

**SOCIETY DIES IN SILENCE:**

*Threats to the free press under modern regimes.*

Kelvin Sheppard

Global Perspectives

J. Babcock

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**TABLE OF CONTENTS**

<b>1.0    DEFINITION</b>	<b>2</b>
<b>2.0    SIGNIFICANCE</b>	<b>6</b>
<b>3.0    BACKGROUND</b>	<b>10</b>
<b>4.0    EXPERTS</b>	<b>14</b>
<b>4.1    AN INTERVIEW WITH JOSEPH RUSSOMANNO</b>	<b>15</b>
<b>4.2    AN INTERVIEW WITH LISA TAYLOR</b>	<b>24</b>
<b>4.3    EXPERT COMPARISON</b>	<b>42</b>
<b>5.0    ROLE OF CONTROL</b>	<b>46</b>
<b>6.0    INTERNATIONAL ORGANIZATIONS</b>	<b>52</b>
<b>7.0    CASE STUDIES</b>	<b>56</b>
<b>7.1    THE UNITED STATES OF AMERICA</b>	<b>58</b>
<b>7.2    CHINA</b>	<b>67</b>
<b>7.3    ERITREA</b>	<b>75</b>
<b>8.0    CANADIAN CONNECTION</b>	<b>84</b>
<b>9.0    POLITICS OF EVIL</b>	<b>92</b>
<b>10.0    RELIGION</b>	<b>97</b>
<b>11.0    SOLUTIONS</b>	<b>101</b>
<b>12.0    WORKS CITED</b>	<b>106</b>

## 1.0 || DEFINITION

### FREEDOM OF THE PRESS

Freedom of the press is, in essence, the ability of the media to report on matters it deems of importance to the public, without constraint from governments or other oppressive forces. Freedom House defines it not just as the media's ability to report freely, but also as a fundamental right of the people.<sup>1</sup>

The UN Declaration of Human Rights and International Covenant on Civil and Political Rights also allude to a free press as a human right; both define that the right to freedom of expression “includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”<sup>2</sup>

An independent press is an essential component of the free press; the media must be free to report on matters of public interest, but must also operate independently of forces, such as governments or corporations, that may wish to influence those reports. State-sponsored media is, by definition, not a free press.

### A THREATENED PRESS

Powerful institutions, often governments, can strip the press of its freedom through a number of means. No nation is immune to these threats; they exist in every form of government around the world. Under authoritarian regimes, threats to free press often take the form of government restrictions on what can be reported, such as factually true but politically unfavourable information, or opinions that oppose the ruling powers. These restrictions are often enforced by strict punishments, such as criminal fines, incarceration, or death threats. Democratic regimes attempt to control the spread of information in less explicit but often equally effective ways, such as ranging from lucrative preferential funding and exclusive access to government information for media outlets that support their rule, to subtle regulatory measures

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<sup>1</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from

<https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

<sup>2</sup> The United Nations. (1948). Universal declaration of human rights. Retrieved March 21, 2021, from

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

that discourage unfavourable coverage.<sup>1</sup> While authoritarian regimes are more likely to instate penal consequences for speaking out against their rule, democratic regimes can do just as much harm to journalists opposing their power by decimating the financial outlook of unsupportive news outlets.

## KEY TERMS

**A country with a free press** is defined by Freedom House, a United States non-governmental organization dedicated to the protection of democracy and personal freedoms, as one in which “coverage of political news is robust, the safety of journalists is guaranteed, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures.”<sup>3</sup>

**Democracy**, as a form of government, is defined by Merriam-Webster as “a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.”<sup>4</sup> Examples of countries with varying degrees of democracy include Canada, Norway, and the United States of America.<sup>5</sup>

**Authoritarianism** is defined by Merriam-Webster as “a concentration of power in a leader or an elite not constitutionally responsible to the people.”<sup>6</sup> Examples of countries with varying degrees of authoritarianism include Armenia, Belarus, and Russia.<sup>7</sup>

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<sup>3</sup> Abramowitz, M. J. (2017). Press Freedom's Dark horizon. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-press/2017/press-freedoms-dark-horizon>

<sup>4</sup> Merriam-Webster. (2021, March 18). Democracy. Retrieved March 21, 2021, from <https://www.merriam-webster.com/dictionary/democracy>

<sup>5</sup> Statista Research Department. (2021, February 05). Democracy index: Most democratic COUNTRIES 2020. Retrieved March 21, 2021, from <https://www.statista.com/statistics/679796/democracy-index-most-democratic-countries/>

<sup>6</sup> Merriam-Webster. (2021, March 15). Authoritarianism. Retrieved March 21, 2021, from <https://www.merriam-webster.com/dictionary/authoritarianism>

<sup>7</sup> Freedom House. (n.d.). Countries and territories. Retrieved March 21, 2021, from <https://freedomhouse.org/countries/nations-transit/scores>

**Liberal institutions**, when referring to societal systems, are defined by British-Italian historian and antifascist Massimo Salvadori as those institutions which “enable individuals to have a wide range of autonomous action, to use the creativity with which all are endowed, in the measure in which they so desire - always within the limits of what is feasible without disrupting society.”<sup>8</sup> Liberal institutions include those such as a free press and an independent judiciary.

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<sup>8</sup> Salvadori, M. (1977). Liberal institutions. *The Liberal Heresy*, 36-59. doi:10.1007/978-1-349-15825-6\_3

## 2.0 || SIGNIFICANCE

### THE ROLE OF A FREE PRESS IN DEMOCRACY

A free press is one of the most reliable indicators of the state of democracy in a nation. Declining media freedoms over the past decade have been linked to equal global declines in democracy, as both a cause and an effect. There are a number of vital roles that a free and independent press play in upholding democracy:

- Informing citizens of their government's decisions, successes, and failures.<sup>9</sup> In order to uphold the spirit of democracy, citizens must be informed as to the competency of the candidates they are electing to represent them. If the public is not informed of the flaws of its potential leaders, it cannot make an informed, democratic decision as to which leaders will best represent its interests.
- Communicating the people's needs to their leaders.<sup>9</sup> Democracy relies upon several platforms by which the people's voices can be presented to the government. One form of communicating the people's needs is through elections; another is through a free and independent press that can report on the people's experiences, beliefs, and desires, elevating their voices to a level at which the government can recognize and accommodate them.
- Providing a platform by which the people and their leaders can exchange information and ideas with each other.<sup>9</sup> To facilitate a healthy, effective democracy, conversation between dissenting parties must be enabled, to better inform the electorate's perspectives and ensure that the democratic liberties, such as voting, that the public is exercising are accurately representing their beliefs and needs. The accessible spread of information and opinion ensures that democracy remains representative of all experiences.

### THE CONSEQUENCES OF A RESTRICTED PRESS

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<sup>9</sup> Freedom House. (n.d.). Media freedom. Retrieved March 21, 2021, from <https://freedomhouse.org/issues/media-freedom>

When the free press begins to deteriorate, so too does democracy. A suppressed media has been shown to indicate a danger to other political and civil rights and freedoms. Threats to media freedom and independence are often precursors to much more explicit attempts by regimes to consolidate power and eliminate political adversaries.<sup>10</sup>

When the flow of information within a society is inhibited, decision-making among the electorate and those in power begins to fail, and society as a whole becomes less productive and less effective in serving its people's needs.<sup>11</sup> The people lose faith in their leaders when their needs are not being met, and disenfranchised citizens begin to become disengaged in politics, leading to less informed decisions that only exacerbate this cycle.

## **THE PREVALENCE OF PRESS RESTRICTION**

In 2017, Freedom House's annual report outlined a number of key findings regarding the state of press freedom worldwide, including:

- A decline in global press freedom to its lowest point in 13 years, caused by increasing threats to journalists and governmental efforts to further control the media.<sup>12</sup>
- Only thirteen percent of the global population has access to a free press.<sup>12</sup>
- Forty-five percent of the global population lives in countries whose press is classified as Not Free.<sup>12</sup>

In 2019, Freedom House's annual report outlined an even starker situation for global press freedom:

- A thirteen-year trend of declining democracy around the world has continued.<sup>10</sup>

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<sup>10</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

<sup>11</sup> Freedom House. (n.d.). Media freedom. Retrieved March 21, 2021, from <https://freedomhouse.org/issues/media-freedom>

<sup>12</sup> Abramowitz, M. J. (2017). Press Freedom's Dark horizon. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-press/2017/press-freedoms-dark-horizon>

- Nineteen percent of countries classified as Free have experienced a decline in press freedom over the past five years.<sup>10</sup>
- Twenty-eight percent of countries classified as Not Free experienced a decline in press freedom.<sup>10</sup>
- Nearly half of countries classified as Partly Free experienced a decline in press freedom.<sup>10</sup>
- Press freedom in Europe declined by eight percent.<sup>10</sup>
- Press freedom in Eurasia declined by nine percent.<sup>10</sup>
- Press freedom in the Middle East and North Africa declined by eleven percent.<sup>13</sup>
- Violence against journalists has been a contributing factor in sixty-three percent of cases in which countries have experienced a decline in press freedom over the past five years.<sup>13</sup>
- Declines in press freedom as a result of economic manipulation of the media were more common in Europe over the past five years than anywhere else in the world.<sup>13</sup>

Journalism as a free and independent institution is one of few fundamental pillars upon which democracy rests, and it is under threat globally. With the loss of a free press, democracy begins to break down, and given time, other liberal institutions and civil liberties are lost. The loss of the free press is not synonymous with the loss of unbiased reporting, because any human reporting is inherently biased; it is instead the loss of perspective, encompassing all biases so the public may draw informed conclusions from a diversity of opinions. With the rise of misinformation comes new respectability to uninformed opinion; from the fall of independent and free media rises a stage upon which political and corporate powers can advance their agendas uninhibited by the democratic public that is meant to serve as a balance of power. With this comes the fall of democracy, and with the fall of democracy comes the inevitable breakdown of civil freedoms and human rights. Ultimately, the loss of a free press is a regression to a less equitable, less free, and less mutually beneficial society.

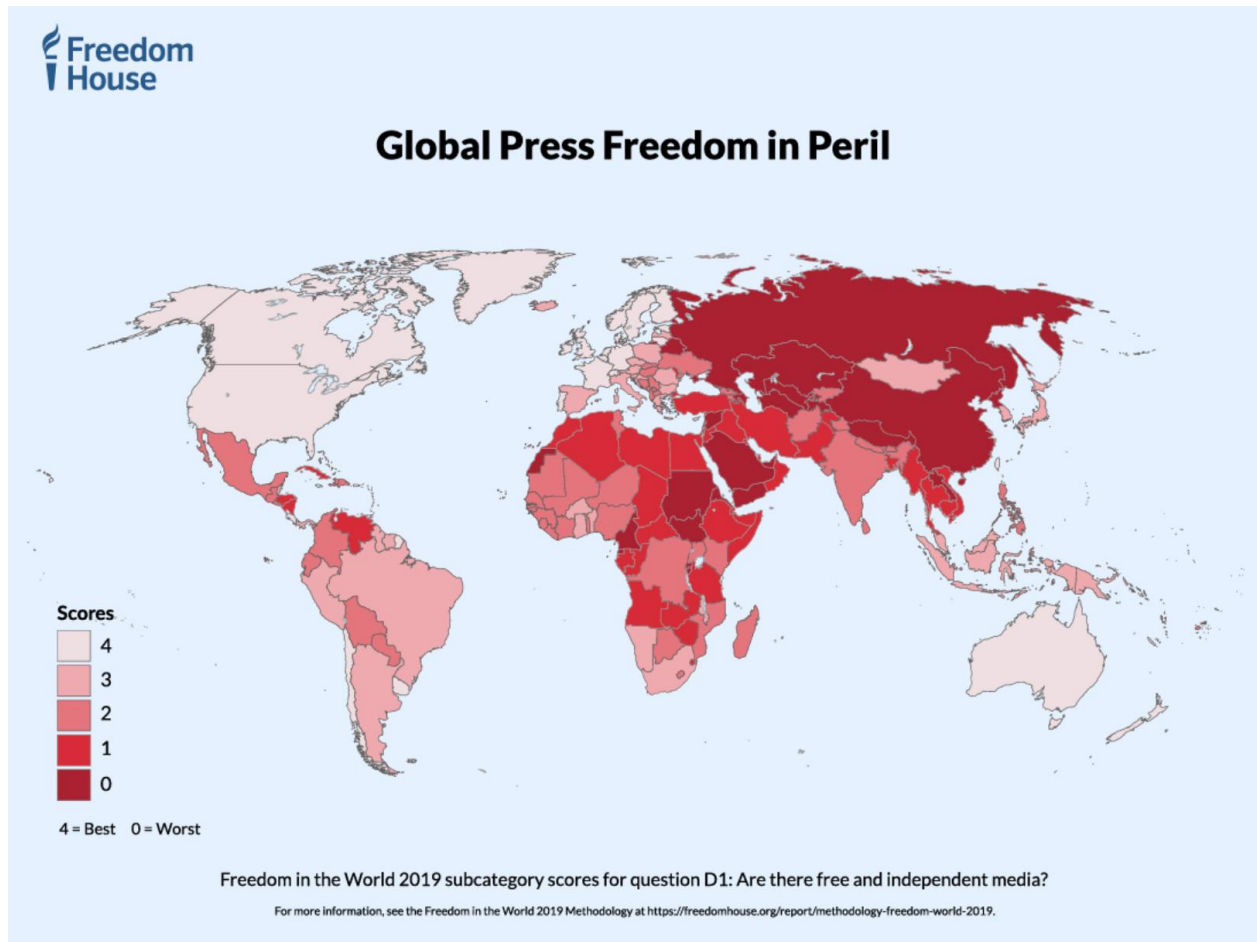
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<sup>13</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>



### 3.0 || BACKGROUND

Press censorship has existed all around the world for as long as information has been disseminated. The current outlook of press freedom is bleak, as outlined over the past thirteen years by Freedom House. See *Figure 1* (below) for a global perspective on where free and independent media exists in the world, as of 2019.<sup>14</sup>



*Figure 1.*<sup>14</sup>

Currently, democracies and authoritarian regimes alike employ press suppression across the globe:

<sup>14</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

- In Pakistan, reports have surfaced of the government warning journalists against coverage of taboo subjects and political issues, or giving specific instructions on how to cover these topics.<sup>15</sup>
- In China, the government has continued to close off access to uncensored information through pressuring private technology firms into policing content on their platforms, and restricting public use of platforms that will not abide by the government's demands.<sup>15</sup>
- In Hungary, the government has taken ownership of major media outlets and given preferential support and content distribution to supportive news outlets to silence dissenting journalism. Nearly 80% of Hungarian news outlets are owned by the government or its supporters.<sup>15</sup>
- In India, the ruling party has supported campaigns discouraging “anti-national” speech. Oppositional journalists have had their homes and workplaces raided by the government. Allegations have arisen that the government directs the press on how to cover government activities and intimidates oppositional reporters. Television licenses are selectively distributed to supportive outlets.<sup>15</sup>
- In the United States of America, former President Donald Trump's attacks on the press have damaged public confidence in the media and supported the rise of misleading reporting.<sup>15</sup>

Attempts to legally restrict the press have been prevalent throughout history. After the invention of the printing press in the 15th century, political and religious leaders made efforts to suppress publications that challenged their power, recognizing the influence that the ability to rapidly spread dissenting ideas could have on their rule.<sup>16</sup> In 1644, the British government recognized this threat as well and passed legislation that would require government approval of all books prior to their publication.<sup>16</sup> Preceding American independence, the British government

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<sup>15</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

<sup>16</sup> Cunningham, J. M. (n.d.). A brief history of press freedom. Retrieved March 21, 2021, from <https://www.britannica.com/story/250-years-of-press-freedom>

also sought to censor American media by restricting the publication of information and opinions in newspapers that spoke critically of its rule.<sup>17</sup> In the midst of this, British citizens John Trenchard and Thomas Gordon published a series of essays known as *Cato's Letters* from 1720 to 1723 under the pseudonym Cato, speaking out against corruption in the British government. These essays are often regarded as the earliest foundation of American free press movements.<sup>17</sup>

Efforts have also been made throughout history to protect the free press. The Freedom of the Press Act, passed in 1766 by Swedish parliament, is known as the world's first law protecting press freedom. It prohibited the Swedish government from censoring any printed material, and ensured the right of the press to make the government's activities public.<sup>16</sup> In 1776, Virginia became the first state to pass legislation in its Declaration of Rights protecting press freedoms.<sup>17</sup> In 1791, the U.S. Constitution was drafted to support the same principle in the First Amendment, stating, "Congress shall make no law...abridging the freedom of speech, or the press."<sup>16</sup>

Attacks on the free press have continued from historical efforts to recent scandals, though many have ended in a victory for press freedom. One of the earliest recorded trials regarding press freedom saw the publisher of *The New York Weekly Journal*, John Peter Zenger, accused of libel in 1733 after publishing articles critical of New York governor William Cosby's rule. His article was deemed justifiably factual and he was acquitted of the charge.<sup>18</sup>

In 1971, United States military analyst Daniel Ellsberg released the infamous Pentagon Papers, classified documents regarding projected casualties in the Vietnam war, to *The New York Times*. The American government attempted to prevent further publication of the papers on grounds of national security, but ultimately lost the case when brought before the Supreme Court, allowing newspapers to continue distributing excerpts from the documents.<sup>18</sup>

In 2013, former CIA officer Edward Snowden copied and leaked classified National Security Administration documents regarding government surveillance programs to various European and North American newspapers. With the American government indefinitely seeking

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<sup>17</sup> History.com Editors. (2017, December 07). Freedom of the press. Retrieved March 21, 2021, from <https://www.history.com/topics/united-states-constitution/freedom-of-the-press>

<sup>18</sup> History.com Editors. (2017, December 07). Freedom of the press. Retrieved March 21, 2021, from <https://www.history.com/topics/united-states-constitution/freedom-of-the-press>

his extradition and trial, he has recently gained permanent residence in Russia, after years spent under asylum or temporary residence agreements.<sup>18</sup>

Australian founder of the organization WikiLeaks, Julian Assange, has faced threats of extradition on various charges from various countries; most notably, charges of espionage from the United States after leaking thousands of classified military documents.<sup>19</sup> After seven years of asylum in the Ecuadorian embassy in London, he was arrested by British authorities in 2019 and has been jailed ever since. In January 2021, the courts refused the United States the extradition of Assange, on grounds that it would pose serious threats to his mental health.<sup>20</sup>

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<sup>19</sup> Ray, M. (2020, June 29). Julian Assange. Retrieved March 21, 2021, from <https://www.britannica.com/biography/Julian-Assange>

<sup>20</sup> Casciani, D. (2021, January 06). Julian Assange loses Extradition Bail bid. Retrieved March 21, 2021, from <https://www.bbc.com/news/uk-55562207>

## 4.0 || EXPERTS

Lisa Taylor and Joseph Russomanno are both experts in the field of press freedom.

Joseph Russomanno is a professor at the Walter Cronkite School of Journalism and Mass Communication at Arizona State University in Tempe, United States of America. He specializes in First Amendment Theory and mass media law, following a career in broadcast journalism in which he served as a news reporter, news writer, newscast producer, and executive producer. His research and ideas have been published in four books and dozens of journal articles, such as those in *Communication Law and Policy* and *Hamline Law Review*.<sup>21</sup> In an interview, Russomanno explained the workings of the First Amendment press freedom protections in the United States of America, and how they, their origins, and their influence, compare to states of press freedom around the world.

Lisa Taylor is an associate professor of journalism at Ryerson University in Toronto, Canada. Her areas of study have included journalism ethics, journalism law, freedom of information, the role of journalism and professional identity, and publication bans in sexual assault cases. She is a former lawyer and Canadian Broadcasting Corporation journalist, who now teaches journalism law and ethics, among other pursuits. Among her contributions to freedom of the press, Taylor leads the Canadian branch of the World of Journalism study team, which assesses the state of journalism around the world in cooperation with researchers from 70 countries. Throughout her career, she has been recognized by the Gemini Awards, the Atlantic Journalism Awards, and the B'nai Brith Media Human Rights Awards for her journalistic work, and the 2015 Faculty of Communication and Design's Dean's Teaching Award at Ryerson University for her education career.<sup>22</sup> In an interview, Taylor explained the nuance of the digital media age, the state of Canadian press freedoms as compared to the rest of the world, and the importance of media literacy education.

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<sup>21</sup> Arizona State University. (2021, January 12). Joseph Russomanno, Professor. Retrieved June 06, 2021, from <https://cronkite.asu.edu/about/faculty-and-leadership/faculty/russomannobio>

<sup>22</sup> Ryerson University. (n.d.). Lisa Taylor. Retrieved June 06, 2021, from <https://www.ryerson.ca/journalism/about/people/faculty/lisa-taylor/>

#### 4.1 || AN INTERVIEW WITH JOSEPH RUSSOMANNO

*An interview was conducted with Joseph Russomanno over video call. The transcript has been edited to exclude conversation unrelated to press freedom and to provide more fluid reading.*

**QUESTION:** Do you think that global press freedom has declined overall within the past decade or so?

**ANSWER:** I should first let you know that the focus of my expertise is much less global and much more United States. So whatever I say, at least on this question, it should be tempered with that knowledge. So again, the question is whether global press freedom has declined in the past decade or so, you know, it's hard to say, when there's so much variance, in different parts of the world in different countries. It's hard to say, to give one broad stroke in an answer to that question, with regard to the world. In some places in the world, yes. I don't know, frankly, I don't know of any places where it has gotten appreciably better in the last decade. I think typically what we see and hear about are situations where press freedom is declining. And I do know of specific situations where we've seen that across the globe. So, if I had to give you an answer to that question in the way that you've worded it, yeah, overall it probably has declined.

**QUESTION:** Do you think that press freedom has declined appreciably within the US?

**ANSWER:** No, I don't think so, in spite of the Donald Trump administration and subtle and sometimes not so subtle efforts to discredit the press, to portray what they report as irresponsible or as, you know, fake news. It certainly doesn't help, but by the same token, you know, our First Amendment is incredibly strong and resilient and the law that surrounds First Amendment based protections is fortified by a number of things including institutions, but probably most notably our Supreme Court that over time has been a very strong protector of most First Amendment values.

**QUESTION:** Are there any specific events or political situations within the past decade or two that you think have had significant or irreversible impacts on the state of the free press, negatively or positively?

**ANSWER:** Sure. I know a little bit about, in particular, the nation of Pakistan, because I have worked with some people who are from Pakistan. And I know that press freedom is really

to a large extent a contradiction in terms there. Certainly what we in the United States view as press freedom almost doesn't exist in a nation like that. And one person I know who is a journalist there has in fact because of his work, he's been strongly criticized and labeled a traitor to the government by the government. And there was a time where he was threatened with being imprisoned simply based on reporting the truth. You know, a lot of governments don't like the truth being reported, if the United States government, or at least certain people in it or who were in it, didn't like the truth being reported, but in the United States, as in many other countries, there's never the threat of a journalist being imprisoned or the publisher of a newspaper being imprisoned. Whereas in a nation like Pakistan there is that threat as I just mentioned. In terms of the United States, I guess I sort of address that within the context of my previous answer, remarking on the Trump administration and efforts to discredit the press. But I don't think that that is, I'll reiterate, I don't think the freedom of the press was ever threatened, you know, due to those kinds of threats to discredit the press, maybe create what we refer to as a chilling effect on the press. But those who are part of a strong news organization I really doubt that that affects them at all.

**QUESTION:** Do you think that WikiLeaks and other freedom of information scandals have had a major impact on press freedoms and how they're perceived over the past decade or so?

**ANSWER:** In the United States? I would say little if any effect, I think, you know, there is certainly concern about the Assange situation and how it's been dealt with up to this point and how it may be dealt with in the future. And I do know that that concern revolves around our First Amendment and the freedoms that it protects. And the concern that, you know, the next step in that concern is that what may happen to Assange could tarnish the First Amendment, and those freedoms - not only tarnish, but weaken it. The concern is, for example, that if United States courts side with a government effort to prosecute him rather than regarding his freedoms as taking priority over those prosecutorial efforts, then a slippery slope is created. And as I say, that concern is that that slippery slope eventually comes home to rest on particular work. But all of that said, I don't think that any journalist in the United States has stepped back from what they want to write, and what they want to communicate to their audiences, based on that incident. If that's going to happen at all, it will be in the future, but I don't know of any impact it's had up to this point.

**QUESTION:** What social or political groups or institutions do you think have the most control over the press?

**ANSWER:** Well, another issue that's going to vary from nation to nation. In the United States I'll start there with what I know best. Arguably there is no social political group or institution that controls the press. You know, there is an argument that that, in fact, is exactly what the First Amendment protects. The First Amendment is a barrier, if you will, a barricade between the news media, and in all media, and any of those kinds of influences. That said, and first and foremost, by the way, it's a barrier between the media and the government. So that said, there is an argument that could be entertained that, for example, the business world has an influence on the media. In other words, while they may not directly influence the content, most legacy media organizations depend on advertisers to buy advertising space or time on their platforms. And without that support, shall we call it - I mean, it certainly financial support, but it might even be arguable to say that it extends to a different kind of support - that without them, and without those dollars coming in, then we have a very different world, at least in the media world.

So there is that institution, that I definitely would not say it has control over the news media, but it arguably has influence. But in other nations, you know, and I think to the people I know in Pakistan, clearly it is government interests that have a lot of control over the press, and strongly influence content, strongly influence what is reported and what, just as importantly, is not reported. So again, you have that variance across the world.

**QUESTION:** As a general trend, do you think there's any notable difference in the role of control over the press between Western democratic countries and the rest of the world? Do you think there's a notable distinction there, or is it more a case by case basis?

**ANSWER:** I do think there's a distinction. It's a more subtle distinction than, say, between the United States and Pakistan, or Canada and Pakistan, let's hope so. But, you know, the United States, and I don't say this with any kind of intent to gloat over anything, in fact some would be critical of it, but the level of press freedom in the United States is like no other in any other part of the world, including even other Western democracies. We often find ourselves making a distinction, for example, between the United States' present speech freedom, and that in the UK, you know, you look at areas of law like libel, which exists in both countries, but it's a very different sort of animal in non-US countries. The United States leans very strongly toward



freedom of speech and press. Western European countries lean more toward privacy, and don't protect speech and press freedom near to the extent that that is done in the United States. Some of that is based on 20th century history, and particularly what happened in Western Europe and particularly what happened in Germany. And those countries don't want to see that happening again, and that's completely understandable that a nation's culture is affected in that way. But that hasn't happened in the United States, and in fact as I suggested, in some ways it has reacted in a very different way, not reacting to 20th century history, but just the notion in the United States is that the government should not be able to influence the content of the press or of speech. And that, while that may create some problems here and there in the long run, ensuring that level of freedom is for the best.

**QUESTION:** What unique challenges do democracies face in achieving and maintaining a free press?

**ANSWER:** You know, actually I found that to probably be your most interesting question, because as I thought about it, it made me think of this, that democracies, you know, where there is a high level of freedom of the press and of speech, it's hard for me to separate speech and press, especially since our First Amendment protects both. But in these Western democracies where there is a high level of freedom, some might say that to some extent we are victimized by our own freedoms. And what I'm especially thinking about right now is misinformation. Misinformation is a big issue right now, here, I would imagine in your nation as well. And the question is what to do about it. How do we combat this, without infringing on press and speech freedom? And there are a lot of suggestions that are out there. Some that seem reasonable and frankly, some that don't seem all that reasonable among the suggestions. We need to get tough with these people and these disseminators of misinformation and if that means that we decrease the level of press and speech freedom to accomplish that goal then so be it. Well, many would say that's a very dangerous path to move down, that there should be other ways developed that are still respectful of present speech freedom, and yet can help to accomplish the goal of misinformation. But you know where I started with this is that we're arguably, you know, victims of our own freedom, that is, in this country, and I think in others to a large extent. Misinformation is speech or, you know, or press and the laws protect that. And so how do you address one part of the challenge without hurting a part that arguably you don't want to have injured? So it's quite a dilemma. I do think there are some interesting, and what I would regard as

good, strategies on how to deal with this. But undoubtedly, those will not be seen as being tough enough in the eyes of some people.

**QUESTION:** Do you have any particular strategies that you personally think would work best in addressing press freedom?

**ANSWER:** There is a free speech and also free press doctrine in the United States, based on an opinion from our Supreme Court in 1927. So it has a long history, but it basically says, I'm paraphrasing, but it says that if there is time to deal with, as it was called, falsehoods and fallacies, then the proper remedy is more speech, not silencing those who express a point initially. So again, just to recast that rather than censoring, rather than silencing bad speech, the proper solution that is also, as you can see, respectful of freedom, is to respond to that speech or that press with your own. In other words, get into a discussion about it. You know, have a debate about it. I mean, that's what we're supposed to do in the first place. You know, if you go back to free speech philosophers, like John Milton and John Stuart Mill, that's what they were advocating, a marketplace of ideas. So rather than limiting the marketplace of ideas, let's expand it. You know, more ideas. Let's have that debate. Let me explain to you why your idea is right or wrong, and let's bring others into the conversation too, and they can have their own opinions, you know, they can chime in, and hopefully, ultimately, we can all reach some kind of consensus, some kind of connection about what is right or wrong, what is good or bad, you know, whatever it is that we're debating.

Now, are there modern day challenges in implementing that kind of strategy? Of course, of course there are. We have some people, I don't know if your nation is quite as politically and culturally divided as ours is right now, but you know, you've got some people who just don't want to listen. You know, you say, "With all due respect, I'd like to respond to what you just said," and they don't want any part of that. So there are, it seems like one challenge spawns another and then another. But, we have to be what someone once said when it comes to free speech and free press, eternally vigilant, in our fight to preserve it.

**QUESTION:** Speaking of having more discussion, when it comes to the rise of the internet and social media and those sorts of forums for discussion, do you think those have generally been good for facilitating that sort of platform, or have they been more detrimental for spreading fake news and such?

**ANSWER:** I laugh just because it's a tough question to answer. It's been very problematic. There is a lot of potential for its good. At the same time, I mean, we talk about a marketplace of ideas, you know, it can be the ultimate marketplace of ideas. It should be. But when it is abused and misused, and used to manipulate other people, and in a host of other problematic outcomes, then we've got a problem and this is an ongoing debate about how we deal with this. And I do go back to the more speech rather than silencing. Speech, as part of the answer, but, you know, the US-based social media platforms are regarded as private companies here. They are private companies and therefore the extent to which they can be regulated is severely limited. So what does that then mean? Well, some people have laid out the possibility that they can be regulators, that they can and should be self policing. And I think that would be nice, if they could take more of the responsibility on themselves, and put more of that burden on their own shoulders. But you know, up to this moment in time, it looks like they need a little bit of friendly encouragement to make that happen. And whether that encouragement comes from the government, maybe that is necessary. You know, the record industry, the music recording industry, the movie industry, they self police. They were convinced by government interests that they either needed to start self-policing, like a rating system on the movies, for example, or the government was going to do whatever it could to impose it on them. So you could call that a threat, I suppose. So maybe similar kinds of threats would be useful in this context when it comes to social media platforms. I mean, the heads of them, the Zuckerbergs of the world, have been hauled before congressional committees to answer questions on multiple occasions. And I haven't seen any results from it, nothing seems to have changed. I think part of the problem is congress is ignorant about the situation and the problems. And frankly, I don't know if there is serious thinking being done on these issues. I would certainly like to hope so, and maybe with a new administration in power now, and probably a change in our federal communications commission, which could play a role in this. Maybe we'll start to see some progress in that area, but, as you well know, there are few other things going on in the world that are higher priority now. You know, COVID for example, I think you've probably heard of that. And the fact that we can't seem to stop our police officers from shooting our citizens. You know, these little items, once those are out of the way, then maybe we can move forward on some of this other stuff.

**QUESTION:** Do you think press freedom is always going to be an issue, and do you think it's always going to be as big of an issue as it is right now?

**ANSWER:** Well the first part of that question, yes. I think it will always be an issue because I think it's always going to be threatened to one extent or another. I mean, the instinct to censor is about as old as humankind is. People, as I said earlier, tend not to like negative things that are said or published about them. And the first inclination, our instinct, as I said, is to tell the publisher of that information to shut up, do not say that again or do not write that again. We know that there's value in free speech and free press, most societies do. And so therefore, most government leaders I will say also understand that value and they kind of, you know, grin and bear it when it comes to media that might be critical of them, or something that they've done.

But as you know, in some countries there is no tolerance for that. And the law allows those in power to exert their power on the news media, have people in prison, have them fired from their jobs, whatever their so-called solution might be. So, yeah, I think it's always going to be an issue because those threats will always be there. I mean, even in a place like the United States, we are well aware that these freedoms can be threatened. Those threats are less likely to result in negative outcomes because the law is so fortified and the judicial precedents are so strong in that area, but it goes back to that term that I used earlier, eternal vigilance. I mean, this is a perpetual fight and it needs to be, I think, and many would agree with me. It needs to be viewed that way as something that you always have to be on guard about.

And then, there was another part of that question. Well, as you can gather, I'm not sure how big of an issue it is right now in some parts of the world. I suspect that wherever we are now on that, how big of an issue it is or isn't globally, wherever we are now, we're probably going to be in this same place for a long, long time. I mean, even if there are improvements made in some parts of the world there will be setbacks in other parts of the world. So on balance, yeah, we're probably going to be right about where we are for the foreseeable future.

**QUESTION:** What steps do we need to take to ensure the press stays free once it is achieved worldwide?

**ANSWER:** As you can tell, I'm not sure it's ever going to be achieved worldwide. In fact, I would bet the farm on that. But you know, for example, my friends in Pakistan and other places have asked me, well, how do we make some positive changes here with regard to press freedom? And one of the things, in thinking about that, that occurs to me is - I'll answer this in two parts. It comes from the ground up, I mean, our constitution begins with the words we, the people. And so there needs to be a ground swell of citizen, grassroots input that is overwhelming to those in

power. And I'm not saying a revolution, I'm not saying storm the Capitol. But, you know, it needs to be made very clear that the citizens want this and want it very badly. It's very important to them. But I think at the same time part of that effort needs to be to convince those in power that a free press is to their advantage too. Now that can be a very tough sell, I fully realize that, but some creative minds need to address that issue and ask themselves, you know, how do we convince them that across our society, across our culture, including for them, that this is going to be advantageous for them. I mean, I go to what I know, and I think of philosophers like John Milton and John Stuart Mill, who I'd mentioned earlier, whose arguments for free speech are powerful and convincing. I think of James Madison, one of the founders of this nation, and what he wrote. There have been incredible, what I'll call judicial philosophers, in our courts, the doctrine that I mentioned earlier about more speech, not censorship comes from a Supreme Court justice by the name of Louis Brandeis. I don't know if you know of him or about him, but just, just incredibly articulate and powerful writings. And then we have a set of contemporary free speech and free press scholars today who also are very articulate and very convincing in arguments that they make. So, any and all of those kinds of approaches can be useful in trying to formulate arguments that would hopefully convince others that some degree, at least some degree of press and speech freedom is a good thing. It helps all of us including the government itself, especially the government itself. One might argue that's the basis, that's the premise of free speech in some countries, including mine. That it results in a stronger government because you've got a consensus of the people who support it. So I guess that's the extent of my answer to that.

**QUESTION:** When it comes to freedom of speech, press, and information, what sorts of connections do you think those have to each other? Do you think we need to be addressing all three of them at once? Or do you think they're distinct enough to work towards one without focusing as much on the others?

**ANSWER:** Well, I do think they're linked. I think they're linked very strongly. I will say that when we think of freedom of speech and press, and compare that to freedom of information, the focus is on the deliverer of the message. Either the press itself, a news organization, for example, or with freedom of speech, a speaker. The focus is on them. Whereas I think freedom of information suggests that that's a freedom that the receiver of information has, the potential receiver. You know, that you, as a citizen can say, "I have a right to have access to certain kinds

of information up to and including mediated information, that which the press makes available to us or tries to make available to us.”

It also, by the way, suggests that there should be access to government held information. At least some of it, obviously every government has things that are secret, and that the government says need to be kept secret or else national security is threatened. That's a big one here. But there are other things that are held by the government that arguably citizens should have access to. And there are laws that facilitate that. We have something here called the freedom of information act on the federal level, and then on state and local levels, each state has something similar, and the whole idea is to allow citizens, including members of the news media, members of the press, to have access to information that arguably should be freely accessible. And so there are a lot of problems with the way that law is implemented, but at least in theory, it provides that outlet. And I think, you know, as you're asking it, it helps to demonstrate the link between those three things. I think speech freedom and press freedom are inextricably linked. I don't think you can talk or write about one without the other. That may be influenced by my Americanism, you know, given that our First Amendment has them written together, you know, “Congress shall make no law abridging freedom of speech or of the press,” it's right there. Freedom of information, though, is not included in the First Amendment, nor is it specifically included anywhere other than in some of these legislative laws that I mentioned.

So, are all three of them important? Yes. Is it worth pursuing freedom in all three of those areas? Yes. If one had to be sacrificed in an effort to achieve gains with the other two, then you can probably guess where I'm going with that. It would probably be freedom of information that would be the one that would be sacrificed at least temporarily. And yet, as I've said, we've seen plenty of evidence that freedom of information is incredibly important. One of our free speech and free press scholars, from the mid 20th century, a person by the name of Alexander Mitchell John, had a perspective, probably unlike a lot of others in his field, that did focus on the listener or the potential receiver of information. And he took that angle to argue for freedom of speech and freedom of the press that it, you know, it's a right to receive information. That goes hand in hand with the right to communicate the information in the first place.

## 4.2 || AN INTERVIEW WITH LISA TAYLOR

*An interview was conducted with Lisa Taylor over video call. The transcript has been edited to exclude conversation unrelated to press freedom and to provide more fluid reading.*

**QUESTION:** What is the general focus of your field of study?

**ANSWER:** Yeah, so a couple of focuses. So I look at Canada as compared to the rest of the world because I work on a project called the Worlds of Journalism study. Worlds of Journalism has about a hundred countries in it, and every five years we ask a common survey of journalists in each country to try to understand how journalists are the same and how they're different. Because I can say I'm a journalist, and someone else in the world can say they're a journalist, but how we imagine what that job is is very different depending on where you are. So some places, for example, really feel that part of a journalist's role is to inspire confidence and support of, kind of, government initiatives. Other journalists will see the primary role as being to entertain. In Canada, our journalists, their self perception is interesting. So I look at Canada and how it differs in terms of journalism from the rest of the countries, I also look at criminalizing speech, what kind of speech do we have that can actually be against the law, and I look at a very specific subset of free speech interests, and that is what happens with sexual assault victims who have bans on their identity, but they want to speak publicly about their experience, and how a ban that's there to protect them can actually stop them from talking about something that's important. So those are kind of my three areas, and I'm at least okay on press freedom in Canada generally, and weakest on the American stuff.

**QUESTION:** In general, do you think that global press freedom has declined in the past decade?

**ANSWER:** I think it is so tremendously in flux that it's hard for me - I mean, we have the Press Freedom Index that will tell us where things are, but it seems like we so often, when we make advances in one area we suffer setbacks in others. I don't think we're trending in the right direction, but on the other hand, good things happen in all parts of the world around press freedom, but just sometimes we see a little bit of backsliding. So I'm not sure we're making progress - the short answer would be I'm not sure.

**QUESTION:** Are there any specific events or political situations within the past decade or two that you think have had significant or irreversible impacts on the state of the free press, negatively or positively, anywhere in the world?

**ANSWER:** Oh, goodness. Yes, there are certainly, there are many of them, I'll try to, I guess, give some of the more high profile ones. Certainly in the Western world, I think that our rethinking of who tells what stories is important. And the whole deal for the longest time was that journalists and newsrooms from equity seeking groups were considered somehow ineligible to report on the communities that mattered most to them. That somehow you couldn't be a journalist and also care deeply about your community, whether your community is a racialized community, whether you're talking about a geographic community, whether you're talking about a community that kind of speaks to your identity and whether that's your identity as a trans person or a person of faith or a person with an intellectual disability. So I think we're seeing real progress in redefining who can tell stories. So that, I think, has been one really important step forward.

On the other hand, I think we're seeing significant crack downs on democratic journalists' access to hot spots and conflict zones in the world. So we're both seeing increased shut out journalists who can't report on conflict, that is a concern to all of us, but there's also the business model problem. And that is, certainly in Canada and the US, we have seen a decline in the value of a free press as we've seen a breaking of the business model for the media, because we simply can't afford to send people to report on as many stories of international conflict as we should.

So even just the economics of journalism has reduced our understanding. And then we see one of the bigger setbacks has been the weaponizing of the tools of journalists. It's been taking broadcast airwaves and anchor desks and kind of the style of news. Whether that's the style of a digital news story or a video news report, but using that framework to actually further misinformation, and misinformation sows seeds of distrust. So the way that what journalism looks like and sounds like, that the journalism framework has been used for anti-democratic interests has been pretty lousy, really.

**QUESTION:** What social or political groups or institutions do you think have the most control over the press?



**ANSWER:** So in Canada, more so than just about any other country in the world, our journalists believe themselves, based on quantitative surveying, our journalists believe that they are independent watchdogs who are beholden first and foremost to the truth and to the public, not even to their bosses or the owners of their news organizations. Canadian journalists are most likely to, like I said, believe that they are independent monitors of power, and they've believed this since before the business model fell apart. This was first identified, I think in the early eighties, by researchers in Quebec, they called it the Canadian journalists' creed. Canadian journalists really see themselves as just here to provide a set of checks and balances. But when journalists do that, believe that, they can sometimes, I think, be blind to the reality that we have disruptive anti-democratic forces in Canada and elsewhere in the world, again, trying to co-opt journalism, trying to buy journalism, trying to fund their way into Facebook, using pretty sophisticated approaches to control and shape the news. So I think they're by far the most troubling, and that idea that these media giants can be used to spread distrust and disinformation, it's perhaps the single biggest disruption to my understanding of freedom of the press in my entire 30 year career. A decade ago I would have said to you, you know, all media is good media. Some of it will be honest, some of it will be dishonest, but in relying on kind of the classical philosopher's approach, we know that eventually the truth will rise to the top. The truth will rise to the top and all the lies and all the misinformation and all the fear-mongering - you know, about that, you know, a COVID vaccine is going to change your DNA or whatever kind of conspiracy theory - I used to think that that stuff would fall by the wayside and the truth would always win and I'm sadly way less convinced of that idea.

Now, I think watching American politics in particular has made me think that. My belief that yeah, the truth will set us free and the truth will always rise to the top, may no longer be the case because of the sophistication of how information travels now, because of social media. It's because of the murkiness of what the algorithms are, the program, the social media that lands on our screens. So I think those kinds of anti-democratic forces - big money and big social media - are largely out of the control of individual people. So I think there are a lot of social and political groups that may not have our best interests at heart that may have an awful lot of control over the press.

I worry less about, you know, back in the olden times, we used to worry about things like were the government's press releases kind of spinning things too far, one way or the other, that stuff was easy peasy compared to the kind of massive misinformation campaigns that your generation is growing up on. And we'll, you know, we'll kind of inherit your take on the world for a while, while we're all desperately wondering what's true and what's untrue.

**QUESTION:** So with social media and the rise of the internet and all of that, obviously it's a great platform for communicating with people around the world. Overall, do you think it is more of a positive platform or a negative one when it comes to things like misinformation and freedom of speech?

**ANSWER:** I love this question because I love questions that I can't answer. I think they're the most interesting ones. My inclination is always to think that overall it's been more of a loss than a gain. When I look at, you know, at the possibility that elections are being subverted and that rights-based protests are being misrepresented as something that is somehow dangerous too, when I think about that stuff, I think, oh man, this has created such a mess. And then I start to imagine what social media and kind of online communities have done for people who would otherwise be isolated. And I mean, whether you're - I come from a small town and I think of small towns, and I think about how isolating it would be to be the only person in your small town who, whether we're talking about whether you're the only person in a small community who has a rare viral illness, and you don't know anyone else who knows what you're going through, or whether you're someone who has an eating disorder or whether you're a trans teen and there's nobody else but you in your town, and you can still find a community to come out to, or a community to trade medical information on, or a community to talk through your dark times.

I love that that isolation has gone for people in small towns, and otherwise isolated communities, and they can build communities regardless of geography. I know it's been so troubling to democracy, but I like when people get to feel less alone in a big world. And I think especially this past year when we've been so desperately isolated, I think about this past year and think about what it would have been like to all be locked home and not have the access that we did online, and not have those little communities. And so now I'm saying that, yeah, it's created some messes that we're not yet smart enough as a society to solve, but I'd rather lean in and try to help solve those messes than not have this opportunity. Now, you and I are probably separated,

I'm on the east coast right now, we're probably separated by about 2000 kilometers and we're having a conversation that I'm really grateful for. So just some good here.

**QUESTION:** So coming back to the role of control that a social group has over the press in various parts of the world, do you think that there's a notable difference in the role of control between Western democratic countries and the rest of the world?

**ANSWER:** Absolutely. The control with Western democratic countries is not state control, so that's good news. So we're not looking at a situation where we have the state attempting to shut down what we access to, or what messages or what concepts we share online. So we do see very differently in Western democracies. The only downside to that, I can find a downside to everything, is that it's so easy to say, well, the government isn't controlling our messaging online, so that means we're free, we got this, but again, it's big business and big money and how opaque social media giants, particularly Facebook, are about how we know what we're communicating, and how little there is by way of checks and balances. So it's very easy to say that no state control means good things, but then there's the flip side of that. And as much as I am a freedom of expression advocate, this social space can be a cesspool. It can be a filthy, hateful, soul destroying and humanity denying space. So as much as it's good to see Western democracies step pretty far back, that doesn't mean that Western democracies should say, oh, we decided to not get into regulating that or controlling it, so our work here is done. Now, I guess the question we have to keep on exploring is doing a cost benefit analysis and saying, is this overall kind of unfettered freedom to communicate as we want worth it, when we look at the damage that is done, 'cause it's always a benefits versus harms kind of balancing that we're trying to achieve here. So yeah, overall, I think we're more unfettered, but that just means sometimes you have to look a little harder to see who might be controlling how we're receiving and sharing info.

**QUESTION:** So when it comes to free speech enabling hate speech, you were talking about how the big businesses, the money, have a lot of control over what gets said. Do you think that it's more of the responsibility of the government or of those big social media platforms, for example, to monitor things like hate speech? Do you think that the burden falls on the government to get social media platforms to monitor those? Or should they be doing that on their own?

**ANSWER:** It would be great if social media was doing it on their own, if they were making choices about the kind of communities they create, the kind of spaces they create, in the same way that back when we went out into the world physically, a club might make decisions about what music gets played or what the dress code is. That analogy might be a little simplistic right now, because again, it's the opacity of a Facebook. How do we really know what we're doing and how do we know what communities they're really monitoring versus what ones they're leaving aside. I mean, it goes back to, you know, when Facebook is given a choice to censor, we've seen hate speech flourish, but we've seen our really strange preoccupation with the fact that babies are often breastfed. You know, we can see neo-Nazi hate, but we can't see a lactating human's nipple. That's a messed up world. So in the absence of trusting, then maybe it does go back to government, but I'd really like to see government think about how far it needs to step in and maybe only stepping in to play to kind of test the waters and look around, because we don't want it to be a suppression of speech.

**QUESTION:** What unique challenges do democracies face in achieving and maintaining a free press?

**ANSWER:** One of the biggest ones that they've faced is figuring out whether or not they have a role in funding a free press. My coworker does an awful lot of work on something called news deserts, so you may have heard that term in your studies, but the idea that some communities end up without a local newspaper or a local radio station, and there's research that tells us that when people don't have a local news source, they're less likely to, for example, vote in local elections. So the less information we get about democracy, the less engaged we are with democracy, the less impact we have on democracy. So that could almost make one pause and say, well, governments have some role to help fund a free press to help make sure that there is a free and accountable press available to the public.

But, you know, our tax dollars stretch only so far and media used to be solely, with their exceptions, the business of private businesses. So, you know, do we look at a government and say, you should take away from the support of newcomers to Canada, or to our healthcare system or educational system, so that you can buy a newspaper in, you know, middle of nowhere, New Brunswick, because people there don't have news? It's a tough balance.

I think the local news initiative, which has been a federal government boost to the legacy news ecosystem in Canada, has been helpful because it isn't funding organizations directly, but it is funding staffers who are then hired by organizations and there's transparency in it. Because every time you read a story by someone who was hired under the local news initiative, there will be a note on the story that makes that point. So that slight foray into funding journalism, which, you know, some people were very skeptical that it would turn these organizations or these journalists into kind of partisans who were there to just say good things about the government.

We've not seen that happen yet, thankfully, but we have seen struggling news organizations able to add an employee, or to help keep on telling stories. So the government should be supporting a free press, but where possible, and the local initiative again, is a great example of this, it should be at arm's length, that the government doesn't fund it directly. The government comes up with firms like the committee, that makes the decisions and allocates the funds. I think that's where we need to be.

**QUESTION:** Do you think that freedom of the press will always be an issue and do you think it will always be as big of an issue as it is right now?

**ANSWER:** I'm not sure it will always be as big of an issue as it is right now because it really, it was the kind of the explosion of the modern day internet that really gave us new problems. We had a lot of this sorted out, really, us old folks, talk to us in 1992, we had this nailed, I swear, and then the world became infinitely more complex. So I think the new, more complicated means of communication have created new, more complicated problems. But I'm also a believer in human ingenuity to solve these things. So I do think that we are at a place where these questions around the news media, how they exist, who they serve and how, how they're funded - yeah, we're really at the high point of this, it will hit a wall again until the next round of technological innovation kind of throws us back on our heels and then we'll figure it out again.

**QUESTION:** What steps do we need to take to ensure that the press stays free, once it is achieved worldwide, if it is ever achieved worldwide?

**ANSWER:** I think we would have to achieve it. There's two big things. One, that goes back to your previous question, funding, that maybe a business model of a free press, is

challenging. Certainly a totally independent business model. Maybe we're going to have to see some funding, of a vigorous free press, to keep it alive. And governments should not be directly involved in the business of keeping a free press alive, they can be indirectly involved. So the idea of arm's length funding, but also public education, public education is a big part of this.

The news media hasn't done a great job of explaining to people how they do their jobs, why they do their jobs a certain way, what a journalistic truth looks like versus just a thing that we don't independently verify, but we just know in our hearts, so explaining to the public, how the news media works is a pretty big part of this, I think.

**QUESTION:** Do you think that there are any really harmful misconceptions about how it works right now that are not being helpful to that?

**ANSWER:** Well, one of the first ones is just that, you know, the journalists report what it is they know, not what they know and what they can prove, not just what their gut tells them. Not what they've always heard. that their grandmother told them for the past 20 years, not just what they believe to be true. So people have to understand that journalism, when done well, requires kind of vigorous fact checking and that it has to canvas all sides of an issue as opposed to just the aspects that the journalists themselves are the relevant ones.

And also that journalism pretty much can't be done without hurting some people. It really can't be done without hurting people. That I can't report on an accused criminal without also possibly creating shame, embarrassment for their spouse or their children or their employer. I can't report on the latest development in the sexual assault trial at St. Mike's high school in Toronto without perhaps harming the reputation or the school spirit of people who are graduates of that school, who feel really good about the education there and who don't want to be embarrassed about the Catholic high school that they went to. So I think there's always harm.

And in fact, if you've ever heard for doctors, if you've ever heard the Hippocratic oath, that's the one that says, "first do no harm." That's where we start as doctors. In the US, and it's been adopted by other media organizations, but the first one to kind of go down to look for a similar line was in the US, the Society for Professional Journalists and their code of ethics starts with the preamble of, "seek truth and minimize harm."

That's the acknowledgement that, yeah, guys, you know what? We cannot do journalism without hurting some people. We can't. It sucks, but we can't. But we do it because we believe in the greater good, the greater flow of information. Let me try another example of that one. If there is, in public housing, in an urban area, a big fire tonight, I mean the kind of safety standard of subsidized housing, you know, we've seen atrocities from Grenfell Towers in the UK to countless buildings in the city of Toronto that are not fit for human inhabitants.

So if there was a fire in one of those buildings because of the terrible state, as a journalist, I may pop up and cover that fire, and part of covering that fire, I'm taking pictures, because these matters occur in the public domain, and they catch people in stages of distress and trauma and tears, I may catch people in their pajamas and their ratty t-shirts that they slept in. I may capture them at times when they really don't want a camera around them. Because again, they've just been put out on the street because of a fire, but the story I want to tell is a public policy story that says we need to invest more in public housing. So sometimes in order to tell the big, more important story, which is, "Toronto city council, you have to address the problem in Toronto community housing," I may cause some discomfort for some people along the way, but I tend to believe in the greater good, and that there is individual discomfort. So I think kind of looking at how we balance the little parts of harm that we do as journalists in the interests of trying to make the world a better place.

**QUESTION:** So when I was talking to my other expert from the States, we were talking about freedom of speech, freedom of press and freedom of information, and he was talking about the difference between the right to distribute information and the right to receive information; how freedom of information is more of a right to access information, and the others are more of a right to convey it. So when it comes to that, what sort of connection or distinction do freedom of the press and freedom of information have in Canada or globally?

**ANSWER:** I mean, the freedom of the press part of this is the other half of the right to access information. So we can have a free press. But if our public institutions stopped providing the information that we have, we can be as free as we want, but we need that information. So this is another area that I studied an awful lot, and that is police forces withholding information that they tend to decide just aren't in the public's interests. Not because there's a reason for a publication ban. And in fact, often when these things end up in court, there is no publication ban,

but it's just the police might say something. I'll make some examples. If there's a murder suicide at the house across the street from me here, we're finding ourselves increasingly with police saying things like, you know what, this was a domestic matter and it's a tragedy, but it's a private tragedy. So we'll not be issuing a news release on what happened, who was involved, and who's dead, because that's personal. But the matter of people taking each other's lives or taking their own lives are public matters, they are public matters because we have to do a better job at responding to the problem of domestic violence. We have to do a better job as a society at responding to mental health concerns. We have to educate people to break the culture of silence around things that happen in our homes.

So I can be as free a member of a free press as possible, but if that information that I need, that vital information, or if I can't get the data on how many COVID vaccines are supposed to land in Ontario over the next week, I may be free to report, but without the information that freedom to report is somewhat meaningless.

**QUESTION:** So when we're talking about freedom of speech, freedom of press and freedom of information, do you think that they all need to be addressed at once in order to actually achieve gains towards any of them? Or can they exist independently at all?

**ANSWER:** No, the real pairing is freedom of press and kind of that access to information piece, the freedom of speech part is much broader. And sometimes it's entirely unrelated to a free press and can sometimes even complicate the free press discussion. I think because the freedom of speech discussion has many polarizing examples, that you may find troubling for one reason or another, depending on who you are and where you are in the world. So freedom of speech allows a lot of people to say some really heinous things under the guise of free speech, and maybe they should be politically protected because we know that when we, I'm not saying that hate speech should ever be politically protected, but I'm saying we want to be very careful every time we restrict speech, but freedom of speech again, is creating some incredibly, incredibly anti-democratic sentiments. It's creating a lot of, it's a pretty dangerous place. So sometimes I think that if we could focus more on looking at free press and the kind of information the press needs to do its job, and deal with those two together and keep the freedom of speech more generally, you know, what do I, as an individual citizen have a right to say in my social media accounts, at what point can I so many lies that even though I was once a US president, I'm not



allowed to be on Twitter anymore. Those conversations are so important that they can almost, I think, further complicate the direct question about what the media does for us and what the media needs to do the job well.

**QUESTION:** So we were talking about freedom of speech and freedom of press. Do you think that people equate the two things too much? You're talking about how it's sort of harmful - do you think those conversations have become too intertwined?

**ANSWER:** They're often intertwined. It is true. Freedom of the press is a subset of, kind of, the broader issue of free speech. And I think it's a less complicated part of free speech. It's not that those broader and kind of polarizing free speech arguments aren't important, they're really important, but they can almost, I think, make the free press question murkier and messier than it otherwise needs to be. So yeah, some kind of separating out can be helpful to states. Because freedom of the press, freedom of speech, gets us into a place where we, that is, even those of that support it, it's fundamentally difficult sometimes, you know, it's the old expression and gosh, I can't remember who said it, but it's, you know, I may completely deny or disagree with what you have to say, but I could still fight to the ends of the earth to give you the chance to say it. That's the free speech proponent's kind of base ground, and that's again good in theory. But then when you start to see the practical application and you know, what if speech is dismissed, for example, is that speech that we want to protect in the charter? We say the charter law tells us that not all speech has the same value. Okay. So speech that's in the public interest, speech that helps us navigate a pandemic or vote in an election, is more valuable, according to the charter, than the commercials that tell us to buy a certain breakfast cereal. The commercial speech is just not considered as important as the speech that we need to help function in democracy. Sometimes the bigger free speech stuff just gets a little tougher to understand.

**QUESTION:** So when I was talking to my American expert, he was talking a lot about freedom of speech and freedom of the press as being very closely related in America, because their first amendment talks about both of them in the same sentence. So do you think that, just between America and Canada even, do you think that constitutional difference influences how we view free speech in Canada versus America?

**ANSWER:** Absolutely. Absolutely. It really truly does. Americans have held those two kind of equally. And in Canada, we do look at section 2b of the charter, which does give us the right to free speech, free expression, including, you know, free media, but everything under the charter is always insofar as it can be justified in a democratic society. So we have this limiter on all our constitutional rights which is a very Canadian way to do it. You know, it's not like all the way to the wall, right. It's that kind of cautious stepping forward. And we have limitations on everything that we allow people to do. Certainly look at the age-related kind of restrictions we have and the things that we don't see as inherently unfair. So no, the Americans are much more likely to kind of carry those rights all the way, kind of, as far as they possibly can. And we're just a bit more circumspect in that regard, but yes, they are inextricably linked in the US and with us, they're still linked, but we can kind of tease them apart a little. I don't think the Americans can.

**QUESTION:** So my American expert was also talking about, when I asked him about solutions to the problem, instead of restricting speech, just focusing very deliberately on enabling more speech, to speak louder than the hate speech and the misinformation. Is that something that you think that you agree with from the Canadian perspective?

**ANSWER:** I loved that approach for the longest time, I loved it, but I do get skeptical of its relevance again, in this world of very complex, big actors and big players. So you know, when the examples were small and not so deeply connected to technology, they made sense. So for me, the perfect example was always campuses, a lot of university campuses we'll see people protesting, anti-abortion protestors on their campuses all the time, with placards and with the pictures that may or may not represent aborted fetuses, and people are troubled by it and some are triggered by it and hate it. So many would say what we have to do is take those protesters and get them off our campuses, but the more speech kind of point of view would be no, no, no. We rally, we create an equally vigorous kind of pro-choice rally that provides the counter speech.

I remember a long ago leader of the Canadian Civil Liberties Association who was talking about some work the CCLA had done and said that, I guess at one point, the CCLA had both advocated for the right of an abortion clinic to operate in a community, but also advocated for the right, for people who were opposed to that abortion clinic to be outside the doors of the clinic protesting. So that's a more speech kind of argument. And I thought more speech, you know, just support more speech, make people, make them safe, make sure that there aren't

clashes of opposing sides. You know, it's like, when we see both Proud Boys protests and the response to Proud Boys, from hatred and intolerance, that more speech will help. And I think it does in these in-person kind of face-to-face examples, but I don't think that you and I, you know, could pull together a hundred of our, you know, each of us pull together a hundred of our friends and never create enough speech to counter the erroneous speech that we might find on Facebook right now. That's just, it's too tough to counter. So more speech, at least right now, and it could just be a growing pain place, you know, maybe we'll see an uprising of people who can use the technology and harness and kind of leverage the tools created by others to inject more accurate and fair and democracy enhancing speech. But right now, more speech is seeming like it's an insufficient solution to the problem in 2021. It was a perfect solution in, say, 1991, it just hasn't aged well, sadly.

**QUESTION:** Do you think that the WikiLeaks and freedom of information scandals in the US have had a really significant impact on how people view freedom of the press and freedom of information worldwide, or in Canada or in the US? Do you think that that's been really significant?

**ANSWER:** I think there's been some significance in some ways. I think, you know, it might be of some significance, but I think that WikiLeaks and the Panama Papers among others have shown a degree of collaboration among journalists that we didn't know could exist, and that we didn't necessarily always see as good. We used to call that pack journalism if journalists from different organizations got together and kind of tried to tell the same story, but these are, you know, the information that flowed from WikiLeaks was information that could only have been processed, analyzed, I guess, essentially curated for public consumption, only if we had a bunch of journalists leaning in with a commitment to kind of working together. That's been the benefit, and then a more complicated question around WikiLeaks is what happens when we have questions about how information was gathered, whether information is gathered lawfully or unlawfully, I'll come back to that in a second. And also the aims and interests of the person who is kind of, you know, behind all of this. You have to look at Assange and say, what are Assange's interests here? You know, is Julian Assange kind of a fair dealer? Or is this someone who is just kind of creating anarchy? But this question in particular about what if the information is vital to the public good, but it's gathered through unethical or illegal means, which matters more? You

know, if the information is so in the public interest, can we kind of turn the other way and not look too hard at the fact that it may be ill-gotten information? I don't know the answer to that one. My favorite questions are the ones that I don't even know the answer to, but it's a really interesting thing to talk about. But circling back to what's changed generally about our perception because of this, I'm not sure that this, that the conversation you and I are having right now has kind of trickled down to people who aren't journalists or researchers studying the issue, or students studying the issue. I'm just not sure that enough people could really kind of unpack and hit the salient points, salient points of what WikiLeaks was, how it happened, how it came to pass and what it told us. So that would bring me back to my kind of starting point of more media literacy training to be made available to ordinary citizens would be really helpful.

**QUESTION:** So when it comes to misinformation and fact checking, I've heard talk of having a mandatory course in school on how to fact check information, institutionally teaching people how to know if what they're reading is credible or not. Do you think that that should be involved in that sort of media literacy training? Should it be left to people to just do themselves?

**ANSWER:** I struggle. I'm certain, a hundred percent certain, that it would be beneficial. My concern around mandatory courses is that mandatory courses in, you know, in secondary school, inevitably push out other important issues, you know what I mean? You know, you've heard the debates for years, and I'm not even sure where the public system is on this right now, but, you know, that there should be financial literacy and basic personal budgeting taught in school. And we all agree that that's important. We all agree that, for example history, especially recent history, is taught terribly in secondary education and that it's a white, Eurocentric view that glosses over some of the greatest atrocities that we've seen. So do we make that content even smaller and less accurate in order to bring in information about media literacy? I'm a fan of teaching media literacy until I'm asked, well, what do you want to take out of education? And then it's the same way that I'm a fan of funding good journalism by the state until you say, well, what part are you going to take money from? And it's like, healthcare, education, mental health support. I don't want to take it from anywhere. So I'd love to see it in school, but unless, or until we create an extra day in the week, for those of you in secondary school to go to school, I know you don't want that. I'm not sure how we fit it in and maybe it's just that we learn how to briefly,

maybe it's a recurring kind of lesson, or maybe we find ways to embed it into other existing courses.

I know it would make the world better, but again, there's a lot to me. There's a lot we need to know. I wish we had a culture of fact checking more. So, I mean, I can tell you that one of the things that makes me the least popular person I know in my friend group on Facebook is sometimes people will post things, and I'm that awful person who will say, "So grateful that you want me to share this post so that 40 horses don't get slaughtered, but where's this information coming from and how do you know that it's going to happen? And where are the horses and how does me posting this and sharing it, stop the horses from getting killed?" I don't know. Nobody loves that. Nobody loves that, but I keep on trying to just be a little force effect, checking wherever I can. It's probably why I don't have so many friends on Facebook these days.

**QUESTION:** Do you consider Canada's press to be more or less free than the average democratic Western country's?

**ANSWER:** No, we're at best kind of average there. I think we've been losing ground.

**QUESTION:** And in comparison to the US, how do you think we are?

**ANSWER:** Specifically on freedoms, press freedoms, we're behind the US particularly around digital records information, getting information about people's history, about their criminal history, trying to find something as basic as if there's, you know, a crime committed at a house. How I find out who lives there, the kind of public record information is much more robust in the US than it is in Canada.

**QUESTION:** What are some unique threats to the free press that are faced in Canada, specifically?

**ANSWER:** I think we covered those with the idea that the two big ones being kind of misinformation and just a broken business model, but can I just, let me elaborate on one thing about the broken business model. One of the things that that does is that it stops news organizations sometimes from telling stories that are important, but complicated. So that's a really strange thing. I was interviewed last week by Canadaland because of the story in Vancouver, that's not getting a lot of attention. It involves a defamation suit, it's got a long,

complex factual history, but it has a lot of public interest arguments. One of them is about frivolous lawsuits, it's a kind of, "I sue you just to get you to stop talking about me, not because you're saying anything terrible, but because I just want you to shut up."

So that's a frivolous lawsuit. And they're often used by really powerful organizations to stop protestors from speaking out. One of the first ones was, you know, someone who was always protesting McDonald's. So it was one guy in the UK versus McDonald's, you know, this world figure. But this case also involves the right of sexual assault complainants to talk on social media about a case, and the ask from Vizsla, this case has a lot of implications, a lot of potential to set precedent, why is no one reporting on it? And it's because in order to do it right, you would have to say to a reporter, "Hey, you're going to report on this in three days, in the meantime, just go and learn about this." And these days newsrooms, because they're kind of broke and they can't have someone out of the mix for a couple of days or a couple of weeks to chase a complicated story, they'll spend more time covering random car accidents and house fires. Because none of us needs to take a deep dive into our research to go cover a traffic accident. So that's one of the threats, but the less money in the newsroom doesn't just mean that the shareholders don't make as much money. It means that some stories could be of vital public importance, and we just ignore them because it's too expensive to invest the time to tell the story.

**QUESTION:** My American expert mentioned the movements from non-governmental organizations, and other independent organizations like that, to inspire citizen action, and how these things are more important than, for example, governments supporting free speech. Do you think that that's relevant in Canada, or do you think that it's a different case?

**ANSWER:** You know, it's not something I've thought a bunch about before, but I've got time for your expert's point of view on this absolutely. That having this kind of work promoted or pushed or funded by the government perhaps seems, well, when it's the government we wonder is the government serving its own selfish interests here. It's hard to know that it's unbiased because the government has a deep interest in us believing in the government. But the difference between us and the Americans is that there's just a great deal more of the reality of the extremes, you know, so much more poverty than us, but so much more wealth than us. So the US has kind of a decent economy of NGOs and philanthropic organizations that are available to fund and support and advance this work in a way that Canada doesn't have, we don't have just scads of

gazillionaires that we can reach out to, to say, “Could you support this important public minded work?” That's much more an American thing.

**QUESTION:** So when it comes to political polarization, it seems America’s situation is very extreme. It seems, in the wake of the Trump situation, that the press in America is much more polarized than it is in Canada. They have very right-wing stations and very left-wing stations, but they still sort of have all of those voices heard, so it's not incredibly biased one way. It's just that there are separate proponents, while in Canada, it's a bit more you have one neutral middle ground reporter, and obviously there is bias within CBC or CTV, but they're more of a middle ground. And in America there's more of two separate proponents and you have to listen to both of them to get the full story. Do you think that there's any benefit to one system over the other?

**ANSWER:** Yeah, that's an awesome analogy, really, and you're right. And very much Canada, you know, kind of occupies that middle ground and you're right. Left-ish, right-ish, but not ‘that’ and ‘that.’ I don't know if I can see a clear kind of preference for either of the two kinds of scenarios that you've described. I mean, I think it depends on the person, and the person with enough appetite to kind of consume a wide variety of news sources and then come to their own conclusions is probably better off, but not everybody will do that, and if they're going to go with just one, they're probably better off more in a Canadian situation where the extremes between right and left aren't so big. And a lot of what you're describing about the true polarization, I mean, that was also a by-product of the Trump situation. The Trump situation, that polarizing that you're talking about really, that was just one of the many wonderful things that Donald Trump gave the world five years ago, was that polarizing. And the right then got so strong that by times, the kind of center to left media also sounded like their own arm of propaganda, which was troubling because on one hand, it's kind of like the New York Times, CNN, I'm kind of counting on you to be here in the middle and you're bouncing all the way over to here, but their argument would be, “Well, we were here when Fox news was here, but now that Fox news has gone over here we, you know, we have to be the counterweight.” But because of that, I was seeing things in those kinds of center-left news sources that I would always rely on, and it would be like, “Okay, come on guys, come on.” You know, like you have to be able to report. See it can't all be partisan. And it feels like a lot of established news sources just show

their partisan niche over the past five years and now they're in it. So, yeah. But as to which one of those is least awful, like I said, I think it depends on the news consumer.

**QUESTION:** So when I was talking to my American expert, we were talking about freedom of speech, press, and information, and how they're linked, and he was talking about how with speech and press the focus is on the delivery of the message, and with information the focus is on the receiver of the message, and the freedom that the receiver of information has, that you as a citizen can say, "I have a right to access a certain kind of information." So in looking into the WikiLeaks situation there were comments that reporters and critics were making in news articles and documentaries and such about how the government and the media jumped very quickly on Assange, as a figurehead for them to attack in this situation, rather than focusing on the matter of the information being released, they sort of sidelined the actual issue and attacked him. So when it comes to that, do you think that that's something that's happening more these days, as a result of the current political climate?

**ANSWER:** Entirely, entirely. And Julian Assange did those guys an awful lot of favours by being such a decidedly imperfect human being, you know, it made it very easy to distract from the stories that WikiLeaks offered us, important stories of public interest, to focus instead on the individual. But more and more, even when it's not as easy as it was to derail the substantive message in favor of demonizing the person, yes, I think we see that more and more. We see that with institutional problems in which we then kind of, the focus is on that one person in the institution, as opposed to looking at the institution's broader role in, say, systemic injustice or a failure to enact systemic change. So, yes. I think that kind of plays into anti-democratic interests, maybe when the focus becomes too much on one person and not enough on where that person fits and what story they're trying to tell us.



### 4.3 || EXPERT COMPARISON

Joseph Russomanno and Lisa Taylor presented unique perspectives, both as experts in their fields, but with different specializations and different backgrounds, Russomanno being American and Taylor being Canadian. A number of ideas set them apart from one another, and a number of ideas they seemed to come to the same conclusions upon.

When asked about the connections between freedom of press, speech, and information, both emphasized that all three were important and connected, but the outlier that they isolated was different. Russomanno spoke to the connection between freedom of the press and freedom of speech, while Taylor focused on the connection between freedom of the press and freedom of information.

Russomanno explained of his stance:

I will say that when we think of freedom of speech and press, and compare that to freedom of information, the focus is on the deliverer of the message. Either the press itself, a news organization, for example, or with freedom of speech, a speaker. The focus is on them. Whereas I think freedom of information suggests that that's a freedom that the receiver of information has, the potential receiver.”

He went on to mention how freedom of press and speech are protected under America's First Amendment, but freedom of information is not:

I think speech freedom and press freedom are inextricably linked. I don't think you can talk or write about one without the other. That may be influenced by my Americanism, you know, given that our First Amendment has them written together, you know, “Congress shall make no law abridging freedom of speech or of the press,” it's right there. Freedom of information, though, is not included in the First Amendment, nor is it specifically included anywhere other than in some of these legislative laws that I mentioned.

Ultimately, he came to the conclusion that if one had to be sacrificed to achieve the others, he would sacrifice freedom of information.

Taylor, meanwhile, took a different approach, explaining that, “the freedom of the press part of this is the other half of the right to access information. So we can have a free press, but if

our public institutions stopped providing the information that we have, we can be as free as we want, but we need that information.” When asked about the connection between freedom of the press and freedom of speech that Russomanno made, Taylor disagreed, concerned that the freedom of speech discussion often hinders gains in the other two areas:

No, the real pairing is freedom of press and kind of that access to information piece, the freedom of speech part is much broader. And sometimes it's entirely unrelated to a free press and can sometimes even complicate the free press discussion. I think because the freedom of speech discussion has many polarizing examples, that you may find troubling for one reason or another, depending on who you are and where you are in the world. [...] So sometimes I think that if we could focus more on looking at free press and the kind of information the press needs to do its job, and deal with those two together and keep the freedom of speech more generally, you know, what do I, as an individual citizen have a right to say in my social media accounts, at what point can I so many lies that even though I was once a US president, I'm not allowed to be on Twitter anymore. Those conversations are so important that they can almost, I think, further complicate the direct question about what the media does for us and what the media needs to do the job well.

When asked about the constitutional differences between the United States and Canada, and how they might impact perspectives on free speech, Taylor mentioned how the rights guaranteed under the Canadian charter are only guaranteed “insofar as it can be justified in a democratic society,” and concluded that, “the Americans are much more likely to kind of carry those rights all the way, kind of, as far as they possibly can. And we're just a bit more circumspect in that regard, but yes, they are inextricably linked in the US and with us, they're still linked, but we can kind of tease them apart a little. I don't think the Americans can.”

The distinction to be drawn between Russomanno's American perspective and Taylor's Canadian perspective suggests a number of possible cultural differences impacting the state of press freedom. The pairing of press and speech freedoms that Russomanno presents suggests, perhaps, a greater emphasis on the right to, and pursuit of, personal opinion. When the right for the press to operate is associated with the right for an individual or group to speak freely, the role of the press is painted in a personal manner - the rights of the press are the rights of its individual members, and the information conveyed hinges upon the right of those individuals to speak freely.

The pairing of press and information that Taylor presents suggests a different emphasis, on the right to, and pursuit of, truth. When the right for the press to operate is instead associated with the right for the public to access information, the role of the press shifts to disseminators of raw information, rather than of opinion. In an ideal democracy, there is an argument to be made that the press should serve both roles, so long as it is clearly distinguished which reports are those of opinion, and which reports are those of raw information.

This distinction could be the cause of the disparities between how news media organizations situate themselves politically, between the United States and Canada. In the United States, news networks seem to be more notably politically polarized, with clearly left-wing and clearly right-wing stations balancing the spectrum, while in Canada, fewer major media organizations exist, and often take a stance much closer to political neutrality than most popular American news stations. With the emphasis of American journalism possibly placed upon opinion, and the emphasis of Canadian journalism possibly placed more upon truth, the differing perspectives on press and how they manifest in the press climate become clear. More politically opinionated news networks thrive in the United States, where journalists may be viewed more as defenders of the right to speak, whereas more politically neutral news networks have been favoured in Canada, where the role of journalists is viewed by journalists, and by the public, as defenders of the right to seek and impart truth.

Again, this distinction between American and Canadian journalism becomes clear in Russomanno and Taylor's opinions on the idea of "more speech" to combat the hate speech and misinformation that results from abundant freedom of press and speech. Russomanno, making reference to constitutional law, historical figures, and the history that has fortified press freedom laws in the United States, is a proponent of the more speech approach. Taylor, meanwhile, makes reference to the digital age, and expresses her doubt in the prospect, preferring ever-changing responses required to address ever-changing situations. This difference is reasonable, considering that a country that views the press as a vessel by which to preserve the right of speech, and impart opinion, would likely view the solution to issues resulting from a free press as offering more speech, and more opinion. However, Taylor, too, once believed in more speech as the solution to the issues a free press brings, so perhaps this is not so much a reflection of cultural values as it is a reflection of varied political climates that have shaped how each country approaches the problems that have arisen in the digital age.

## 5.0 || ROLE OF CONTROL

There are four major stakeholders in the fight for a free press: governments, large corporations, journalists and news outlets, and the general public. Control, in this context, refers to control over what content is produced and widely distributed through news outlets. Each of the four stakeholders has control, needs control, cares about that control, and should care about that control, to varying extents.

In most situations where the free press is under threat, governments have the most control over the press. The response of governments to this power can be divided into two extremes of the political spectrum: authoritarian governments and democratic governments.

Authoritarian governments have control because their rule is absolute. With no checks and balances in place to hold them accountable for unconstitutional actions, often because they are not governing a strictly constitutional state, authoritarian governments have the freedom to exercise a great degree of power over the press in their nation. Journalists can be incarcerated or mysteriously vanish after reporting unfavourably on the government's policies, and it is unlikely that serious protest will be launched from within the country, because fear of the government's absolute power is enough to silence any effective complaint. It is very hard to overpower an authoritarian regime without uniting in mass numbers, and due to the nature of authoritarianism that employs suppression of the press, there is very little opportunity for this unity to come about. While the effective and efficient dissemination of ideas, information, and ideologies is inhibited, uniting on mass scales behind a common cause can become virtually impossible because communicating that common cause is too much of a risk. Even when citizens are willing to take that risk, opposition is often swiftly squashed under an authoritarian regime, and there is very little opportunity for larger coalitions of ideas opposing the ruling powers to form.

Authoritarian governments need control because the nature of their rule requires them to stay in stable power indefinitely, or face potentially severe consequences. Allowing the media to portray the government's flaws, and the government subsequently admitting to their own flaws by declining to censor unfavourable reports, poses the risk of losing public faith in the government, which can destabilize the government's rule and the social and political systems upholding it. It can be very dangerous, politically and socially, for an authoritarian government

to give the public any reason to doubt them, because with no democratic systems in place for the people to feel assured that they can change their government whenever they need to, desperation can easily be cultivated into potentially violent uprisings. When democratic institutions exist to provide power to the electorate, the people can be reassured that they are not indefinitely trapped in undesirable or oppressive circumstances. They see no need to go against the system when there exists an accessible route through the system to achieve the same reform with far fewer consequences. Under authoritarianism, however, these systems do not exist. Authoritarian governments often have no choice but to resort to tactics such as media censorship to cleanse their image and ensure that they display no front of weakness, to maintain the people's faith in their capacity to rule effectively and avoid desperate, potentially violent uprisings. Failing to quash dissenting voices can also allow dissenting social movements to band together and rise up in greater numbers and strength against authoritarian governments, presenting further political and social instability.

Democratic governments have control because their rule is afforded to them by the people. It can be deceptively difficult to dismantle democratic control of the free press due to this. In the 2019 Freedom House report on media freedom, Sarah Repucci writes:

“Populist leaders present themselves as the defenders of an aggrieved majority against liberal elites and ethnic minorities whose loyalties they question, and argue that the interests of the nation—as they define it—should override democratic principles like press freedom, transparency, and open debate.<sup>23</sup>”

In a democracy, the power is, at least on the surface, in the hands of the general public. The electorate chooses representatives that align with their interests, and thus, the majority of the population should in theory be generally satisfied with their governance. When the people are convinced by their democratically elected leaders that press freedom is not as important as they once believed, or that a certain policy does not infringe upon press freedom, they are led to believe that the decisions of the representatives they elected are, by extension, their own decisions, simply more politically informed. This illusion can have very dangerous implications.

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<sup>23</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

In democratic Israel's April 2019 presidential elections, Prime Minister Benjamin Netanyahu's incumbent party won enough support to form a ruling coalition. This result came in the wake of corruption charges against Netanyahu, who allegedly offered favourable treatment to two large news corporations in exchange for coverage supporting his party. Netanyahu has not only been accused of corruption, but has also resisted attempts to indict and try him for these charges. Voters, however, did not seem to care about this scandal enough to withdraw their support from his platform. "The prime minister was willing to sacrifice press freedom in order to maintain political power," writes Sarah Repucci of Freedom House.<sup>24</sup> It would seem that at the time of the election, the voters, too, were willing to make that sacrifice to continue supporting a ruler they believed to be representing their best interests.

The mode of control that democratic governments exercise over the media differs from the control authoritarian governments are afforded. Democratic governments must handle press manipulation more subtly to uphold the image of democracy. Rather than giving directly consequential treatment to unfavourable news outlets, democratic regimes must instead give preferential treatment to favourable ones. Though they may not be able to imprison journalists without public backlash, democratic governments can often achieve much the same silencing of their opposition by effectively deplatforming journalists who don't speak highly of them, simply by withdrawing government support from those platforms, refusing to engage with them, and making it more difficult for them to survive and disseminate their ideas on their own.

Democratic governments both want and need control because they both want and need to stay in power. The press are one of the most important determinants of a government's portrayal to the public; how a government is going to be received is determined by how that government is portrayed to the public by the press. If the government does not have influence over the press, they have no assurance that the press is going to portray them in a positive light, and thus, their chances of reelection are diminished. While in government, they must also maintain a firm, capable grip on the public and parliament in order to maintain power while in office. If a government is portrayed as ineffective or unfavourable during its term, and public support of the

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<sup>24</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>

government falls as a result, it can prevent that government staying in power and passing legislation they support. Protest and public-backed opposition from other political bodies can hinder the passing of policy, making for an unproductive government that is unable to serve its people.

In societies heavily rooted in or influenced by capitalism, corporations and government are inextricably linked. In a globalized capitalist economy, almost every country in the world is influenced by this relationship between economy and politics. From this relationship arises a degree of control that corporations wield over the press. Essentially every form of economy around the world relies on large corporations for economic stability, the preservation of which is in the government's best interests. The government must cooperate with its largest corporations and often cater to their needs in order to preserve economic, and subsequently political, stability. When the government has control over the degree of freedom the press is afforded, so too do the large corporations, because it is usually in a government's best interest to support the agenda of its largest corporations.

Corporations need this control to sway the market in ways that favour their economic interests. Positive representation of their company, and of their industry in general, will financially benefit them and their operations. Fossil fuels corporations, for example, will not benefit from media coverage focusing on climate change and framing fossil fuels corporations as the enemy. Governments of nations that rely on fossil fuels to support their economies will not benefit from fossil fuels corporations suffering. Thus, it is in the best political and economic interests of both to exert their control over the media to cleanse the image of fossil fuels. Such is seen on occasion in countries like Canada, that fit this economic demographic. Under the Harper government from 2006 to 2015, Canadian media experienced what has been called a "dark age", in which the government was restrictive with what information it gave the media access to. Scientists working for Environment Canada faced the threat of dismissal from their positions if they spoke directly to the media, required to first submit their answers to a media control center, which would censor them to the government's liking and then return them to scientists to produce in their interviews with the press. Press access to topics like climate change, air

pollution, and water quality from experts in their respective fields was restricted under the Harper government's pursuit of profiting off of the economic potential of the oil sands.<sup>25</sup>

Journalists have a failing degree of control over their own craft. They, along with the general public, are the ones who need this control the most. Journalism must be independent and autonomous. It must have room for personal expression and bias that reflects a wide array of biases, and subsequently reflects the full range of the public's interests and opinions. It must also accommodate factual reporting, with no intentional distortion of truth.

It must be noted that the absolute elimination of bias is not the goal of productive, free, and independent journalism. Bias is inherent in the human experience, and attempting to eliminate it entirely is fruitless, and only serves to create a false pretense of unbiased reporting that will remove the sense that wariness and critical thinking when approaching reporting is needed. The goal of a free press must be not to eliminate bias, but to eliminate any restrictions on the range of biases that may be presented, and to make biases abundantly clear so readers may be informed of a wide array of perspectives, and also have the information to critically decide for themselves which parts of a story are generally accurate. Journalists must have control over the freedom of the press to enable this approach to bias, by preventing powerful institutions from inhibiting the scope of perspectives that are widely distributed, and by preventing powerful institutions from presenting the illusion that the notions they are condoning in the media are unbiased.

Ultimately, the freedom of the press is controlled by powerful institutions. The control these institutions exert over the freedom of the press is intended to ensure the press serves those in power instead of the people.<sup>26</sup> This violates the singular core principle of democracy: power to the people. In order to preserve democracy and continue down a path of social progress, power over the press must be afforded to the people.

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<sup>25</sup> Rapp, J. (2017, January 30). Canadian scientists explain exactly how their Government Silenced Science.

Retrieved June 06, 2021, from <https://www.smithsonianmag.com/science-nature/canadian-scientists-open-about-how-their-government-silenced-science-180961942/>

<sup>26</sup> Repucci, S. (2019). Media freedom: A downward spiral. Retrieved March 21, 2021, from

<https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>





## 6.0 || INTERNATIONAL ORGANIZATIONS

Numerous international organizations exist that support initiatives to promote freedom of the press and protect journalists worldwide. These include:

- Reporters Without Borders
- Forbidden Stories
- Freedom of the Press Foundation
- Freedom House
- The United Nations

### REPORTERS WITHOUT BORDERS

Reporters Without Borders (French: Reporters sans Frontières; RSF), founded in 1985, is an independent NGO based in Paris, France that works to protect freedom of information around the world. It consults with the United Nations, UNESCO, the Council of Europe, and the International Organization of the Francophonie and maintains a correspondent network in 130 countries to provide people worldwide with access to uncensored reporting, and challenge governments that would obstruct such aims.<sup>27</sup>

Reporters Without Borders publishes daily reports in over eight languages regarding violations of information freedom around the world. Their statements aim to raise public awareness and influence international leaders to support press freedom movements. RSF's reports and evaluation tools are used by organizations around the world to enact change and productively allocate international aid.<sup>25</sup> Every year, RSF evaluates media freedom in 180 countries in the World Press Freedom Index, and publishes thematic reports addressing specific issues related to freedom of the press and freedom of information.<sup>28</sup>

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<sup>27</sup> Reporters Without Borders. (2017, January 31). Presentation: Reporters without borders. Retrieved March 21, 2021, from <https://rsf.org/en/presentation>

<sup>28</sup> Reporters Without Borders. (2018, April 05). Our activities: Reporters without borders. Retrieved March 21, 2021, from <https://rsf.org/en/our-activities>

Reporters Without Borders regularly organizes protests and awareness campaigns to draw public attention to threats facing journalism, and to encourage world leaders to support press freedom.<sup>26</sup> RSF has influenced numerous contentious situations over the past two decades. In 2008, RSF organized protests at the Beijing Olympics in China. In 2010, they created a media support centre in Haiti, in the aftermath of the earthquake. In Syria, they continue to provide training to journalists and bloggers.<sup>29</sup>

Reporters Without Borders works to protect journalists around the world. Whenever a journalist is taken hostage or incarcerated, RSF forms support committees and organizes efforts to work towards their release. RSF offers protective gear, training in physical and digital security, and an emergency hotline to journalists, especially those in dangerous regions. RSF provides legal aid to journalists seeking asylum, and financially supports threatened media firms to keep independent journalism alive. In 2015, RSF helped the UN Security Council adopt measures to protect journalists in war zones.<sup>30</sup>

## **FORBIDDEN STORIES**

Forbidden Stories is a non-profit organization founded by journalist Laurent Richard in 2017, spurred into action by the Charlie Hebdo office shooting in 2015, and inspired by a collective effort 41 years ago to finish the work of journalist Don Bolles after his death. Forbidden Stories coordinates with press organizations and journalists around the world to continue the work of murdered reporters, and convey to corrupt governments that killing the messenger will not stop the message. Stories continued by Forbidden Stories include the Cartel Project, continuing the work of assassinated journalist Regina Martínez investigating links between politicians and drug traffickers in Mexico, and Project Miroslava, continuing the work

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<sup>29</sup> Reporters Without Borders. (2017, January 31). Presentation: Reporters without borders. Retrieved March 21, 2021, from <https://rsf.org/en/presentation>

<sup>30</sup> Reporters Without Borders. (2018, April 05). Our activities: Reporters without borders. Retrieved March 21, 2021, from <https://rsf.org/en/our-activities>

of murdered journalist Miroslava Breach who reported on organized crime, corrupt local authorities, and members of drug cartels infiltrating the political stage in Mexico.<sup>31</sup>

## **FREEDOM OF THE PRESS FOUNDATION**

Freedom of the Press Foundation is a non-profit organization empowering independent transparency journalism through a number of initiatives:<sup>30</sup>

- **SecureDrop** is a platform for secure communication between media outlets and informants.<sup>32</sup>
- **Digital security training** is provided to journalists and filmmakers, and the best security technologies are offered to them to protect themselves and their sources.<sup>31</sup>
- **U.S. Freedom Tracker** is a website that monitors the number of press freedom violations in the United States.<sup>33</sup>
- **Experimental technology projects**, such as a tool that archives at-risk news outlets before their content can be blocked or deleted, are developed to help protect journalists and transparent information.<sup>31</sup>

Freedom of the Press Foundation also participates in news and advocacy campaigns regarding press freedom, and coordinates crowdfunding platforms to support independent journalism organizations.<sup>31</sup>

## **FREEDOM HOUSE**

Founded in 1941, Freedom House is an independent watchdog organization that works to promote democratic principles and work towards freedom for all, worldwide. Freedom House advocates for democracy, citizen empowerment, and nonpartisan commitment to civil liberty.

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<sup>31</sup> Forbidden Stories. (n.d.). Our mission. Retrieved March 21, 2021, from <https://forbiddenstories.org/our-mission/>

<sup>32</sup> Freedom of the Press Foundation. (n.d.). About. Retrieved March 21, 2021, from <https://freedom.press/about/>

<sup>33</sup> Freedom of the Press Foundation. (n.d.). About. Retrieved March 21, 2021, from <https://freedom.press/about/>

Annually, Freedom House releases numerous reports, including *Freedom in the World*, outlining global political rights and civil liberties standards, and *Freedom and the Media*, addressing media freedom standards around the world. Freedom House provides support to human rights advocates worldwide through grants, emergency support, training, international exchange programs, and networking activities.<sup>34</sup>

## THE UNITED NATIONS

Founded in 1945, the United Nations is an international organization made of 193 member nations, working towards international unity and peace.<sup>35</sup> The UN works to uphold freedom of the press as a human right. It works with governments and free press organizations to defend an independent and free press, especially in developing countries and countries in conflict and post conflict areas, where free, accurate reporting is threatened by propaganda and confusion. The UN heads initiatives for advocacy, training for journalists, support for independent media outlets, and offers advice to governments regarding press freedom legislation. Since 1993, the UN has upheld May 3rd as annual World Press Freedom Day, to celebrate freedom of the press, raise awareness for endangered free press around the world, and honour the legacies of missing and murdered journalists around the world.<sup>36</sup>

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<sup>34</sup> Freedom House. (n.d.). About us. Retrieved March 21, 2021, from <https://freedomhouse.org/about-us>

<sup>35</sup> United Nations. (n.d.). Overview. Retrieved March 21, 2021, from <https://www.un.org/en/sections/about-un/overview/index.html>

<sup>36</sup> UNESCO. (2017). Freedom of information and the Press: United Nations Educational, scientific and Cultural Organization. Retrieved March 22, 2021, from <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/worldpressfreedomday20090000/freedom-of-information-and-the-press/>

## 7.0 || CASE STUDIES

Freedom of the press is a global issue that manifests in different forms depending on the historical and political context of any given nation. In the United States, robust press freedom laws protect the independence of the press, but do not prevent governments from taking other avenues, such as discrediting the media, to infringe upon the ability of the press to effectively and objectively report news to the public. In China and Eritrea, authoritarian governments have taken more blatant routes of restricting the press, through extensive censorship and a very threatening media climate that endangers journalists to arbitrary detention or forced disappearance.

Countries can be compared through Reporters Without Borders' annual World Press Freedom Index, which ranks 180 countries on their levels of press freedom. Each is assigned a score from 0 to 100, with lower scores representing better press freedoms. Scores below 15 are considered “good”, scores from 15.01 to 25 “satisfactory”, scores from 25.01 to 35 “problematic”, scores from 35.01 to 55 “difficult”, and scores anywhere above 55 are considered to be “very serious situations.” Scores are calculated from a composite of answers to an online questionnaire available to experts such as media professionals, lawyers, and sociologists in each country, and quantitative data gathered throughout the year on accounts of media abuse and violence against journalists. Six facets of media freedom are assessed to come to a calculated score:<sup>37</sup>

- **Pluralism:** “Measures the degree to which opinions are represented in the media.<sup>37</sup>”
- **Media Independence:** “Measures the degree to which the media are able to function independently of sources of political, governmental, business and religious power and influence.<sup>37</sup>”
- **Environment and Self-Censorship:** “Analyses the environment in which news and information providers operate.<sup>37</sup>”

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<sup>37</sup> Reporters Without Borders. (2019, March 04). Detailed methodology: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/detailed-methodology>

- **Legislative Framework:** “Measures the impact of the legislative framework governing news and information activities.<sup>37</sup>”
- **Transparency:** “Measures the transparency of the institutions and procedures that affect the production of news and information.<sup>37</sup>”
- **Infrastructure:** “Measures the quality of the infrastructure that supports the production of news and information.<sup>38</sup>”

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<sup>38</sup> Reporters Without Borders. (2019, March 04). Detailed methodology: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/detailed-methodology>

## 7.1 || THE UNITED STATES OF AMERICA

The United States has incredibly robust press freedoms, but faces unique issues because of this. Located in North America, the United States is a constitutional republic. It is the third most populated country in the world, with a population of 331 million, and a population density of 36 people per square kilometer.<sup>39</sup> In Reporters Without Borders' 2021 World Press Freedom Index, the United States ranked 44th out of 180 countries, up one place from its 2020 ranking. With a score of 23.85, up 0.08 from the previous year, press freedom in the United States is considered "satisfactory" by RSF.<sup>40</sup>

### HISTORY & LAWS

Press freedom is protected by the constitution of the United States, and has been upheld throughout history. Signed in 1787, the United States constitution consists of various rights and freedoms of the people, the first of which states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."<sup>41</sup> Enshrined within its First Amendment, freedom of the press has always been protected in the United States, and some of the earliest court cases that would set a precedent of defending the press, such as British governor William Cosby's libel case against *The New York Weekly Journal*, have taken place in the United States.<sup>42</sup> Amid the Pentagon Papers controversy of 1971, Supreme Court Justice Hugo Black was quoted saying,

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<sup>39</sup> Worldometer. (2019). Countries in the world by Population (2021). Retrieved June 07, 2021, from <https://www.worldometers.info/world-population/population-by-country/>

<sup>40</sup> Reporters Without Borders. (2021). United States : Despite Improvements, Troubling vital signs for press FREEDOM Persist: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/united-states>

<sup>41</sup> Constitution Annotated. (2021). Freedom of Press: OVERVIEW: Constitution Annotated: CONGRESS.GOV: Library of Congress. Retrieved June 07, 2021, from [https://constitution.congress.gov/browse/essay/amdt1\\_3\\_1/](https://constitution.congress.gov/browse/essay/amdt1_3_1/)

<sup>42</sup> History.com Editors. (2017, December 07). Freedom of the press. Retrieved June 07, 2021, from <https://www.history.com/topics/united-states-constitution/freedom-of-the-press>



“The press was to serve the governed, not the governors.<sup>43</sup>” Such a sentiment seems to have survived throughout the nation’s history, upholding press freedoms on multiple occasions.

## THE TRUMP FACTOR

The United States currently faces the consequences of the former Trump administration’s villainification of the press, leading to a national decline in trust of the press. From his election in 2016 to his defeat in 2020, former U.S. President Donald Trump’s government impacted the state of the country’s press freedom, and public perception of the press, to an extent that is still felt under the new Biden administration. Under the Trump administration, anti-press sentiment permeated many levels of government, and seeped into the public with quantifiable effects.<sup>44</sup>

Former President Trump described the press in many disparaging ways during his tenure, including, but not limited to, “fake news,” “the enemy of the people,” “dishonest,” “corrupt,” “low life reporters,” “bad people,” “human scum,” and “some of the worst human beings you’ll ever meet.”<sup>45</sup> He has been quoted making statements such as, “the press is very dishonest,” and has claimed that journalists who reported on the severity of the COVID-19 pandemic in its early 2020 stages were “dishonest” and that they, journalists, “truly do hurt our country.”<sup>46</sup> On March 8th, 2020, Trump tweeted in regard to the media’s response to his government’s approach to the COVID-19 pandemic, “The Fake News Media is doing everything possible to make us look bad. Sad!”<sup>45</sup> There is no shortage of examples of times former President Trump discredited the media

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<sup>43</sup> American Civil Liberties Union. (2021). Freedom of the press. Retrieved June 07, 2021, from <https://www.aclu.org/issues/free-speech/freedom-press>

<sup>44</sup> Reporters Without Borders. (2021). United States : Despite Improvements, Troubling vital signs for press FREEDOM Persist: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/united-states>

<sup>45</sup> Committee to Protect Journalists. (2020, April 16). The Trump administration and the media. Retrieved June 07, 2021, from <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>

<sup>46</sup> Wemple, E. (2020, March 21). Opinion | 'I'd say you're a terrible reporter': Trump melts down during coronavirus press briefing. Retrieved June 07, 2021, from <https://www.washingtonpost.com/opinions/2020/03/20/id-say-youre-terrible-reporter-trump-melts-down-during-coronavirus-press-briefing/>

over his four years in office, and many speculate or report it was a deliberate attempt to sow public distrust of the press so negative reports of his administration would not be as readily believed.

In 2016, veteran reporter Lesley Stahl of CBS's *60 Minutes* interviewed former President Trump, and reported that off-camera, he had said, "I do it [attack the press] to discredit you all and demean you all so that when you write negative stories about me no one will believe you."<sup>47</sup> Others in the field have speculatively echoed the same notion. Fox News reporter Chris Wallace said in December 2019, "He has done everything he can to undercut the media, to try and delegitimize us, and I think his purpose is clear: to raise doubts, when we report critically about him and his administration, that we can be trusted."<sup>48</sup> Paul Steiger, former chair of the Committee to Protect Journalists' board of directors and former editor of *The Wall Street Journal*, explained of the impact of Trump's administration, "Trump has created a climate in which the best news, most fact-checked news is not being believed by many people."<sup>48</sup>

Trump's attempts at discrediting the press have been quantifiably successful in a majority of the population. In late 2019, a Pew Research Center study found that a plurality of Republicans across the country reported regularly distrusting most news media sources that did not support Trump.<sup>48</sup> In March 2020, a second survey found that 62% of respondents thought the news media was exaggerating the risks of COVID-19.<sup>48</sup> In a 2021 survey of Americans, 56% of respondents believed that reporters were purposely trying to mislead people by knowingly reporting false or exaggerated information.<sup>49</sup> This widespread distrust of the media has led to an increase in attacks on journalists in the United States, with many being harassed at Trump rallies, online, and through threats to their organizations.<sup>48</sup> In the past few years, journalists have been

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<sup>47</sup> Mangan, D. (2018, October 29). President Trump told Lesley Stahl he bashes press 'to demean you and discredit you so ... no one WILL BELIEVE' negative stories about him. Retrieved June 07, 2021, from <https://www.cnbc.com/2018/05/22/trump-told-lesley-stahl-he-bashes-press-to-discredit-negative-stories.html>

<sup>48</sup> Committee to Protect Journalists. (2020, April 16). The Trump administration and the media. Retrieved June 07, 2021, from <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>

<sup>49</sup> Reporters Without Borders. (2021, April 20). RSF index 2021: A MIXED prognosis for press freedom in North America. Retrieved June 07, 2021, from <https://rsf.org/en/rsf-index-2021-mixed-prognosis-press-freedom-north-america>

subject to harassment on the job from being shot with rubber bullets, to being sprayed with chemical irritants, to having media equipment destroyed or confiscated, such as was seen in the Capitol insurrection in January 2021.<sup>49</sup>

The Trump administration's tactics expanded beyond just attempts to discredit the media. Other strategies included prosecuting news sources, interfering in the media business, targeting journalists crossing the Mexican border, and restricting access to information for unfavourable news outlets. During his time in office, most on-the-record access to White House officials other than Trump was restricted, and other government officials would often refuse interviews with the press. Unfavourable news outlets often had their reporters and questions ignored in press briefings, and Trump even attempted to revoke White House press credentials from news organizations that did not favour him, though failed to do so.<sup>48</sup> The exploitation of this loophole in press freedom laws is dangerous; while the president was not forbidding the media from reporting on any particular topics, he had avenues by which he could make it very difficult for them to have anything to report on these subjects, and avenues by which to discredit their reports when they were able to gather unfavourable stories.

Other threats to press freedom in the United States have been more explicit - the Justice Department investigated and prosecuted more journalists' sources, especially of government information, during the Trump administration than under previous governments. Trump's administration and legal team also made it clear that prosecuting journalists themselves remained an option. Journalists returning from the Mexican border were also heavily targeted, through questioning, searching their electronic devices, and secret government surveillance of their movements.

At the end of his term, Trump continued to attack the media, suing *The New York Times*, *The Washington Post*, and *CNN* for libel, over the opinions of their columnists.<sup>50</sup> Despite the lasting impacts Trump's attacks on the press during his time in office have had on the American public, press freedoms in the United States have remained protected under the core of their

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<sup>50</sup> Committee to Protect Journalists. (2020, April 16). The Trump administration and the media. Retrieved June 07, 2021, from <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>

constitution, and the new Biden administration has not continued the previous government's trend of publicly vilifying the press.<sup>51</sup>

## **FREEDOM OF INFORMATION**

While press freedom in the United States has generally flourished, over the past several decades freedom of information has faced threats which carry dangerous implications for the freedom of the press. The American Civil Liberties Union reports that in recent years, the nation has experienced an increase in the number of government crackdowns on whistleblowers, and has employed pressure on journalists to reveal their sources. On several occasions, whistleblowers who leak confidential government information have been prosecuted under or threatened with the World War One Espionage Act.<sup>52</sup>

Freedom of the press and freedom of information are two distinct concepts; one entails the right of media institutions to communicate information freely to the public, and the other entails the right of the public to receive information which it is the people's right to receive. Not all classified government information can be safely shared with the public, as it may pose a national security risk if foreign parties are also able to access it. However, when information can be safely released without endangering the country or its people, and when it is in the public's best interest to receive that information, so they may make well-informed democratic decisions, freedom of information becomes intrinsically linked with freedom of the press. The press cannot report upon that which it does not know, and the press cannot report on the response of the public to government matters which the public has not been informed of. Throughout the history of the United States, the link between freedom of information and freedom of the press has been demonstrated on multiple occasions.

In the 1970s, on grounds of endangering national security, the Nixon administration barred *The New York Times* and the *Washington Post* from publishing a collection of secret

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<sup>51</sup> Reporters Without Borders. (2021, April 20). RSF index 2021: A MIXED prognosis for press freedom in North America. Retrieved June 07, 2021, from <https://rsf.org/en/rsf-index-2021-mixed-prognosis-press-freedom-north-america>

<sup>52</sup> American Civil Liberties Union. (2021). Freedom of the press. Retrieved June 07, 2021, from <https://www.aclu.org/issues/free-speech/freedom-press>

government documents they had obtained, that detailed American involvement in the Vietnam War - these documents would become known as the Pentagon Papers. The case passed through the Supreme Court, in which it was eventually ruled that the *Times* and *Post* could continue to publish the leaked documents, after a conclusion from the ACLU that, “If the government’s vague and broad test of ‘information detrimental to national security’ is accepted, there would be virtually no limit to censorship of the news now or by future administrations.” Daniel Ellsberg, the military analyst who had leaked the papers, was also prosecuted, but the case was dropped after it was discovered that the government had been involved in misconduct involving illegal wiretapping.<sup>53</sup>

The contents of the Pentagon Papers exposed that before attacks in North Vietnam had been congressionally sanctioned, the U.S. government had launched unauthorized attacks on Vietnam, which provoked a military response from the enemy on US vessels in the Tonkin Gulf. Hiding America’s prior involvement from congress, the government portrayed the targeted vessels as “victims of an unprovoked assault” to convince congress to authorize war with North Vietnam. “Congress was deliberately deceived and manipulated by the executive branch to gain approval for a war already happening,” explains George McGovern, American politician and historian. He continues, “The central theme of successive administrations has been that we entered Vietnam to help defend it against Communist aggression from North Vietnam ... The Pentagon account not only confirms that this explanation is pervasively untrue, but it reveals that our policy makers were continuously informed by our intelligence services that it was untrue.”<sup>54</sup>

While the contents of the papers concerned matters that could have implications on national security, Ellsberg had censored them to ensure that they would pose minimal threat to current operations. The government struggled to prove their burden of “immediate and irreparable harm” due to this, and lost the case. Though it is renowned as one of the first major discussions regarding the extent to which the First Amendment may be enforced, little tangible

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<sup>53</sup> American Civil Liberties Union. (2010, September 01). ACLU history: The Pentagon papers: Censorship in the name of national security. Retrieved June 07, 2021, from <https://www.aclu.org/other/aclu-history-pentagon-papers-censorship-name-national-security?redirect=national-security%2Faclu-history-pentagon-papers-censorship-name-national-security>

<sup>54</sup> McGovern, G., & Roche, J. P. (1972). *The Pentagon Papers - A Discussion*. Retrieved June 07, 2021, from <https://doi.org/10.2307/2147824>

change came of it. Bruce Altschuler, Professor emeritus of political science at State University of New York at Oswego, explains, “Because the newspapers, more concerned with winning the case than establishing constitutional doctrine, had conceded the government’s right to prevent the publication of material extremely and immediately damaging to national security, the question before the Court was the factual one of whether the Papers presented such a danger.<sup>55</sup>”

Resultantly, parallels to the case of the Pentagon Papers have been seen in more recent scandals, such as that of WikiLeaks; legislation in the 1970s failed to be passed because passing legislation was never prioritised in the case. There was no fundamental solution to the dilemma of the intersection between freedom of information and freedom of the press because no solution was ever attempted. In one of the first national crises surrounding press freedom, press freedom itself and the right of the public to know the affairs of its government, regardless of the risk, was never explicitly addressed - only the question of whether the papers were imminently dangerous or not.

As such, it came as no surprise to some experts that years later, the situation would be echoed in the WikiLeaks scandal. WikiLeaks is an international independent media platform that publishes classified documents leaked by anonymous sources. It goes to great lengths to protect the anonymity of its sources, through an anonymous electronic dropbox that prevents even WikiLeaks administrators from identifying sources. The WikiLeaks website has been taken down, blocked, or fallen victim to cyberattacks numerous times throughout its history, and has developed a network of mirrored servers by which it can assure that its information is always accessible and can never be taken down.

In 2010, WikiLeaks published the Afghan War Logs, revealing details of American involvement in the Afghan war, such as staggering numbers of civilian casualties, questionable contracts with allies, and an assassination team with a history of wounding or killing women and children. Alongside the War Logs, the infamous *Collateral Murder* video was released, depicting an aerial American military team shooting and killing innocent citizens and Reuters journalists who they mistook as armed enemies, and did not verify the threat of before attacking, while making comments that diminished the value of their lives. WikiLeaks founder and spokesman Julian Assange was eventually charged by the U.S. Justice Department with 17 counts of the

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<sup>55</sup> Altschuler, B. E. (2015). Is the Pentagon Papers case relevant in the age of wikileaks? *Political Science Quarterly*, 130(3), 401-423. doi:10.1002/polq.12359

World War I Espionage Act, while the military analyst who leaked the documents, Chelsea Manning, was also prosecuted and imprisoned for seven years. Julian Assange is currently detained in the United Kingdom, and faces the threat of extradition to the United States, where he could be tried for espionage. The threat of Assange being prosecuted under the Espionage Act sets a dangerous precedent for freedom of information and its connections to freedom of the press in the future - Bill Leonard, former director of the Information Security Oversight Office, explains in 2013 documentary *We Steal Secrets: The Story of WikiLeaks*, “The Espionage Act is primarily intended to address situations where individuals pass national defense information over to the enemy in order to allow the enemy to harm us. It would be unprecedented if the Espionage Act was being used to attack individuals who did not do anything more than the New York Times or the Washington Post does every day.”

The distinction between the Pentagon Papers scenario and the WikiLeaks dilemma is that WikiLeaks operates as a different form of media organization - in the case of the WikiLeaks scandal, the government focused all of their attention on attacking Assange and WikiLeaks instead of the mainstream media, thus upholding the guise of not explicitly attacking the press or its freedoms, while simultaneously attacking the same processes - obtaining information that the public has a right to know from confidential sources - that the press relies upon to function. “By creating a distinction between Assange and the newspapers, the government avoided a war with the mainstream media and invented a perfect enemy [Julian Assange],” Alex Gibney narrates in *We Steal Secrets*. Regardless, the parallels between the Pentagon Papers and WikiLeaks are undeniable, despite taking place forty years apart - in both cases, classified information was leaked to the media, who published it, and was prosecuted as a result, despite the information being censored to the extent that it posed no clear immediate threat to national security, and the information arguably being in the public’s right to know. “The parallels are very strong,” said Daniel Ellsberg, the military analyst that leaked the Pentagon Papers to the New York Times in 1971. He said the threats to prosecute Assange were similar to the Nixon administration's efforts to prosecute him in 1971.<sup>56</sup>

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<sup>56</sup> Altschuler, B. E. (2015). Is the Pentagon Papers case relevant in the age of wikileaks? *Political Science Quarterly*, 130(3), 401-423. doi:10.1002/polq.12359

## 7.2 || CHINA

China is known to have one of the most restrictive press environments in the world. An East Asian country, China is the most populous country in the world, with 1.439 billion people, at a population density of over 150 people per square kilometer.<sup>57</sup> China is a single-party socialist republic, referred to by some as a dictatorship, ruled by the Communist Party of China. China's 2021 ranking in the World Press Freedom Index was 177th out of 180 countries, with a score of 78.48, up 0.24 from 2020, designating them to be in a "very serious situation."<sup>58</sup> In 2015 and 2016, Freedom House ranked China the worst out of sixty-five countries, representing 88% of the world's internet users, for media censorship.<sup>59</sup>

### GOVERNMENT & PUBLIC ATTITUDES

China has made its idea of the media's role in society abundantly clear; the media exists to promote the image of the party and support its unilateral rule.<sup>60</sup> The Chinese government has said that the mission of the media should be to spread "positive energy" and to "love the party, protect the party and serve the party."<sup>61</sup> They have furthered this ideology through explicit party policy, such as Document 9. Document 9 is a secret directive published in April 2014 by the Communist Party of China, entitled "Communiqué on the Current State of the Ideological Sphere, A Notice from the Central Committee of the Communist Party of China's General Office." It outlines a necessity among party members for "unwavering adherence to the principle of the party's control of media," by rejecting "universal values" and the "West's view of

<sup>57</sup> Worldometer. (2019). Countries in the world by Population (2021). Retrieved June 07, 2021, from <https://www.worldometers.info/world-population/population-by-country/>

<sup>58</sup> Reporters Without Borders. (2021). China : Regime uses COVID-19 to clamp down even MORE: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/china>

<sup>59</sup> Xu, B., & Albert, E. (2017, February 17). Media censorship in China. Retrieved June 07, 2021, from <https://www.cfr.org/backgrounder/media-censorship-china>

<sup>60</sup> Dietz, B. (2014, December 17). In China, mainstream media as well as dissidents under increasing pressure. Retrieved June 07, 2021, from <https://cpj.org/2014/12/China-mainstream-media-as-well-as-dissidents-under-incre/#more>

<sup>61</sup> Hernández, J. (2019, July 13). 'We're almost Extinct': CHINA'S investigative journalists are Silenced under Xi. Retrieved June 07, 2021, from <https://www.nytimes.com/2019/07/12/world/asia/china-journalists-crackdown.html>



media.<sup>60</sup> After she leaked the document in 2014, reporter Gao Yu was imprisoned and forced to confess regret for the action; televised confessions from journalists who have been arrested for reporting against the party's will are a common threat journalists in China face.<sup>60</sup> Gao was released after five years in jail, but remains under restrictions that prevent her from speaking to the press.<sup>62</sup>

Regardless of its legislative attitude towards the press, the Chinese government tends to deny restricting press freedom in any unconstitutional sense. "In China, no so-called news censorship system exists. The Chinese government protects journalistic freedom according to the law," says Foreign Ministry spokeswoman Hua Chunying.<sup>63</sup> Freedom of the press is protected under article 35 of China's constitution, which states, "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration."<sup>64</sup> Exceptions to the free press are granted when news exposes state secrets or information that could endanger the country, an exception granted in many countries, however the Chinese government capitalises upon the fact that the definitions of state secrets or national security threats are incredibly vague, and often decided upon by what the government itself deems harmful.<sup>65</sup> The current government under Xi Jinping seems to take harm to include any harm done to the image of the Party or government. On this basis, the government can level accusations against unfavourable news outlets of endangering the country, and detain journalists, censor stories, or launch charges against media enemies of the party.<sup>65</sup>

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<sup>62</sup> Yuqing, W. (2020, October 11). 'I am out of town traveling RIGHT Now!': Where is Gao Yu? (1401905998 1022244796 L. Mudie, Trans.). Retrieved June 07, 2021, from <https://www.rfa.org/english/news/china/traveling-04262019110705.html>

<sup>63</sup> Richburg, K. (2013, January 04). Chinese journalists mount rare protest over an alleged act of government censorship. Retrieved June 07, 2021, from [https://www.washingtonpost.com/world/asia\\_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418\\_story.html](https://www.washingtonpost.com/world/asia_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418_story.html)

<sup>64</sup> People's Republic of China. (2004, March 14). The Constitution Law of the People's Republic of China. Retrieved June 07, 2021.

<sup>65</sup> Xu, B., & Albert, E. (2017, February 17). Media censorship in China. Retrieved June 07, 2021, from <https://www.cfr.org/backgrounder/media-censorship-china>

In China, freedom of speech is an intersectional issue that underlies many other struggles for human rights and freedoms in the country. Due to this exaggerated circumstance, the attitudes of the public and of journalists in China towards media freedom is not always an attitude that views it as a fundamental right. “Some people in China don’t look at freedom of speech as an abstract ideal, but more as a means to an end,” author Emily Parker explains of how freedom of speech and the press in China is often viewed more as a means by which to achieve platforms upon which to campaign for other social issues, rather than as an essential right in itself.<sup>65</sup>

## **LAWS & HISTORY**

The Chinese government holds its domestic media corporations to many laws and regulations. Chinese internet companies face ever-increasing expectations to abide by censorship directives, and are required to sign the “Public Pledge on Self-Regulation and Professional Ethics for China Internet Industry.”<sup>66</sup> In February 2016, President Xi compelled all party and state news to, “reflect the party’s will, safeguard the party’s authority, and safeguard the party’s unity.”<sup>66</sup> State media are required to align with the “thoughts, politics, and actions” of the party, and the few independent media sources that exist are often prosecuted if they do otherwise.<sup>66</sup>

The media in China has not always faced such harsh restrictions. Prior to current President Xi Jinping’s rule, many Chinese journalists described the rule of former President Hu Jintao as a “golden age” for Chinese journalism. While censorship did take place in the form of daily directives to media outlets regarding the handling of sensitive studies, smaller platforms were not nearly as regulated, so reporters could more easily turn to social media or personal blogs to publish more in-depth reports on controversial issues and opinions. Even when they were punished, imprisonment was not nearly as common.<sup>67</sup>

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<sup>66</sup> Xu, B., & Albert, E. (2017, February 17). Media censorship in China. Retrieved June 07, 2021, from <https://www.cfr.org/backgrounder/media-censorship-china>

<sup>67</sup> Dietz, B. (2014, December 17). In China, mainstream media as well as dissidents under increasing pressure. Retrieved June 07, 2021, from <https://cpj.org/2014/12/China-mainstream-media-as-well-as-dissidents-under-incre/#more>

Modern analysts usually credit many of the escalations in press restrictions over the past decade to the rule of President Xi Jinping, under which censorship requirements have intensified for the media.<sup>66</sup> After his rise to presidency in 2013, the State Internet Information Office tightened content restrictions, and rates of journalist imprisonment skyrocketed, discouraging news outlets from reporting in-depth on controversial topics. Under President Xi's rule, China has become the biggest jailer of journalists in the world, with one source reporting at least 48 journalists imprisoned in China in December 2019.<sup>68</sup>

## CENSORSHIP

The primary tactic that the Chinese government employs to restrict its media is deliberate censorship, for which they've developed a very extensive system. Censorship directives come from over a dozen government committees, such as the Communist Party's Central Propaganda Department, the Bureau of Internet Affairs, and the General Administration of Press and Publication and State Administration of Radio, Film, and Television, which all generally report to the State Council Information Office.<sup>69</sup> An October 2013 state publication reported that two million workers were involved in reviewing internet posts and searches daily and compiling reports for decisions to be made regarding censorship and surveillance.<sup>69</sup>

It is the responsibility of these agencies to regulate all publicly available content, ensuring it promotes party values and portrays the ruling Communist Party of China in a positive light. The propaganda department distributes weekly censorship guidelines to all major media outlets, instructing them on which issues to cover or not cover, and on how to cover sensitive issues. News stories about sensitive subjects, like government corruption, certain minority groups, or economic scandals are often blocked on the grounds that they could incite social unrest.<sup>69</sup> Political scandals are forbidden from being covered before the officials involved have been declared by the government to be under investigation. All media outlets other than the

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<sup>68</sup> Hernández, J. (2019, July 13). 'We're almost Extinct': CHINA'S investigative journalists are Silenced under Xi. Retrieved June 07, 2021, from <https://www.nytimes.com/2019/07/12/world/asia/china-journalists-crackdown.html>

<sup>69</sup> Xu, B., & Albert, E. (2017, February 17). Media censorship in China. Retrieved June 07, 2021, from <https://www.cfr.org/backgrounder/media-censorship-china>

party's official media are forbidden to cover specific topics such as the #MeToo movement, human gene editing, and the trade war with the United States.<sup>70</sup>

The Chinese government censors both online and print publications from all media outlets. Some censorship is discrete, while other cases, such as the controversy surrounding the censorship of a liberal magazine's public in 2013, are more blatant. In early 2013, the *Southern Weekly* wrote a New Year's message entitled, "China's dream, the dream of constitutionalism," calling for governmental reform with statements including, "Only if constitutionalism is realized, and power effectively checked, can citizens voice their criticisms of power loudly and confidently."<sup>71</sup> However, when it was published the next morning, it had been rewritten by the southern province propaganda chief Tuo Zhen, without the publishers' knowledge. The new version was entitled, "We are now closer to our dream than ever," made no mention of constitutionalism, democracy, or equality, and served as a tribute to the Communist Party's feats.<sup>71</sup> Digital censorship attempted to control the spread of the controversy by deleting all posts regarding it on Chinese social media networks, while media outlets were informed they were forbidden to report on the matter.<sup>72</sup> When news of the blatant censorship inevitably spread, mass protests erupted, including demands for the resignation of the local propaganda bureau chief.<sup>73</sup> A group of former journalists respond to the censorship with an open letter condemning Tuo's "dictatorial" behaviour, while appealing to the party's interests, asking, "If media lose all credibility and influence, then we ask, how is the ruling Party to speak?"<sup>72</sup> Negotiations resulted

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<sup>70</sup> Hernández, J. (2019, July 13). 'We're almost Extinct': CHINA'S investigative journalists are Silenced under Xi. Retrieved June 07, 2021, from <https://www.nytimes.com/2019/07/12/world/asia/china-journalists-crackdown.html>

<sup>71</sup> Richburg, K. (2013, January 04). Chinese journalists mount rare protest over an alleged act of government censorship. Retrieved June 07, 2021, from [https://www.washingtonpost.com/world/asia\\_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418\\_story.html](https://www.washingtonpost.com/world/asia_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418_story.html)

<sup>72</sup> Richburg, K. (2013, January 04). Chinese journalists mount rare protest over an alleged act of government censorship. Retrieved June 07, 2021, from [https://www.washingtonpost.com/world/asia\\_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418\\_story.html](https://www.washingtonpost.com/world/asia_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418_story.html)

<sup>73</sup> Xu, B., & Albert, E. (2017, February 17). Media censorship in China. Retrieved June 07, 2021, from <https://www.cfr.org/backgrounder/media-censorship-china>

in an agreement to lessen some control over the media, but the coming years would show that little actually changed in the practice of censorship.<sup>73</sup>

Since Xi Jinping's election, censorship regulations have only intensified in China. In July 2014, reporters were banned from releasing information from interviews or press conferences without first obtaining permission from their employing organizations.<sup>73</sup> In 2013, the government mandated that all users of social networking sites like Weibo register under their real names, removing valuable protections for journalists, activists, and other political dissidents who had previously waged anti-governmental campaigns under anonymous pseudonyms.<sup>72</sup> From censorship in print to censorship online, the Chinese government goes to great lengths to ensure all stories distributed by the media are favourable to the ruling party's image.

## **DIGITAL CENSORSHIP**

In an increasingly digitized world, restricting domestic press within a country is not enough to hinder the spread of unfavourable information. In light of this, the Chinese government goes to great lengths to control citizens' access to foreign news sources as well. One of China's most successful methods of digital censorship is the Great Firewall, founded as a part of the Golden Shield Project, which is responsible for blocking sites, censoring unfavourable content, and surveilling citizens.<sup>73</sup> The Great Firewall blocks many popular websites and social media platforms, many of them U.S.-based, by which information is internationally distributed, such as Facebook, Instagram, and some Google services such as Gmail. Some "potentially dangerous" websites, such as Wikipedia, Twitter, and YouTube, are temporarily blocked during periods of controversy or around major political events. Other web pages can be blocked for containing content that threatens "political stability," and some search terms have been banned entirely.<sup>74</sup>

Citizens of China have found ways of bypassing some of the internet restrictions they face, but the Chinese government has made it increasingly hard to do so, leading many to give up on attempting to access blocked information. In the past, citizens would often use virtual private networks, or VPNs, to access blocked foreign websites, but since 2015, regulations in China

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<sup>74</sup> Xu, B., & Albert, E. (2017, February 17). Media censorship in China. Retrieved June 07, 2021, from <https://www.cfr.org/backgrounders/media-censorship-china>

surrounding VPNs have increased, and it has become harder for citizens to make use of them. Other software, such as Ultrasurf, Psiphon, Freenet, or the anonymity program Tor have helped Chinese citizens gain access to blocked content over the years. Methods that involve rerouting internet traffic through external servers have also been used to bypass the firewall. However, due to the barriers the government has put in place, including criminal charges for use of a VPN, it is estimated that only between 1 and 8 percent of China's 731 million internet users, as of 2017, attempt to bypass the firewall using VPNs or proxy servers.<sup>74</sup>

Among those who are unable to bypass the firewall, some have developed ways of communicating around the restrictions. A language of slang, acronyms, and symbols are used by some Chinese citizens to discuss banned topics online without facing the censorship of the firewall. Others, journalists in particular, have turned to microblogging sites, such as the popular Weibo, to share stories without facing as heavy restrictions as they might in the traditional media, but microblogging, too, has faced heightened restrictions in recent years. Since March 2014, many liberal journalists and activists have had their accounts deleted on sites commonly used for microblogging or social networking, such as the popular WeChat.<sup>74</sup>

Amid the attacks on digital media freedom in China, many news outlets have struggled to survive. As traditional print media loses popularity in favour of digital media reporting, Chinese news outlets that have their content blocked by the Great Firewall struggle to gain enough viewership and revenue to survive, and many have been forced to cut investigative reporting teams, which call for more time and resources to produce fewer products. The loss of in-depth investigative reporting due to this struggle to survive in the digital media landscape is but another contributor to the decline of free, independent reporting in China.<sup>75</sup>

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<sup>75</sup> Richburg, K. (2013, January 04). Chinese journalists mount rare protest over an alleged act of government censorship. Retrieved June 07, 2021, from [https://www.washingtonpost.com/world/asia\\_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418\\_story.html](https://www.washingtonpost.com/world/asia_pacific/chinese-journalists-mount-rare-protest-over-an-act-of-government-censorship/2013/01/04/34baf40-5688-11e2-89de-76c1c54b1418_story.html)

### 7.3 || ERITREA

It has been said that Eritrea is close to an “information black hole” - it is one of the most heavily censored countries in the world, under a strict dictatorship that prohibits any independent media from operating in the country. Eritrea, a country situated in northeastern Africa on the coast of the Red Sea, has a population of 3.5 million, at a density of 35 people per square kilometer.<sup>76</sup> Eritrea is a relatively young country, having declared its independence from neighbouring Ethiopia in 1993, the outcome of a thirty year long war. Eritrea has been under the rule of dictator Isaias Afwerki since its creation, with elections indefinitely postponed. Eritrea has been described by Reporters Without Borders as “a dictatorship in which the media have no rights.” In their 2021 World Press Freedom Index, Eritrea ranked 180th out of 180 countries, down two spots from the prior year. With a score of 83.50, down 2.05 points from the previous year, Eritrea’s situation is considered “very serious.”<sup>77</sup> Eritrea has been declared by Al Jazeera to be “the world’s most censored country”, and has been named by the Committee to Protect Journalists as one of the three worst countries for press censorship in the world.<sup>78</sup> It has been described as “the North Korea of Africa,” while ranking below the infamously restrictive country in RSF’s 2021 World Press Freedom Index.<sup>79</sup>

#### GOVERNMENT & PUBLIC ATTITUDES

The government of Eritrea, a dictatorship headed by President Isaias Afwerki, makes its view of the press clear through its actions, while employing a tactic involving outright denial of any press freedom issues. Al-Jazeera explains that Eritrea uses its media “as a mouthpiece of the state,” and that independent journalism can only be carried out in exile.<sup>78</sup> Any form of protest,

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<sup>76</sup> Worldometer. (2019). Countries in the world by Population (2021). Retrieved June 07, 2021, from <https://www.worldometers.info/world-population/population-by-country/>

<sup>77</sup> Reporters Without Border. (2021). Eritrea : A dictatorship in which the media have No rights: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/eritrea>

<sup>78</sup> Al Jazeera. (2019, September 10). These are the world's 10 most Censored countries. Retrieved June 07, 2021, from <https://www.aljazeera.com/news/2019/9/10/eritrea-tops-cpj-list-of-worst-countries-for-press-censorship>

<sup>79</sup> Human Rights Concern Eritrea. (2019, May 01). Democracy and Media Freedom in Eritrea. Retrieved June 07, 2021, from <https://hrc-eritrea.org/democracy-and-media-freedom-in-eritrea/>

including media publications that do not favour the government, is considered a threat to national security, and protestors are prosecuted in accordance with this.<sup>80</sup> Human Rights Concern Eritrea describes the official media of Eritrea as a “Propaganda Office,” used by the government to communicate messages to the public “as if it were a political party news service.”<sup>81</sup> Aaron Berhane, one of a group of journalists condemned in 2001 in a major crackdown on media freedom in Eritrea, explains of the Eritrean government’s perspective:

The government looks at journalists from within or outside through suspicious eyes and regards them as spies. When you have a system that has such a mentality, it's unthinkable that journalists can legally and freely work. So, one way or another, if the government is paranoid, it is afraid of everything. And because they don't have the resources to control everything, they have to shut everything down.<sup>82</sup>

The Eritrean government’s authority is absolute in most areas of governance; they strictly control the media, have been accused on multiple occasions of infringing upon fundamental human rights and freedoms, and react harshly to anyone who speaks out against the government. The Eritrean government does not communicate its positions lightly; in 2014, President Afwerki was quoted saying, “Those who think there will be democracy in this country can think so in another world.”<sup>83</sup>

With the same conviction, the government has repeatedly downplayed or denied any issues surrounding their country’s press freedoms.<sup>82</sup> “There have never been any imprisoned journalists. There aren’t any. You are misinformed,” President Afwerki claimed in a 2008 interview with Al-Jazeera, seven years after imprisoning multiple journalists and shutting down all independent media outlets in the country following a letter that spoke out against his

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<sup>80</sup> Reporters Without Borders. (2016, October 31). Portrait of ISSAIAS Afeworki: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/predator/issaias-afeworki>

<sup>81</sup> Human Rights Concern Eritrea. (2019, May 01). Democracy and Media Freedom in Eritrea. Retrieved June 07, 2021, from <https://hrc-eritrea.org/democracy-and-media-freedom-in-eritrea/>

<sup>82</sup> Solomon, S. (2019, September 18). Rights groups Urge release of journalists in Eritrea, years After disappearances. Retrieved June 07, 2021, from <https://www.voanews.com/africa/rights-groups-urge-release-journalists-eritrea-years-after-disappearances>

<sup>83</sup> Reporters Without Border. (2021). Eritrea : A dictatorship in which the media have No rights: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/eritrea>



government's anti-democratic platform.<sup>84</sup> Amnesty International's 2018 report on Eritrean rights and freedoms explains that the Eritrean government "claims that Eritrean public media reflects the truth and reality of national development, and that it is a platform for critical reflection, constructive opinion and knowledge."<sup>85</sup> Meanwhile, Article 19 of Eritrea's 1996 press law requires national media to support "national objectives," though the government has more often than not imprisoned journalists without charging them under any specific law.<sup>86</sup>

In 2013, the Eritrean government clearly illustrated their adherence to a tactic of denial to suppress uprisings over the lack of press freedoms. On the morning of January 21st, 2013, a group of around 100 soldiers stormed the information ministry in Eritrea's capital, Asmara, in an act of mutiny. The mutineers gathered the ministry's employees, and forced the head of the state-owned broadcasting service Eri-TV to begin reading an announcement on air calling for the 1997 constitution, which had never been finalized since it was drafted, to be implemented, and for all political prisoners, including journalists, to be freed. The message was cut off after two sentences and replaced on the broadcast by archive footage. Military forces surrounded the building, and the mutineers left peacefully, without any conflict. Eri-TV's live broadcasting resumed at 10 p.m. that night, announcing, "Snow in Paris is disrupting the everyday activities of the French." The same theme of failing to acknowledge the day's events continued the next day, as the president's senior advisor and Minister of Information Yemane Gebremeskel proclaimed, "All is calm today, as it was indeed yesterday."<sup>87</sup>

In the wake of the events of January 21st, 2013, the public's perception of their country's media freedom situation was also depicted. Comments have been made in the past surrounding the degrees of indoctrination among Eritrea's citizens, and many have used the reactions of the

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<sup>84</sup> Reporters Without Borders. (2016, October 31). Portrait of ISSAIAS Afeworki: Reporters without borders.

Retrieved June 07, 2021, from <https://rsf.org/en/predator/issaias-afeworki>

<sup>85</sup> Amnesty International. (2018, May 9). Eritrea: Shadow Report to the African Commission on Human and Peoples' Rights. Retrieved June 07, 2021.

<sup>86</sup> Committee to Protect Journalists. (2020, July 02). 10 Most Censored Countries. Retrieved June 07, 2021, from <https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/#1>

<sup>87</sup> Reporters Without Borders. (2016, January 20). What really happened AT Asmara's Ministry of (DIS)INFORMATION?: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/news/what-really-happened-asmaras-ministry-disinformation>

Eritrean public to reinforce this notion. Rahel Weldeab, employed by the National Union of Eritrean Youth and Students, tweeted, “People in Asmara are going about their daily lives while ‘experts on the Horn’ cry coup (...) I live right near the airport, nothing is happening.” Another Twitter user condemned the idea that the press was endangered in Eritrea, saying, “And you can be a journalist in Eritrea. They even teach journalism in school. I don’t know wtf you talking about.”<sup>87</sup>”

## **HISTORICAL & POLITICAL CONTEXT**

Press freedom in Eritrea has been on the decline since it declared its independence from Ethiopia in 1993. In the fight for independence, Isaias Afwerki, who would go on to become Eritrea’s first and only president to date, led the Eritrean People’s Liberation Front to victory in 1991, and went on to establish his political party, the People’s Front for Democracy and Justice, which would rule the country when it officially became a nation of its own in 1993.<sup>88</sup> Since then, Eritrea has endured a war with Ethiopia from 1998 to 2000, but has remained under the same single-party government since Afwerki’s rise to power in 1993.<sup>89</sup>

There has been no functioning parliament in Eritrea since 2003, leaving the ruling party with unrestricted executive powers.<sup>90</sup> Eritrea’s constitution, written in 1997, has never been formally adopted, and an announcement from the government in 2014 that a new constitution would be drafted was never fulfilled. “Special Courts,” established in 1996, deal with cases in ways that circumvent regular judicial proceedings, allowing the government to unlawfully prosecute its opposition. Lacking a constitution to uphold human rights, an independent media, a functioning parliament, and an independent judiciary, Eritrea has been deemed by many political analysts to be a total dictatorship with bleak prospects in the area of press freedoms.<sup>90</sup>

## **THE FALL OF FREE MEDIA**

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<sup>88</sup> Perlez, J. (1991, June 16). Eritreans, fresh FROM Victory, must now govern. Retrieved June 07, 2021, from <https://www.nytimes.com/1991/06/16/world/eritreans-fresh-from-victory-must-now-govern.html>

<sup>89</sup> Kansara, R. (2019, February 27). Eritrean press: Reporting on Africa's most secretive state. Retrieved June 07, 2021, from <https://www.bbc.com/news/blogs-trending-47319021>

<sup>90</sup> Human Rights Concern Eritrea. (2019, May 01). Democracy and Media Freedom in Eritrea. Retrieved June 07, 2021, from <https://hrc-eritrea.org/democracy-and-media-freedom-in-eritrea/>

Until 2001, the newly independent Eritrea enjoyed a free press with seven major independent news outlets.<sup>91</sup> In May 2001, a group of fifteen former members of President Afwerki's ruling party, known as the G15, wrote an open letter to the government calling for peaceful democratic reform, including the implementation of the 1997 constitution and the resumption of the regular electoral process, which had been postponed. Of the fifteen, eleven were arrested on September 18th, 2001, three managed to evade arrest outside the country, and one renounced the views expressed in the letter. The next day, ten journalists who had supported the G15 were arrested, as were numerous editors and publishers associated with the independent media. Others fled the country, and every major independent media corporation in the country was shut down by the government.<sup>92</sup> All of these actions were taken without being sanctioned by a court, and all of the journalists imprisoned have yet to receive trial.<sup>93</sup> In 2010, a former prison guard who had fled to Ethiopia reported that some of the imprisoned journalists had died in custody. Contact with the detained journalists has been forbidden by the government, who also will not confirm whether the prisoners are still alive and healthy or not. "The government just wants those people to be erased from the memory of everyone just to keep silent, like they never existed. We don't have any other information about them besides the rumours. But his work and legacy live on," says Robel Asrat, brother of one of the imprisoned editors.<sup>94</sup> The prisoners have not been forgotten, as a number of organizations, including Reporters Without Borders, have pressured the Eritrean government to provide information regarding their health and wellbeing, but no response has been received.<sup>95</sup>

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<sup>91</sup> Solomon, S. (2021, January 15). Families hold out hope for Eritrea's Disappeared journalists. Retrieved June 07, 2021, from <https://www.voanews.com/press-freedom/families-hold-out-hope-eritreas-disappeared-journalists>

<sup>92</sup> Amnesty International. (2018, May 9). Eritrea: Shadow Report to the African Commission on Human and Peoples' Rights. Retrieved June 07, 2021.

<sup>93</sup> Human Rights Concern Eritrea. (2019, May 01). Democracy and Media Freedom in Eritrea. Retrieved June 07, 2021, from <https://hrc-eritrea.org/democracy-and-media-freedom-in-eritrea/>

<sup>94</sup> Solomon, S. (2021, January 15). Families hold out hope for Eritrea's Disappeared journalists. Retrieved June 07, 2021, from <https://www.voanews.com/press-freedom/families-hold-out-hope-eritreas-disappeared-journalists>

<sup>95</sup> AfricaNews. (2017, August 31). RSF charges Eritrea to provide info on journalist detained since 2001. Retrieved June 07, 2021, from [https://www.africanews.com/2017/08/31/rsf-charges-eritrea-to-provide-info-on-journalist-detained-since-2001//](https://www.africanews.com/2017/08/31/rsf-charges-eritrea-to-provide-info-on-journalist-detained-since-2001/)

## LAWS & MEDIA CLIMATE

The media climate in Eritrea is in a direly restrictive situation. The only media allowed in the country are state-run, and the only independent radio station that Eritreans have access to, Paris-based Radio Erena, often has its signal jammed in Eritrea.<sup>96</sup> No media reports have been published without first being approved by the government since 2001.<sup>97</sup> While the internet and social media are not strictly regulated or censored, only 1.3% of the Eritrean population has access to the internet, and only specially approved individuals are permitted SIM cards for phones, so few can access foreign digital media.<sup>98</sup> When using public internet services in internet cafes, citizens must provide identification to connect, allowing the government to closely monitor all of their online activity.<sup>99</sup> On several occasions, access to foreign media over the internet has been explicitly blocked in Eritrea. In February 2013, after it reported on demonstrations by Eritrean exiles in support of the mutiny at the Ministry of Information earlier that year, access to Al-Jazeera was banned in Eritrea.<sup>100</sup> In May 2015, social media was temporarily blocked in Eritrea preceding Eritrean Independence Day.<sup>100</sup> Courtney Radsch, advocacy director of the Committee to Protect Journalists, explains of the situation in Eritrea:

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<sup>96</sup> Reporters Without Border. (2021). Eritrea : A dictatorship in which the media have No rights: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/eritrea>

<sup>97</sup> United Nations High Commissioner for Refugees. (2015, June 11). Eritrea - last in the World press Freedom index for the past eight years. Retrieved June 07, 2021, from <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=publisher&docid=557ad4b84&skip=0&publisher=RSF&coi=ERI&querysi=eritrea&searchin=fulltext&sort=date>

<sup>98</sup> Amnesty International. (2018, May 9). Eritrea: Shadow Report to the African Commission on Human and Peoples' Rights. Retrieved June 07, 2021.

<sup>99</sup> Committee to Protect Journalists. (2020, July 02). 10 Most Censored Countries. Retrieved June 07, 2021, from <https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/#1>

<sup>100</sup> United Nations High Commissioner for Refugees. (2015, June 11). Eritrea - last in the World press Freedom index for the past eight years. Retrieved June 07, 2021, from <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=publisher&docid=557ad4b84&skip=0&publisher=RSF&coi=ERI&querysi=eritrea&searchin=fulltext&sort=date>

Eritrea is really close to an information black hole. There is virtually no independent journalism there. The government uses a combination of repressive tactics, physical and digital repression, and censorship to restrict basically any sort of independent information from getting in or out of the country. It restricts the movement of any journalist. And the only real ability to cover the country is by exiled media.<sup>101</sup>

Indoctrinated, threatened with imprisonment with no chance of a fair trial, and often without charge, and censored by their government, the media in Eritrea are afforded minimal freedoms by which to operate.

### **DETAINED JOURNALISTS**

One of the biggest threats journalists in Eritrea face is the possibility of unlawful arrest and indefinite imprisonment, as seen in the case of the 2001 incident that led to the arrests of many media staff, most of whom have not been released, formally charged, or received trial.<sup>102</sup> Arbitrarily detained journalists in Eritrea are rarely informed of what they have been charged with, and face inhumane conditions including solitary confinement and torture, leading some to die or take their own lives.<sup>100</sup> Other journalists are victims of “enforced disappearance,” vanishing after opposing the government and never being heard from again.<sup>103</sup>

Though members of the independent press face the harshest persecution, members of state media are also at risk. In February 2009, upwards of fifty staff members of Radio Bana, an educational government-funded broadcasting station, were reportedly arrested, and at least

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<sup>101</sup> Solomon, S. (2019, September 18). Rights groups Urge release of journalists in Eritrea, years After disappearances. Retrieved June 07, 2021, from <https://www.voanews.com/africa/rights-groups-urge-release-journalists-eritrea-years-after-disappearances>

<sup>102</sup> Al Jazeera. (2019, September 10). These are the world's 10 most Censored countries. Retrieved June 07, 2021, from <https://www.aljazeera.com/news/2019/9/10/eritrea-tops-cpj-list-of-worst-countries-for-press-censorship>

<sup>103</sup> Human Rights Concern Eritrea. (2019, May 01). Democracy and Media Freedom in Eritrea. Retrieved June 07, 2021, from <https://hrc-eritrea.org/democracy-and-media-freedom-in-eritrea/>

twelve remain in custody without charge. In a similar situation in 2011, four journalists from state-run radio Dimtsi Hafash were arrested, and also have not received charge or trial.<sup>104</sup>

Due to the struggle to obtain concrete information from the Eritrean government, the numbers of imprisoned journalists in Eritrea vary from one estimate to the next. All requests to visit imprisoned journalists and activists to confirm their health, including a letter from over 100 major African figures in June 2019, have been dismissed by the government as “inappropriate.”<sup>105</sup> Reporters Without Borders most recently estimates there are at least 11 journalists currently detained in Eritrea, while Al-Jazeera estimates that as of December 2018, at least 16 journalists are currently imprisoned in Eritrea.<sup>106</sup> Other sources calculate that up to seven of the currently imprisoned journalists may already be dead.<sup>105</sup> Regardless of the precise number, Eritrea, which has built more prisons than schools since its independence, is widely recognised as the worst jailer of journalists in Africa.<sup>107</sup>

## FOREIGN JOURNALISM

Foreign media operating in Eritrea also face restrictions. Very few foreign press correspondents have been allowed into the country since 2010.<sup>108</sup> In 2018, *The Economist* reported that the Eritrean border with Ethiopia had opened to allow some foreign journalists special access to the country, but their movements were still very restricted.<sup>105</sup> Usually, the only reporters allowed within Eritrea’s borders are those the government considers favourable, and even they are strictly monitored in where they go and who they have access to.<sup>107</sup>

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<sup>104</sup> Amnesty International. (2018, May 9). Eritrea: Shadow Report to the African Commission on Human and Peoples' Rights. Retrieved June 07, 2021.

<sup>105</sup> Committee to Protect Journalists. (2020, July 02). 10 Most Censored Countries. Retrieved June 07, 2021, from <https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/#1>

<sup>106</sup> Reporters Without Border. (2021). Eritrea : A dictatorship in which the media have No rights: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/eritrea>

<sup>107</sup> Human Rights Concern Eritrea. (2019, May 01). Democracy and Media Freedom in Eritrea. Retrieved June 07, 2021, from <https://hrc-eritrea.org/democracy-and-media-freedom-in-eritrea/>

<sup>108</sup> Reporters Without Borders. (2016, January 20). What really happened AT Asmara's Ministry of (DIS)INFORMATION ?: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/news/what-really-happened-asmaras-ministry-disinformation>



## 8.0 || CANADIAN CONNECTION

Many experts consider Canada to have press freedoms that are at the least sufficient, and at the most thriving. Canada is a North American democratic country, with a population of 37.7 million and a population density of four people per square kilometer. The current Canadian government seems to demonstrate that it is dedicated to promoting and upholding media freedoms domestically and worldwide. In Reporters Without Borders' 2021 World Press Freedom Index, Canada ranked 14th best out of 180 countries, up two places from its 2020 score. Despite this improvement, Canada's overall score has declined by 0.04 since last year. Canada's current score, 15.29, designates its press freedoms as "satisfactory."<sup>109</sup>

The Canadian government acknowledges the importance of press freedoms to democracy and human rights - it has stated that, "media freedom remains an important part of democratic societies and essential to the protection of human rights and fundamental freedoms." It has also recognised that, "people need free media to provide them with accurate information and informed analysis to hold governments to account."<sup>109</sup>

### LAWS & HISTORY

Press freedom is protected by Canada's constitution. In 1982, when Canada declared legal independence from the British Parliament, freedom of the press became officially protected under section 2b of the Canadian Charter of Rights and Freedoms, which states, "Everyone has the following fundamental freedoms: freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication."<sup>110</sup>

While Canada's free press is protected under its charter, few legal protections exist to ensure the right to a free press is not infringed upon. Until 2017, Canada had no media shield laws, which are regularly used to protect journalists in Europe and the United States.<sup>111</sup> In

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<sup>109</sup> Reporters Without Borders. (2021). Canada : Top marks for press freedom Leadership abroad but room for improvement at HOME: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/canada>

<sup>110</sup> Government of Canada. (1981). Canadian Charter of Rights and Freedoms. Retrieved June 07, 2021, from <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/pdf/charter-poster.pdf>

<sup>111</sup> Donato, A. (n.d.). Press freedom in Canada is under attack too. Retrieved June 07, 2021, from <https://www.cbc.ca/cbcdocspov/features/press-freedom-in-canada-is-under-attack-too>



October 2017, Canada passed bill S-231, its first shield law protecting the privacy of journalists and their sources by making it harder for law enforcement to demand access to journalists' communication records and notes.<sup>112</sup>

Canada has generally experienced positive trends in its state of media freedom throughout history, but has experienced periods of setback. In 2017, Reporters Without Borders found that press freedom in Canada had been in a sharp decline for the past two years. In 2017, Canada's global rank had settled at 22nd, four spots lower than the year prior. In 2015, its ranking had declined even more sharply, from eighth place to 18th place. RSF designated the period under the Harper government from 2006 to 2015 as a "Dark Age" for media freedoms.<sup>113</sup> In its 2016 report, RSF explained, "With mounting concern over the government's 'growing secrecy' and rampant bureaucracy in executing Access to Information (ATI) requests, Stephen Harper's reign was considered a 'dark age' for journalism."<sup>114</sup>

Denis Rancourt, of the Ontario Civil Liberties Association, explains that North American press freedoms post-World War II have dissolved over the years due to ever-increasing government jurisdiction, corporate mergers, and the rise of globalization, leading to an ever-diminishing number of corporate journalists who enjoy professional independence.<sup>115</sup>

## CRIMINAL INVESTIGATIONS

One challenge that journalists in Canada face is the threat of journalistic investigations being hijacked into criminal investigations. From Ontario in 2015, VICE News reporter Ben Makuch interviewed Calgary Farah Shirdon, a young Somalian-Canadian who had left the

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<sup>112</sup> Open Parliament. (2019). Bill S-231 (historical). Retrieved June 07, 2021, from <https://openparliament.ca/bills/42-1/S-231/>

<sup>113</sup> Donato, A. (n.d.). Press freedom in Canada is under attack too. Retrieved June 07, 2021, from <https://www.cbc.ca/cbcdocspov/features/press-freedom-in-canada-is-under-attack-too>

<sup>114</sup> Huffington Post Canada. (2016, April 20). Harper era Was 'dark age' for press Freedom, Watchdog says. Retrieved June 07, 2021, from [https://www.huffingtonpost.ca/2016/04/20/press-freedom-reporters-without-borders\\_n\\_9737012.html](https://www.huffingtonpost.ca/2016/04/20/press-freedom-reporters-without-borders_n_9737012.html)

<sup>115</sup> Cooper, J. (2020, June 10). In Canada and elsewhere, freedom of speech is on the endangered list. Retrieved June 07, 2021, from <https://www.lawnow.org/in-canada-and-elsewhere-freedom-of-speech-is-on-the-endangered-list/>

country, joined ISIS, and continued spreading propaganda and recruitment campaigns online to other young Canadians. In their correspondence, Makuch convinced Shirdon to share details of how ISIS conducted its online recruitment and radicalization of initiates.<sup>116</sup> The RCMP demanded Makuch surrender all records of communication with Shirdon, as part of a legal investigation. The order was appealed multiple times, but ultimately was upheld and enforced by the Superior Court, setting a dangerous precedent for protections of journalists and their sources.<sup>117</sup> Without proper protections for journalists' sources, sources may hesitate to come forward with controversial stories that the public needs to be informed of, in fear of legal repercussions.

Québec has had similar struggles with law enforcement infringing upon the privacy of journalists and their sources, in some cases to a greater extent. In 2016, it was revealed that for years, Montréal police had been tracking the movements and monitoring the communications of at least eight journalists to discover identities of confidential sources. One of these journalists was Patrick Lagacé of La Presse, who had written about internal issues in Montréal's police force that he had been informed of by insiders. It was reported that in 2016 alone, at least 24 surveillance warrants were granted to the police force to surveil Lagacé's iPhone communications. Every instance of surveillance against Lagacé and at least seven other journalists was approved by provincial justices of the peace.<sup>118</sup>

In 2016, Le Journal de Montréal reporter Michael Nguyen reported on a constable filing a complaint against a judge, who had allegedly verbally assaulted him in 2015. At the time, the complaint went to court, and evidence was made available to the public online. When Nguyen published his story in 2016, he consulted the video of the incident, but was accused of illegally obtaining the video, despite its public availability. Québec police seized Nguyen's laptop with a search warrant, and the provincial Superior Court upheld its legality even after the claim that

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<sup>116</sup> Munn, N. (n.d.). Journalism is being criminalized in CANADA. Here's how we're fighting back. Retrieved June 07, 2021, from [https://www.cjfe.org/journalism\\_is\\_being\\_criminalized\\_in\\_canada\\_blog](https://www.cjfe.org/journalism_is_being_criminalized_in_canada_blog)

<sup>117</sup> Tunney, C. (2018, November 30). Supreme court rules Vice media reporter must share Isis notes with Police | CBC News. Retrieved June 07, 2021, from <https://www.cbc.ca/news/politics/supreme-court-vice-ben-makush-decision-1.4926102>

<sup>118</sup> Munn, N. (n.d.). Journalism is being criminalized in CANADA. Here's how we're fighting back. Retrieved June 07, 2021, from [https://www.cjfe.org/journalism\\_is\\_being\\_criminalized\\_in\\_canada\\_blog](https://www.cjfe.org/journalism_is_being_criminalized_in_canada_blog)

Nguyen had illegally obtained the video was proven false.<sup>118</sup> It was only in 2019 that the case was finally dropped and his laptop was returned.<sup>119</sup>

When proper press freedom laws are not in place to protect journalists and their privacy, journalism is prone to being hijacked to serve the purposes of authorities, such as in the case of police investigations. Police forces have proven themselves to have the potential, in these instances, to be quick to accuse reporters of unlawful processes when they portray public and governmental figures negatively, or to demand access to journalists' sources to hunt whistleblowers within their own ranks. Without protections, journalists and their sources are at the whim of such cases of intimidation, and may be discouraged from reporting negatively on public authority figures.

## **INDIGENOUS JOURNALISM**

Amidst its struggles to reconcile with indigenous peoples, intersectional press freedom issues have arisen. Canada has a history of restricting coverage of stories that involve indigenous rights and land claims.<sup>120</sup> In 2016, around 50 Indigenous Canadians broke into the grounds of a hydroelectric project in Muskrat Falls, Newfoundland, that would cause toxic pollution on an Indigenous land claim. Justin Brake, a reporter for The Independent, accompanied them onto the scene to report on the event, until a court order ordered they leave three days later. Despite complying with the court order, Brake was arrested by the RCMP and charged with mischief and disobeying an order of the court.<sup>121</sup> In 2019, the civil charges were dropped, and in June 2020, the criminal charges were also dismissed in court.<sup>122</sup>

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<sup>119</sup> Anhoury, M. (2019, June 29). Journal de Montréal journalist will not face charges for 2016 report. Retrieved June 07, 2021, from <https://montrealgazette.com/news/local-news/charges-dropped-against-journal-de-montreal-reporter>

<sup>120</sup> Reporters Without Borders. (2021). Canada : Top marks for press freedom Leadership abroad but room for improvement at HOME: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/canada>

<sup>121</sup> Munn, N. (n.d.). Journalism is being criminalized in CANADA. Here's how we're fighting back. Retrieved June 07, 2021, from [https://www.cjfe.org/journalism\\_is\\_being\\_criminalized\\_in\\_canada\\_blog](https://www.cjfe.org/journalism_is_being_criminalized_in_canada_blog)

<sup>122</sup> CBC News. (2020, June 30). All charges dismissed against reporter who covered 2016 Muskrat falls protests | CBC News. Retrieved June 07, 2021, from <https://www.cbc.ca/news/canada/newfoundland-labrador/justin-brake-charges-dismissed-muskrat-falls-1.5633341>

Oneida journalist Karl Dockstader had a similar experience of being discouraged from reporting on Indigenous issues in the summer of 2020, when he reported on a movement in Caledonia, Ontario, in which Six Nations Indigenous people protested housing development on their land, in an area they dubbed “1492 Landback Lane.” He was charged with mischief and failure to comply with a court order for his presence on the site, despite informing police that he was a member of the press and was there to document what was happening. The charges came with conditions that prevented Dockstader from returning to the site or contacting the company that was overseeing the housing developments, which effectively prevented him from continuing to cover the story.<sup>123</sup> Though the charges were dropped in December 2020, Dockstader has yet to return to Caledonia or other similar sites to continue reporting, in fear of further legal action.<sup>124</sup>

Regarding situations like Brake’s and Dockstader’s, executive director of Canadian Journalists for Free Expression Tom Henheffer explains, “This is a well-known tactic to prevent coverage by denying access to journalists. The RCMP has a long history of brutality towards indigenous protesters, which is one reason it is critically important to have a journalist there as an observer.<sup>125</sup>” In 2019, a Canadian court ruled that journalists covering Indigenous issues should be granted special protections from situations such as those that have befallen Brake and Dockstader, but the efficacy of this ruling is questionable - in 2020, three members of the press were arrested despite these protections.<sup>126</sup>

Canada has taken some steps to protect Indigenous journalism. In 2016, the Canadian government accepted the United Nations Declaration on the Rights of Indigenous People,

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<sup>123</sup> Barrera, J. (2020, September 04). Indigenous journalist says OPP charges hinder his ability to cover Six Nations land struggle | CBC News. Retrieved June 07, 2021, from <https://www.cbc.ca/news/indigenous/karl-dockstader-opp-charges-caledonia-1.5713169>

<sup>124</sup> Antonacci, J. (2021, January 02). Caledonia land dispute: Crown withdraws charges against Indigenous journalist KARL Dockstader. Retrieved June 07, 2021, from <https://www.thespec.com/news/hamilton-region/2021/01/01/caledonia-land-dispute-crown-withdraws-charges-against-indigenous-journalist-karl-dockstader.html>

<sup>125</sup> Canadian Journalists for Free Expression. (2017, March 9). Charges against Justin Brake are a serious threat to press freedom. Retrieved June 07, 2021, from [https://www.cjfe.org/this\\_is\\_a\\_serious\\_threat\\_to\\_press\\_freedom](https://www.cjfe.org/this_is_a_serious_threat_to_press_freedom)

<sup>126</sup> Reporters Without Borders. (2021). Canada : Top marks for press freedom Leadership abroad but room for improvement at HOME: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/canada>

including its statutes to guarantee Indigenous peoples the right to be represented in state-owned media, and the right to establish their own media. In December 2020, a legislative plan was introduced to begin implementing the declaration.<sup>127</sup>

Canada has also committed itself to the Truth and Reconciliation Commission, which recognizes the importance of including Indigenous issues in media education programs. The 86th call to action of Canada's Truth and Reconciliation Commission reads:

We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.<sup>128</sup>

Canada is one of few countries worldwide to have a national Indigenous broadcasting network; in 1999, it became the first country in the world to establish one, with the introduction of APTN, the Aboriginal Peoples Television Network.<sup>129</sup> The importance of having Indigenous voices represented in the media must not be underestimated. Amid the 2021 distribution of COVID-19 vaccines in Canada, several media outlets have popularized an idea of “vaccine hesitancy” among Indigenous groups, perpetuating stereotypes and basing their assertions off of minimal evidence.<sup>130</sup> The portrayal of Indigenous people and their struggles in the media can heavily influence the wider public perception of them and their issues; ensuring that Indigenous people have access to working in the journalism industry is a step towards both ensuring that they are accurately portrayed, and ensuring that Indigenous people across the country have news made for

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<sup>127</sup> Government of Canada, D. (2021, May 28). Implementing the United Nations Declaration on the rights of indigenous peoples in Canada. Retrieved June 07, 2021, from <https://www.justice.gc.ca/eng/declaration/index.html>

<sup>128</sup> Truth and Reconciliation Commission of Canada. (2015). Truth and Reconciliation Commission of Canada: Calls to Action. Retrieved June 07, 2021, from [http://trc.ca/assets/pdf/Calls\\_to\\_Action\\_English2.pdf](http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf)

<sup>129</sup> Pugliese, K. (2020, November 16). Opinion: When Discussing Media Freedom, Canada shouldn't Leave Indigenous Journalism off the agenda. Retrieved June 07, 2021, from <https://www.theglobeandmail.com/opinion/article-when-discussing-media-freedom-canada-shouldnt-leave-indigenous/#comments>

<sup>130</sup> Reporters Without Borders. (2021, April 20). RSF index 2021: A mixed prognosis for press freedom in North America. Retrieved June 07, 2021, from <https://rsf.org/en/rsf-index-2021-mixed-prognosis-press-freedom-north-america>

them, about issues that impact them, by people like them who and care about and understand these issues.

## **FOREIGN JOURNALISM**

Despite its own press freedoms, Canada will always be impacted by struggles with press freedom around the world. Any country's press, including Canada's, is only completely effective when it has access to all the information it needs to inform the public's decisions. The purpose of an effective press in a democratic nation is to create a well-informed public that can influence democratic decisions wisely; while press freedom in Canada may do a good job of informing the public on domestic matters, the media's ability to report on international affairs is inhibited by insufficient global press freedom. Canadian journalists face restrictions when attempting to enter some countries that create barriers for foreign press, and often censor their own press. Canadian journalists also face dangerous circumstances in conflict zones, the stories of which are essential but require great risk on the behalf of journalists to obtain. If information from other countries is not readily available and accessible to the Canadian press, the public cannot remain properly informed to make decisions regarding international affairs, thus hindering the democratic process.

In light of this struggle, Canada contributes to fostering values of free speech and media around the world. Co-hosting its first and second global conferences in 2019 and 2020, Canada has taken a leadership role in the Media Freedom Coalition, a group of 42 countries adhering to the Global Pledge on Media Freedom, which works to support the development of press freedoms and protections for journalists around the world.<sup>131</sup> In 2020, Canada proposed a resolution to the United Nations Human Rights Council to protect digital freedom of expression. In 2019, Canada committed \$1 million to the Global Media Defence Fund, and an additional \$1 million the next year. Canada funds media projects in Africa and the Middle East that train

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<sup>131</sup> Global Affairs Canada. (2020, December 14). Media freedom coalition Ministerial communiqué. Retrieved June 07, 2021, from <https://www.canada.ca/en/global-affairs/news/2020/11/media-freedom-coalition-ministerial-communique.html>

journalists and teach about the values of media freedom, and consistently takes the global stance that press freedoms are essential to democracy and must be upheld.<sup>132</sup>

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<sup>132</sup> Global Affairs Canada. (2021, May 28). Freedom of expression and media freedom. Retrieved June 07, 2021, from [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/human\\_rights-droits\\_homme/freedom\\_expression\\_media-liberte\\_expression\\_medias.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/freedom_expression_media-liberte_expression_medias.aspx?lang=eng)

## 9.0 || POLITICS OF EVIL

Freedom of the press is a political issue; it is politics that suppresses the press, and it is political systems that underlie the primary need for a free press in the first place. Logic of evil and politics of evil are one and the same when it comes to the press; the majority of logic behind censorship is political.

Censorship is necessary to a certain extent in most societies. The most commonly cited reason is national security, be it in the form of maintaining political stability, or in the form of keeping state secrets which, if revealed, could endanger state operations.

The argument for national security holds true in any society. In the argument for national security, freedom of the press and freedom of information overlap, as was seen in scandals such as the Pentagon Papers and WikiLeaks. In both cases, the potential harm the information leaked could cause was the central subject of debate. Details had been censored from most, but not all, of the information, protecting some identities but revealing others directly or through context. Other information leaks in the past have resulted in the endangerment or death of U.S. forces overseas, from undercover operatives to military forces whose movement plans were leaked and thus failed. Michael Hayden, former director of the U.S. National Security Agency, says in the 2013 documentary *We Steal Secrets*:

Look, everyone has secrets. Some of the activities that nation states conduct, in order to keep their people safe and free, need to be secret in order to be successful. If they are broadly known, you cannot accomplish your work. (...) We steal secrets. We steal other nation's secrets. One cannot do that above board and be very successful for a very long period of time.<sup>133</sup>

The ethics of foreign operations the likes of which Western powers such as the U.S. carry out is another debate entirely. Government officials insist on their necessity, and insist subsequently on the necessity that they remain secret. The voiced motive is that there is no way for the domestic public to be informed without risking the foreign enemy also acquiring that information. In 2010,

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<sup>133</sup> Alex Gibney. (2013, May 23). "We Steal Secrets: The Story of Wikileaks". Retrieved June 07, 2021, from <https://wikileaks.org/IMG/html/gibney-transcript.html>



former U.S. Secretary of State Hillary Clinton said of the WikiLeaks situation, “Disclosures like these tear at the fabric of the proper function of responsible government. People of good faith understand the need for sensitive diplomatic communications, both to protect the national interest and the global common interest.” Others have argued that given the degree to which leaked documents were censored, and the prior availability of those documents, “From a national security point of view, there was absolutely no justification for withholding that video tape [*Collateral Murder*], not one.” Bill Leonard, former director of the Information Security Oversight Office, continues by explaining, “Gunship video is like trading cards among soldiers in Iraq and Afghanistan. It’s freely exchanged back and forth.”<sup>134</sup>

The threat to national security that leaked information and an entirely uncensored press poses is credible, and many postulate the true threat to national security may be exaggerated by governments with ulterior political motives. Seen in all forms of government, but particularly in dictatorships or otherwise authoritarian regimes, censorship is a way of controlling the public’s impression of the government. Controlling one’s impression as a political figure is important in any political system. In a democracy, where political powers wish to obtain and maintain their power, control, and influence, maintaining a positive public impression is necessary to be re-elected and be able to effectively wield power while in office. Under an authoritarian regime, maintaining a positive public impression is necessary for the same reason, but also uniquely necessary in order to maintain national social and political stability, at higher stakes.

Under an authoritarian system, there are rarely any democratic systems in place to provide the people with a sense of definitive control over their government. In a democracy, the people may rest assured that should a period of bad governance arise, they need only wait until the next election, which is assured by the democratic process, to elect a new, more favourable government. Under a dictatorship, no such political systems exist to assure the people of a wait of an unfavourable political situation. For this reason, it can be very politically and socially dangerous for an authoritarian government to allow a negative image of them to spread, or allow the public to doubt them, because with no assurance that they may freely change their

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<sup>134</sup> Alex Gibney. (2013, May 23). "We Steal Secrets: The Story of Wikileaks". Retrieved June 07, 2021, from <https://wikileaks.org/IMG/html/gibney-transcript.html>

government if they need to, the people can be driven to potentially violent uprisings out of desperation, seeing no other way out than to rebel at any cost.

Authoritarian governments, like democratic governments, do prioritize the good of their people and nation. However, due to how authoritarian systems are designed, political stability often becomes dysfunctional, and thus the priority that a government deems to be preserving the “good” of its citizens is shifted to preventing the threat of uprising, rather than through other ideals that promote the wellbeing of citizens. Many censorship laws in authoritarian countries that struggle with press freedom make reference to such things as preserving political stability, outlawing media that may incite civil unrest, or protecting national unity. One of China’s media policies, for example, necessitates that, “All the work by the party’s media must reflect the party’s will, safeguard the party’s authority, and safeguard the party’s unity.” In China, any material deemed by the government to be a potential threat to political stability, or a potential cause for social unrest, is banned.<sup>135</sup> In the case of China, the argument for social stability expands into a general set of government-endorsed Chinese values, and a particular opposition to Western values. Pro-government sources in China have often referred to Western ideologies and politics as “harmful ideas” that could damage the nation’s unity, stability, and integrity.<sup>136</sup>

A final factor in the politics of evil are the situations which may predispose a nation to a restricted press. It is important to understand the common origins of press freedom laws to understand how those origins, often necessary and welcomed at the time, may develop into longer lasting problems. During wartime, countries often institute wartime measures to protect the country’s national interests and sustain its people through difficult times. In World War One, Canada did this by implementing the War Measures Act in 1914, which allowed for “censorship and control and suppression of publications, writings, maps, plans, photographs, communication and means of communication,” if the material was deemed a threat to “the security, defence, peace, order and welfare of Canada.” At the time, these measures were largely uncontested by

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<sup>135</sup> Xu, B., & Albert, E. (2017, February 17). Media censorship in China. Retrieved June 07, 2021, from <https://www.cfr.org/backgrounder/media-censorship-china>

<sup>136</sup> Denyer, S. (2016, May 23). China's scary lesson to the world: Censoring the internet works. Retrieved June 07, 2021, from [https://www.washingtonpost.com/world/asia\\_pacific/chinas-scary-lesson-to-the-world-censoring-the-internet-works/2016/05/23/413afe78-fff3-11e5-8bb1-f124a43f84dc\\_story.html](https://www.washingtonpost.com/world/asia_pacific/chinas-scary-lesson-to-the-world-censoring-the-internet-works/2016/05/23/413afe78-fff3-11e5-8bb1-f124a43f84dc_story.html)

the public, and were rarely acted upon for the better part of a year, only censoring publications that explicitly supported the enemy. As Canada began to suffer greater losses in the war, concern for public morale rose among the government, and greater censorship was implemented in 1915 with the establishment of the Chief Press Censor. Alongside previously banned publications, any publication of “critical military policy” or stories that were “assisting or encouraging the enemy, or preventing, embarrassing, or hindering the successful prosecution of the war” were also censored by the government under the War Measures Act. Come the end of the war, the act was eventually taken out of effect in January 1920, and legislation returned to normal, allowing press freedom to continue its development in Canada, a country that had already been established for several decades and was backed by the political and economic support of European powers.<sup>137</sup>

In wartime, censorship is often necessary to uphold national security, morale, and limit loss of life or international power. However, the transition out of that period of censorship is essential to the future of a nation, once conflict has been resolved. Countries less established than Canada was in the era of the first World War, that find themselves politically or economically struggling after a war, with little international support to rely upon, may be prone to less positive outcomes in the wake of wartime. Eritrea, for example, gained its independence in 1993 after a war with Ethiopia, which it originally belonged to. In the years following independence, Isaias Afwerki established an authoritarian government and his party, which had once been a front for democratic values, strayed ever-further away from democracy. In 1998, a border dispute with Ethiopia triggered a second war with the neighbouring country, resulting in massive loss of life, social unrest, and economic struggle following the war’s conclusion in 2000.<sup>138</sup> This was, perhaps, a defining event in solidifying the rule of Afwerki’s authoritarian government, and in 2001, following a call for democracy from former members of his party, all independent media was outlawed and a policy of imprisoning dissident reporters took hold. Without the proper support to recover from devastating wartime, democratic systems in Eritrea like its parliament

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<sup>137</sup> Basen, I. (2014, August 01). 'A keen patriotic desire': Why Canadian media embraced censorship during WWI | CBC News. Retrieved June 07, 2021, from <https://www.cbc.ca/news/why-canadian-media-embraced-censorship-during-wwi-ira-basen-1.2722786>

<sup>138</sup> Solomon, S. (2021, January 15). Families hold out hope for Eritrea's Disappeared journalists. Retrieved June 07, 2021, from <https://www.voanews.com/press-freedom/families-hold-out-hope-eritreas-disappeared-journalists>

and independent press fell apart, which compromised its political and social stability, only encouraging the government to implement stricter measures in attempts to regain control over the populace, under the mission of maintaining national unity.

In 1918, U.S. Senator Hiram Johnson is said to have stated that, “The first casualty when war comes is truth.<sup>137</sup>” In some countries, truth is simply wounded in the wake of war, and can recover, given time and diligent democratic efforts. In others, under less fortunate circumstances, the recovery of truth is not so guaranteed. Censorship rarely arises from wholly malicious intentions - often, its earliest and most basic forms are essential to the health of a nation, especially one struggling. It is the transition back to transparency, and the delicate balance between national security and national freedoms, that defines the future of a nation’s free press.

## 10.0 || RELIGION

Throughout the history of press freedom, religion, the freedom of which is often protected under the same status that protect general freedom of speech and expression, has always played a major role. The press exists in societies with democratic values for several reasons; primarily, to inform the public of relevant events, which may in turn foster political debate and civic engagement to enable the most effective government possible. In order to achieve this aim, the press must provide in-depth, objective reporting on a wide variety of subjects, and resist any external partisan pressures.<sup>139</sup>

The press is one of a number of institutions within society that help to uphold a functioning, mutually beneficial social structure. Religion is another of these social institutions, and thus, the two have a history of interacting and impacting one another throughout history. Some religious institutions have been known to pressure the press to promote their values, especially in societies where religion and government are tightly associated. As a result of the backlash they sometimes face from religious groups or religious members of the public, media organizations have also been known to deliberately avoid coverage of potentially contentious religious topics. Both impacts obstruct journalists' ability to report extensively and objectively, which in turn obstructs their ability to foster civic engagement.

The invention of the printing press in the 1400s revolutionized society in various ways. For journalism, the invention of the printing press gave rise to a booming media industry, allowing news stories to be mass-produced and distributed to the general public at a low cost. For the church, the invention of the printing press meant a way to distribute religious texts, and subsequently religious teachings, to its followers, also at a low cost. The church, however, was also forced to grapple with a new avenue by which they could be criticised. "With the schism between Protestants and Catholics came the use of the press to demonise one side or the other," a 2019 dissertation on the impact of freedom of religion on press freedom explains. As the press became increasingly used to attack opposing religious denominations, blasphemy laws rose to prominence across Europe, often used to prosecute religious dissidents who opposed the majority

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<sup>139</sup> All Answers Ltd. (2019, December 06). Impact of freedom of religion on press freedom since 2000. Retrieved June 07, 2021, from <https://ukdiss.com/examples/freedom-religion-press.php>

denomination through the press. Blasphemy laws penetrated North America upon English colonisation, as societies with a firm religious grounding became emboldened in the idea that attacks on Christianity would serve “to strike at the root of moral obligation and to weaken social ties.”<sup>140</sup> Blasphemy prosecution on grounds of religion was eventually deemed unconstitutional in the United States under the First Amendment, and gradually, blasphemy prosecution grew less common as globalisation led to the rise of more secular societies. However, the damage had already taken root in the press climate by the time religious dissidence in the media became legally acceptable. Lawrence Martin of the Denver Post explained in 1940:

In times past, newspapers got into so many scrapes over these religious squabbles that most editors drew in their horns and actually barred from their columns any but the most harmless and noncontroversial items about churches or religious topics. Even today you will find most editors refusing to print letters from readers on religion, for fear of inciting a riot.

As secularity became more popular in social governance, the media gradually became less restrained in their coverage of potentially contentious religious issues, but not without consequence. Since the shift in the 1980s to more open coverage of controversial issues, the press has faced backlash and incited civil disruption on numerous occasions, as a result of publishing religiously opinionated pieces. In 2002, for example, amidst a controversy surrounding the Miss World beauty pageant being held in Nigeria during the holy month of Ramadan, columnist Isioma Daniel wrote that the Islamic prophet Muhammad would likely have approved of the competition, and chosen a wife from its competitors. The remark was considered blasphemous by many, and resulted in riots leading to 200 deaths.<sup>140</sup>

When fostering civic engagement is the goal of journalism, it can be difficult to contend with forces that suppress civic engagement. A 2003 study by Colleen Connolly-Ahern, researcher of the College of Communications at Penn State University, and Guy J. Golan, researcher of the School of Journalism & Mass Communication at Florida International University, found that the stronger a person’s religious convictions, the less likely they are to be

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<sup>140</sup> All Answers Ltd. (2019, December 06). Impact of freedom of religion on press freedom since 2000. Retrieved June 07, 2021, from <https://ukdiss.com/examples/freedom-religion-press.php>

politically knowledgeable or frequently read newspapers. Various other studies through the 1900s found that a greater religious commitment, measured by church attendance, was correlated to lesser tolerance of dissenting political views. Lesser societal tolerance of dissenting political views often leads to lesser tolerance of a free, independent, and uncensored press. Researchers Golan and Ahern extrapolate from these findings, “nations whose political and social traditions are highly indoctrinated in religious practice, such as Saudi Arabia or Poland, would be less likely to accommodate press freedom than more secular nations such as Thailand or Holland.”<sup>141</sup>

The study went on to compare press freedom in countries of various different religious majorities, finding that the percentage of Christians in a country was correlated with better press freedom, while the percentage of Muslims in a country was correlated with worse press freedom. Correlation and causation in this trend was not established, but it was noted that the trend was consistent even in democratic Muslim-majority countries. The authors postulate that the structure of Islam might contribute to more extensive religious penetration into everyday life, and link that notion back to the finding that when religion is more pertinent in an individual’s life, they are less likely to civically engage and foster press freedom:

Scholars have identified a negative relationship between people with higher levels of doctrinal commitment and engagement with mainstream society or out-groups (e.g., Alport, 1954). The Islamic world is based on the Sharia, a comprehensive system that regulates spiritual as well as civic aspects of individuals and society as a whole (Hasna, 2003). Religious life dominates most Islamic societies.

The study’s earlier findings indicating higher levels of religious conviction predicted worse press freedom could also be a restrictive explanation in this circumstance. Politics in the Middle East are complicated by U.S. interventionism and a long history of ongoing, violent wars, some rooted in religious conflict and often exacerbated by foreign intervention.<sup>141</sup>

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<sup>141</sup> Connolly-Ahern, C., & Golan, G. (2007, June). Press Freedom and Religion: Measuring the Association Between Press Freedom and Religious Composition. Retrieved June 07, 2021.





## 11.0 || SOLUTIONS

### MEDIA SHIELD LAWS

One of the most important aspects of free press legislation is the creation of media shield laws to protect journalists, their sources, and by extension, their craft. Media shield laws protect journalists from what is referred to as “compelled disclosure,” exempting them from being forced to disclose unpublished information about their sources and investigations when ordered by a court. Compelled disclosure has been used against journalists numerous times before. In the United States, reporter Glenn Beck was ordered in 2016 to reveal his confidential sources from a story involving a Saudi Arabian man’s alleged involvement - he was later cleared of any involvement, and sued Beck for defamation - in the Boston Marathon.<sup>142</sup>

It is not uncommon in law for certain groups to be granted “special privileges” that exempt them from complying with certain court orders, like demands for information. Attorneys, doctors, therapists, religious advisors, and spouses are all considered privileged groups, under certain circumstances, because it is considered to be in the best public interest to afford confidentiality to them, to carry out their jobs. In the case of journalists, it is argued that since reporters rely on their sources to provide information, which sources might be reluctant to provide without the guarantee of anonymity, for their stories, then it follows that in order for a journalist to do their job, they must be able to guarantee their sources anonymity and confidentiality. The public interest, therefore, affords journalists the privilege of exemption, because in most cases, the majority of the general public will benefit more from a precedent that allows journalists to do their jobs effectively, than from the ability of any given court to access the records of a journalist in an individual case that impacts far fewer stakeholders than a broader precedent. Further, the ability of the press to maintain its power over society relies upon the public’s perception of the press and how it functions; a public that views the press as an extension of a government agency is less likely to view the press as a credible source of

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<sup>142</sup> Peters, J. (2016, August 22). Shield laws and journalist's privilege: The basics every reporter should know.

Retrieved June 07, 2021, from [https://www.cjr.org/united\\_states\\_project/journalists\\_privilege\\_shield\\_law\\_primer.php](https://www.cjr.org/united_states_project/journalists_privilege_shield_law_primer.php)

objective news than a public that views the press as an independent agency, not influenced or biased by any external authority pressures.<sup>142</sup>

Currently, the successful adoption of media shield laws varies around the world. In the United States, no comprehensive federal shield laws exist, though the Privacy Protection Act does restrict the pathways through which authorities can obtain a journalist's notes, and journalists' associations have attempted to have laws of the sort expanded many times. Many U.S. states also have independent media shield laws in their constitutions or courts.<sup>143</sup> Canada, meanwhile, adopted its Journalistic Source Protection Act in October 2017, as its first shield law protecting journalists' sources.<sup>144</sup> Though very necessary to protect the media's ability to remain free, credible, and effective in a nation, media shield laws can be hard to legislate and implement, even with abundant support. Defining who a journalist is has become harder with the rise of the digital age creating self-identified hobbyist journalists on many different digital platforms. Further, defining the information protected under media shield laws can be difficult - some laws protect only source identities, while others protect the full range of any information obtained in a journalistic pursuit.<sup>143</sup>

## **INTERNATIONAL SUCCESSES**

In pursuing press freedom, it can be helpful to analyze what tactics have worked under different circumstances. Norway and Sweden have some of the best states of press freedom in the world, according to Reporters Without Borders' 2021 Press Freedom Index.

Norway, ranked first with a score of 7.84, is considered to have "good" press freedoms. Among the factors contributing to Norway's ranking, RSF included its parliamentary request in 2020 for the government to issue annual assessments on the national state of press freedom, and

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<sup>143</sup> Peters, J. (2016, August 22). Shield laws and journalist's privilege: The basics every reporter should know. Retrieved June 07, 2021, from [https://www.cjr.org/united\\_states\\_project/journalists\\_privilege\\_shield\\_law\\_primer.php](https://www.cjr.org/united_states_project/journalists_privilege_shield_law_primer.php)

<sup>144</sup> Taylor, L., MacLeod Rogers, B., & Gilliland, R. (2017, October 23). Understanding Canada's new shield law for confidential sources. Retrieved June 07, 2021, from <https://j-source.ca/article/understanding-canadas-new-shield-law-confidential-sources/>

regular updates on media policy implementation.<sup>145</sup> Norway's success in achieving and maintaining a free press seems to come from a government that is willing to hold itself accountable, and willing to proactively gather information on potential issues that are ever-evolving, even while they are ranked among the best on those issues in the world.

Sweden, ranked third with a score of 9.25, is also considered to have "good" press freedoms. Its success when it comes to press freedom has been attributed to progressive press freedom legislation, becoming the first country, in 1776, to pass a law protecting the freedom of the press.<sup>146</sup> Sweden also instituted a Press Ombudsman in 1969 to handle media ethics complaints, associated with the government but independent in decisions.<sup>147</sup> Sweden seems to have achieved its successful press freedoms through ensuring that programs and systems to uplift the free press are enabled by the government, but not directly associated with it. Independent advisory press councils and ombudsmen have proven sufficient to achieve this.

## **MEDIA LITERACY EDUCATION**

Achieving a free press is only the beginning of the issue - dealing with the challenges that accompany a free press is just as critical. Media literacy education is essential if we are to guarantee a healthy, free, and independent press that supports the underlying values of democracy. Media literacy is defined by Common Sense Media as "the ability to identify different types of media and understand the messages they're sending."<sup>148</sup> In an increasingly digitized world, where the average U.S. citizen spends 721 minutes a day exposed to some form of media, media literacy has become ever more important in ensuring that all citizens absorbing the media are also able to critically dissect it and interpret what may be fake news or otherwise misleading or biased information, including information that has been manipulated by powerful

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<sup>145</sup> Reporters Without Borders. (2021). Norway : Kept at a distance by the Government: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/norway>

<sup>146</sup> Reporters Without Borders. (2021). Sweden : External Pressure: Reporters without borders. Retrieved June 07, 2021, from <https://rsf.org/en/sweden>

<sup>147</sup> Accountable Journalism. (2017, August 21). Press Council: Sweden. Retrieved June 07, 2021, from <https://accountablejournalism.org/press-councils/Sweden>

<sup>148</sup> Common Sense Media. (n.d.). What is media literacy, and why is it important? Retrieved June 07, 2021, from <https://www.commonsensemedia.org/news-and-media-literacy/what-is-media-literacy-and-why-is-it-important>

institutions such as governments that may seek to oppress the free spread of information.<sup>149</sup> Media literacy not only teaches citizens to ask questions regarding the author's intent and potential biases, but also to be responsible in their own creation and distribution of media that has the potential to mislead or otherwise influence the public.<sup>148</sup>

When a population is more aware of how to critically assess, create, and engage with media, values of press freedom may thrive because a better understanding of which stories are true and which opinions are well-informed allows a free media to function effectively, despite the potential for false reporting. Additionally, when the public is educated on journalistic methods, and understands how the media does its job, it is more likely to trust the media, regardless of other political influences that may attempt to discredit unfavourable news sources without explicitly censoring the press. In a society with high levels of media literacy, understanding of the importance of the press facilitates societal values that can pressure governments to keep the press independent and free.

Media literacy curriculums around the world are lacking, especially in countries that lack governmental support of a free press. Even in countries with thriving press freedoms, media literacy education is underdeveloped. In Canada, school curriculums across the country include some form of media literacy, but the curriculums are outdated, having been left largely untouched for twenty years, since they were implemented to accommodate the rise of the digital age. Some provinces boast strong media literacy curriculums that fail to thrive because they aren't mandatory, while other provinces lack sufficient allotted instructional time for media literacy in class, or lack sufficient media literacy curriculums entirely.<sup>150</sup> Newly prolific technologies like massive social networking platforms, new political climates that make disinformation and press freedom increasingly contentious issues, and new respectability to uninformed opinion on platforms that allow anyone the ability to communicate with an audience from around the world, have not yet been adjusted for in the curriculum. The global media

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<sup>149</sup> Fresno Pacific Staff. (2018, December 17). Why today's students need media literacy more than ever. Retrieved June 07, 2021, from <https://ce.fresno.edu/news/why-todays-students-need-media-literacy-more-than-ever>

<sup>150</sup> Owen, B. (2020, December 11). Kids need media literacy education to match the rise of social networks: Experts. Retrieved June 07, 2021, from <https://www.ctvnews.ca/sci-tech/kids-need-media-literacy-education-to-match-the-rise-of-social-networks-experts-1.5226764>

climate grows more difficult to navigate faster than education can evolve to suit it, but at present, education has largely failed to make even attempts to evolve with it. Joyce Grant, freelance journalist and media literacy educator, explains, “Fake news, as it gets better, starts to better mimic journalism. So, really, what it comes down to now is critical thinking.<sup>150</sup>”

The aim of media literacy education is not just to better inform the public; it is to create a public that is wholly capable of informing itself, and is wholly invested in its right to be informed. Media literacy education does not create knowledge, it merely enables it through processes of critical thinking that may lead to higher levels of civic engagement, and thus, a population that values the media enough to uphold its rights.

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