

## The Crisis of the Press and Democracy: Saving the Press Function

**Penelope (Penny) Muse Abernathy** is a visiting professor at Northwestern University Medill School of Journalism, Media, Integrated Marketing Communications. While at Medill, Abernathy will collaborate with the school's Local News Initiative and Spiegel Research Center on local news-related projects and research. She delivers presentations and talks at national conferences and writes articles for news outlets and scholarly journals that provide new knowledge on the state of local news. Abernathy, a former executive with The New York Times and Wall Street Journal, was the Knight Chair in Journalism and Digital Media Economics at the University of North Carolina from 2008 to 2020. With more than 30 years of professional experience as a journalist and senior business executive, she specializes in preserving quality journalism by helping news organizations succeed economically in the digital environment. Her research focuses on the implications of the digital revolution for news organizations, the information needs of communities and the emergence of news deserts in the United States.

**RonNell Andersen Jones** is an Affiliated Fellow at Yale Law School's Information Society Project and the Lee E. Teitelbaum Endowed Chair and Professor of Law at the University of Utah S.J. Quinney College of Law. A former newspaper reporter and editor, Professor Jones is a First Amendment scholar who teaches, researches and writes on legal issues affecting the press and on the intersection between media and the courts, with a particular emphasis on the United States Supreme Court. Her scholarship addresses issues of press access and transparency and the role of the press as a check on government. She is also a widely cited national expert on reporter's privilege and newsgathering rights and a regular speaker on emerging areas of social media law. Her scholarly work has appeared in numerous books and journals, including *Northwestern Law Review*, *Michigan Law Review*, *UCLA Law Review*, *Minnesota Law Review*, and the *Harvard Law Review Forum*. She is also a regular public commentator on press freedom issues. Her op-eds have been published in several major news outlets, including CNN and The New York Times, and her research has been quoted in *Newsweek*, the *Washington Post*, the *New York Times* and other national publications.

**Jack M. Balkin** is Knight Professor of Constitutional Law and the First Amendment at Yale Law School. He is the founder and director of Yale's Information Society Project, an interdisciplinary center that studies law and new information technologies. He also directs the Abrams Institute for Freedom of Expression, and the Knight Law and Media Program at Yale. Professor Balkin is a member of the American Academy of Arts and Sciences and the author of over a hundred articles in different fields, including constitutional theory, Internet law, freedom of speech, reproductive rights, jurisprudence, and the theory of ideology. He founded and edits the group blog [Balkinization](#), and has written widely on legal issues for such publications as the *New York Times*, the *New England Journal of Medicine*, the *American Prospect*, the *Atlantic Online*, *Washington Monthly*, the *New Republic Online*, and *Slate*. His books include *Living Originalism*; *Constitutional Redemption: Political Faith in an Unjust World*; *The Constitution in 2020* (with Reva Siegel); *Processes of Constitutional Decisionmaking* (5th ed. with Brest, Levinson, Amar, and Siegel); *Cultural Software: A Theory of Ideology*; *The Laws of Change: I Ching and the Philosophy of Life*; *What Brown v. Board of Education Should Have Said*; and *What Roe v. Wade Should Have Said*.

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**Sandra S. Baron** is a Visiting Clinical Lecturer in Law at Yale Law School. She is the past Executive Director of the Media Law Resource Center (MLRC), a nonprofit membership association for content creators and providers in all media, and for their defense lawyers, providing a wide range of resources on media and content law and policy issues. In addition to private practice, including as an associate at Cahill Gordon & Reindel, Baron has served as Senior Managing Attorney at the National Broadcasting Company, Inc., as Associate General Counsel of the Educational Broadcasting Company, in New York, and the counsel for Public Broadcasting's American Playhouse. She regularly serves on local, state and national bar association media, communications, and internet law committees and is a member of the American Law Institute. She has taught media law to journalism students including as adjunct at CUNY's Graduate School of Journalism, and spoken at numerous forums. She was co-author of the second edition of *Libel, Slander and Related Problems*, and has written articles for MLRC and other publications on media law topics. She received her B.A. from Brandeis University and her J.D. from Columbia University School of Law.

**Emily Bell** is founding director of the [Tow Center for Digital Journalism\(link is external\)](#) at Columbia Journalism School and a leading thinker, commentator and strategist on digital journalism. Established in 2010, the Tow Center has rapidly built an international reputation for research into the intersection of technology and journalism. The majority of Bell's career was spent at Guardian News and Media in London working as an award-winning writer and editor both in print and online. As editor-in-chief across Guardian websites and director of digital content for Guardian News and Media, Bell led the web team in pioneering live blogging, multimedia formats, data and social media, making the Guardian a recognized pioneer in the field.

**Yochai Benkler** is the Berkman Professor of Entrepreneurial Legal Studies at Harvard Law School and co-Director of the Berkman Klein Center for Internet and Society at Harvard University. He has been a leading scholar on the impact of the Internet on the networked economy and society since the 1990s, with a particular focus on commons, cooperation, and decentralization. His books include *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics* (Oxford University Press 2018) and *The Wealth of Networks: How social production transforms markets and freedom* (Yale University Press 2006). His work can be freely accessed at <http://www.benkler.org>. [Google Scholar](#).

**Letrell Deshan Crittenden** is Program Director and Assistant Professor of Communication at Thomas Jefferson University. He previously served as Assistant Professor of Communication at Robert Morris University in Pittsburgh. A former police and government reporter, Dr. Crittenden's research specializes in journalism history, diversity in the media and community journalism. He has also provided citizen journalism training to high school students in the Philadelphia and Pittsburgh areas. These efforts led to the production of two documentaries dealing with high school retention crisis in Philadelphia, PUSHOUTS and PUSHOUTS II.

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**Amy Gajda** is the Class of 1937 Professor of Law at Tulane Law School. Much of her scholarly work draws on insights from her many years as an award-winning journalist and focuses on the shifting boundaries of press freedoms, particularly in light of the digital disruption of traditional media and rising public anxieties about the erosion of privacy. Harvard University Press has published two of her books, and her third book, *The Twisted History of the Right to Privacy*, is under contract with Viking and is slated to be published in Spring of 2022. She is currently serving as an advisor on the American Law Institute's new Restatement on Defamation and Privacy. She has chaired the Association of American Law Schools' Section on Defamation and Privacy and its Section on Mass Communication, and has also led the Law and Policy Division of the Association for Education in Journalism and Mass Communication. At Tulane, she has won the top teaching awards at both Tulane University and Tulane Law School.

**Jamal Greene** is a constitutional law expert whose scholarship focuses on the structure of legal and constitutional argument. He teaches constitutional law, comparative constitutional law, the law of the political process, First Amendment, and federal courts. Greene is the author of the forthcoming book, "[How Rights Went Wrong: Why Our Obsession with Rights is Tearing American Apart](#)" (HMH March 2021). He is also the author of numerous law review articles and has written in depth about the Supreme Court, about constitutional rights adjudication, and about the constitutional theory of originalism, including "[Rights as Trumps?](#)" (Harvard Law Review foreword for the 2017–2018 Supreme Court term), "[Rule Originalism](#)" (Columbia Law Review, 2016), and "[The Anticanon](#)" (Harvard Law Review, 2011), an examination of Supreme Court cases now considered examples of weak constitutional analysis, such as *Dred Scott v. Sandford* and *Plessy v. Ferguson*.

**James T. Hamilton** is the Hearst Professor of Communication and the Director of the Journalism Program. His books on media markets and information provision include *All the News That's Fit to Sell: How the Market Transforms Information into News* (Princeton, 2004), *Regulation Through Revelation: The Origin, Politics, and Impacts of the Toxics Release Inventory Program* (Cambridge, 2005), and *Channeling Violence: The Economic Market for Violent Television Programming* (Princeton, 1998). His most recent book, *Democracy's Detectives: The Economics of Investigative Journalism* (Harvard, 2016), focuses on the market for investigative reporting. Through research in the field of computational journalism, he is exploring how the costs of story discovery can be lowered through better use of data and algorithms. Hamilton is co-founder of the Stanford Computational Journalism Lab, Senior Fellow at the Stanford Institute for Economic Policy Research, affiliated faculty at the Brown Institute for Media Innovation, and member of the JSK Journalism Fellowships Board of Visitors.

**Lina Khan** is an Associate Professor of Law at Columbia Law School. She teaches and writes about antitrust law, infrastructure industries law, the antimonopoly tradition, and law and political economy. Several of her writings have focused on the ways that dominant digital platforms freshly reveal the shortcomings of the current approach to antitrust. Khan's work has been published by the *Columbia Law Review*, *Harvard Law Review*, *The University of Chicago Law Review*, and *The Yale Law Journal*. *The New York Times* has described Khan's scholarship as having "reframed decades of monopoly law," and *Politico* has called her "a leader of a new

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school of antitrust thought.” Her article “Amazon’s Antitrust Paradox” was awarded the 2018 Antitrust Writing Award for Best Academic Unilateral Conduct Article, her article “The Separation of Platforms and Commerce” won the 2019 Jerry S. Cohen Memorial Fund’s Best Antitrust Article on Remedies, and her co-authored article “The Case for ‘Unfair Methods of Competition’ Rulemaking” received the 2020 Antitrust Writing Award for Best General Antitrust Academic Article

**Kate Klonick** joined the St. John’s University Law School in 2018. Klonick's research centers on law and technology, using cognitive and social psychology as a framework. That has led to study in the areas of decision-making, intellectual property, property, communications torts, norms, shaming, and governance. It has also led to interest in robotics, artificial intelligence, and Internet law. Most recently, she has been studying and writing about private Internet platforms and how they govern online speech. Klonick's work has appeared in *The Harvard Law Review*, *The Georgetown Law Journal*, the peer-reviewed *Copyright Journal of the U.S.A.*, *The Maryland Law Review*; and is forthcoming in *The Southern California Law Review* and *Yale Law Journal*. Her research on networked technologies' effect on social norm enforcement, freedom of expression, and private governance has appeared in the *New York Times*, *New Yorker*, *The Atlantic*, *The Guardian*, *Lawfare*, *Slate*, *Vox* and numerous other publications.

**Lyrissa Lidsky** is Dean of the University of Missouri School of Law and Judge C.A. Leedy Professor of Law, and the focus of her research and teaching is the intersection of Tort Law and the First Amendment, with an emphasis on free speech issues in social media. Missouri Lawyers Media named Lidsky its 2020 Woman of the Year based on her scholarship, passion for law, mentorship of students, and engagement of constituencies supporting the school of law. Before becoming dean, Lidsky served in a variety of leadership roles at the University of Florida. There she was associate dean for graduate and international programs and associate dean for faculty development. A prominent Media Law scholar, she is co-reporter on the Restatement of Defamation and Privacy, co-author of a leading Media Law casebook, a First Amendment casebook, and a reference book on press freedom and has published dozens of articles, culminating in her recent article in *California Law Review* titled *Considering the Context of Online Threats*. Her work on anonymous speech has been cited by a number of state supreme courts and the highest courts of Canada and Hong Kong.

**Martha Minow**, 300th Anniversary University Professor, has taught at Harvard Law School since 1981, where her courses include civil procedure, constitutional law, fairness and privacy, family law, international criminal justice, jurisprudence, law and education, nonprofit organizations, and the public law workshop. An expert in human rights and advocacy for members of racial and religious minorities and for women, children, and persons with disabilities, she also writes and teaches about digital communications, democracy, privatization, military justice, and ethnic and religious conflict.

**Rasmus Kleis Nielsen** is Director of the Reuters Institute for the Study of Journalism and Professor of Political Communication at the University of Oxford. He was previously Director of Research at the Reuters Institute and Editor-in-Chief of the [International Journal of Press/Politics](#). His work focuses on changes in the news media, on political communication, and

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the role of digital technologies in both. He has done extensive research on journalism, American politics, and various forms of activism, and a significant amount of comparative work in Western Europe and beyond. Recent books include [The Changing Business of Journalism and its Implications for Democracy](#) (2010, edited with David Levy), [Ground Wars: Personalized Communication in Political Campaigns](#) (2012), and [Political Journalism in Transition: Western Europe in a Comparative Perspective](#) (2014, edited with Raymond Kuhn).

**Jay Rosen** has been teaching journalism at New York University since 1986. He is the author of PressThink, a blog about journalism and its ordeals ([www.pressthink.org](http://www.pressthink.org)), which he introduced in September 2003. In 1999, Yale University Press published his book, *What Are Journalists For?*, which is about the rise of the civic journalism movement during the pre-internet era. In 2017 he became director of the Membership Puzzle Project, funded by the Knight Foundation, Democracy Fund and Luminare. It studies membership models for sustainability in news. Rosen is also an active press critic with a focus on problems in the coverage of politics. On Twitter he is @jayrosen\_nyu

**David A. Schulz** is a Floyd Abrams Clinical Lecturer in Law and Senior Research Scholar in Law at Yale Law School. Currently, he is a Senior Counsel for the Media Practice Group at Ballard Spahr, LLP, a national trial and appellate practice representing news and entertainment media in defamation, privacy, newsgathering, access, intellectual property and related First Amendment matters. He specializes in media law, First Amendment, and intellectual property, and has represented a broad range of media clients, including international newswire services, national and local newspapers, television networks and station owners, magazine and book publishers, cable news networks, and Internet content providers. He also lectures at Columbia Law School and regularly writes and speaks on media law issues. He is a graduate of Knox College, Yale University, and Yale Law School.

**Scott Shapiro** is the Charles F. Southmayd Professor of Law and Professor of Philosophy at Yale Law School. His areas of interest include jurisprudence, international law, constitutional law, criminal law and cybersecurity. He is the author of *Legality* (2011), *The Internationalists* (2017) (with Oona Hathaway) and editor of *The Oxford Handbook of Jurisprudence and Philosophy of Law* (2002) (with Jules Coleman). He earned B.A. and Ph.D. degrees in philosophy from Columbia University and a J.D. from Yale Law School. Shapiro is an editor of *Legal Theory* and the *Stanford Encyclopedia of Philosophy*. He is also the founding director of the Yale CyberSecurity Lab, which provides cutting-edge cybersecurity and information technology teaching facilities. His next book, entitled *Insecurity*, details the history and technology of internet hacking.

**Ben Smith** is the media columnist. He joined The New York Times in 2020 after eight years as founding editor in chief of BuzzFeed News. Before that, he covered politics for Politico, The New York Daily News, The New York Observer and The New York Sun.

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**Geoffrey R. Stone** is the Edward H. Levi Distinguished Service Professor at the University of Chicago. Mr. Stone joined the faculty in 1973, after serving as a law clerk to Supreme Court Justice William J. Brennan, Jr. He later served as Dean of the Law School (1987-1994) and Provost of the University of Chicago (1994-2002). Stone is the author of many books on constitutional law, including the newest *National Security, Leaks and Freedom of the Press* (2021); *Democracy and Equality: The Enduring Constitutional Vision of the Warren Court* (2019); *The Free Speech Century* (2018); *Sex and the Constitution: Sex, Religion and Law from America's Origins to the Twenty-First Century* (2017); *Speaking Out: Reflections of Law, Liberty and Justice* (2010, 2016, 2018); *The NSA Report* (2014); *Top Secret: When Our Government Keeps Us in the Dark* (2007), *War and Liberty: An American Dilemma* (2007), *Perilous Times: Free Speech in Wartime* (2004), and *Eternally Vigilant: Free Speech in the Modern Era* (Chicago 2002). He is also an editor of two leading casebooks, *Constitutional Law* (8th ed. 2018) and *The First Amendment* (6th ed. 2020). Stone is an editor of the *Supreme Court Review* and chief editor of a twenty-five-volume series, of books on constitutional law, title *Inalienable Rights*, which is being published by the Oxford University Press.

**Olivier Sylvain** is a Professor of Law at Fordham University. His research is in communications law and policy. His most recent [popular writing](#), [scholarship](#), and [public speaking engagements](#) are on [liability under the Communications Decency Act](#) and [the social impacts of artificial intelligence](#). A few months ago, the [John S. and James L. Knight Foundation awarded him a grant](#) to support this work. He is a principal investigator, along with a team of telecommunications network engineers and social scientists, in an interdisciplinary National Science Foundation grant project that is prototyping a [community-administered computing network in West Harlem](#).

**Steve Waldman** is the President and Co-Founder of Report for America, an initiative of the GroundTruth Project. He crafted the plan for it after authoring the Federal Communications Commission landmark report "Information Needs of Communities," which NPR described as "one of the most comprehensive overviews of the U.S. media ever produced." An experienced entrepreneur, he co-founded the multi-faith religion website Beliefnet.com, which won the National Magazine Award, and LifePosts.com, a platform for online memorials. Earlier, he was National Editor of U.S. News & World Report and National Correspondent for Newsweek. He was Senior Advisor to the CEO of the Corporation for National Service and wrote a book on the creation of AmeriCorps called "The Bill." He's also the author of the national bestseller, "Founding Faith." Steve is on the Board of Directors of The GroundTruth Project.

**Sonja R. West** joined the University of Georgia School of Law in the fall of 2006 and is the holder of the Otis Brumby Distinguished Professorship in First Amendment Law, a post shared by the law school and Grady College of Journalism and Mass Communication. She specializes in constitutional law, media law and the U.S. Supreme Court. Prior to joining the School of Law faculty, West taught as the Hugo Black Faculty Fellow at the University of Alabama School of Law. She has also served as a judicial clerk for U.S. Supreme Court Justice John Paul Stevens and Judge Dorothy W. Nelson of the U.S. Court of Appeals for the Ninth Circuit. Her other professional experience includes several years as an associate attorney for the Los Angeles law

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firms Gibson, Dunn & Crutcher and Davis Wright Tremaine, where she represented media clients on a variety of First Amendment and intellectual property issues at the trial and appellate levels.

**Ethan Zuckerman** is an associate professor of public policy, communication and information at the [University of Massachusetts at Amherst](#). He is the founder of the [Institute for Digital Public Infrastructure](#), a research group that is studying and building alternatives to the existing commercial internet. He is the author of two books: [Mistrust: Why Losing Faith in Institutions Provides the Tools to Transform Them](#) and [Rewire: Digital Cosmopolitans in the Age of Connection](#), both published through W.W. Norton. He is the co-founder of global blogging community [Global Voices](#), and works with social change nonprofit organizations around the world. He is an alumnus of the [Berkman Klein Center](#) at Harvard, [the MIT Media Lab and Comparative Media Studies at MIT](#), Geekcorps, and [Tripod](#).