

Keynote Speech

Mark Crispin Miller[†]

Dana Gold: Mark Miller is a professor of culture and communications at NYU Steinhardt School of Education. His research interests include modern propaganda, media ecology, the history and tactics of advertising, American film, and media ownership.

Mr. Miller also oversees a project on media ownership at NYU, originating at Johns Hopkins, where he received his Ph.D., to keep track of who owns what throughout the culture industry and to study the impact of corporate concentration on the kind of work that comes out of that industry. In other words, how does media consolidation affect the content of journalism and the arts? We have touched on all these subjects in various degrees today.

Mr. Miller's books include *Boxed In: The Culture of TV*,¹ *Scenes From Movies*,² *Mad Scientists: The Secret History of Modern Propaganda*,³ *Spectacle: Operation Desert Storm, the Triumph of Illusion*,⁴ and *Cruel and Unusual: Bush/Cheney's New World Order*.⁵ Miller's account of George W. Bush's rise to power, *The Bush Dyslexicon: Observations on a Nationalist Order*,⁶ followed by *Foiled Again: How the Right Stole*

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1. MARK CRISPIN MILLER, *BOXED IN: THE CULTURE OF TV* (1998).

2. *SEEING FROM MOVIES (PANTHEON GUIDE TO POPULAR CULTURE)* (Mark Crispin Miller, ed., 1990).

3. MARK CRISPIN MILLER, *MAD SCIENTISTS: THE SECRET HISTORY OF MODERN PROPAGANDA* (2004).

4. MARK CRISPIN MILLER, *SPECTACLE: OPERATION DESERT STORM AND THE TRIUMPH OF ILLUSION* (1993).

5. MARK CRISPIN MILLER, *CRUEL AND UNUSUAL: BUSH/CHENEY'S NEW WORLD ORDER* (2004).

6. MARK CRISPIN MILLER, *THE BUSH DYSLEXICON: OBSERVATIONS ON A NATIONALIST ORDER* (2001).

the 2004 Election and Why They'll Steal the Next One Unless We Stop Them,⁷ brought the author his most recent attention.

So let me introduce Mark Miller. Thank you for being with us via satellite video conference and thank you all for continuing to participate in the final chapter of this wonderful conference.

Mark Crispin Miller: Corporations tend to work against immediate contact. They tend to discourage familial bonds and popular interaction. They are allergic to democracy. Because corporations are usually in the business of selling deviations of various kinds, they tend to want a world in which each one of us is completely walled off in a portable, wonderful land of communication technology. Corporations want a world where everything is done for us. A world where everything is presented to us through a corporate medium, so that what once looked like satire is now commonly represented as an admirable ideal. To that end, I am thinking of something very specific.

I am sure many of you remember Stanley Kubrick's *2001: A Space Odyssey*⁸ from 1968, which is, among other things, a brilliant satire on an entirely corporatized human existence that is barely human any longer. There is a poignant scene early in the film when Dr. Haywood Floyd, the seeming hero who is actually just a space department bureaucrat working for the United States, is on his way to a base called Clavius. He is in a space station, and he places a phone call to his daughter. They can see each other. He can see her image on his screen, and she can see his image on her screen. She asks him if he is going to be there for her birthday. He says, "No, I can't make the party." He calls her Squirt. There is something vaguely patronizing about the way he deals with her.

Clearly, she wants very much to have her father there to mark her birthday, but he is too busy. He is always on the road or out in space. He gets her presents to keep her quiet and perhaps to stave his own conscience. It is a very moving scene, fraught with a kind of absurdist humor. It is also very sad.

That same situation of the father not being there for the child's birthday or other significant event is now commonplace in corporate advertising. The difference is that in modern advertisements, the father's dependence on a mediating mechanism is a good thing. Modern advertisements celebrate his need of a cell phone or whatever it may be that presumably brings him back into her life.

7. MARK CRISPIN MILLER, *FOOLED AGAIN: HOW THE RIGHT STOLE THE 2004 ELECTION AND WHY THEY'LL STEAL THE NEXT ONE (UNLESS WE STOP THEM)* (2005).

8. *2001: A SPACE ODYSSEY* (Metro-Goldwyn Mayer 1968).

In Kubrick's film, there is an inescapable and essential difference between the father's presence at his daughter's birthday and the compensatory image of dad, which is enabled by expensive technology. In the world of corporate commercials, there is no difference between a father's actual presence and his compensatory image. Indeed, if anything, the images are preferable to the man's actual presence in the bosom of his family.

I suppose that was a very elaborate way of saying to you that my appearing before you [via satellite conference] is strangely appropriate, although I'd much rather be there in person. And I am heartsick that I was unable to hear the talks, because the program looked terrific.

I am not a determinist, and I think it is important for us to not be determinists. I think we can rise above this. However, in order for us to reclaim our humanity and transcend the hypnotic and paralyzing power of the corporation, we have to reconnect with our revolutionary heritage. This nation's revolutionary heritage. Consequently, I think it is fitting that I speak to you just a few weeks before the next elections.

I believe we are most concerned with the issue of election fraud and the dwindling possibility of actually realizing democracy. I think this problem has a great deal to do with the rising influence of corporations in our civic and moral lives. Let me begin by talking about the privatization of the vote. It started out in a few states several years ago but has now become the norm in the United States; for-profit private corporations—private vendors—literally run the electoral process in over eighty percent of the counties in the United States. Companies like Diebold, Election Systems & Software, Hart Intercivic, and Sequoia account for almost all the paperless, touch-screen voting machines, and they also manufacture the computerized optical scanners that count many of the paper ballots that Americans will be casting this year.

The obvious problem with this kind of voting is that it is impossible to monitor. The count itself is the private property of these vendors, all four of which are very close to the Republican Party. Consequently, the vendors have a powerful political interest in the contest. The way in which the votes are counted is literally impossible to monitor by any human observer. The machines are very easily hacked and are inordinately expensive. Let me give you some figures to dramatize the danger we face just from this aspect of an entirely corporatized democracy.

I firmly believe that the 2004 election was stolen by a combination of these corporate interests and a political party that is very friendly with those interests. Two years ago, twenty-three percent of the electorate cast their votes on paperless touch-screen machines. Let me re-emphasize the fact that these machines leave no votes behind. There are no paper

ballots involved. There is nothing to count after votes are cast. We simply have to take the corporation's word that the numbers are what the corporation claims they are.

In 2006, thirty-nine percent of the electorate will be casting its votes on paperless machines manufactured by these corporate entities, and another forty or forty-one percent of the electorate will have its votes counted by computerized optical scanners, scanners that are mostly manufactured by the same corporations that make touch-screen machines. Optical scanners are preferable to the paperless machines because they leave paper behind; after an election, one can theoretically count the paper ballots and verify the results. However, there have been many laws enacted over the last two years to prevent that kind of audit. One particularly egregious example is Florida, where a law was passed that makes it illegal to hand count paper ballots that have already been counted by machine.⁹

The Florida law is simply one example of grotesque election reform; it is very similar to a law that passed in Ohio. As a result of such "reform," Republicans may win the next election, despite the fact that (1) the public now has remarkably low esteem for the Republican Party; (2) components of that party's natural base turned against the party leadership; and (3) there is no question that the electorate is bound to vote against the Republicans. Despite these facts, it is still possible that Republicans will win because the election, much like the paperless voting machines, is an entity with its own agenda and will, a will that has nothing to do with the will of the electorate.

I believe the use of computerized voting machines is only one aspect of the privatization problem that seriously threatens American democracy. Further, I believe that the use of computerized voting machines is less important or less dire a problem than the privatization of the press in the United States. I expect that many of you know what I'm talking about. You've heard this before. On the other hand, there are probably some of you who have heard virtually nothing about this problem. Most people have not heard the copious and ever-growing evidence of election fraud in 2004 and the election fraud currently in the works because the

9. See FLA. STAT. § 102.166(1) (2006) (ordering a manual recount of only overvotes and undervotes if the election is within one-quarter of a percent); see also FLA. STAT. § 97.021(23) (2006) (defining an overvote as a ballot on which the voter has marked more names than there are persons to be elected to an office); FLA. STAT. § 97.021(37) (2006) (defining an undervote as a ballot on which the voter has not designated any choice for the office in question). In effect, the only ballots that are subject to a manual recount (the overvote and the undervote) are those ballots that the machines were unable to tabulate—if a machine count of a ballot resulted in a tabulation, that ballot is not subject to a hand recount.

press in the United States has almost entirely refused to deal with the issue. Again, we are dealing with a corporate entity that has undone some of the great work that the framers accomplished when they devised our Constitution and took particular care to extend constitutional protection to only one private institution in the country—the press.

Why did the framers of the Constitution single out that one private institution for special protection? Today, we tend to think about the First Amendment in terms of how much latitude it gives us to be offensive. We can have full frontal nudity in hip-hop videos, outrageous exhibits at edgy art museums, and other things of that nature. Although this expression is protected, it is not the reason why the framers extended special constitutional protection to the press and to individual expression.

Freedom of the press had one purpose as far as the framers were concerned: to keep the American people politically informed and engaged in order to serve as a crucial check on executive tyranny. In other words, in exchange for constitutional protection, the press has an important obligation to keep us aware of what our government is doing. I don't think I have to argue at great length to establish that the press in this country has not satisfied this obligation for quite some time.

The press's failure to discuss the actual state of our election system is only one example of its failure to satisfy its obligation to the American public. Its general silence on the abomination that is the recent Military Commissions Act¹⁰ is another good example. The press should not simply be impartial. The press ought to have a particular bias: an enlightened bias. The press ought to be helping us to know enough to protect our rights, to know enough to protect our freedoms; it has that republican function. Its purpose is not to work as an institutional gatekeeper defining what is appropriate for our consideration and what is not. Its purpose is not to observe a notion of "balance," blindly giving equal time to both a right and a left, even if the right should happen to be advancing a patently irrational, or even destructive, program.

This logic of balance, however, suits the advertisers and the media industries themselves. According to the logic of balance, creationism is just as respectable as natural selection. If powerful people believe that abstinence-based sex education is a good idea, the press will give equal weight to that view under a logic of balance, even though there is not a single study that supports the idea. There are other examples. There are people who think the Holocaust never happened. Why not give them

10. Pub. L. No. 109-366, 120 Stat. 2600 (2006) (codified as amended in scattered sections of 10 U.S.C.).

equal time? Slavery has been getting a bad rap. Can we talk about the good things in that particular institution, or do we have to hark on the bad things?

The press in any democracy has an obligation to take the side of the people, to challenge authority, and to thereby disable or thwart executive tyranny. A press that acts this way preempts executive tyranny by giving the people enough information to prevent the government from overwhelming them.

Our press does not do that. Our press has not done that. Both the press and the political parties have been corporatized past the point of democracy. Take the political parties. The two parties, despite their differences, are not sufficiently distinct from one another. They are less concerned with their actual constituents than they are with raising money from corporate donors so that they can buy TV and radio time for propaganda purposes. Our politics over the last thirty or forty years has ceased to be labor intensive, ceased to involve citizens working in an organized way, instead becoming increasingly capital intensive. Modern politics is not a matter of dealing with constituents, with individual party members, but a matter of dealing with donors. The biggest donors, particularly the corporate elite, are the most desirable.

Something very similar has happened to the press in the United States. It is *itself* a corporate entity. The press is self-dominated by an unprecedented media cartel that owns not only the news, but all other culture industries as well. The press is more responsive to its advertisers than it is to the people it is supposed to be serving. This has been happening for a very long time. It started in the late 19th century, when the press in this country began slowly shifting from an institution that was devoted to the interests of its readers into a system that was devoted to the interests of its advertisers. As long as certain magazines relied on the revenues they collected from their readers, they were able to do muckraking journalism. They were able to serve the public interest and the interests of their readers. But gradually as the press became a more lucrative machine whose revenues came from advertising, the whole nature of journalism began to change.

I think we are now living in a time of tremendous and acute crisis because of this face-off between a corporate establishment that is both corporate in nature and dedicated to corporations, and a population that is essentially on its own. To face this crisis, we must continue to study the problem so that we may understand how so much corporate power came to be. And we must struggle to free ourselves from this corporate stranglehold so that we can finally realize the promise of American democracy. Thank you very much.

Audience Member **Randy Baker**¹¹: Given the law as it stands, why do you think the press has an obligation to act any differently than it currently acts?

Mark Crispin Miller: I think that as the law is currently structured, the press does not have any incentive to serve the people. The CEOs of the parent companies that own the media have two competing obligations. One of them is quite pressing, and the other one is almost meaningless, legally. The pressing obligation is fiduciary: the CEOs are obliged by law to do the best they can for their shareholders. They will do whatever that requires. At the same time, as the theoretical custodians of news organizations, they have a constitutional obligation to inform the people. Informing the people, however, is not a pressing legal obligation. It is almost entirely abstract. No one is going to go to jail for failing to honor that obligation.

The crucial phrase in your question is given the law *as it stands*. We must have thorough media reform that reverses that relationship between the two obligations or that even moots the fiduciary obligation. We need radical democratic media reform that would involve breaking up the media conglomerates, as well as the stringent re-regulation of the broadcast media. The media corporations are using the public airwaves to make an enormous profit, but there are virtually no regulations left that they must observe. We also need to rethink public broadcasting. We do not really have a public system. We have an under-funded, extremely nervous, public/private hybrid that is scared to death of Congress and of its corporate underwriters.

All of this is entirely wrong. I think that we are obliged to undertake media reform with the utmost seriousness. There are three things we need to do as soon as possible if we are going to get through this crisis: media reform, election reform, and campaign finance reform. Those three things are essential. Until we do that, you're entirely right. There's no reason why the media should serve the public rather than the shareholders.

Audience Member **Tayyab Mahmud**¹²: Is the problem the media corporation itself, or is it the combination of the corporation and the state? If it is the combination of corporation and state, do we attempt to gain control of the corporation or control of the state?

11. Attorney; writer and co-producer of the documentary *FEAR AND FAVOR IN THE NEWSROOM* (Northwest Passage Productions 1997).

12. Professor of Law, Associate Dean for Research and Faculty Development, Seattle University School of Law.

Mark Crispin Miller: Certainly the combination of the corporation and the state is lethal. It is not far from Giovanni Gentile's famous definition of Fascism as corporativism,¹³ a merger of state and corporate power. And it is a very serious problem. I would like to see us drastically reduce the privileges of corporations. The fact that corporations are accorded the same rights as human citizens is preposterous. We also have to democratize the state so that it really does represent the people's interest. I know this sounds utopian. On the other hand, the founding of this republic was a pretty utopian enterprise, and I don't see any need to apologize for that.

Audience Member **Jeff Chester:** What are your thoughts on network neutrality and the Internet?

Mark Crispin Miller: The internet is a commons that came along at a time when there were almost no other commons left. The internet is not ideal as a commons because it still is only accessible to people with money, something we often forget. If you compare the internet to radio, for example, the internet is far more exclusive. Radio is more democratic because it is much cheaper to access.

While that may be the case, the internet is a vital resource precisely because of its availability to all. Because it provides information, polemic, and points of view that both the corporate media and the government would just as soon not see expressed, the corporate media and government are going after the internet by using the phone companies as their proxies. They want to pull the plug on this source of information and ideas. There is a totalitarian impulse at work that now dominates the government, an impulse that will brook no contradiction.

That impulse also explains why they are making moves against the academy, although there are not many professors that pose a threat to them. I would refer anyone who is interested about net neutrality to Jeff Chester's writings on the subject.¹⁴ The internet is at risk, and it is at risk for political reasons.

You will often see mainstream journalists deriding the blogosphere as reserved for cranks and whackos and so on. And while there is a lot of crazy stuff in the blogosphere, there is also a lot of crazy stuff in the corporate press. But the blogosphere is the closest thing we have to the press

13. BENITO MUSSOLINI, *THE DOCTRINE OF FASCISM* (1933) (ghostwritten by Gentile).

14. See Jeffrey Chester, *Life After Net Neutrality: Replaced By a Chimp?*, *THE NATION*, Oct. 2, 2006, available at <http://www.thenation.com/doc/20061002/chester> (last visited Mar. 30, 2007); Jeffrey Chester, *House Panel Shoots Down Net Neutrality*, *THE NATION*, May 15, 2006, available at <http://www.thenation.com/doc/20060515/chester> (last visited Mar. 30, 2007); JEFF CHESTER, *DIGITAL DESTINY: NEW MEDIA AND THE FUTURE OF DEMOCRACY* (2007).

of the 18th century. The barriers to entry were much lower back then, and the press was entirely different than what it is today. A comfortable person could afford to have a printing press, and the government in the early republic provided printing subsidies to three newspapers chosen at random in every state. They also set up the Post Office with the specific aim of facilitating the spread of newspapers to every corner of the young country.

I think the blogosphere is something like that because anyone with minimal technical facility can participate in a kind of democratic debate. All discussions of media reform and so on have to involve very, very stringent protections of this vital resource.

Audience Member **Erik Jaffe**: Professor, your analysis of the Press Clause brought to mind the Second Amendment. Given that the right to bear arms appears to have been intended to arm the populace to resist the totalitarian impulses of the government, do you think that the citizens have a right and a privilege to bear arms and should do so to resist this mighty government corporate complex that seems to be threatening us?

Mark Crispin Miller: I have to say that over the last six years I've certainly re-thought my views on the Second Amendment. The purpose of the Second Amendment is to allow citizens to protect themselves and obviate the need for a standing army;¹⁵ I am entirely sympathetic to that impulse. There are significant practical questions about whether or not the private arsenals of the citizenry can begin to compete with the monstrous firepower and enormous technological advantage of a government like ours, but that is a separate issue.

It is legitimate to discuss the Second Amendment in terms similar to our discussion of the First Amendment, although there are enormous social problems that arise from the kind of promiscuous gun ownership and gun use occurring in certain parts of the country. I'm not a politician, nor am I a policy person in this area, but I don't reflexively reject the Second Amendment. I think it is a text of considerable civic importance.

Audience Member **Ron Collins**: However intriguing we may find some of your recommendations about the press, those of us who work in the domain of the First Amendment are mindful that your recommendations carry some First Amendment objections and could be difficult to realize.

Instead of going down that path, what about considering how we the people might better utilize technology so that we're not as dependent

15. See, e.g., Robert A. Creamer, Note, *History is Not Enough: Using Contemporary Justifications for the Right to Keep and Bear Arms in Interpreting the Second Amendment*, 45 B.C. L. REV. 905, 937 (2004).

on the corporate media? I'm thinking about the opportunities that are made available to the citizenry through YouTube, through Google video, and through the virtual public forum. The technological explosion we're witnessing right now affords citizens all sorts of opportunities to break away from the traditional media and create a more democratic and more populist media than we've ever had before.

Mark Crispin Miller: I'm not sure I know what path raises First Amendment problems.

Ron Collins: You've been talking about regulatory schemes that involve the media. Those schemes raise some First Amendment problems. I'm not saying those problems can't be surmounted, I'm just saying they arose. Rather than simply pursuing one route to democratizing the media, why not think about what the current medium or media affords citizens to make the technology more democratic, more people friendly?

Mark Crispin Miller: I don't think that regulatory requirements that compensate the people for the commercial use of the airwaves are necessarily an infringement of First Amendment rights, but I don't see these things as mutually exclusive.

I support the kind of breakaway development you're talking about. Those alternatives are crucial. But the fact is that the mainstream media, the corporate media, the media that comes to you—as opposed to you going to it—still exerts an enormous influence on how people see the world and on their political behavior.

I don't know that YouTube and the like could ever displace a more traditional media system. Rather than imagining this as a kind of progressive development within a larger structure, a structure that can continue to mislead people and the culture, I think we should both reform the press and develop new media. We should foster as much of a democratic alternative as possible through the use of the technologies you mentioned, but I also think we should make the private sphere more competitive. I don't think that reducing the number of radio or TV stations that one company can own is an infringement of First Amendment freedom. I would say that we have to look at this thing holistically.

Ron Collins: To take a page from Neil Postman,¹⁶ a lot of times, the argument is presented as this corporate evil entity exploiting “we the people,” but the problem may be more complex than that. If anything, it seems like “we the people” have become part of the Huxley-like dysto-

16. See NEIL POSTMAN, *AMUSING OURSELVES TO DEATH: PUBLIC DISCOURSE IN THE AGE OF SHOW BUSINESS* (1985).

pia.¹⁷ We feed on this; we're constantly giving ourselves these soma tablets. Isn't this the problem? Doesn't it extend beyond the corporation? Isn't the media that we get the media that we asked for?

Mark Crispin Miller: I don't know that we asked for this media, and you don't know that we asked for this media, and I don't think Neil Postman knew that we asked for this media. I'm a great admirer of Neil Postman. He brought me to NYU. I'm devoted to his memory, and I think the world of him. But I hesitate to accept his view of the public as people doped out of their minds on bread and circuses.

Certainly, if you watch TV and if you read the *Times*, you get the impression that people are like that, and you hear that there was more interest in "American Idol" than there was in the presidential election. On the other hand, I have been traveling all over the country for the last year talking about the threat posed to electoral democracy. The crowds are enormous, they are bipartisan, and they are fairly moderate. People really care about electoral democracy.

Moreover, in the last election, the official turnout was 60.7 percent.¹⁸ That is the highest in thirty-six years, but that figure does not include the thousands and thousands of people who couldn't stand in line long enough to vote in Democratic precincts all across the country. It doesn't include the thousands and thousands of people who showed up at the polls only to be told you're not registered. This happened to many would-be Democratic voters in states like Ohio and Florida.

I am prepared to believe that the turnout was maybe as high as seventy-five or eighty percent. I don't think people are passive. I don't think they are that content with the system. I think that the establishment would have us believe that people are, and I object to that view because I think it's anti-democratic and patronizing. I think it's miraculous that people are as concerned as they are precisely because of the narcotizing system that Neil Postman writes about.

I also don't share this melodramatic notion that there's this big evil corporate media, and the rest of us are put upon and well-meaning. I've changed my thinking a great deal over the last couple of years because of my interests in voting and democracy, and I have found that the left press has actually been worse on this vital issue and, in a sense, more elitist than the corporate press. The corporate press has largely ignored voting issues, whereas *Salon*, *Mother Jones*, *The Nation*, and *TomPaine.com* have consistently ridiculed those who raise questions about the

17. See ALDOUS HUXLEY, *BRAVE NEW WORLD* (1932).

18. Brian Faler, *Election Turnout in 2004 was Highest Since 1968*, WASH. POST, Jan. 15, 2005, at A5.

legitimacy of the last election. It's as if they're bending over backwards to demonstrate their moderate chops, maybe in the hopes that they can get that gig on MSNBC. The left press has become essentially corporatized.

Moreover, to complicate things further, there are a lot of terrific people working against the odds in corporate media. If we could get people in the corporate media who disapprove of it to come out and speak about it, I think we could make tremendous headway with the public.

Dana Gold: Thank you so much for being with us, Professor Miller.

Mark Crispin Miller: Thank you for having me.