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*Review of Free Speech & Unfree News: The Paradox of  
Press Freedom in America*

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## *Review of Free Speech & Unfree News: The Paradox of Press Freedom in America*

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Distinguishing between freedom of the press and freedom of news, in *Free Speech & Unfree News: The Paradox of Press Freedom in America* Sam Lebovic provides a fascinating history of the development of the First Amendment. Showcasing press freedom as a fundamental principle of democracy in the United States, Lebovic, an Assistant Professor of History at George Mason University, explains that the classical liberal theory of free speech conceives of a marketplace of ideas, in which the truth emerges as the result of open discussions occurring without any threat of censorship or governmental interference.

Lebovic highlights the Pragmatists' early 20th century conception of the First Amendment, which combines an emphasis on individual freedom of speech along with the public's right to information necessary for them to make informed decisions that relate to their role as citizens in a democracy. He addresses the rise of media monopolies and the increasingly corporate control of media as well as concerns regarding standardization of content and the lack of diversity in the news. I found Lebovic's discussion of how newspaper publishers have used the First Amendment to avoid governmental efforts

to regulate or reform them, or even to pass truth in advertising regulations, particularly insightful. Lebovic explains how pro-business lawyers for the American Newspaper Publishers Association developed a position that “any government regulation of the press would lead to totalitarian censorship” (p. 66), and it was this perspective that helped publishers defeat any reform or regulation efforts.

In order to protect the common good, state laws initially regulated individuals' free speech rights and the U.S. government regulated the press to ensure that its secrets were secure. Following World War I, however, the free flow and exchange of ideas began to be seen as an important way to protect democracy and individual speech rights began to take precedence over societal rights. Throughout the 20th century, while the press has increasingly been able to publish information without governmental interference, Lebovic finds that a rise in government secrecy has led to a classification system, effectively censoring many government documents by identifying them as top secret, classified, confidential, and for official use only, resulting in the press's lack of access to key information. Without first-hand access to official government documents, he suggests that journalists have become dependent on gossip, rumors, and unofficial sources that are willing to leak information to the press.

Overall, *Free Speech & Unfree News* is an interesting, nuanced, and thoughtful discussion of the history of the development of the First Amendment. Lebovic draws on a variety of historical, legal, and media and communication research, all of which is all situated and evaluated through his belief in a classical liberal theory of press freedom. However, I find that his use of liberal press theory ultimately limits his ability to address serious concerns regarding the future of press freedom in the United States.

While Lebovic maintains that media conglomerates have an obligation to provide a diverse array of information to the public, he upholds the importance of expressing one's opinion, without any government interference, as a constitutionally protected human right. He is unwilling to waver on this point, even when the speech is hateful, distasteful, outrageous, racist, sexist, homophobic, and/or morally offensive. For example, the language used in his discussion of the Patriot Act, which was passed after 9/11, reinforces his absolute belief in freedom of expression. Although there was additional government surveillance and detention, which raised concerns regarding civil liberties, Lebovic notes that even at this difficult time, “there was no frontal assault on general speech rights” (p. 228).

Throughout the book, Lebovic questions monopoly capitalism and the rise of media conglomerates, yet in his conclusion he does not critique capitalism or make any recommendations for changing the American political and/or economic systems. Similarly, while he bemoans the lack of access that reporters now have to information, as well as the lack of diversity of news, and the fact that the government's right to secrecy currently takes precedence over the public's right to know, Lebovic does not recommend major changes to press freedom and he is uneasy supporting governmental efforts to fund the news.

Specifically, Lebovic maintains that plans recommended by researchers to fund the news through tax credits, government subsidies, and citizen vouchers may have been successful historically, and would not violate freedom of expression guarantees, but he cautions that “the more ambitious and sweeping any state program of press reform, the greater the risk it would pose to classical press freedom” (p. 244). Yet, Robert McChesney and John Nichols (2010), who consider journalism a public good that is

essential to society, note that it currently cannot be fully funded through the market. They recommend the development of a voucher system to establish a competitive, nonprofit, independent digital press system. McChesney (2014) notes that rather than limiting press freedom, the international research shows “in democratic nations, journalism subsidies tend to make the press more diverse and dissident and critical of the government in power” (p. 233).

Rather than suggesting any systemic changes, in his conclusion Lebovic recommends further cobbling together “a diverse news ecology” (p. 245) from legacy news organizations, publicly funded investigative websites, and philanthropically funded newsrooms. He also envisions that a diverse and unregulated marketplace of ideas will emerge with a few nonprofit law adjustments, additional public funding, and the enforcement of cross-media ownership limits. Ultimately, while *Free Speech & Unfree News: The Paradox of Press Freedom in America* is a relevant and thought provoking book, I find the evidence Lebovic skillfully presents supports a major reconsideration of the public's right to news rather than his suggestion of a set of piecemeal fixes to current freedom of expression practices.

## References

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