

AEJMC NEWS

The Newsletter of the Association for Education in Journalism and Mass Communication

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Two Cheers for the First Amendment



Lord Lester

This keynote address was written by Lord Anthony Lester¹ for the Aug. 8 opening of AEJMC's Washington, DC, Conference. Lord Lester of Herne Hill QC is a Liberal Democrat peer and practices constitutional and human rights law at Blackstone Chambers, Temple, London.

It is a great honor to be invited to come from the Older World to address your Annual Convention. I am so sorry that your distinguished President, Kyu Ho Youm, is prevented by ill-health from being here, especially since he was responsible for suggesting my invitation. I have sent him my text in the hope that it will help and not hinder a speedy recovery.

I dedicate my lecture to the memory of two sadly departed old friends to whom I and my family owe so much: Judge Louis H Pollak,² and Anthony Lewis.³

Lou Pollak, former Dean of two great Law Schools – Yale and Penn – was a District Judge of the Third Circuit. He was well qualified to serve on your highest court, or ours. He was the proud son of a great advocate, Walter Pollak,⁴ who argued *Gitlow*⁵ and *Whitney*⁶ in the 1920s. Judge Pollak was a wise interpreter of the First Amendment. I am so delighted that Kathy Pollak is here as honored guest.

Tony Lewis's studies of the First Amendment – *Make No Law*⁷ and *Freedom for the Thought that We Hate*⁸ – are a constant and enduring source of enlightenment and wisdom. They are worth a hundred textbooks and show the path the Supreme Court might have taken and perhaps might yet take some day.

EM Forster gave only two cheers for democracy when he surveyed Europe from 1936.⁹ I shall explain why I can give only two cheers for the First Amendment as interpreted by your Supreme Court from 1964 when *New York Times v Sullivan*¹⁰ was decided.

A half century ago I had the privilege of meeting Justice Hugo Black in his chambers, at the suggestion of his sister-in-law, Virginia Durr. We met soon after he had publicly affirmed his belief that all state libel laws were unconstitutional. He confirmed that opinion, producing his pocket copy of the First Amendment to remind me of its literal command: "Congress shall **make no law** ... abridging the freedom of speech, or of the press."

I had the *chutzpah* to ask Justice Black if he would permit any public interest exceptions to the First Amendment to promote consumer protection or health care, or a level playing field in labor disputes, or to protect against unwarranted media intrusion on private life and personal privacy. He eyed me warily.

Continued on page 7

DC Conference Stats ...

- 2,513 delegates — second highest number of delegates to an AEJMC conference. Record attendance was 2,657 at the DC conference in 2007.
- 1,600 delegates preregistered online with new WuFoo form
- 1,816 papers submitted
- 899 papers accepted — highest number of papers ever accepted
- 5,917 weekly reach — of the AEJMC Facebook page for the week of the conference.
- 1,947 unique downloads of the conference app — the third year delegates had a conference app containing the program, hotel floor plans, lists of exhibitors, etc.
- 2,808 tweets issued — by conference attendees the week of the conference through the #AEJ13 hashtag.
- 5,850 Twitter followers — received tweets through the AEJMC Twitter feed during the conference.

AEJMC members are encouraged to apply for their passports now to attend our Montreal, Canada, Conference next Aug. 6-9.

For more information, go to <http://travel.state.gov/passport/>

FROM THE PRESIDENT



By Kyu Ho Youm
2012-13 AEJMC President
University of Oregon
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We Need to Work on the Visibility and Impact of Our Scholarship

"Unfortunately," I stated in my platform in 2010 as a vice presidential candidate, "the number of refereed AEJMC journals on SSCI (Social Science Citation Index) is lower than it should be.... We can no longer ignore this at a time when we must prove the value of our scholarship beyond our own environs." Indeed, an AEJMC task force in 2006 noted a critical need for the association's journals to be indexed in major citation services.

Our journals' inclusion in SSCI will help them further globalize their manuscript submissions. A case in point is *Mass Communication and Society*, the SSCI-indexed journal of AEJMC's Mass Communication & Society Division. In his "Editor's Note" for *MCS*, Stephen Perry, Illinois State, said early this year: "The primary authors on 34% of this year's manuscript submissions were from outside the USA with Korea being the most common country from which a submission originated."

Another tangible impact of SSCI listing on a JMC journal is the significant increase in manuscript submissions. Some researchers submit manuscripts largely because the journal of their choice appears in the SSCI listing. The *Asian Journal of Communication* credits the jump of about 30% in submissions to the immediate impact of its SSCI indexing.

Eddie Kuo, Nanyang Technological University, founding editor of *AJC*, has noted the better quality of manuscripts as a result of placing *AJC* on SSCI. He said *AJC* is prioritized by universities and individual scholars as an "accredited" publication.

Like many other AEJMC members, Benjamin Detenber, director of the NTU Wee Kim Wee School of Communication and

Information, wants to see more AEJMC journals in SSCI, since the more AEJMC journals are a part of SSCI, the better it represents our organization's scholarship.

What can be done about our journals' possible citation in SSCI? To begin with, AEJMC should approach the SSCI status of its journals as a pressing issue. And we should use the Council of Communication Associations' years of experience and knowledge of SSCI in addressing our JMC journals' challenge. CCA has played a significant role in placing communication journals in SSCI. Linda Putnam, UC-Santa Barbara, chair of the CCA Task Force on NRC Recognition, has noted that CCA has 73 journals included in the Communication Journal of Citation Reports, an increase of 20 journals during her work for CCA with SSCI.

Second, AEJMC journals will benefit enormously from involving their publishers in pursuing SSCI indexing. Patrick Fallon, managing editor for Communication and Media Studies at Taylor & Francis, emphasized his company's efforts to place journals in SSCI and its collaboration with CCA in identifying SSCI issues facing JMC journals. Lee Wilkins, Wayne State, editor of *Journal of Mass Media Ethics*, said Taylor & Francis was eager to help with her journal's SSCI application in its data collection and paper work.

Third, journal editors' and journal editorial board members' active role cannot be overemphasized. For example, Lee had pushed for *JMME* to be indexed by SSCI before she took over the journal as editor. Lee said, "Getting indexed was a goal of mine going into the [JMME] editorship."

Last but not least, the AEJMC Publications Committee, in cooperation with SAGE as our journal publisher, might pay closer attention to how to make the journals more relevant, visible and influential globally. I am gratified that SAGE is already exerting a positive impact on *Journalism & Mass Communication Quarterly* (and others journals') citations.

Few discerning AEJMC members will dismiss the real and perceived impact of SSCI on our journals. "SSCI serves as sort of a 'seal' to guarantee the quality of scholarship," said a prolific Korean communication scholar in Seoul with years of teaching and research in the United States. I do agree with the scholar. And we need to act on what to do in ensuring that SSCI will index *Journalism & Mass Communication Educator* and *Journalism & Communication Monographs* (JMCQ is already in SSCI)—soon. It is better to be on SSCI than off it. With good reason.

Thankful for the Honor of Serving AEJMC

My medical treatment prevented me from attending the DC Conference on Aug. 8-11. I regret being a conspicuous "no-show" at the Conference as President.

Nonetheless, I was so happy that the 2013 Conference was a great success, as the statistics on p. 1 show. At the DC Conference, President-elect Paula Poindexter was installed as the new President. She is a dynamic leader with a multitude of ideas for our organization. She deserves support from all of us.

Meanwhile, I am truly thankful for the rare privilege and honor of having served AEJMC this past year. I look forward to returning to being a regular AEJMC member and remaining engaged in the organization as it moves forward.

AEJMC Officer Nominations Now Open

It's time to call up the next team of AEJMC's leaders.

This year AEJMC will again use an online process for nominating candidates for the association's top leadership positions. The Nominations and Elections Committee invites nominations, including self-nominations, for the vice presidency and for open seats on our elected standing committees. Nominations must be posted by **Friday, Oct. 18**; the election (also online) will take place in the spring of 2014.

All current AEJMC members will receive an email with a link to the online nominations form in mid-September.

The committee will review nominations and select a final slate of candidates. Two candidates will be selected to run for the office of vice president, with the winner serving as vice president in 2014-15, becoming president-elect in 2015-16, and AEJMC president in 2016-17. Our current president-elect, Elizabeth Toth of Maryland, will move up next year to the presidency, and current vice president, Lori Bergen of Marquette, will move up to president-elect.

As you consider people to suggest, keep in mind that the following individuals already continue on one of our elected standing committees. Please do not re-nominate them or anyone from the same school for that particular committee.

Committee on Professional Freedom & Responsibility (three open seats)

Continuing Members: Kathy Bradshaw, Bowling Green State (2015); Hong Cheng, Virginia Commonwealth (2015); Dean Kruckeberg, North Carolina Charlotte (2015); Tony Fargo, Indiana (2016); Lee Hood, Loyola Chicago (2016); Amy Weiss, San Diego State (2016).

Committee on Research (3 open seats)

Continuing Members: Bonnie Brennen, Marquette (2015); Cory Armstrong, Florida (2015); Jisu Huh, Minnesota (2015); David Perlmutter, Texas Tech (2016); Carolyn Byerly, Howard (2016); Shannon Bowen, South Carolina (2016).

Committee on Teaching (3 open seats)

Continuing Members: Linda Aldoory, Maryland (2015); Amy Falkner, Syracuse (2015); Chris Roush, North Carolina Chapel Hill (2015); Charles Davis, Georgia (2016); Leslie-Jean Thornton, Arizona State (2016); Catherine Cassara, Bowling Green State (2016).

Publications Committee (3 open seats)

Continuing Members: Ted Glasser, Stanford (2015); Joe Phelps, Alabama (2015); Louisa Ha, Bowling Green State (2015); Maria Len-Rios, Missouri (2016); Michael Sweeney, Ohio (2016); Jane Marcellus, Middle Tennessee State (2016).

AEJMC Representative (1 open seat)

Continuing representatives: Don Grady, Elon (2015); Carol Pardun, South Carolina (2015); Caryl Cooper, Alabama; (2016)

All AEJMC members are invited to post nominations. Nominees should be AEJMC members in good standing with the time and resources required to perform committee functions and travel to the conventions and meetings.

Members of the Nominations and Election Committee are Ann Hollifield, Georgia (chair); Deb Aikat, North Carolina Chapel Hill; Carolyn Stroman, Howard; Susan Keith, Rutgers; J. Brian Houston, Missouri; Greg Lisby, Georgia State; and Jon Marshall, Northwestern. The committee will consider all nominations as it works to develop a diverse slate of candidates.

Please make your nominations as soon as possible, but no later than Oct. 18.

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in Journalism and Mass Communication
www.aejmc.org

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the editor's views or the association's policies.

Pub Committee Seeks Applicants for *J&MCQ* Editor

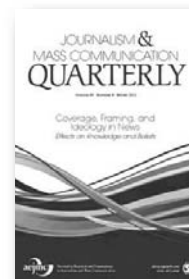
Applications and nominations are being taken for the editorship of *Journalism & Mass Communication Quarterly* effective Oct. 1, 2014. In order to maintain an open and fair editorship selection process, the AEJMC Publications Committee is calling for applications and nominations. Nominees will be contacted and asked to submit applications. All applicants will be considered for the position. Editors are appointed for four-year terms (pending membership approval of change from three- to four-year terms).

Responsibilities include the prompt processing of all manuscripts submitted to *Journalism & Mass Communication Quarterly* (either by solicitation or on speculation); coordinating four issues per year; handling all correspondence relative to the publication; cooperating with the AEJMC Central Office on business and budget matters affecting the journal; reporting to and working with the Publications Committee on the continuous development of the journal; and preparing an annual report. The editor will work with the production and promotion representatives of the publisher. The editor receives an annual honorarium of \$10,000.

Applicants and nominees must be AEJMC members in good standing. They should also be able to write and edit clearly and concisely; have an understanding and appreciation of a broad range of research methods; have extensive knowledge of the literature of mass communication; and be housed in a department or school that is eager to cooperate in this publishing venture with special reference to such considerations as office space, travel, use of equipment and provision of student and/or staff assistance. The Publications Committee expects the editor to comply with the graphic design standards established for all official AEJMC publications.

Nominations must be **received by Sept. 25**, via email to Julie Andsager, Publications Committee chair, at julie-andsager@uiowa.edu. Nominees will be contacted and asked to provide complete applications, as described below.

A letter of application, a complete vitae, a letter of support from a department head and/or dean, a four- to five-page vision statement for the journal, a list of five references and other supporting data should be compiled in a single PDF and must be **received by Oct. 15**, via email, to julie-andsager@uiowa.edu. Initial inquiries may be made by calling Jennifer McGill at 803-798-0271. AEJMC is an EO/AA Employer.



Applications Sought for *JCM* Editorship

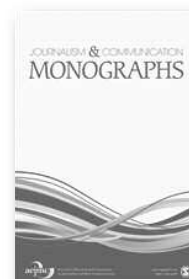
Applications and nominations are being taken for the editorship of *Journalism & Communication Monographs* effective Oct. 1, 2014. In order to maintain an open and fair editorship selection process, the AEJMC Publications Committee is calling for applications and nominations. Nominees will be contacted and asked to submit applications. All applicants will be considered for the position. Editors are appointed for four-year terms (pending membership approval of change from three- to four-year terms).

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Tankard Award Will Again Recognize Best Contribution to Journalism/Mass Comm Scholarship

The Standing Committee on Research invites nominations for the 2014 Tankard Book Award. Authors who are AEJMC members as of **Nov. 13** may self-nominate any first-edition scholarly monograph, edited collection or textbook published in 2013 that is relevant to journalism and mass communication. (The copyright MUST be 2013.) Nominated books may be co-authored or co-edited and must be well-written and break new ground. Nominations are due **Wednesday, Nov. 13**.

The three finalists will discuss their works at an awards panel at the 2014 AEJMC Montreal, Canada, Conference. Following the discussion, the 2014 Tankard Book Award winner will be announced. Finalists must agree to be present at the Tankard panel and register for the AEJMC conference. Finalists will be notified by early June 2014.

To nominate a title for the 2014 Tankard Book Award, submit the following to Jennifer McGill, AEJMC, 234 Outlet Pointe Blvd., Columbia, SC 29210-5667, for receipt by **Nov. 13**:

- (1) a nomination letter that includes the book's title, author(s) or editor(s), copyright date, publisher, ISBN and an explanation of the book's contribution to the field of journalism and mass communication;
- (2) the author's mailing address, telephone number, and email address;
- (3) specific language stating "As the author/editor of this title nominated for the 2014 Tankard Book Award, I guarantee that if my book is chosen as a finalist, I will attend the Tankard Book Award panel at the 2014 AEJMC Conference in Montreal, Canada, as a registered participant"; and
- (4) six copies of the book to be considered for the award. Six copies of publisher's page proofs may be submitted, but *only* if the book will be in print by Dec. 31 and will carry a 2013 copyright. Entries that are not in print by Dec. 31 will be disqualified.

Given the large number of nominations each year, only complete nomination packets will be considered. The Standing Committee on Research reserves the right not to present the award in any given year. First presented in 2007, the award is named in honor of Dr. James Tankard, Jr., posthumous recipient of AEJMC's 2006 Eleanor Blum Distinguished Service to Research Award, former editor of *Journalism Monographs* and long-time University of Texas at Austin journalism professor. Queries about the award should be directed to the chair of the award committee, Tori Ekstrand, University of North Carolina Chapel Hill, at torismit@email.unc.edu.



Tom Mascaro, Bowling Green State, received the 2013 James Tankard Book Award Aug. 8 at AEJMC's Washington, DC, Conference for his book *Into the Fray: How NBC's Washington Documentary Unit Reinvented the News* (2012, Potomac Books).

Nominations Sought for Deutschmann Award

The Paul J. Deutschmann Award for Excellence in Research recognizes a body of significant research over the course of an individual's career. The award is named in honor of Paul J. Deutschmann, who developed the College of Communication Arts at Michigan State University.

The Deutschmann Award is not necessarily given every year, but nominations received by **Nov. 15** will be considered for a 2014 award. Nomination packets should include a letter describing the nominee's contributions in the area of the award, the nominee's C.V. and at least five additional letters of support (preferably more) from colleagues who can attest to the candidate's qualifications for the award. Nominators should represent a range of institutions and perspectives on the nominee's accomplishments.

Previous recipients include 2013 Lee Becker, Georgia; 2011 Sharon Dunwoody, Wisconsin-Madison; 2010 Stephen Lacy, Michigan State; 2009 David Weaver, Indiana; 2007 Guido H. Stempel, III, Ohio; and 2005 Donald L. Shaw, North Carolina Chapel Hill.

Nomination letters and packets for the Deutschmann Award should be sent to Cory Armstrong, College of Journalism and Communications, University of Florida, P.O. Box 118400, Gainesville, FL 32611.

Please direct any questions to Armstrong at 352-392-0847 or carmstrong@jou.ufl.edu.

SE Colloquium Invites Authors to Submit

Authors and scholars are invited to submit research papers and panel proposals for the annual AEJMC Southeast Colloquium, scheduled for March 20-22, 2014, at the University of Florida in Gainesville, Florida.

Research papers: Authors should submit each paper as an email attachment (documents may be submitted in the following formats: Word, PDF) directly to the paper chairs listed below for each division by no later than **5 p.m. EST Dec. 9**. In the body of the email, authors must provide the title of the paper, and the name, affiliation, address, office phone, home phone, fax and email address for each author. Students and faculty should indicate their status for consideration of faculty and student top paper awards. Do not include any author identifying information on any page of the attached paper submission. Authors also should redact identifying information from the document properties. On the cover page of the attached paper, only the title of the paper should appear. Following the cover page, include a 250-word abstract. Length of papers should not exceed 30 pages including references and tables (50 pages for Law and Policy papers).

Law and Policy Division, Michael Martinez, mtmartinez@utk.edu

History Division, Erika Pribanic-Smith, epsmith@uta.edu

Magazine Division, Erin Coyle, ekcoyle@lsu.edu

Electronic News Division, Travis Bell, trbell@usf.edu

Newspaper and Online News Division, Matt Haught, mjhaught@memphis.edu

Open Division, Dana Rosengard, drosengard@suffolk.edu

The author of each accepted paper (at least one author in the case of a coauthored paper) must present the paper at the colloquium or it will not be listed in the final program. Acceptance and/or submission of papers to colloquium paper competitions does not prevent authors from submitting to AEJMC divisions for the national convention. Complete contact information and a complete list of (all) authors must be submitted with other material (and on deadline) or a paper will be disqualified. For online instructions on "how to submit a clean paper" for blind review see this link. Authors of accepted papers will be notified by early February 2014.

Panel proposals: Panel proposals should be submitted to Kim Walsh-Childers at kwchilders@jou.ufl.edu by **Dec. 9** and should include a brief description of the panel along with proposed panelists. Proposals should not exceed three double-spaced pages.

Electronic News Division Honors Davie with 2013 Bliss Award

William R. (Bill) Davie, University of Louisiana at Lafayette, has been named recipient of the 2013 Edward L. Bliss Award for Distinguished Broadcast Journalism Education. The award is presented annually by AEJMC's Electronic News Division to recognize significant and lasting contributions to the field in the areas of teaching, scholarship and service. This year's award ceremony was held Aug. 10 at the National Association of Broadcasters Headquarters in Washington, DC, during AEJMC's Conference and marked the 30th year that the award has been given.

Davie is the coordinator of the Mass Communication/Broadcast program and holds the BORSF Regents Professorship in Communication. He has served as the head of AEJMC's Radio-Television Journalism Division, now the Electronic News Division, as well as chair of the Broadcast Education Association's News Division. He has co-authored two textbooks, *Principles of Electronic Media* (with Jim Upshaw) and *Communication Law* (with Dom Caristi), in addition to papers and articles that he authored or coauthored on related subjects. In 2012, his students' radio production "Louisiana Focus" was named the Best All-Around Newscast in the 2012 SPJ Mark of Excellence Awards. Another of his students placed first in Radio News competition in the Southeast Journalism Conference.

"Bill Davie deserves this recognition," said T. Michael Maher, head of the University of Louisiana at Lafayette's Department of Communication. "He has written nationally distributed textbooks on broadcasting and media law; he is a well-published scholar who has held national leadership roles in scholarly organizations; and his undergraduate and graduate students have distinguished themselves at the highest levels of competition."

Edward L. Bliss Jr. was a long-time writer, producer and editor for CBS News, who was known for his work with Edward R. Murrow and Walter Cronkite. Bliss ended his career as an educator at American University, which now houses the plaques bearing the 30 award winners' names.



Davie

Lord Lester Address

Continued from page 1

Raising his powerful voice, he said: “You must be at Harvard Law School, and taught by Paul Freund.” I admitted that to be the case. “I thought so,” he retorted. “Well, do you know that Paul Freund omitted to include my dissenting judgment in *Beauharnais v Illinois*¹¹ in his constitutional law casebook?”

I firmly denied this, but as I recently discovered in preparing this lecture, that Justice Black was right. Professor Freund’s casebook¹² contained the Opinion of the Court delivered by Justice Felix Frankfurter, and extracts from dissenting opinions, but, as the casebook’s editors stated, it omitted the separate dissenting opinion by Justice Black and Douglas. I should have known better than to question a Supreme Court Justice.

In *Beauharnais* the majority of the Court, led by Justice Frankfurter, upheld the constitutionality of a statute under which criminal punishment was inflicted on *Beauharnais* for group libel in causing the distribution of pamphlets in Chicago advocating racial segregation in Illinois. Justice Frankfurter treated libelous utterances as being outside the boundaries of the First Amendment. In his dissent, Justice Black described the statute as involving state censorship, and criticized the majority of the Court for “giving libel a more expansive scope and more respectable status than it was ever accorded even in the Star Chamber.”

Hugo Black’s opinion won the argument in *New York Times v Sullivan* and well beyond. During the oral hearing, he questioned Herbert Wechsler as to whether he agreed with the majority in *Beauharnais*;¹³ but Justice Brennan’s judgment distinguished *Beauharnais* without expressly over-ruling it. Justice Black considered that the majority had not gone far enough. He joined Justice Douglas in stating: “We would more faithfully interpret the First Amendment by holding that at the very least it leaves people and the press free to criticize officials and discuss public affairs with impunity.” According to that view, even a deliberately malicious and false attack on the reputation of a public official would be without legal redress.

My encounter with Justice Black brought home to me not only the full force of his absolutist interpretation of the First Amendment, but also the deep divisions of opinion within the Supreme Court, notably between him and Justice Frankfurter, long before the current abyss dividing a politically motivated and divided Court, exemplified by what happened in *Bush v Gore*.¹⁴

Prior to their revolution against British rule, the American Colonies had adopted the common law of libel. As Justice White observed in his dissenting opinion in *Gertz*,¹⁵ “For some 200 years ... the law of defamation and the right of the ordinary citizen to recover for false publication injurious to his reputation [had] ... been almost exclusively the business of state courts and legislatures.”

Qualified Free Speech

In viewing the Supreme Court’s recent First Amendment jurisprudence as I do, through a glass darkly, I reflect the different values on my side of the Atlantic. Like you, we have a vibrant culture of liberty. But as part of our idea of liberty we value not only free speech but also respect for personal privacy, and protection for a good reputation. The writings of Milton, Wilkes, Paine and Mill are part of our common constitutional heritage, but we are not dogmatic in our commitment to free speech. We recognize that it is not an absolute right but is qualified by the need to respect the rights of others.

We do not have the benefits and burdens of a written constitutional code protecting fundamental human rights and freedoms as the supreme law of the United Kingdom, but we do have the Human Rights Act 1998 which gives direct legal effect to the fundamental rights pro-

tected by the European Convention on Human Rights as interpreted by the supra-national European Court of Human Rights and British courts.¹⁶

The European Convention protects the fundamental human rights and freedoms of 800 million inhabitants of the forty-seven member states of the Council of Europe. The Convention guarantees the right to free expression as well as to a good reputation and respect for personal privacy. Those rights and freedoms are qualified rather than absolute.

Our legal and political system has been greatly influenced by the Convention and its jurisprudence in interpreting these rights and freedoms and attempting to strike a fair balance between them. Only half a century ago, free expression was well recognized in the U.K. as a vital political value but not as a constitutional legal right. In terms of the law, free expression was what was left after the positive criminal and civil restraints on free expression had been given effect – restraints imposed by the laws regulating defamation, blasphemy, contempt of court, including so-called “scandalizing the judiciary,” national security, confidential information, and respect for personal privacy.

Our system did not give sufficient weight to free expression. But when the Human Rights Act was introduced, instead of welcoming its protection of free speech, sections of the British media lobbied unsuccessfully for a complete immunity because they feared that it would result in the legal protection of personal privacy against media intrusion.¹⁷ They have been strongly opposed to the Human Rights Act ever since, especially as our Courts have developed a right of personal privacy relying upon the Convention.¹⁸ That would be anathema to Justice Black because the Convention requires a fair and proportionate balance to be maintained between the competing rights to free expression, reputation, and personal privacy.

I used the Convention and *Sullivan* in the European Court of Human Rights and English courts to develop a positive right to free expression under our common law. But although I had some real success, I realized that there were limits to what could be achieved incrementally, case by case. Coherent law reform is better achieved through codification by Parliament rather than haphazardly and piecemeal through individual court cases. And because of the constitutional separation of powers there are limits to the proper role of judges as lawmakers except incrementally when the political branches are unable or unwilling to use their powers,¹⁹ and where new rules and procedures are needed in the digital age of publication via the world wide web.

The situation cried out for legislation. Despite the progress we had made through the use of the European Court and *Sullivan* in particular, the common law still had a notoriously chilling effect on free expression. Legal protection of reputation was so heavily weighted against free speech in my country that many foreign claimants with little connection with England decided to travel to Britain to have their claims adjudicated here, rather than in their home country.

One well-known victim of “libel tourism” was Dr. Rachel Ehrenfeld, the author of *Funding Evil: How terrorism is financed – and how to stop it*. Her book, published in New York, argued that money from drug trafficking and wealthy Arab businessmen was funding terrorism. The book made serious allegations against the Saudi billionaire, Khalid bin Mahfouz, including channeling money to Al Qaeda.

It was published in hard copy and the first chapter was available online at ABCNews.com. Twenty-three copies were sold in Britain via the internet. The ABCNews.com posting meant that it could be downloaded in the U.K. Mahfouz and his two sons sued in London and obtained summary judgment for £10,000 for each of the claimants plus their legal costs.

The case provoked an understandable outcry in your country. New York State passed the Libel Terrorism Protection Act declaring foreign libel judgments unenforceable unless the foreign law provides the defendant with the same First Amendment protection as are available in New York. Other states followed suit, and President Obama gave his

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approval to the so-called “SPEECH Act,”²⁰ making foreign libel judgments unenforceable in the United States unless they are compatible with the First Amendment.

It was no easy project to legislate after several centuries of case law, and our Parliament had only made minor changes throughout the last century. It required me to think carefully about what is best left to the courts and what to the legislature. Helped by the Libel Reform Campaign of free speech NGOs,²¹ and by legal experts in this complex area of the law,²² I introduced a Private Member’s Bill immediately after the Coalition Government was formed.

Defamation Act 2013

My Bill was well received,²³ and the Government introduced its own draft Bill, much of which was similar to my Bill.²⁴ A Joint Committee of both Houses of Parliament scrutinized them.²⁵ The Government took stock and published the actual Defamation Bill.²⁶

The Bill was carefully scrutinized in both Houses. It was enacted as the Defamation Act 2013 some three months ago²⁷ and will come into force by the end of the year.

The new Act does not adopt *Sullivan* by reversing the burden of proof, because it was widely felt that to do so would be unfair to claimants. But the Act does much to reform the law in favor of freedom of speech.

It creates a new “serious harm” test that must be met before defamation proceedings may proceed, as well as a requirement that corporate claimants must show actual or likely financial loss.²⁸ It replaces the common law defences of justification and fair comment, with more clearly defined defences of truth²⁹ and honest opinion.³⁰

The new defence of honest opinion accords with the Supreme Court’s statement in *Gertz* that “there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas. But there is no constitutional value in false statements of fact.”

The Act includes an important new public interest defence that reflects the importance of editorial discretion. The touchstone is the public interest.³¹ It makes it a defence in an action for defamation for the defendant to show that the statement complained of was on a matter of public interest, and that the defendant reasonably believed that it was in the public interest. In determining whether it was reasonable for the defendant to believe that publishing the statement was in the public interest the court is required to make appropriate allowance for editorial judgment.

The government refused to codify the so-called *Derbyshire* principle, established in a case in which I defended *The Sunday Times* and its editor, Andrew Neil. The government considered it better to leave it to the courts to apply the principle case by case. In *Derbyshire*, a County Council sued for libel to vindicate its so-called governing reputation. The newspaper had questioned the propriety of investments made by the Council. The case provided an opportunity to seek to persuade our courts to strike a better balance between the right to free speech and the right to the protection of a good reputation.

What was unusual about the *Derbyshire* case was that, instead of the Council’s elected leader and officers suing, the claim was brought only on behalf of the Council, no doubt because the Council rather than the individual public officers would have to bear the legal costs if the claim failed.

The Council relied upon existing case law that had established that local authorities were entitled to sue for libel. In a previous notori-

ous case,³² Mr. Campion had been sued by the Bognor Regis Urban District Council for distributing a leaflet at a local ratepayers association meeting robustly attacking the Council. He defended himself in person. The trial judge found in the Council’s favor and awarded it damages of £2000 and costs, and Campion was ruined.

In *Derbyshire*, the Court of Appeal over-ruled *Campion’s* case and decided³³ that a local authority does not have the right at common law to maintain an action for damages for defamation to vindicate its governing reputation. It did so mainly by reference to *Sullivan* and to Article 10 of the European Convention even though the Convention had not at that stage been given legislative effect in English law.

The House of Lords held on appeal³⁴ that it is of the highest public importance that a democratically elected governmental body should be open to uninhibited public criticism, and that, since the threat of civil actions for defamation would place an undesirable fetter on freedom to express such criticism, it would be contrary to the public interest for institutions of central or local government to maintain an action for damages for defamation. Lord Keith of Kinkel referred to Chief Justice Thompson’s judgment for the Supreme Court of Illinois in *City of Chicago v Tribune Co*,³⁵ endorsed in *Sullivan*, and said this:

While these decisions were related most directly to the provisions of the American Constitution concerned with securing freedom of speech, the public interest considerations which underlaid them are no less valid in this country. What has been described as “the chilling effect” induced by the threat of civil actions for libel is very important. Quite often the facts which would justify a defamatory publication are known to be true, but admissible evidence capable of proving those facts is not available. This may prevent the publication of matters which it is very desirable to make public.

So government bodies cannot now sue for libel to vindicate their governing reputations, but they may sue for the separate tort of malicious falsehood, on proof of actual malice or reckless disregard of truth. That is close to *Sullivan* and its original rationale, but, unlike *Sullivan*, it applies only to the government body itself, and not to individual public officers suing to vindicate their own public reputations.

The *Derbyshire* case greatly interested Anthony Lewis and Justice Brennan. Lewis referred³⁶ to “the wonderfully poetic nature of the civil alternative the judges offered to the council: to bring an action for malicious falsehood.” Justice Brennan wrote to me³⁷ “it was most gratifying to see the reference to the *New York Times v Sullivan*.”

To return to the Defamation Act, it also introduces a new defence for website operators hosting third party defamatory content. We await the internet regulations that will flesh out the way this will operate.³⁸ This involves very difficult issues.

The European regulatory system does not give complete immunity to internet service providers. The E-Commerce Directive³⁹ is a compromise between the American absence of legal restraint and China’s state controls within its firewall. How can we encourage search engines like Google and Yahoo not to practise unnecessary censorship? How can we fashion protection and remedies against unwarranted invasions of personal privacy or defamation? Is it impossible and misconceived to attempt to regulate social media? These are problems that cannot be solved by any one country. Communication via the worldwide web is intended to be worldwide.

The new Act also updates occasions protected by statutory qualified privilege for fair and accurate reporting,⁴⁰ removing unnecessary restrictions, as well as providing additional protection for articles in peer-reviewed academic publications so that they can impart opinions freely, without fear, for example, of reprisal from drug companies they may view in their professional opinion to be worthy of criticism.⁴¹

The Act introduces a single publication rule to prevent action being taken against the publication of the same material by the same publisher after a year from the date of first publication.⁴² It also introduces measures to protect foreign defendants from inappropriate actions brought in London.⁴³ It restricts the use of juries in most cases,⁴⁴ a reform that is supported by the media. Less popular with the media, it empowers the courts to order a summary of their judgments to be published,⁴⁵ and to make orders for the removal of defamatory statements from websites.⁴⁶

There will be new procedure for the early resolution of key issues, to be introduced along side other procedural measures aimed at capping costs and better case management. These reforms are vital to ensure access to justice and equality of arms between the strong and the weak.

Challenges with Enactment

A difficult problem has arisen since the enactment of the Defamation Act. We do not have a federal system of government. Under our system of devolved government, the Westminster Parliament may legislate in this area for England and Wales, but not for Scotland and Northern Ireland to whose governments and legislatures public power has been devolved. Defamation law is a devolved subject.

Scotland's government has adopted some very limited aspects of the legislation,⁴⁷ and Northern Ireland's coalition government of opposing parties⁴⁸ has indicated that it has no plans to review the law of defamation, apparently under the influence of a libel lawyer who encourages litigants from the USA and would like to make Belfast capital for libel lawyers and wealthy claimants.⁴⁹

The law of defamation in Northern Ireland has never before been detached from that in England and Wales. It is ironical that the DUP, committed to keeping Northern Ireland within the U.K., should decide to sever Northern Ireland from England and Wales in this area of law. During a brief debate in the House of Lords in June,⁵⁰ reference was made to the view of a senior Belfast lawyer⁵¹ who wrote this:

The refusal of the Northern Ireland Executive to extend to Northern Ireland the remit of the Defamation Act, and the legal clarity and free speech protection it brings, is quite simply unjustifiable. Why should the citizens and journalists of Northern Ireland not be afforded the same protection as those in the rest of the United Kingdom, whether they are expressing opinions online or holding government to account? Why, as the rest of the United Kingdom embraces the digital revolution, should Northern Ireland be confined by archaic and unfocused freedom of expression laws, some of which were conceived when computing was in its infancy?

The development of a dual defamation system may also have consequences extending across the Irish Sea. Publishers and broadcasters may be forced to sanitize their once uniform national output lest they fall foul of the antiquated laws still operating in Belfast. Investigations in the public interest which concern well-funded organizations will effectively be subject to censorship by the back door, as regional publications will be unable to report on matters for fear of court action in this libel-friendly, free speech limiting UK outpost.

This impasse undermines the very essence of the new statutory scheme, fashioned with such care and democratic scrutiny. Unless there is a political solution, it will mean that the media, publishing across the U.K., will have to comply with the antiquated common law and its chilling effects in Northern Ireland and modern statute law in England and Wales. Publishers cannot choose to publish only in England and Wales,

and the Northern Ireland judiciary will be faced with intractable problems in reconciling the situation with the right to free speech, protected by the Human Rights Act and the Northern Ireland Act.

The Secretary of State for Northern Ireland has the power to require the devolved executive to introduce legislation to comply with the Convention right to free speech, but is understandably hesitant about using this power.⁵²

You do not have that problem, because your Supreme Court has fashioned a federal rule, in *Sullivan* overriding State libel legislation, old and new. State legislatures lack the power to rebalance, as our Parliament has done, the protection of a good reputation and the freedom of speech, except in accordance with the rulings of the Supreme Court.

However, there is vigorous political debate in Northern Ireland about whether to introduce matching legislation, and it remains to be seen whether the problem will be resolved politically.

That is not the only political problem that has arisen. Just when we thought the Defamation Bill would become law, it was almost stifled at birth. The Prime Minister, the Rt. Hon. David Cameron MP, had ordered a public inquiry by a Court of Appeal judge, Lord Justice Leveson, into the culture, practice and ethics of the press⁵³ in the wake of the revelations of the phone hacking scandal, when it emerged that *The News of the World* had engaged in illegal phone hacking on an industrial scale for many years.

The Leveson report was published in November 2012.⁵⁴ It was not concerned with defamation law. The abuses it examined were about gross invasions of privacy, including telephone hacking and illegal surveillance by journalists (but not abuses by lawyers, police officers, or government agencies).⁵⁵ At the centre of the inquiry was the ineffectiveness of the Press Complaints Commission in providing redress for victims or maintaining professional standards of journalism. Leveson sought to meet the need for a better independent system of self-regulation in which there would be greater public confidence.

Unfortunately, the Leveson inquiry over-reached itself and opened the way for intrusive and punitive statutory regulation. Instead of encouraging effective self-regulation, it united press opposition to much needed reform, and polarized the mutual hostility of bruised politicians and newspaper bruisers. It was a classic example of overkill – in Justice Frankfurter's phrase in a free speech case, an example of burning the house to roast the pig.⁵⁶

Leveson recommended:

- financial penalties to be inflicted on publishers, large and small, for failure to join the new system of regulation;
- a narrowing of the exemptions from data protection law for investigative journalism;
- strong powers of interference by the new regulator, including a power to direct the nature, extent and placement of apologies, and to impose financial sanctions of up to 1% of turnover, with a maximum of £1 million on any subscriber found to be responsible for serious and systemic breaches of the standards code or governance requirements of the regulator;
- an arbitral process in relation to civil legal claims against subscribers which would be fair, quick and inexpensive, inquisitorial and free for complainants to use. The arbitrator would have the power to dispense with hearings;
- exemplary damages (renamed punitive damages) to be available against non-members of the scheme, for actions for breach of privacy, breach of confidence and similar media torts, as well as for libel and slander.

Long before the report was published, Lord McNally, the Minister in charge of the Defamation Bill in the House of Lords, had made clear his determination that the Bill would not sink under the tsunami of Leveson. His hopes were almost dashed when the House of Lords voted for amendments to the Defamation Bill to coerce the government to

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implement Leveson by statute.⁵⁷ The Bill was taken hostage, and there was a real risk that it would be shelved. The Prime Minister, the Rt. Hon. David Cameron, shared the hostility of the press to any form of statutory regulation.

The three political parties had protracted talks, involving the press, and the powerful, celebrity-led pro-Leveson lobby group *Hacked Off*, that resulted in amendments to two other Bills,⁵⁸ and the creation of a Royal Charter to recognize the regulator. The Royal Charter is to appoint a recognition panel to give legal recognition to an independent regulator which fulfills the criteria set out in the Leveson Report. It is a convoluted way of avoiding direct statutory under-pinning.

This botched and cumbersome outcome has been condemned across the world,⁵⁹ and there is nothing like it in any modern democracy. I agree with those who have advised⁶⁰ that its punitive sanctions would be unlikely to pass muster in our courts or the European Court of Human Rights.⁶¹

The Press Standards Board of Finance has published an alternative charter,⁶² and the Privy Council will have to decide whether to approve either charter.⁶³ Leading newspaper publishers have also now proposed⁶⁴ the creation of an Independent Press Standards Organisation (IPSO) to investigate poor journalistic practices, to stand up for those who suffer as a result of those practices, and to enforce large fines when appropriate. Further consultation will follow, and it would be hazardous to predict the outcome.

Only Two Cheers

I must now explain why I give only two cheers for the way in which the First Amendment has been interpreted since the Supreme Court ruled in *Sullivan* that Alabama libel law (similar in many ways to English common law) was unconstitutional.⁶⁵

Sullivan was no ordinary libel case involving a dispute between two private parties. The alleged libel concerned alleged misconduct in his public office by Police Commissioner Sullivan in policing civil rights demonstrations in Alabama. The Supreme Court ruled that the First Amendment, as applied through the Fourteenth Amendment, protected the *New York Times* from being sued in a state court for making false defamatory statements about the conduct of a public official, because the statements were not made with knowing or reckless disregard for the truth. In effect the Supreme Court recognized that the private law tort of defamation of Alabama and every other state had to be viewed through different spectacles in a public law context to give much wider freedom to political speech.

That was the way the rationale of *Sullivan* was interpreted by Justice Harlan, in his dissenting opinion in *Curtis Publishing Co. v Butts*,⁶⁶ by Justices Marshall and Stewart in their joint dissenting opinion in *Rosenbloom v Metromedia, Inc.*,⁶⁷ and by Justice White, in his dissenting opinion in *Gertz v Robert Welch, Inc.*,⁶⁸ that is, to require proof of actual malice or reckless disregard of truth because of the fact that the libel concerned the performance by a public officer of his public functions.

That constitutional rationale of *Sullivan* was clear and convincing, but it became blurred and confusing when federal and state courts applied the rule not only to public officials but also to a bewildering variety of so-called “public figures” in the world of entertainment and beyond. This process began with the Supreme Court decision about Wally Butts, athletic director of the University of Georgia.⁶⁹ Under New York State law, the test of those who have taken steps to attract public attention has extended to a belly dancer;⁷⁰ a woman who billed herself as a “stripper for God”;⁷¹ and a restaurant with a drag queen cabaret,

where female impersonators are both waiters and performers and customer participation contributes to the entertainment;⁷² and where a federal Court of Appeals decided that a dolphin trainer was a public figure.⁷³ It is difficult to understand why the reputation of these non-governmental actors should be virtually unprotected as a matter of First Amendment doctrine simply because they are public entertainers.

The *Time Inc.*⁷⁴ case is also deeply troubling. A majority of a divided Supreme Court there applied the *Sullivan* rule to conclude that the protection of free speech by the First Amendment completely barred a claim of unwarranted media intrusion on the private lives of ordinary citizens – the Hill family – falsely depicted in a *Life* magazine article that irresponsibly violated respect for their private lives and personal privacy.⁷⁵ James Hill, his wife, and their five children were held hostage for 19 hours by three escaped convicts. The family became swept up in publicity and moved house to escape the limelight. Their ordeal was portrayed in a novel and a play and *Life* published an article echoing the novel’s inaccuracies. *Life* described the play as a re-enactment, and used as illustrations photographs of scenes staged in the former Hill home.

Mrs. Hill experienced a mental breakdown after the piece was published. The Hill family sued under a New York statute that provided for liability where published statements placed someone in a “false light.”

The New York courts upheld the claim, but the Supreme Court reversed it. Former President Richard Nixon argued the case for the Hill family. Anthony Lewis recalls⁷⁶ that what happened then inside the Court was a secret until the appearance in 1985 of a book by Bernard Schwartz, *The Unpublished Opinions of the Warren Court*. Schwartz’s account, taken from the papers of retired Justices, has not been challenged. An initial conference resulted in a vote of 6 to 3 to affirm the judgment in favor of the Hill family. However, the appeal was argued again, and the Court decided, by 5 votes to 4, against Mr. Hill’s privacy claim.

The opinion of the Court was given by Justice Brennan, who said, applying *Sullivan*, that the New York privacy statute could not be used to award damages for false reports on matters of public interest in the absence of proof that the defendant published the report with knowledge of its falsity or in reckless disregard of the truth.

It made no difference to the majority that the Hill family were private individuals and entirely blameless, and that they did not choose to become involved. Justice Brennan explained that

Exposure of the self to others in varying degrees is a concomitant of life in a civilized community. The risk of this exposure is an essential incident of life in a society which placed a primary value on freedom of speech and press.... We have no doubt that the subject of the *Life* article, the opening of a new play linked to an actual incident, is a matter of public interest.... We create a grave risk of serious impairment of the indispensable service of a free press if we saddle the press with the impossible burden of verifying to a certainty the facts associated in news articles with a person’s name, picture or portrait, particularly as related to nondefamatory matter.

Four Justices dissented.⁷⁷ I find Justice Harlan’s opinion wholly persuasive. He wrote that

[T]here is a vast difference in the state interest in protecting individuals like Mr. Hill from irresponsibly prepared publicity and the state interest in similar protection for a public official. In *New York Times* we acknowledged public officials to be a breed from whom hardness to exposure to charges, innuendoes, and criticisms might be demanded and who voluntarily assumed the risk of such things by entry into the public arena. But Mr. Hill came to public attention through an unfortunate circumstance not of his making

rather than his voluntary actions and he can in no sense be considered to have “waived” any protection the State might justifiably afford him from irresponsible publicity. Not being inured to the vicissitudes of journalistic scrutiny such an individual is more easily injured and his means of self-defense are more limited.... [A] State should be free to hold the press to a duty of making reasonable investigation of the underlying facts and limiting itself to “fair comment” on the materials so gathered.... A constitutional doctrine which relieves the press of even this minimal responsibility in cases of this sort seems to me to be unnecessary and ultimately harmful to the permanent good health of the press itself.

It is difficult to see how unwarranted media intrusion into the private lives and homes of ordinary citizens is justified when the only rationale for the story is that it entertains the public. Samuel Warren and Louis Brandeis derived the constitutional right to personal privacy partly from English equitable principles.⁷⁸ The *Hill* majority decision is at odds with those principles and with the law of many other common law countries.⁷⁹

Viewed through British eyes, it also seems unfair in the context of defamation to place the burden on the plaintiff in a non-public-figure case of public concern to carry the burden of proving that the publisher was negligent, as in *Gertz*.⁸⁰ And it does not enhance legal certainty to have to identify whether the plaintiff is a public figure, a limited purpose public figure, or a private figure where there is no matter of public concern.

To understand the American Supreme Court’s jurisprudence on defamation and privacy better I consulted the Second Restatement of the Law of Torts⁸¹ on defamation and privacy. A Special Note on defamation there explained⁸² that

Here, one court, the Supreme Court of the United States has the final word, and its decision is binding on all state courts as a matter of constitutional law. ...[T]he Institute has deferred as long as feasible the restatement of the chapters on defamation, in the hope that new decisions of the Supreme Court would settle uncertain issues. In the decade since the *New York Times* case, the Court was struggling to determine and set forth the evolving constitutional law on the subject. With the decision in *Gertz* ... a good number of the uncertainties were clarified, and the process of restatement has been able to proceed with more assurance. When a particular constitutional question was not specifically covered by decisions or language of the Court, resort has been had to extrapolation of the principles stated in or deduced from the existing decisions. To the extent that this was not possible a caveat has been used.

In the chapter on invasion of privacy, the Second Restatement observed⁸³ that the full extent of the authority of *Time Inc* “is presently in some doubt” because of the possible effect of *Gertz*, and the lack of authority on the extent to which common law and statutory restrictions and limitations on actions for defamation are equally applicable when the action is for invasion of privacy by publicity given to falsehoods concerning the plaintiff.

I read some 250 pages of the Second Restatement to seek enlightenment, but, like its authors, I found the relevant law uncertain and obscure. Thirty-six years since the Second Restatement was published, the Supreme Court has still not had occasion to settle several important uncertain issues or to rationalize the jurisprudence.

I wonder too about the *institutional* competence of the Supreme Court, or any court, to pre-empt State legislation in such sweepingly broad terms rather than to adjudicate on a concrete cause or controversy. I wonder whether a court can obtain the necessary information

and expertise. The effect of the Supreme Court’s decisions in *Sullivan* and its progeny makes it impossible for lawmakers in the fifty states to rebalance defamation law as we have done in Parliament.

There are other ways in which the Supreme Court’s interpretation of the First Amendment differs markedly from British courts, in allowing both too much and too little protection to expression.

In *Brandenburg v Ohio*,⁸⁴ a Ku Klux Klan leader denounced blacks and Jews at a rally. He said: “Personally, I believe the nigger should be returned to Africa, the Jew returned to Israel.” The Supreme Court reversed his conviction. To pass muster under the First Amendment, a conviction must be for advocacy directed to “incitement or producing imminent lawless action,” and be “likely to produce such action.”

Anthony Lewis observed⁸⁵ that,

In an age when words have inspired acts of mass murder, it is not easy to believe that the only remedy for evil counsels, in Brandeis’s phrase,⁸⁶ should be good ones. The law of the American Constitution allows suppression only when violence or violation of law are intended and are likely to take place imminently.... I think we should be able to punish speech that urges terrorist violence to an audience some of whose members are ready to act on the urging. That is imminence enough.

That approach would surely strike a better balance than exists under prevailing American constitutional doctrine. It would presumably include not only speech that urges terrorist violence but also speech that urges violence against a racial or religious minority, exemplified by the malevolent antics of Pastor Terry Jones in publicly burning copies of the Qur’an in Florida in the certain knowledge that it would provoke violence across the Muslim world.

In the *Citizens United* case,⁸⁷ a majority of the Supreme Court decided that the First Amendment prohibits the government from restricting independent political expenditure by corporations and trade unions. That decision and its consequences in your Presidential elections strike overseas observers as bizarre and an affront to basic democratic principles.⁸⁸ Justice Holmes famously said,⁸⁹ echoing John Stuart Mill, “the best test of truth is the power of the thought to get itself accepted in the competition of the market.” But that assumes that the market has not been distorted by the wealthy.

The majority ruling in *Holder v Humanitarian Law Project*⁹⁰ negated the very essence of First Amendment protection in the context of national security and terrorism. Humanitarian Law Project is a human rights and peace organization dedicated to using international human rights law and humanitarian law to resolve conflicts peacefully. It sought to teach the Kurdistan Workers’ Party how to file human rights complaints with the United Nations and to conduct peace negotiations with the Turkish Government, and to teach the Liberation Tigers of Tamil Eelam how to present claims to international bodies for tsunami-related relief, to provide legal expertise on peace negotiations with the Sri Lankan government, and to teach general political advocacy skills.

The Supreme Court upheld the constitutionality of the relevant provisions of the PATRIOT Act⁹¹ and gave an expansive meaning to the term “material support” for foreign terrorist organizations depriving them of access to independent legal advice and expertise.

There cannot be unitary theory of freedom of expression, nor can there be an organizing principle to answer all free speech questions, many of which are fact-sensitive in situations where context is everything. But I hope that the way in which our government and Parliament have sought to reform our civil law of defamation might interest jurists, scholars and media law reformers in your country, even though they are prevented by First Amendment rulings from making similar reforms.

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To conclude: judgments of the Supreme Court have lost persuasive influence in Europe and beyond during recent decades. Its judgments have made libel law all but useless to victims of seriously harmful libels and have denied constitutional protection to the victims of gross media intrusion on private lives. They have made it impossible for the states to rebalance their libel laws as we have done, because the constitutional reach of *Sullivan*, *Gertz* and *Hills* forbids state action

that would give greater protection to reputation or personal privacy. They have removed restrictions on campaign spending designed to promote a level playing field, while permitting sweeping restrictions on free speech in the context of national security.

That is why I, like most in the Older World, can give only two cheers to the First Amendment as it is currently interpreted. My old friend and colleague Floyd Abrams would not agree, preferring the near-absolutism of Hugo Black's reading of First Amendment to ours.⁹² But I remind myself of Learned Hand's famous speech on the spirit of liberty given in 1944: "The spirit of liberty," he declared, "is the spirit that is not too sure that it is right." Surely that is also the spirit that should inform the way the First Amendment is given effect.

NOTES

- ¹ The author wishes to thank Joanna Dawson for her assistance in preparing this paper.
- ² See obituary in *New York Times*, by Lincoln Caplan, May 12, 2012.
- ³ See obituary in *New York Times* by Adam Lipnak, May 25, 2013; and David Cole, *On Anthony Lewis*, *New York Review of Books*, May 9, 2013.
- ⁴ Ronald K.L. Collins & Sam Chaltain, *We Must Not Be Afraid to be Free: Stories of Free Expression in America*, Oxford Univ. Press (2011), 38.
- ⁵ *Gitlow v New York*, 268 U.S. 652 (1925).
- ⁶ *Whitney v California*, 274 U.S. 357 (1927).
- ⁷ Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment*, Random House (1991).
- ⁸ *Freedom for the Thought that We Hate* (2007).
- ⁹ E.M. Forster, *Two Cheers for Democracy* (1951) – the title of his collection of essays composed after 1936.
- ¹⁰ 376 U.S. 254 (1964).
- ¹¹ 343 U.S. 250 (1952).
- ¹² *Constitutional Law: Cases and Other Problems*, Paul A Freund, Arthur Sutherland, Mark DeWolfe Howe, and Ernest Brown. Little Brown, 1954. For Justice Black's views before *Sullivan*, see *Justice Black and the First Amendment "Absolutes": A Public Interview*, in *One Man's Stand for Freedom, Mr. Justice Black and the Bill of Rights*, ed. Irving Dillard, Alfred A Knopf (1963).
- ¹³ Anthony Lewis, *Make No Law*, 134.
- ¹⁴ 531 U.S. 98 (2000).
- ¹⁵ *Gertz v Robert Welch, Inc.*, 418 U.S. 323 (1974), at 369-70.
- ¹⁶ The Northern Ireland, Scotland and Government of Wales Acts enacted in 1998 before the Human Rights Act came into force require the devolved legislative and executive institutions to act in accordance with the Convention rights.
- ¹⁷ Breach of confidence had been interpreted as protecting Dr. Abernathy's hospital lectures (*Abernathy v Hutchinson*, 9 L.J. Ch.209), Prince Albert's etchings (*Albert (Prince) v Strange* (1848) 2 De G. & Sm. 652), the secrets of Margaret, Duchess of Argyll's marriage bed (*Argyll v Argyll* [Duke] [1967 Ch. 392]), and Cabinet discussions (*Attorney-General v Jonathan Cape Ltd.* [1976] QB 752). However, in *Kaye v Robertson* [1991] F.S.R. 62, where there had been a gross intrusion by the media on a patient in hospital, the Court of Appeal decided that there was no enforceable civil right to personal privacy in English law, while regretting the failure of the common law and statute to protect the personal privacy.
- ¹⁸ See Lester, Pannick & Herberg, *Human Rights Law and Practice*. LexisNexis (3d ed. 2009), paragraphs 4.8.32-4.8.38.
- ¹⁹ See Lester, *English Judges as Lawmakers*, (1993) Public Law, 269-90.
- ²⁰ Securing the Protection of our Established and Enduring Constitutional Heritage Act.
- ²¹ English PEN, Index on Censorship, Article 19, and Sense about Science.
- ²² The Rt Hon Sir Brian Neill and Heather Rogers QC.
- ²³ The Bill had its Second Reading debate on July 9, 2010: Hansard HL July 9, 2010 Col 423.
- ²⁴ Draft Defamation Bill Consultation, March 2011 Cm 8020.
- ²⁵ Joint Committee on the Draft Defamation Bill Report, Session 2012-2013 HL Paper 203 HC 930-I
- ²⁶ www.parliament.uk/bills/2012-13/defamation.html
- ²⁷ It received Royal Assent on 25 April 2013.
- ²⁸ Section 1.
- ²⁹ Section 2.
- ³⁰ Section 3.
- ³¹ Section 4.
- ³² *Bognor Regis Urban District Council v Campion* [1972] 2 QB 169.
- ³³ [1992] QB 770.
- ³⁴ [1993] AC 534.
- ³⁵ (1923) 139 N.E. 66.
- ³⁶ Letter of February 25, 1992.
- ³⁷ Letter of March 25 1992.
- ³⁸ Section 5.
- ³⁹ Directive 2000/31/EC
- ⁴⁰ Section 7
- ⁴¹ Section 6
- ⁴² Section 8
- ⁴³ Section 9
- ⁴⁴ Section 11
- ⁴⁵ Section 12
- ⁴⁶ Section 13

⁴⁷ Sections 6 and 7(9) conferring qualified privilege on academic and scientific peer reviewed journals and conferences. The Legislative Consent Memorandum (Motion S4M-04380) through which these provisions were adopted concluded: "In light of the fact that there has been no requirement identified for reform of the law of defamation in Scotland and that the wider body of Scots law on defamation appears robust enough for present purposes, it is not proposed that the Legislative Consent Motion should seek to extend any further changes to Scotland other than the limited scientific and academic related provisions."

⁴⁸ The Democratic Unionist Party and Sinn Féin.

⁴⁹ The Finance and Personnel Committee of the Northern Ireland Assembly are currently taking evidence on the Defamation Act: www.niassembly.gov.uk/Assembly-Business/Committees/Finance-and-personnel/Minutes-of-evidence

⁵⁰ HL Hansard, June 27, 2013, GC330-346.

⁵¹ Paul McDonnell, a partner in the law firm, McKinty and Wright.

⁵² The U.K. Government has indicated that it is reluctant to use its existing powers to intervene in the matter, despite its obligation to secure to everyone in its jurisdiction the Convention rights and freedoms: HL Hansard, June 27, 2013 GC330 – 346.

⁵³ www.levesoninquiry.org.uk

⁵⁴ An inquiry into the culture, practices and ethics of the press: report [Leveson] TSO 2012.

⁵⁵ The European Court of Human Rights recently held that the state surveillance of journalists for the purposes of identifying sources of leaked sensitive information violated Articles 8 & 10 of the Convention: *Telegraaf Media v Netherlands* (App. no 39315/06).

⁵⁶ *Butler v Michigan* 352 U.S. 380, 383 (1957).

⁵⁷ HL Deb, 5 February 2013, Vol. [743] Col 140-171

⁵⁸ Enterprise and Regulatory Reform Act 2013, section 96; Crime and Courts Act 2013, sections 34-42. The Crime and Courts Act 2013 provides for a punitive regime of costs and damages for newspapers unwilling to comply with the scheme, and the Enterprise and Regulatory Reform Act provides that any future attempt to amend the Royal Charter must have parliamentary approval.

⁵⁹ Editorial, *New York Times*, March 20, 2013; World media condemns attack on press freedom *The Times*, March 22, 2013.

⁶⁰ Legal opinion by David Pannick QC, Anthony White QC & Desmond Browne QC, commissioned on behalf of the newspaper industry, quoted in *The Times*, February 21, 2013.

⁶¹ The press have put forward their own Royal Charter for consideration by the Privy Council, the body responsible for overseeing the operation of Royal Charters. This alternative plan has been criticized as being insufficiently independent of the industry in terms of oversight and appointments. The government is currently considering the alternative Charter before deciding how to make progress with its own scheme: HL Hansard, July 1, 2013, col. 975.

⁶² privycouncil.independent.gov.uk/wp-content/uploads/2013/05/press-standards-board-of-finance-ltd-petition-and-draft-charter.pdf

⁶³ See HL Hansard, July 3, 2013 Cols 1212-1215

⁶⁴ July 8, 2013: www.newspapersoc.org.uk/08/jul/13/independent-press-standards-organisation. See also *IPSO proposal an opportunity to break Leveson deadlock* Padraig Reidy, Index on Censorship 9 July 2013: www.indexoncensorship.org/2013/07/ipso-proposal-an-opportunity-to-break-Leveson-deadlock

⁶⁵ The defamation section of Alabama's codes was derived from previous versions originating in the 1852 Alabama "Slave Code". I am grateful to Blakeley L Beals, Legal Research Librarian, Bounds Law Library, University of Alabama School of Law, Tuscaloosa, Ala., for his assistance in providing historical texts.

⁶⁶ 388 U.S. 130, 153 (1967)

⁶⁷ 403 U.S. 29 (1971).

⁶⁸ 418 U.S. 323, 387 (1974).

⁶⁹ *Curtis Publishing Co v Butts*, 388 U.S. 130 (1967)

⁷⁰ *James v Gannett Co.*, 40 N.Y.2d 415 (1976).

⁷¹ *Evarts v Downey*, 16 Media L. Rep. 2449 (Sup. Ct. King's Cty (1989).

⁷² *Themed Restaurants, Inc. v Zagat Survey, LLC* 4 Misc. 3d 974 (Sup. Ct. N.Y. Cty, 2004).

⁷³ *Fitzgerald v Penthouse Int'l Ltd*, 691 F. 2d 666, 8 Media L. Rep. 2340 (4th Cir. 1982).

⁷⁴ *Time Inc. v Hill*, 385 U.S. 374 (1967).

⁷⁵ See Anthony Lewis, *Make No Law*, Chapter 17; *Freedom for the Thought that We Hate* (2007), 62-70.

⁷⁶ Loc.cit.

⁷⁷ Justice Harlan, Justice Fortas, Chief Justice Warren, and Justice Clark.

⁷⁸ See Warren and Brandeis, "The Right to Privacy". 4 Harv. L. Rev 193 (1890).

⁷⁹ Article 8 ECHR provides that:

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

See for example: *Von Hannover v Germany* (2005) 40 EHRR 1; *Campbell v Mirror Group Newspapers* [2004] UKHL 2 AC 457; *Murray v Express Newspapers plc* [2008] EWCA Civ 446; *Mosley v UK* (App no 48009/08).

⁸⁰ *Gertz v Robert Welch Inc*, 418 U.S. 323 (1974).

⁸¹ Adopted and promulgated, May 19, 1976, American Law Institute Publishers, 1977, with an introduction by Herbert Wechsler, the advocate for the *New York Times* in *Sullivan*. Paul Freund was an adviser to the section on defamation.

⁸² 152

⁸³ §652E, 398-399.

⁸⁴ 395 U.S. 444 (1969).

⁸⁵ *Freedom for the Thought that We Hate: A Biography of the First Amendment* (2008), 166-67.

⁸⁶ *Whitney v California*, 274 U.S. 357, Brandeis J concurring at 374-78 (1927).

⁸⁷ *Citizens United v Federal Election Commission*, 558 U.S. 310 (2010).

⁸⁸ The European Court of Human Rights recently held that a UK law prohibiting the broadcasting of political advertising did not violate the right to freedom of expression guaranteed by Article 10: *Animal Defenders International v UK* (App no 48876/08).

⁸⁹ *Abrams v United States*, 250 U.S. 616 (1919).

⁹⁰ 561 U.S. – (2010).

⁹¹ 18 U.S.C. section 2339B.

⁹² Floyd Abrams, *Friend of the Court: On the Front Lines with the First Amendment* (2013), *passim*.

AEJMC Leadership through the Years

As our centennial celebration comes to a close, we conclude our honoring of AEJMC's leadership from the past. Our former presidents have guided us well during the past century, each bringing his/her unique skills and ideas into play as our association has grown and prospered.

"We need to be rigorous about stressing character and ethics in all courses, not just the dedicated ethics course. Beyond the abstract concepts, we need to teach students in practical ways that these values are essential to them for their own personal and professional success."

—Mary Alice Shaver, Central Florida University, AEJMC president in 2004-05 (*AEJMC News*, March 2005, p. 2)



Shaver

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"AEJMC can only be successful if we have a committed and active membership. This has always been the key strength of our organization. There has never been a more important time for what we teach and what we research."

—Jan Slater, University of Illinois, AEJMC president in 2010-11 (*AEJMC News*, January 2011, p. 3)



Slater

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"I can think of nothing more important to each of us than efforts to ensure a central and meaningful role for journalism and mass communication within higher education."

—Judy VanSlyke Turk, University of South Carolina, AEJMC president in 1994-95 (*AEJMC News*, March 1995, p. 2)



Turk

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"Journalism and mass communication education continues to thrive in the Internet age. Many programs have realized that the Internet offers great opportunities to demonstrate their value by concentrating on the areas in which we have traditionally been strong: the teaching of writing, editing and design. The medium may have changed, but the concepts behind the content remain basically the same."

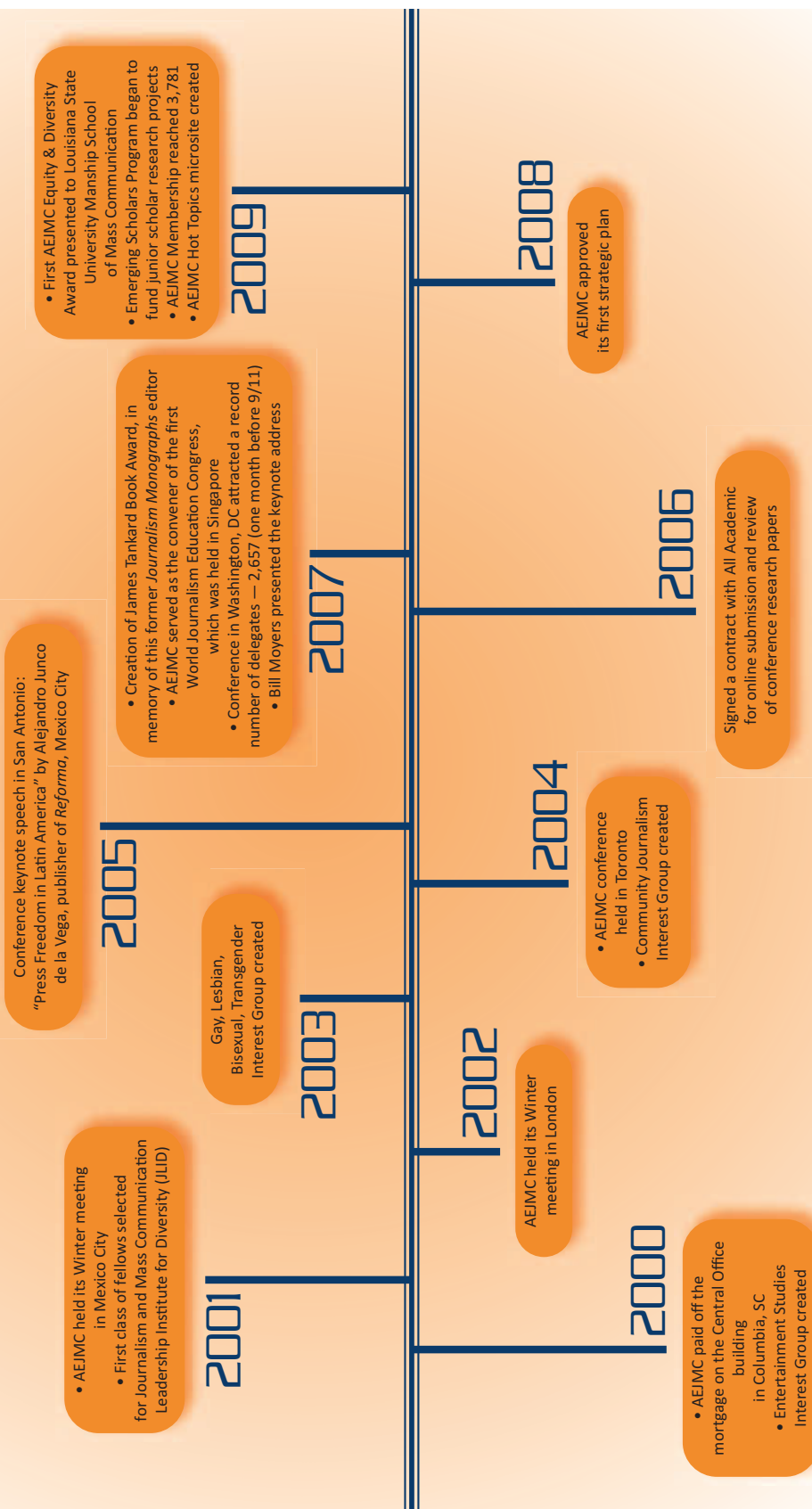
—Wayne Wanta, University of Missouri, AEJMC president in 2006-07 (*AEJMC News*, May 2007, p. 2)



Wanta

aejmc through the years

AEJMC 2000-09



[Information from AEJMC Executive Committee and Board of Directors minutes, and AEJMC Executive Director reports.]

AEJMC 2010 & BEYOND

aejmc through the years

- First conference micro-site created for the Denver Conference
- AEJMC started a Twitter feed
- Sports Communication Interest Group created
- Political Communication Interest Group created
- Communicating Science, Health, Environment & Risk Division created

2010

- AEJMC turns 100 years old
- A year-long centennial celebration kicks off at the August Chicago Conference
- Centennial website created (www.aejmc100.org)
- Sage Publications begins publishing AEJMC's 3 official journals, with content available online immediately upon publication
- First Dorothy Bortles Public Service Award presented
- In November, more than 70 schools around the world had birthday cake to celebrate the association's founding

2012

- First conference mobile app created for St. Louis Conference, which was downloaded to 1,500 devices
- Sampe Howard Foundation funded a program to provide summer visits to media outlets
- Five "Ideas Summits" were held with industry professionals in Dallas, San Diego, Chicago, St. Louis and Washington, D.C. The conversations focused on ways to better prepare students for the changing landscape in JMC industries
- Centennial Fundraising Campaign kicks off in August
- AEJMC unveils its new logo (shown right)

2011



- First AEJMC Senior Scholars named
- AEJMC Twitter Feed goes to more than 5,567 people a day
- Two-year Centennial Fundraising Campaign raised \$300,000 for AEJMC new and existing endowments and special projects
- Record paper acceptances for D.C. Conference — 898
- AEJMC First Amendment Summit held
- AEJMC began a Diversity Oral History Project
- Board of Directors approved an October 2015 AEJMC International Regional Conference in Chile

2013

[Information from AEJMC Executive Committee and Board of Directors' minutes, and AEJMC Executive Director reports.]

TEACHING TIPS CORNER



By Charles Davis
AEJMC Standing Committee
on Teaching

Dean, Henry W. Grady College of Journalism
and Mass Communication
University of Georgia
cndavis@uga.edu

Transformation Involves Collaboration

As a newly minted dean, I've been on a steep learning curve, one that has me energized and excited as never before. I'm spending a ton of time listening to faculty, students, staff and alums of the Henry W. Grady College of Journalism and Mass Communication at the University of Georgia – and the process serves to remind me anew of how critical the teaching mission of our program remains and of the challenges and opportunities of journalism education in the digital era.

The transformation of our disciplines, fueled by the difficult economic environment and the changes roiling the industries we partner with, offer tremendous opportunities for positive change, but only if we all remain open to experimentation, collaboration and yes, the occasional spectacular failure. It's awfully hard to embrace risk-taking in today's mass media environment, but that's what we must do to remain relevant and take a more central role in the reshaping of our disciplines.

For the past three years, I worked half time for the Provost of the University of Missouri in a unique interdisciplinary program, Miz-zou Advantage. My job title was simple yet evocative: Facilitator. My charge was to explore opportunities to cross disciplines and find external partners for the university to work with. The job was enormously rewarding, and served to provide me with an eye-opening realization. The way forward for journalism education, at least in part, must involve interdisciplinary and external collaboration like never before.

The steps we took towards building an interdisciplinary culture started simply enough. We convened forums for anyone interested in digital media, mass communication, from technologists to empiricists. The turnout was heartening, the conversations stimulating, and from those early efforts, a call for interdisciplinary research proposals generated a number of multidisciplinary teams working on all sorts of fascinating topics, from digital archives to opportunistic discovery of information and communicating science.

Meanwhile, I fanned out across the state, the region and the nation, touring corporate headquarters and labs, attending workshops and seminars and spreading the word that Mizzou sought

partnerships and collaborative projects. Bring us your research questions, I said, asking corporate and government leaders to think of things that keep them up at night.

We began seeing new teams of researchers emerge from such disparate disciplines as engineering, law, art, English, Life Sciences and many, many more. Once the culture began to grow, it seemed like everyone had a research question to explore!

Interdisciplinary collaboration begins beyond the classroom, but quickly begins to influence pedagogy in new and exciting ways. At one of our social gatherings to encourage interdisciplinary networking, a young orthopedic surgeon approached me with an idea to head off ACL injuries in young girls. His grasp of the literature was encyclopedic, and he knew what he wanted to do, but he needed the help of an engineer and some digital journalists to explore it further. I pulled together a team, and now a class is working on designing an interactive video game platform to retrain female athletes in proper jumping kinesiology. This is interdisciplinary research and teaching at its best, presenting students with real-world problems in need of solutions.

It's happening at Grady College as well. Just last week I sat at Turner Entertainment Networks, watching some amazing student presentations from our Advertising and Public Relations students who had been tasked with creating a promotional campaign for a new TBS show set to launch in the fall. I watched, delighted, as Turner execs took furious notes as the students outlined their innovative social media campaign ideas.

For the last two weeks, Grady health and medical journalism students have been featured in the *Athens Banner-Herald*. A team of journalists went to Reno, Nevada, to report on a unique health insurance cooperative being replicated in Athens. The coverage, nuanced and rich with personal detail, brought the subject to life.

Students presented with professional opportunities like these are changed forever. They excel, and by doing so, they work collaboratively with professionals. I'm confident that we'll seek even deeper and more profound collaborations, inside and outside of our walls, because the energy of these projects is contagious.

Take the first steps towards becoming an interdisciplinary teacher. They can be small steps, but each is important and each leads to another. Perhaps you start by seeking a collaborative project with another department on campus. Or it could be something as small as lining up guest speakers from other parts of campus who can lend a fresh perspective. Warning: once you start, it will be hard to stop!

Reynolds Center Seeks Applicants for Business Journalism Fellowships

The Donald W. Reynolds National Center for Business Journalism invites AEJMC members to apply for a four-day seminar on how to teach a college course in business journalism.

The eighth annual Business Journalism Professors Seminar will be held Jan. 2-5, 2014, at Arizona State University's Walter Cronkite School of Journalism and Mass Communication in Phoenix. Limited to 12 prospective professors, the fellowships, valued at \$1,500, cover the full cost of training, lodging, materials and most meals. Fellows must pay only their transportation expenses to Phoenix.

Application deadline is **Nov. 1**.

This seminar will cover the essentials of teaching a hands-on course, including financial, economic and writing aspects. It is an opportunity for prospective business journalism professors to learn from experienced instructors and journalism professionals.

A 2013 participant, Melita Garza of Texas Christian University, said, "This is an outstanding program: It offers constructive ideas that I can immediately apply, and important resources, including colleagues to network with in the future."

The Business Journalism Professors Seminar will be led by award-winning professors and journalists, including James Gentry, Kansas. Gentry received the Barry Sherman Teaching Award from AEJMC.

The selection process is highly competitive, and applicants must supply the following at BusinessJournalism.org:

- Contact information
- A 500-word statement explaining how the seminar will improve their instruction and why they should be chosen
- A resume
- A one-paragraph bio
- A letter of support from their dean or department head recommending the applicant and outlining the program's commitment to offering a course in business journalism.

For more information, email Andrew Leckey, president of the Reynolds Center, at andrew.leckey@businessjournalism.org, or call him at 602-496-9186.

Reynolds Center's New Schedule Offers Free Training

Whether you're looking for training in investigative business journalism, SEC-document digging or social-media sourcing, the Reynolds Center has you covered with its schedule of free training for fall 2013. In addition to live training, you can find help anytime at BusinessJournalism.org, with its free self-guided training, beat basics and daily coverage tips off the news.

Learn in just one hour a day with these free webinars:

- SEC Filings Master Class, Oct. 8-10, with Footnoted.com founder Michelle Leder
- Data Journalism 101, Oct. 22-23, with Pulitzer winner Michael J. Berens of *The Seattle Times*
- Sourcing with Social Media: Tips from a Corporate Sleuth, Nov. 13, with competitive-intelligence expert Sean Campbell
- The Fracking Revolution: Finding Energy Stories Everywhere, Dec. 4, with NPR's Marilyn Geewax.

And don't miss this free workshop:

- Finding Your Best Investigative Business Story, Sept. 28, with Northwestern University Professor Alec Klein

To suggest topics for training or host a workshop, please contact Executive Director Linda Austin at 602-496-9187. You can also sign up for biweekly updates on upcoming free training.

AEJMC's Top Ten in 2013

1. The Washington, DC, Conference featured a record number of accepted papers — 899.
2. The first AEJMC Senior Scholars Research Grants were awarded. This new program is an initiative of the AEJMC Strategic Plan and provides \$4,000 each to two senior faculty projects. We received 15 applications for the program. A call is out for the second year of the program.
3. AEJMC's Centennial Fundraising Campaign met its campaign goal to raise \$300,000 by Sept. 1. AEJMC received donations from 361 individuals, 3 associations, 1 division and 1 bequest. The total raised by July 22 was \$300,231.
4. AEJMC provided Washington, DC, conference travel grants to 25 graduate students. The Research Committee received 114 applications for these grants.
5. AEJMC Diversity Oral History Project — AEJMC began a two-year project at the DC Conference to collect oral histories from the many members who worked through the years to diversify the discipline, the professions and the association.
6. Media Outlets and Social Media Externship Grants — For the third year, AEJMC worked with the Scripps Howard Foundation to offer 6 grants of \$4,000 each for a faculty summer externship to explore how media outlets are using social media. The grants funded a two-week visit to a media outlet for each faculty recipient and a visit by a professional to the faculty's campus. Members visited the *Des Moines Register*, C-SPAN, Scripps Treasure Coast newspapers, KUT Radio in Austin, DNAinfo, and Scripps Networks Interactive/*News Sentinel* (Knoxville).
7. Association's 100th Birthday in November 2012— more than 70 schools around the world celebrated the association's founding with birthday cake. Some 100 AEJMC officers were at the 2012 Winter meeting in Dallas on the founding anniversary — Nov. 30. They celebrated with a dinner, complete with birthday cupcakes and champagne. Six past presidents were present, along with the current president, president-elect and vice president.
8. The AEJMC Board approved an AEJMC International Regional Conference in Santiago, Chile, to take place in October 2015.
9. AEJMC premiered a new online conference registration form for the Washington, DC, Conference, which was used by 1,700 attendees by the early bird deadline. It was the most pre-registered conference delegates to date.
10. AEJMC finished its year-long celebration of AEJMC's 100th birthday. Special conference activities included a performance by "Freedom Sings" at our plenary, a special 1912 exhibit that featured original 1912 magazines, prize give-aways of special commemorative L.L. Bean items, and a "Taste of 1912" break featuring food that began that year.



Deadline Reminder for Research Grant Programs

AEJMC members are reminded of the following deadlines:

Tuesday, Oct. 1, 4:59 PM, EST - deadline for submitting proposals to the Emerging Scholars Program

Monday, Oct. 7, 4:59 PM, EST - deadline for submitting proposals to the Senior Scholar Program

For more information, see the complete call for applicants in the July 2013 issue of *AEJMC News* or on our website, aejmc.org.

Placement Ads

Ad Rates

AEJMC Placement Service ad rates are \$200 for the first 200 words and 25 cents for each additional word.

Ads should be emailed to aejmcnews@aol.com. Type "Newsletter Ad" in the subject line.

Include the name of the contact person with billing information. Schools are billed after publication with tearsheets.

Copy Deadlines

January.....	Dec. 1
March.....	Feb. 1
July.....	June 1
September 15.....	Aug. 1
November.....	Oct. 1

California State Polytechnic University, Pomona, 3801 West Temple Avenue, Pomona, CA 91768.

Journalism, Assistant Professor, Communication Department.

We invite applications and nominations for the position of Assistant Professor of Communication in Journalism. Duties and Responsibilities: Teach undergraduate courses in Journalism that cover print and online beginning, intermediate, and advanced reporting; and some combination of the following: print and online magazine journalism, new media and new technologies, desktop publishing, survey of mass communication, public opinion and propaganda, and additional courses in the candidate's areas of expertise. Position requires excellence in teaching and advising, research and publication, and service to the Department, the College, and the University. Required Qualifications: Ph.D. in Journalism by September 1, 2014. Demonstrated potential for continued scholarly research and publication. Demonstrated ability to be responsive to the educational equity goals of the University and its increasing ethnic diversity and international character. Date of Appointment: Fall 2014. **First consideration will be given to completed applications received no later than October 1, 2013**

and will continue until the position is filled. AA/EOE. An online application process will be used. To apply, please go directly to <https://class.csupomona.edu/apply-online-com-journ>. For any additional inquiries or assistance, e-mail vmkey@csupomona.edu.

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CALIFORNIA STATE UNIVERSITY, EAST BAY Communication Department invites applications for a **TENURE TRACK, ASSISTANT PROFESSOR POSITION IN VISUAL COMMUNICATION**. Successful candidate will have: Ph.D. in Communication, Mass Communication or related field emphasizing Visual Communication as well as professional experience with traditional and/or digital visual production; A strong research program and publication record. Requirements include: Demonstrated ability to teach, advise and mentor students from diverse educational and cultural backgrounds with a focus on visual communication; Visual production and design skills for print and electronic/digital media; Ability to collaborate with faculty, students and staff on productions including the Pioneer Newspaper, Pioneer Advertising Agency, Pioneer Web Radio and TV. **Review of applications begins October 1, 2013.** Submit a letter of application, a complete and current vita, graduate transcripts; copies of major publications; and three letters of recommendation at https://my.csueastbay.edu/psp/pspdb1/EMPLOYEE/HRMS/c/HRS_HRAM.HRS_CE.GBL

CSUEB is an EOE.

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Professor of Practice,
Lehigh University.

The Department of Journalism & Communication invites applications for a **Professor of Practice in Journalism** to begin January 2014 or August 2014, depending on the schedule of the candidate. The professor will teach three courses each semester. One of those courses each semester entails advising the print and digital versions of the campus newspaper, published twice weekly since 1894. **Experience with advising college newspapers is required and experience with design**

and administration of content management systems is a plus. Other courses may include writing for media, editing and reporting.

The candidate should have relevant professional and teaching experience. A relevant Ph.D. or Master's degree is required by appointment start date. This non-tenure-track position has an initial appointment of three years and is renewable upon completion. Salary and benefits are highly competitive.

The department has served a small undergraduate program of superior quality since 1927. It has six full-time and five part-time faculty. With major programs in journalism and journalism/science and environmental writing, it enrolls about 150 majors and minors.

<http://www.lehigh.edu/journalism>

The department is also active in numerous interdisciplinary initiatives in global studies, environmental studies, health, American Studies and more.

Lehigh University ranks 38 among national universities in the 2012 *U.S. News & World Report* ratings and is in the most competitive category in both Peterson's Guide and Barron's Profile of American Colleges. Lehigh is located on a scenic, 1,600-acre campus in historic Bethlehem in eastern Pennsylvania, adjacent to Allentown and Easton, and about one and one-half hours from New York and Philadelphia. The Lehigh Valley is an attractive place to live and work with reasonable cost of living, easy commuting, good schools and abundant cultural activities.

Application requirements can be found at the submission site, Academic Jobs Online:
<https://academicjobsonline.org/ajo/jobs/2666>

The review of applications will begin August 15. Deadline for applications is September 15. Inquiries can be addressed to Professor Jack Lule, Department Chair and Chair of Search Committee, Department of Journalism & Communication: jack.lule@lehigh.edu.

The College of Arts and Sciences at Lehigh University is committed to increas-

ing the diversity of the college community and curriculum. Candidates who can contribute to that goal are encouraged to apply and to identify their strengths or experiences in this area. Lehigh University is an equal opportunity/affirmative action employer and Lehigh offers excellent benefits including domestic partner benefits. Please also see Lehigh Work/Life Balance for Faculty:

http://www.lehigh.edu/~inprv/work_life_balance.html

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Loyola University Maryland — The Department of Communication at Loyola University Maryland (<http://www.loyola.edu/communication>) invites applications for a **full-time, tenure-track position (Assistant Professor) in digital media** for the fall of 2014. Primary teaching responsibilities will be web development and graphics in the department's digital media sequence as well as other courses in a broad-based communication program, oriented primarily toward professional communications disciplines such as journalism, advertising and public relations. Candidates should have professional experience in a communication-related field and a record of, or potential for, outstanding undergraduate teaching. A Ph.D. is required. The successful candidate will be expected to maintain a record of scholarly publication, participate in service activities, be supportive of the university's Catholic/Jesuit mission, teach and advise students. The Communication Department includes specializations in Journalism, Advertising and Public Relations, and Digital Media. The typical teaching load of 6 courses per year is reduced by one course in the first year.

The Department offers undergraduate specializations in Journalism, Advertising/Public Relations, and Digital Media. Courses are taught in state-of-the-art classrooms and laboratories. Loyola offers numerous internal grant programs for research and curricular development, substantial funding of faculty travel, and research leaves for fourth year faculty applying for outside research grants.

Loyola University Maryland is a dynamic, highly selective Jesuit/Catholic institution in the liberal arts tradition and is recognized as a leading independent, comprehensive university in the northeast. Loyola is located in multi-ethnic, cul-

turally dynamic Baltimore in the hub of the New York-Washington media corridor. Loyola enrolls more than 3,700 students in its undergraduate programs and more than 2,300 graduate students. Communication is the most popular undergraduate major.

The Department of Communication seeks a broad spectrum of candidates, including women and people of color. Visit our website to learn more about Loyola's Jesuit identity and commitment to diversity (<http://www.loyola.edu/About/prospective-faculty-and-staff.aspx>).

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Purdue University – Position: Head, Brian Lamb School of Communication

The Brian Lamb School of Communication at Purdue University seeks a senior scholar with strong administrative skills to lead the School in supporting and extending its traditions of excellence in education and scholarship. Named for one of our most distinguished alumni, the Brian Lamb School is at the forefront of communication research and engagement, and is poised to lead the field in the coming years.

The School consists of six interdependent units that address the following areas: health communication; interpersonal communication; organizational communication; media, technology, and society; public relations; and rhetorical studies. The School is dedicated to excellence in graduate and undergraduate education and is home to approximately 100 masters and doctoral students and approximately 650 undergraduate majors. The School has a global reach through its faculty's research and engagement activities, its graduate and undergraduate study abroad programs, and its formal collaborations with universities around the world.

The new Head will serve as the primary advocate for the School. As such, the head will represent students and faculty at the college, university, national and international level, providing vision and leadership in discovery, learning, and service. Management of resources, faculty and staff development, education of students, alumni relations, and continued scholarly research will be ongoing responsibilities for the Head.

The position will be available beginning July 1, 2014 with a five-year renew-

able term, reporting to the Dean of the College of Liberal Arts. Salary will be commensurate with experience and qualifications.

Qualifications

The successful candidate must have leadership experience and an earned doctorate in communication or a related discipline. Broad knowledge of the communication discipline is essential, along with the ability to think creatively about the direction of the Brian Lamb School and to lead it accordingly. The applicant must have a significant record of research and publication that merits appointment at the rank of full Professor with tenure at Purdue University. Strong commitments to academic administration, alumni relations and development, and extramural funding are required.

Application

Interested candidates should submit a letter of application indicating how the above qualifications are reflected in their work experience, a curriculum vitae, 3 references with contact information (postal/e-mail addresses and telephone numbers), and a statement describing the candidate's leadership vision for the School to: Donna Wireman, 2125 Beering Hall, Brian Lamb School of Communication, Purdue University, West Lafayette, Indiana 47907.

Review of applications will begin on November 4, 2013, and continue until the position is filled. A background check will be required for employment in this position.

More information about the Brian Lamb School of Communication may be accessed at <http://www.cla.purdue.edu/communication/>

Purdue University is an Equal Opportunity/Equal Access/Affirmative Action Employer fully committed to achieving a diverse workforce.

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San Diego State University—Assistant/Associate Public Relations Professor, School of Journalism & Media Studies, 2014/2015.

The School of Journalism & Media Studies at San Diego State University invites applications for a tenure-track position in public relations, at the rank of assistant/associate professor.

Continued on page 22

Placement Ads

Continued from page 21

The successful candidate will contribute to the excellence of one of the top-ranked public relations programs in the United States. The ideal candidate will have an established program of research in public relations, with emphasis in any of the following areas: crisis communication, digital/social media, and international public relations. Relevant professional experience in public relations is required. Ability and interest to teach public relations theory and quantitative research methods at the graduate level are required. The ideal candidate will be able to teach across the undergraduate public relations curriculum, including public relations writing (including new media), principles of public relations, applied research in public relations, and public relations campaigns.

Candidates should have a demonstrated commitment to excellence in both teaching and research. An earned doctorate in mass communication, communication, or an allied field is required. Interested candidates should submit a letter of application, vita, transcript or list of all graduate courses taken, and list of three references to: David M. Dozier, Ph.D., PR Search Committee Chair, School of Journalism & Media Studies, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182-4561. **Screening of applications will begin August 15, 2013, and continue until the position is filled, pending funding.**

The successful candidate will become part of a school with 10 tenured and tenure-track faculty, 10 part-time faculty, and more than 600 majors, pre-majors, and graduate students. Undergraduate program areas include advertising, journalism, media studies, and public relations. The School offers a master's degree program in mass communication and media studies. The School is part of the College of Professional Studies and Fine Arts, one of seven colleges that serve a university community of 35,000 students in a fast-growing, culturally rich, metropolitan area with loyal regional base and strong national and interna-

tional relationships. Check the website for more information:
<http://jms.sdsu.edu>.

San Diego State University is an equal opportunity employer and does not discriminate against persons on the basis of race, religion, national origin, sexual orientation, gender, gender identity and expression, marital status, age, disability, pregnancy, medical condition, or covered veteran status.

The person holding this position is considered a "mandated reporter" under the California Child Abuse and Neglect Reporting Act and is required to comply with the requirements set forth in CSU Executive Order 1083 as a condition of employment.

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Trinity University – Strategic Communication (Public Relations/Advertising/IMC) Tenure Track Assistant Professor, Fall 2014, Department of Communication, Trinity University, San Antonio, Texas.

Communication: Trinity University. Tenure Track Assistant Professor of Communication, Fall 2014. Ph.D. required by August start date. Teach six undergraduate classes per year (9 contact hours per semester) with primary teaching responsibilities in the theory and practice of strategic communication (public relations, advertising, integrated marketing communication).

The Department of Communication views strategic communication as the convergence of traditional advertising and public relations functions that encompass four key areas: strategic planning, message creation, tactical implementation, and evaluation. We are seeking an individual with the vision to see the future needs of students in the broad strategic and promotional landscape and create new courses in this area of study.

Candidates would be expected to (a) develop and teach courses in strategic planning, integrated marketing communication tactics, and promotional writing, (b) be active in teaching core communication courses (either Mass Media, Media Interpretation and Criticism, and/or Media Audiences), and (c) contribute to teaching courses in the university's Common Curriculum and/or the university's introductory seminar for first year students. Because our department values the integration of theory and practice, at

least one year of professional experience in strategic communication is strongly preferred.

Trinity University is an independent, highly selective, primarily undergraduate liberal arts and sciences institution with an ideal student-faculty ratio, and excellent facilities, equipment, and services. Embracing the liberal arts and sciences mission of the university, the Department of Communication stresses an integrated, non-sequenced approach to its curriculum. Students in Communication at Trinity build their major upon three core courses: Mass Media, Media Interpretation and Criticism, and Media Audiences. They complete the major by undertaking a Senior Capstone Seminar where they synthesize their understanding of communication theories and practices into a substantial academic, professional, or creative project.

Deadline for receipt of applications is Friday, October 11, 2013. Women, minorities, and applicants who demonstrate substantial interdisciplinary or liberal arts experience at any level are encouraged to apply. Send letter of application, curriculum vitae, three letters of reference, graduate institution transcript(s), a sample of written work, samples of strategic communication, advertising, public relations, and/or IMC syllabi, and teaching evaluations from those courses (if available) to Dr. Jennifer Henderson, Department of Communication, Trinity University, One Trinity Place, San Antonio, TX 78212-7200. Digital submissions in .pdf format preferred to: jennifer.henderson@trinity.edu. EEO Employer.

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Trinity University – Visual Communication Tenure Track Assistant Professor, Fall 2014, Department of Communication, Trinity University, San Antonio, Texas

Communication: Trinity University. Tenure Track Assistant Professor of Communication, Fall 2014. Ph.D. required by August start date. Teach six undergraduate classes per year (9 contact hours per semester) with primary teaching responsibilities in the theory and practice of visual communication.

We are seeking an individual who is student-oriented, understands the broad visual media landscape, and can create new courses in this area of study. Be-

cause our department values the integration of theory and practice, at least one year of professional experience in visual communication is strongly preferred.

Candidates would be expected to (a) develop and teach courses in graphic design and production across media platforms, (b) be active in teaching core communication courses, and (c) contribute to teaching courses in the university's Common Curriculum and/or the university's introductory seminar for first year students.

Trinity University is a highly selective, primarily undergraduate institution with a signature blend of the traditional liberal arts and select professional programs. With only 2500 undergraduate students, an endowment of approximately one billion dollars, and a location in the diverse and emerging world-class city of San Antonio, Trinity provides an extraordinary environment for learning. We have exceptional students in the Communication Department at Trinity, many of whom have presented research papers and won design awards at national conferences such as AEJMC and BEA.

Deadline for receipt of applications is Friday, October 25, 2013. Women, minorities, and applicants who demonstrate substantial interdisciplinary or liberal arts experience at any level are encouraged to apply. Send letter of application, curriculum vitae, graduate institution transcript(s), a sample of written work or visual design, samples of visual communication syllabi and teaching evaluations from those courses (if available) to Dr. Jennifer Henderson, Department of Communication, Trinity University, One Trinity Place, San Antonio, TX 78212-7200. Digital submissions in .pdf format preferred to: jennifer.henderson@trinity.edu. EEO Employer.

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University of Nevada, Las Vegas — Journalism, Assistant Professor.

The University of Nevada, Las Vegas invites applications for a **tenure-track Assistant Professor position in Journalism and Media Studies** (Search Number 14010). Teach courses in the area of new media, social media, online journalism, emerging media technologies, or related area; conduct research in related areas, and participate in university, professional, and community service in a collaborative

environment.

A complete job description with application details may be obtained by visiting <http://jobs.unlv.edu> or calling (702) 895-2894.

EEO/AA Employer

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University of Nevada, Las Vegas — Media Communications, Assistant Professor.

The University of Nevada, Las Vegas invites applications for a **tenure-track Assistant Professor position in Journalism and Media Studies** (Search Number 14012). Teach courses in advertising, public relations, and/or integrated marketing communications; conduct research in any of these areas, and participate in university, professional, and community service in a collaborative environment.

A complete job description with application details may be obtained by visiting <http://jobs.unlv.edu> or calling (702) 895-2894.

EEO/AA Employer

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University of South Carolina — School of Journalism and Mass Communications.

The University of South Carolina's School of Journalism and Mass Communications is searching for **three tenure-track assistant professors** to join the faculty beginning in August 2014. We are looking for candidates interested in approaching journalism and mass communications in interesting new ways.

Candidates must have a master's degree with significant professional experience or a Ph.D. and some industry experience. Candidates should be flexible and willing to work across all sequences (public relations, advertising, journalism and visual communications) and be interested in teaching a variety of undergraduate and graduate courses. The teaching load is 2/2 with the normal expectations of scholarship and service within a flagship research university.

Position 1 — Public Relations and Digital Media

The ideal candidate will have a commitment to teaching and a passion for scholarship in strategic public relations. We are looking for a candidate who has expertise in the strategic planning, monitoring and creative use of digital public relations—content marketing, social, mobile and SEO—in an organizational con-

text. Expertise in social media analytics is highly desired. The ability to teach public relations management, writing, and/or campaigns is a plus, as is the ability to provide social media instruction across the School to address the varied needs of visual communications, advertising and journalism, as well.

Position 2 — Big Data

The ideal candidate should have evidence or promise of research emphasizing the theories and methods of big data, and be able to guide students across the School's journalism and mass communications curricula in the relevant competencies of data mining and big data initiatives. Specifically, the candidate should be able to guide students in the following capacities: 1) identifying and obtaining data that inform journalistic storytelling and/or enhances persuasive communication; 2) cleaning, manipulating, and analyzing data and extracting relevant details and insights using commonly available digital tools; and 3) accurately and clearly presenting the insights obtained through this process.

The candidate should be committed to keeping abreast of innovation in this area and communicating new opportunities and challenges to faculty as well as students. The person filling this position should be experienced in innovative research design, be able to distill insights from secondary data, and be capable of conducting appropriate primary research. Familiarity with complementary research methods is a plus.

Position 3 — Multiplatform Journalism

The ideal candidate will be well versed in the theories, concepts and techniques of multiplatform journalism and interactive storytelling. The ideal candidate will be able to teach a combination of story development, new narrative forms, new workflows, coding for journalists and trans-media production techniques (with special emphasis on mobile platforms and their potential application across journalism and strategic/persuasive communications), balancing practical instruction with conceptual and ethical issues in journalism and storytelling.

The School:

The School of Journalism and Mass Communications currently enrolls approximately 1,500 undergraduates and 60

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AEJMC News

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Suite A
Columbia, SC 29210-5667

Non-Profit Organization
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Permit No. 198



Placement Ads

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graduate students in journalism, advertising, public relations, visual communications and mass communications. The SJMC offers bachelor's and master's degrees in journalism and mass communication and a Ph.D. in mass communication. The faculty consists of a collegial group of researchers and educators with a wide range of backgrounds and interests. For more information, visit the School's website at www.jour.sc.edu.

The University:

The University of South Carolina is classified as a research university with very high research activity. The university is located in South Carolina's capital, a unique, family-friendly city located equidistant from beautiful Atlantic beaches and the historic, rolling Blue Ridge mountains. We are an affirmative action, equal opportunity employer, committed to building a culturally diverse faculty, staff and student body. Minorities and women are encouraged to apply. The University of South Carolina is responsive to the needs of dual career couples.

Application Procedure:

Applications, nominations or questions may be addressed to:

Erik L. Collins, Ph.D., J.D.
Chair – Faculty Search Committee
School of Journalism and Mass Communications

University of South Carolina
Columbia, SC 299208
erik.collins@sc.edu
(803) 777-3310

Applicants should send a letter of application, CV, the names of at least three references and any supporting material they deem appropriate.

The search committee's review of applications will be on a rolling basis and will begin October 1 and continue until the position is filled.

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