

**Remarks Prepared for Delivery by
Senator Richard J. Durbin
National Association of Broadcasters
Feb. 28, 2017**

First Amendment: An Essential Pillar of Democracy

Thank you, Gordon Smith, and thank all of you. It's an honor for me to speak to the National Association of Broadcasters. It's nice to see so many folks from home. I want to acknowledge Dennis Lyle, president and CEO of the Illinois Broadcasters Association and all of the radio and TV station presidents, CEOs and GMs from Illinois who are here.

Chicago was the adopted home of one of the legends of American radio. He moved to Chicago with his family when he was just 8 years old. As a young man, he earned a law degree from the University of Chicago. He intended to be the next Clarence Darrow -- a champion of the downtrodden. But, luckily for all of us, fate had other ideas. In the mid-1930s, this would-be lawyer was hired by the WPA Federal Writers' Project to work in radio. He did everything -- from writing radio scripts and ads to announcing news and sports and voicing soap opera characters -- and he loved it.

He went on to host his own TV show in Chicago for several years. Then, in 1952, WFMT in Chicago gave him his own radio show -- a one-hour interview program that was broadcast every weekday, Monday through Friday -- five shows a week -- for 45 years.

He believed that everyone had the right to be heard -- and everyone had something important to say. He interviewed all kinds of people -- movers and shakers, artists and athletes -- as well as ordinary people you've never heard of. When he wasn't on the air, he was writing best-selling books with titles such as "Working" and "The Good War."

His name, of course, was Louis "Studs" Terkel. He was an American treasure. And I was lucky enough to know him. It seemed to me that Studs Terkel was congenitally disposed to speak truth to power. In the early 1950s, during the McCarthy era, that determination to tell the truth as he understood it got Studs into some trouble; he was blacklisted and lost his TV show because of his political views.

Despite that experience, Studs Terkel never lost faith in American democracy or the innate wisdom of the American people. As he once said -- these are Studs' words: "I've always felt ... that there's a deep decency in the American people and a native intelligence - providing they have the facts, providing they have the information."

Many of you come to Washington each year to plead your case for laws that affect broadcasting as a business. As important as those matters may be to your bottom line, today I want to reflect on something even more important: the survival of journalism as a critical pillar of democracy.

Thomas Jefferson once said, at the beginning of our nation's life: "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

If Jefferson were writing today, I'm sure he would include radio and TV, along with newspapers, as indispensable protectors of our democracy. In fact, if Thomas Jefferson were alive, he might be trying to bump me from this podium so he could speak to you directly – because the integrity and the independence of America's news industry – *your* industry -- is under an unprecedented series of attacks today.

These attacks are coming from outside of our borders -- from a Russian government determined to discredit democracy itself -- not just here in America, but among our allies as well. More troublingly, attacks on the media are also coming from the top of our own government.

Our Founders believed so strongly that the free exchange of facts and opinion is essential to American democracy that they enshrined freedom of the press in the *First* Amendment to our Constitution. Now we have a President of the United States who condemns what he calls the "FAKE MEDIA" as "the enemy of the American People."

I've been in politics for a few years, and I'm used to hardball and hyperbole. But I have to tell you, that tweet from President Trump surprised and troubled me.

It wasn't an isolated incident; it was the latest salvo in his ongoing battle with the media – and we are only in Week 6 of his presidency. Remember what happened during the campaign. Journalists were fenced off at Trump campaign rallies and derided as – "lying," "dishonest," "disgusting" and "scum." A while back, *The New York Times* listed the number of occasions when then-*candidate* Trump had insulted reporters or media outlets. They found that, on Twitter alone, he tweeted 613 insults at reporters or media outlets between from the time he declared his candidacy to a month after the election.

His near-constant stream of invective towards the media is even more troubling when you consider that President Trump has had only praise for a dictator and former KGB official who ordered a cyber act of war against our nation, Russian President Vladimir Putin.

President Trump also vowed during his campaign to change federal libel laws to make it easier to sue news organizations.

Since he's become President, his attacks on the media have accelerated.

On his first day after taking the oath of office, President Trump visited the Central Intelligence Agency and talked about -- these are his words -- his -- "running war with the media." He insisted that a million-and-a-half people had attended his inauguration the day before ... criticized a TV network for saying that the crowd was much smaller and vowed, "[T]hey're going to pay a big price" for their reporting.

To add insult to injury, the President made this threat while standing in front of the CIA memorial wall that honors agency personnel who died in the line of duty -- patriots who gave their lives to defend the very freedoms the President was attacking. That was Day One. The following day, White House advisor Kellyanne Conway defended the Administration's inflated crowd figures as "alternative facts."

On January 26, the President told Fox's Sean Hannity that -- "much of the media is very, very dishonest. Honestly, it's fake news."

That same day, the President's chief political strategist Steve Bannon, the former chairman of the right-wing extremist website Breitbart News, told *The New York Times* -- "You're the opposition party. Not the Democratic Party. You're the opposition party. The media's the opposition party." He added: "The media has zero integrity, zero intelligence, and no hard work. ... The media should be embarrassed and humiliated and keep its mouth shut and just listen for a while."

Mr. Bannon's hostility to the media was on full display again last week when he spoke at the Conservative Political Action Conference. Referring repeatedly to the news media as "the opposition party," he said: "They're corporatist, globalist media that are adamantly opposed to an economic nationalist agenda." He added that the media are -- "going to get worse every day."

Speaking the next day at the same conference, President Trump complained: "The fake news doesn't tell the truth. It doesn't represent the people. It will never represent the people and we're going to do something about it."

President Trump has also tweeted that: "Any negative polls are fake news, just like the CNN, ABC, NBC polls in the election."¹

And he told Fox's Bill O'Reilly that the media will "purposely, totally change" what he says to create "fake news."²

¹ Feb 6 tweet

² Feb 7 Bill O'Reilly Show, Fox

Abraham Lincoln once said: “Give the people the facts and the Republic will be saved.” He meant the real facts, not *alternative* facts. He, too, would be worried about what’s happening today.

The media are not alone in the Administration’s crosshairs. The President has also attacked the intelligence community and the integrity of our courts. The media, the intelligence community and the courts – institutions that are all vital to protecting our nation and holding those in power accountable.

The day after President Trump denounced the media as “the enemy of the American People” I left for a trip to Poland, Lithuania and Ukraine. As you know, the Baltic States, Poland and Ukraine all lived under Soviet domination for decades following the Second World War. They remember life under the Russian boot. In recent years, they have been on the front lines of Russian aggression. They have been pounded by Russian cyberattacks, propaganda campaigns, military provocations and -- in the case of Ukraine – invasion and occupation. I was joined by Senator Jeanne Shaheen of New Hampshire in Poland and by Congressman Mike Quigley of Illinois in Ukraine.

The purpose of our trip was to reassure our NATO allies in general, and the young democracies of Eastern Europe in particular, that America stands with them at this critical moment in history. This was no easy task, given the continuous provocation and aggression coming out of Moscow and the words and signals coming from the White House.

The kinds of attacks on the media that we are seeing in America today would have seemed familiar 30 years ago in Ukraine or the Baltics, when those nations were still under Soviet occupation. And they would seem familiar today in authoritarian states like Russia, Venezuela, Cuba, Turkey or Hungary.

Turning reporters into enemies -- not just adversaries, but *enemies* – is a strategy that strongmen use to silence critics and maintain power. Their goal is to discredit the messenger. That way, when there is bad news, or news that contradicts the official line, people won’t believe it. Soon enough, people start to lose faith...not just in the media, but in all of the institutions that hold a society together. They lose faith in the power of debate and elections to change anything. They become cynical and apathetic.

Democracies can’t survive in a universe of “alternative facts.” American democracy depends on informed citizens debating our choices vigorously and then choosing a path forward.

That doesn't mean we all have to share the same values, but we have to share the same basic reality. Our democracy needs credible, unbiased news organizations to be truth tellers. That's why I wanted to join you today.

In our lifetimes, I don't think there's ever been a more difficult time – or a more important time – to be part of the media in America. As local broadcast news organizations you have a greater ability to defend the integrity of the media because your listeners and viewers trust you more than just about any other media. That means that you have enormous power in your hands. And many of you are using that power to try to find a sense of common purpose in these divided times. I've seen it.

One example: The week after the election, more than 40 Chicagoland radio stations simultaneously aired a 30-minute “Chicago Radio Town Hall Meeting” with Chicago Mayor Rahm Emanuel. Listeners submitted questions in advance, Bill Kurtis moderated and the 40-plus stations – all members of the Illinois Broadcasters Association -- set aside their regular programming and advertising inventory for the entire 30 minutes.

The Radio Town Hall Meeting didn't solve all of our challenges. Chicago is still struggling with an epidemic of gun violence and other problems. But setting aside those 30 minutes of valuable air time across 40 stations at least gave Chicagoans a chance to listen to each other.

Some stations are experimenting with “crowdsourcing” the news – asking viewers and listeners to say how issues affect them. You want to know how ideas President Trump will propose tonight in his first joint address to Congress will affect people in your communities. Ask them. Who will be swept up in the President's mass deportation raids? Violent criminals, or hard-working parents and Dreamers? Ask. Investigate. Who will be hurt if the Affordable Care Act is repealed, and how? Ask your viewers and listeners for their stories.

Above all, do what you have always done: Report the news, without fear or favor.

Now, let me mention three things Congress can – and should -- do to help protect the integrity and independence of the media.

Number one: Congress needs to preserve federal libel standards. Just because someone doesn't like a story, doesn't mean it's libelous.

Number two: The federal government ought to invest more, not less, in the Corporation for Public Broadcasting. America's 1,500 NPR and PBS stations don't *compete* with local broadcast organizations, they complement what you do. And they cost less than 1 one-hundredth of 1 percent of the federal budget.

Number three: Congress needs to safeguard federal whistleblower protections. And we need to pass a federal shield law.

President Trump said at the CPAC conference last week that reporters use anonymous sources to “make up stories.” He insisted that reporters “shouldn't be allowed to use sources unless they use somebody's name,” adding: “Let there be no more sources.”

Let's be clear: Most reporters and serious news organizations should – and do – strive for maximum honesty and transparency. They handle requests for anonymity with great care and take pains to get sources to speak on the record. But what happens when a source has a legitimate fear of retaliation and knows facts that the public has a right and need to know?

Reporters must be allowed to protect confidential information and sources. Press freedom shouldn't depend upon what state you're in.

The NAB has worked hard for years to pass a federal shield law. We almost succeeded in 2013. Senator Dianne Feinstein and I proposed a solution to one of the thorniest questions: Who would be covered? We said that federal shield protection should be limited to individuals who have been employed by media organizations, not just anyone who has posted something on Facebook or fired off a tweet. Unfortunately, our colleagues on the other side of the aisle opposed it and we weren't able to pass this bill. But there's hope.

One of our most determined co-sponsors back then was a man who used to host a local broadcast radio show in Indiana before he was elected to Congress. He is now the Vice President of the United States. Maybe Vice President Pence can persuade President Trump to work with us to finally pass a federal shield law that protects reporters' sources in all 50 states.

I started these remarks talking about Studs Terkel and his faith that Americans will always choose the right course, if they have the facts. I'll close now with a story about another Chicagoan who left a profound mark on American broadcasting.

His name is Newton Minow. In 1961, President Kennedy appointed him chairman of the Federal Communications Commission. In May of that year, Newt Minow delivered his first speech ever as FCC Commissioner – to the National Association of Broadcasters. It is still the most famous speech ever about American commercial television programming.

He said that we had a choice. Television programming could help to bridge divides of income, education and understanding. Or it could be merely entertain and distract.

Newt Minow often remarks that the two words best remembered from the speech are “vast wasteland,” but the two words he wishes would be remembered are “public interest.” That was the title of his speech, “Television in the Public Interest.”

Thank you for all you do – on broadcast radio and TV – to serve the public interest and bring clarity and common understanding to our public discourse. American democracy needs you and I am proud to stand with you.

#