolies and public funding and regulation. It is rather that we need to be realistic about how we got to the point we are at in terms of creating a very high quality press, realizing that it will not happen only with a free market operating alone, and continually assessing and considering what might be done to enhance opportunities for the press to meet the very high public purpose we have appropriately assigned to it. To that end, and in the new context of the need for high quality journalism in a global public forum, I would make one very specific and concrete suggestion.

55. *But see, e.g.*, David L. Bazelon, *FCC Regulation of the Telecommunications Press*, 1975 DUKE L.J. 213, 226–29 (questioning "overbroad regulation of protected activity"); David L. Lange, *The Role of the Access Doctrine in the Regulation of the Mass Media: A Critical Review and Assessment*, 52 N.C. L. REV. 1, 85–89 (1973) (criticizing access doctrine as putting too much trust in regulators and leading to a centrist, "American orthodoxy").

56. BOLLINGER, *supra* note 11, at 65 (describing how "concentration of ownership" in the mid-twentieth century "allowed the press to accumulate wealth which could be used to increase the staff and the level of expertise of newsrooms. Specialists with extensive educational backgrounds in law, science, economics, the arts, and other fields were hired to report on their respective areas of knowledge."); *see also* Howard Tumber, *Journalists at Work—Revisited*, 13 JAVNOST-THE PUB., no. 3, 2006, at 57, 63 (citing 1970s scholarship beginning to recognize that contemporary journalists "undergo a lengthy period of tertiary training in their specialty and when admitted to practice normally enjoy a share in a monopoly in the performance of their work").

57. Tumber, *supra* note 56, at 59 (describing recent "de-professionalization" of journalism, and noting "the flow of information from a proliferation of sources involving the public challenges the role of the journalists as 'experts' in the dissemination of information").

I noted at the beginning of my talk how other nations are using their state-sponsored and funded media to establish a broad global presence and through that to advance their national agendas. CCTV and Al Jazeera are two of the prime examples of newer entrants into this area, where historically BBC World Service has led the field. We in the United States cannot take it for granted that this will just naturally evolve into the quality of journalism both we and the world will need. With retrenchment underway in the capacity to cover international news, and with the serious challenge to a vibrant global flow of information that censorship around the world presents—for which (as I said earlier) one of the best antidotes may be a clear demonstration to the world of what a free and independent press can offer—we would be very well advised to plan for a stronger publicly funded system of international public broadcasting.

As it happens, we already have an excellent government-funded (partially, to be sure, at about $500 million annually[58]) system of NPR and PBS. Like the BBC, these are highly regarded journalistic enterprises. While they have some capacity to engage in world-wide reporting, it is not anything close to the scale of either what is needed and possible or what peer systems have to work with in other countries.[59] In fact, a significant part of the reporting of world news, for NPR, happens by broadcasting programs of BBC World and BBC World Service (ironically, paid for by British citizens).[60] For reaching global audiences, we have a series of government-sponsored broadcasting entities set up primarily during the Cold War with a purpose of combating Communist propagan-

58. The Corporation for Public Broadcasting, which allocates federal appropriations for national and local public radio and TV stations, projected $420 million in federal appropriations for fiscal year 2010. CORP. FOR PUB. BROAD., FY 2010 OPERATING BUDGET (2009). The Public Broadcasting Revenue report indicates that in fiscal year 2008, another $73,000 came from federal grants and contracts, and almost $700,000 from state and local governments, which, combined with the federal appropriations for the Corporation for Public Broadcasting, amounts to almost $500 million. CORP. FOR PUB. BROAD., PUBLIC BROADCASTING REVENUE: FISCAL YEAR 2008 2, tbl.1 (2009).

59. The BBC's finances are more substantially supported by the British government than NPR's. In the fiscal year 2009, the BBC received £3.49 billion in license fees, which are government-supported household broadcasting fees. BRITISH BROAD. CORP., THE BBC EXECUTIVE'S REVIEW AND ASSESSMENT PART 2, at 99 (2010). The BBC also broadcasts more globally than NPR: NPR's programming reaches 27.2 million listeners "across the nation and territories," through a collection of over 900 local radio stations nationwide, *NPR Stations and Public Media*, NPR, http://www.npr.org/about/aboutnpr/stations_publicmedia.html (last visited Apr. 3, 2011), while BBC's World Service reaches 180 million listeners around the world, *A Year in Numbers*, BBC WORLD SERVICE, http://www.bbc.co.uk/worldservice/institutional/2010/06/100628_annual_review_2010_a_year_in_numbers.shtml (last visited Apr. 3, 2011). BBC World Service is primarily supported by a government grant of £293 million. BRITISH BROAD. CORP., *supra*, at 2.

60. DONALD R. SHANOR, NEWS FROM ABROAD 15 (2003) ("More than 250 [U.S.] public stations carry the BBC or Britain's Independent Television Network (ITN), an increase of 10 percent after September 11."); *A Year in Numbers*, *supra* note 59 (BBC World Service gained 600,000 listeners in the United States in 2010).

da by communicating the position of the United States.[61] Voice of America and Radio Free Europe are the legendary institutions of this group, which also now includes Radio Free Asia, Radio Marti (for Cuba), and Al Hurra (for the Middle East).[62] Interestingly, because these were established as communications media of the U.S. government, and therefore were seen as having the potential to spread our own government propaganda, which could be used by the government to infect the American marketplace of ideas, Congress under the Smith-Mundt Act of 1948 forbade these media from rebroadcasting back into the United States.[63] Even in the new era of the Internet, where these media have very active and readily available websites, this prohibition remains in place and seems to me constitutionally suspect.[64] The more interesting problem is why we (the United States) would continue to maintain this dual system of respected journalism in NPR and PBS on the one hand, and the international propaganda media on the other, with each receiving approximately the same amount of funding, when what we and the world need more than anything is truly global journalism capable of reporting the news in an independent, objective, and professional manner. That is why I have recommended an American World Service, a media institution with sufficient funding and a guarantee of editorial autonomy capable of bringing the highest quality American journalism to the global public forum.

It is, of course, absolutely necessary that editorial autonomy be secured. Many people seem to find state funds and high-quality journalism as utterly incomprehensible. I have already noted that this ignores both our history and our theory of the role of the institution of the press in society. It is worth re-emphasizing that both NPR and PBS have achieved a status of highly respected journalism (as has, I would submit, the BBC). Experience demonstrates that it is possible to have high-quality journalism while also having relatively few instances of improper government intrusion into the editorial process. It is also worth noting that *every* system of funding for the press, including the free market, carries risks of funders (whether the state, foundations, or advertisers) trying to exert undue and inappropriate influence over the content of the press. We, therefore, cannot escape the problem of improper interference by abandoning the idea of public funding. Also, there is the fact, which I think is

61. B.S. MURTY, THE INTERNATIONAL LAW OF PROPAGANDA 174 n.103 (1989) ("Senator Karl E. Mundt, speaking on the Voice of America in 1951, stated that its strategy was to drive a wedge between the people and the ruling elite of the U.S.S.R., thus restraining them from embarking upon any aggression.").

62. *See* United States International Broadcasting Act of 1994, H.R. 2333, 103d Cong. §§ 301–309 (1994) (enacted) (establishing Radio Free Asia and consolidating U.S.-sponsored international radio programming under the International Broadcasting Bureau).

63. 22 U.S.C. § 1461(a) (2006) (prohibiting the dissemination of information in the United States by these media).

64. *Id.*

devastating to the doubts about state funding, that universities—which I indicated at the outset, are parallel institutions with the press serving the public need for information and ideas—are and have been for many decades recipients of massive state funding, both federal (especially in the case of scientific research) and state (with our public universities). We care as much about our academic freedom as the press cares about journalistic autonomy, and we have been able to make this work, primarily through vigorous monitoring of, and resistance to, inappropriate government intervention, supported by a claim under the First Amendment that funding does not permit censorship. This last point deserves further analysis, but we have good cases (both for academic freedom and for journalistic autonomy) on which to build a strong and robust constitutional principle protecting that autonomy. In the end, what we want is what we have had—namely, a vibrant mixed system using multiple systems—mostly free market with some publicly supported institutions, to achieve our overarching goal, which is to receive the information we must have to forge both an understanding of, and a consensus about, what kind of world we want to create for ourselves.

Here, then, is the summary of the argument I have presented. Globalization is the great change of our era, of this new century, wrought of economic forces forging connections throughout the world and of new technologies making human communication far easier. We need institutions designed to help us understand, tame, and channel these largely positive forces, and a free and independent press is one such institution. Just as we came to understand how beneficial a free press is to the ends of life we seek in this country, so we must do so now on the world stage. To do that we must focus our attention on two fundamental matters: one is to secure the right of access to information and the freedom to publish (i.e., to realize that censorship anywhere is now effectively censorship everywhere and that all the press is our press), and the other is to ensure there is the capacity for high-quality journalism once access is available and censorship contained. For each of these areas I have offered suggestions. We need to develop the right arguments to make in global discussions about a free and independent press. Among other things, this means developing the case for why such a principle is integral to creating the kind of social culture capable of the creativity needed for a mature and dynamic economy. We need to set about establishing global legal norms for a strong free press. Article 19, in its international and regional forms, offers a fair shot at being the kind of legal text that might work. The system of legal obligations under the WTO also offers important opportunities to make the link between commitments to free trade in goods and services and free trade in ideas. At some point, perhaps not for awhile, but the time will surely come, when sacrificing some sovereignty by committing ourselves to the process of interpretation and general enforcement will be a risk worth taking. We also need to begin

examining the many ways in which our borders are used as barriers to the freedom of press we value so highly, including such areas as visa policies for foreign journalists and restrictions on foreign journalistic entities from entering our media (broadcasting and cable, in particular). With respect to the issue of capacity of professional journalism to report to the world and from the world to us, I have argued for the creation of an American World Service, which could arise naturally out of the restructuring of the now anachronistic system we have of a national public media and an international propaganda media.

More than anything, however, we need a change in consciousness—to envision the problem we must solve as not only a matter of securing human rights for peoples around the world but also securing the information and ideas we need to govern effectively an increasingly integrated world. This is the ultimate stage of a progressive shift from the local to the national to the global, which began at least in the last century and is represented by the evolution of the First Amendment—most strikingly embodied in the decision of *New York Times v. Sullivan*—into a set of doctrines protective of a national public forum suitable for a national political and economic society. What we need now, therefore, is a clear-sighted understanding of the broad chilling effects of censorship and its impairment of our collective ability to create the world we might, if we only had the information to make the right choices.