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RWU First Amendment Blog: David Logan's Blog: Media Centralization Imperils Marketplace Of Ideas 04-05-2018

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April 5, 2018



Media centralization imperils marketplace of ideas

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Edward Fitzpatrick

David A. Logan, professor of law and former dean of the RWU School of Law, who has studied and written extensively about First Amendment issues:

Our country loves its myths, and one is that our newspapers exist to “comfort the afflicted and afflict the comfortable.”

This romantic notion of the independent commentator may never have been accurate, as for many years the political bent of media outlets was transparent (indeed, sometimes even paid for!). And you

don't need to have a degree in history – or even to have paid much attention when you suffered the U.S. history survey course as an undergraduate – to know that American newspapers were very partisan in the 19th century. But this was at least somewhat mitigated by the sheer number of newspapers and magazines clamoring for readers.

Regardless of the gap between the romanticized ideal of the media and reality, a robust, independent and decentralized press is foundational to any democracy. And many have lamented a rapid “consolidation” of the media in recent decades.

One of the biggest players is now the Sinclair Broadcast Group, which owns more than 190 broadcast stations, including 22 NBC affiliates and others of ABC, CBS and Fox, spread across many major markets. It is also trying to add a big catch to its collection: It has bid \$3.9 billion for the Tribune Company and its many stations, which, if successful, would make Sinclair a presence in 70 percent of U.S. households.

Over the last few weeks, Sinclair has flexed its muscles – and displayed the power of centralization – by requiring many of its anchors to recite from a prepared script and solemnly inveigh against “fake news.”

A collage of these efforts – edited into a 98-second clip by Deadspin – is powerful, providing what appeared to be the “mainstream media” rising up as one to endorse President Trump’s efforts to discredit news outlets that are critical of him and his policies.

Sinclair may have chosen an inopportune time to display its sweeping editorial reach, given that its Tribune purchase is being evaluated by the U.S. Department of Justice for antitrust violations. But with a pro-business administration in the White House and an editorial message that meshes perfectly with that of President Trump, one cannot expect the march to a consolidated media to slow anytime soon.

If, as I expect, media centralization continues apace, there is a real danger that our “marketplace of ideas” will increasingly leave us with the kind of narrow selection you might find in a 7-Eleven rather than the wide variety offered in a supermarket.