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PSCI 399 - Independent Study

From the Sixties to Today: Free Speech in the American Media through Text-Mining

Introduction and Theoretical Framework

Despite its vagueness and abundance of theoretical interpretations, discussion of free speech, both the Constitutional right and the cultural expectation, is imperative for study of American press history. To study the relationship between free speech and the American press, text-mining provides a useful way to track when and why American media covers free speech. This study has two main objectives. First, it aims to demonstrate that text-mining can be used to analyze how and when topics are covered by the American media, using the Corpus of Historical American English database (to be explained later). Second, this article aims to identify when free speech has been reported on throughout the latter-half of the 20th century. Based on my initial hand-coding of *New York Times* articles for an earlier part of this project (for the purposes of creating an efficient phrase dictionary, which will be explained later in the article) and secondary sources, I expected that the results would show that American media's coverage would significantly diverge from a jurisprudence-based history of American free speech. My hypothesis is that coverage of free speech is not primarily driven by major First-Amendment cases, despite free speech's origins as a fundamentally *legal* concept. As will be elaborated, my results provide evidence that the American media is highly interested in covering free speech issues when significant members of the public believe that a group or individual has employed their First Amendment right incorrectly or immorally, or when it is unclear if a person or institution is deserving of free speech rights.

This result diverges from the notion that Americans primarily see free speech as a legal or constitutional construct. Instead, newspapers tend to emphasize free speech as a cultural concept, debated in public spaces, with some basis in the law (though their understanding of those laws may not be accurate). This result also undermines the notion that American media is primarily interested in reporting on censorship, or perceived violations of First Amendment rights. Moreover, the articles identified by the text-mining project support a notion that free speech in the United States is covered by newspapers as more of a cultural or social construct than a legal or constitutional principle.

First, I explain some of past historical approaches to thinking about free speech and media coverage, and how these theories might inform understanding of the text-mining project's results. Second, I will discuss different approaches to text-mining, and why I ultimately employed the method that I did. Finally, I analyze the trends observable from the project, as well as historical events that produced coverage, specifically focusing on how individual articles and publications portrayed the events that inspired substantial media focus.

Importantly, historians often rely on a close analysis of primary sources relevant to their topic, which is then informed by secondary sources. Historians of free speech have explored topics similar to the questions approached in this paper, or ones that overlap with moments that were analyzed by the text-mining program, though there has not been extensive study of newspaper coverage of free speech specifically. Most of the traditional historical studies of this topic have focused on either the Free Speech Movement in the 1960s or specific legal controversies.¹ However, several papers reveal what scholars have so far concluded about free

¹ Cass Sunstein, "Free Speech Now," *The University of Chicago Law Review*, vol. 59, No. 1, (Winter, 1992), 255.

speech and free speech-related issues in the United States, in the context of newspaper coverage. In 2010, Megan Elizabeth Fromm researched newspaper coverage of eight free-speech related Supreme Court cases, specifically focusing on legal controversies involving students. Fromm questioned the framing of these cases while evoking a “grounded theory approach” and “textual analysis.”² Ultimately, she concluded that newspapers tended not to classify student speech and press controversies as censorship issues.³ ⁴ Matthew Eshbaught-Soha and Jeffrey Peak studied local newspaper coverage of President George W. Bush, and found that community support for a president has a significant impact on how newspapers cover his or her politics.⁵ Alixandra Yanus conducted a study that cross-referenced newspaper coverage of cases with state Supreme Court cases, and determined that case facts, media characteristics, and judicial characteristics, significantly impact if and when a case receives news coverage.⁶ Pamela E. Oliver and Daniel J. Myers examined how and when public events are covered, finding that “Of 382 public events in police records for one year in a small U.S. city, 45% convey a message, 14% involve social conflict, and 13% are standard protest event forms. Local newspapers covered 32% of all events, favoring events that were large, involved conflict, were sponsored by business groups, and occurred in central locations.”⁷ Their conclusion also added that liberal newspapers attended to

² Megan Elizabeth Fromm, “Everything but ‘Censorship’: How U.S. Newspapers Have Framed Student Free Speech and Press, 1969-2008,” (2010), Abstract. Available at https://works.bepress.com/megan_fromm/1/ (accessed December 29, 2016).

³ Ibid.

⁴ Ivan Hare. “Method and Objectivity in Free Speech Adjudication: Lessons from America,” *The International and Comparative Law Quarterly*, Vol. 54, No. 1 (2005). 49-87.

⁵ Matthew Eschbaugh-Soha and Jeffrey S. Peake, “The Presidency and Local Media: Newspaper Coverage fo President George W. Bush,” *Presidential Studies Quarterly*, Vol. 38, No. 4 (December 2008): 609.

⁶ Alixandra B. Yanus, “Full-Court: An Examination of Media Coverage of State Supreme Courts,” *The Justice System Journal*, Vol. 30, No. 2 (2009): 181.

⁷ # Pamela E. Oliver, Daniel J. Myers, “How Events Enter the Public Sphere: Conflict, Location, and Sponsorship in Local Newspaper Coverage of Public Events,” *American Journal of Sociology*(1999): 38-87.

national social movements more often than conservative newspapers did, hinting that political bias might explain how newspapers cover events.⁸

Much of the writings on free speech have primarily looked at Supreme Court cases and jurisprudence, assuming that these legal interpretations of free speech directly affect cultural conceptions of free speech. For instance, Geoffrey Stone's 20th century history of free speech cites only Supreme Court cases.⁹ Meanwhile, the Foundation for Individual Rights in Education, a prominent, pro-free speech center, has created a Free Speech Timeline, meant to highlight important events in American free speech history. Almost all of its entries focus on important legal decisions and laws concerning free speech.¹⁰ The prevailing notion generalizes free speech as a legal, and not cultural, concept.

Still, some scholars have analysed free speech as a media-affected concept. Mark Miller and Julie Andsager, in "Free Speech in the Twenty-First Century," offer a different view, one more pessimistic about the real intentions of the news industry.¹¹ They comment that coverage of the First Amendment, hate speech and political correctness hit an unprecedented high in the 1990s, pointing to the 1995 bombing of the Murrah Federal Building in Oklahoma City and Million Man March in Washington, D.C.¹² They argue that at the time, the American public began wrestling with the reality of an unchecked First Amendment, where hate speech, with the potential to incite violent events, was considered protected. Simultaneously, debates over

⁸ Ibid, 38.

⁹ Geoffrey Stone, "Free Speech in the Twenty-First Century: Ten Lessons from the Twentieth Century," 36 *Pepperdine Law Review* 273 (2008).

¹⁰ "The History of Free Speech," Foundation for Individual Rights in Education, <https://www.thefire.org/first-amendment-library/timeline/the-history-of-free-speech/> (accessed December 11, 2017).

¹¹ Miller, Mark and Julie Andsager, "Protecting the 1st Amendment: Newspaper Coverage of Free Speech," *Newspaper Research Journal*, Vol. 18, No. 3-4 (1997), Abstract.

¹² Ibid.

political correctness as a useful social principle grew more popular in the media. A study by D. Charles Whitney and Ellen Wartella found that the term “political correctness” appeared close to 4,000 times in 1991, compared to only 631 times in 1990. Similar to public discourse, coverage of college-campus discourse surrounding free speech and political correctness filled newspapers. The authors comment that campus-based free speech debates become “big” stories that provided the popular press an opportunity to vent its anti-intellectualism.¹³ They add that while readership declined, publications realized that reporting on political correctness allowed them to play on the “deepest fears of white-middle-class Americans,” commenting that “increasing pressures to diversify the journalist workforce may have indirectly caused threatened editors to play up political correctness.”¹⁴

Importantly, while the theoretical battles surrounding free speech might not arise within the texts of newspaper coverage of free speech, controversial legal and ideological questions can potentially hint at why coverage of free speech manifests when it does. So, while the intricacies of hate speech’s relationship to the First Amendment could be uninteresting to the layman, this question might very well explain reaction to the Nazis in Skokie, Illinois in 1977.

Most commonly, public outrage regarding free speech controversies represents a break in the supposed “obviousness” of the First Amendment as a legal and cultural norm; when the public is unsure that someone should have been allowed, or barred, from saying something potentially objectionable, discussion, and outrage, ensues. In our age’s wars over free speech, safe spaces, and political correctness, even condemning hate speech can be perceived as a violation of the sacred tradition of free speech for someone on the right, while lack of censorship

¹³ Ibid.

¹⁴ Ibid.

of certain ideas for someone on the left potentially jeopardizes the safety of marginalized people attempting to participate in discourse. Simultaneously, lawyers and the court system approach questions of free speech almost almost completely departed from these contemporary conversations (This, of course, does not prevent individuals from invoking Constitutional principles, whether correctly or not, in defense of a more cultural notion of free speech). Yet still, political opinions are fundamentally a mix of information and predisposition, or political awareness and political values; Americans understanding of free speech is thus both influenced by how the media defines it, beyond simply its legal realities.¹⁵ According to John Zaller's model, public opinion is not shaped simply by base-level political preferences. Instead, people have fundamental or "base" inclinations, which are then affected by new information, political awareness, and the political debates between elites. This analysis supports the notion that media plays a prominent role in how the public conceives of free speech, as both a purveyor of information and a medium for transmitting elite discourse.

We can understand general values and purposes behind various cultural or societal arguments for free speech. First, one viewpoint might purport that free speech rights are simply an extension of larger sentiments of political equality. Essentially, one might argue that all "ideas" deserve an equal chance at uptake and redistribution, and the government ought not favor or interfere in the distribution of any particular idea. Accordingly, any prohibition of speech cannot be based on content. Employing this principle, it may be reasonable to ban political advertisements on children's television networks, but unreasonable to ban Republican political advertisements, but not Democratic political advertisements, on that same network.

¹⁵ Ibid, 6.

Alternatively, free speech can also be understood as a social tool required for democratic, public discourse: we have access to all ideas in order to come to the best societal consensus, the famous “free market of ideas.”¹⁶ Generally, the justifications for free speech rights, especially those that depart from legally-founded and First Amendment jurisprudence, are diverse and plentiful.

Implicitly, one might expect that journalists and newspapers are fundamentally interested in covering freedom of speech as a necessary right. After all, newspapers need freedom of speech to ensure that they can publish their material, and it would make sense that they would want their audiences to also believe that the freedom of speech was vital. Moreover, court decisions can affect how much access newspapers have to public events, how and when government documents become available, and what protections journalists have from government persecution. But why and how media organizations focus on certain issues is more complicated. John Zaller and Noam Chomsky have both attempted to describe how and why news media covers the topics it does, but do not single out free speech as a unique topic. Finally, a paper by Steven Shiffrin illuminates the importance of both Chomsky and Zaller’s papers in the context of free speech.

The economic incentives of media members add an important variable that affects when and why the public perceive a controversy to be a free speech crisis. Noam Chomsky argues that press coverage is fundamentally influenced by capitalistic interests of media organizations, focusing on the media’s role as a for-profit industry with anti-communist leanings. In his book *Manufacturing Consent*, with Edward S. Herman, he describes a continuously-shrinking media system motivated exclusively for profit. They warn that paying too close attention to explicit

¹⁶ Ibid.

ensorship ignores the economic forces that also serve to limit an actual free market of ideas, writing: “It is much more difficult to see a propaganda system at work where the media are private and formal censorship is absent.”¹⁷ For the authors, the primary “ingredients” of a propaganda-model include the profit-orientation of dominant mass media firms, advertising as a primary mode of profit, the reliance on information provided by governments, businesses and experts, “flak,” and anti-communism. Chomsky and Herman argue that the pervasiveness of this view allows journalists to believe their reporting is objective, when in their view, they are limited by economic interests.¹⁸

The authors are also disheartened by the consolidation of the contemporary media. They see the status quo as a clear departure from the nineteenth century, which they argue once housed a radical press that promoted a class consciousness among the working class. They comment “[t]hat despite the large numbers of [publications], the twenty-nine largest media systems account for over half of the output of newspapers and most of the sales and audiences in magazines, broadcasting, books and movies,” they add: “The greater profitability of the media in a deregulated environment has also led to an increase in takeover and takeover threats, with even giants like CBS and Time, Inc. directly being attacked or threatened.”¹⁹ To their dismay, many large media companies are integrated into the market for other products. Moreover, they are concerned about the anti-democratic relationship between governments and media companies. The authors point out that radio and T.V. companies and networks all need licenses and franchises that are regulated by state actors.²⁰

¹⁷ Noam Chomsky, *Manufacturing Consent* (New York; Pantheon Books, 1988): 1.

¹⁸ Chomsky, 3.

¹⁹ Chomsky, 9.

²⁰ Chomsky, 13.

Finally, the authors critique the role of advertisers in the media. They condemn the fact that advertisers essentially pay for media programs, therefore achieving an implicit control over their content. They argue that the control advertisers exert over media originates in the fact that they subsidize the media's content. This power is exemplified by the fact that media organizations have specific staff and departments established to court advertisers. Their argument hinges on the assumption that advertisers only want stories that encourage readers or media consumers to buy their products.

Relevant to many of the articles written about free speech in the 20th century, Chomsky highlights the importance of anti-Communism and its relation to media coverage, arguing that anti-communism is a filter on content.²¹ He writes, "A propaganda system will consistently portray people abused in enemy states as worthy victims whereas those treated with equal or greater severity by its own government or clients will be unworthy."²² The supposed lack of free speech rights in Communist countries was routinely employed to shame those accused of being communists in the United States, creating an anti-Communist filter in domestic Communist or socialist activities.

John Zaller in his "A Theory of Media Politics: How the Interests of Politicians, Journalists, and Citizens Shape the News" offers a different view. He argues that the content of "media politics," as he calls it, are determined by several organizations and interests, primarily those of politicians, journalists and citizens.²³ His goal is to challenge previously existing ideas surrounding media politics, specifically objecting to scholarship's excessive focus on journalist

²¹ Chomsky and Herman, 29.

²² Chomsky and Herman, 37.

²³ John Zaller, "A Theory of Media Politics," draft provided by the University of Kentucky, October 24, 1999. [http://www.uky.edu/AS/PoliSci/Peffley/pdf/ZallerTheoryofMediaPolitics\(10-99\).pdf](http://www.uky.edu/AS/PoliSci/Peffley/pdf/ZallerTheoryofMediaPolitics(10-99).pdf) (accessed November 15, 2016).

values and media symbols.²⁴ Zaller's goal, ultimately, is to present media politics as simply like any other form of politics, and to detract from the notion that journalism rises above the functioning of any system affected by vying interests. After all, what politicians and "real world actors" would like the news to be, and what journalists would like the news to be, are often radically different pictures.²⁵ Each of these actors -- journalists, politicians and members of society -- collectively jostle their power and demand to create news that represents some unhappy mix of what various interest groups want. For instance, he argues that the rational voter is more interested and engaged in political conflict than in consensus.²⁶ Importantly, Zaller notes how this "collaborative" system represents a significant departure from the 19th century, where journalists maintained relatively unchecked autonomy. Papers were incredibly "interpretative," and often acted on behalf of party politics.²⁷

Zaller is particularly interested in expanding on, and including journalists within, the research of Anthony Downs. He writes, "Downs argues that, in a two-party system, both parties will converge to the position of the "median voter," that is, the voter who occupies the dead center of the ideological spectrum. This is because if either party moves left or right of center, the other party will then capture of the votes of centrist voters and thereby win the election. The actual tendency of the Democratic and Republican party to stay near the middle of the road in most elections seems well-explained by this argument."²⁸ He specifies that politics is "goal oriented," like any other social behavior. Importantly, he cautions that application of any rational choice-inspired theory does not necessitate that journalists are successful at identifying effective

²⁴ Zaller, 4.

²⁵ Zaller, 2.

²⁶ Zaller, 16.

²⁷ Zaller, 9-10.

²⁸ Zaller, 8.

tactics for achieving their goals, nor does it imply that journalists must be successful at reaching their goals in order to make rational choices. Zaller simply forwards that only reporters' actions, and therefore coverage, will reflect that they *tried* to achieve their goals.

Journalists, and their publications, are motivated by several, often competing, goals. Most journalists aspire for award-winning, hard-hitting pieces. Yet they are also constrained by the editorial goals of their publications, which may have partisan or economic interests. While a reporter may want to spend much of his or her time investigating a topic important to society, their editor might prefer they produce daily items to increase their content. Zaller comments that one of the goals the rational citizen, or reader, maintains, is to be exposed to "some but not a great deal of political conflict."²⁹ It is possible that journalists conceive of freedom of speech as primarily a press freedom, and potentially separate the concept from other groups that might find First Amendment protections, such as radical progressives or religion advocates. Thus, while it's likely that journalists understand the deep importance of the First Amendment, they may frame a topic or story related to the First Amendment in a scandalous way that cheapens its civil importance but furthers the economic interests of the publication.

Steven Shiffrin's paper "The Politics of Mass Media and the Free Speech Principle" combines important points from both Zaller and Chomsky, analyzing the interests and politics of various agents in influencing coverage of free speech as a principle, as well as looking towards the broader economic limitations on the media's structure.³⁰ First, Shiffrin separates his analysis of the media into several actors that influence how free speech might be covered by the mass media. Importantly, he uses an economic analysis to understand why actors, whether journalists,

²⁹ Zaller, 17.

³⁰ Shiffrin, Steven (1994) "The Politics of the Mass Media and the Free Speech Principle," *Indiana Law Journal*: Vol. 69: Iss. 3, Article 2 (1997), 693.

editors or advertisers, have the goals that they do. Second, he applies this analysis to the concept of free speech, and its coverage in the media.

Shiffrin recognize a partisan transition in how free speech is conceptualized, and that journalists provide an important counterweight to the Market Capture Thesis, which essentially argues that the free speech works against the political left because it is controlled by conservative sources. He argues that the press is motivated to act as a counterforce against establishment conservative politics. Shiffrin notes that while free speech might traditionally be seen as a “conservative topic,” the “liberal press” creates a world where the mass media has a somewhat balanced coverage of the principle.³¹ Writing in the 1990s, Shiffrin also notes the important partisan shift in the political approach to free speech. Shiffrin comments that typically, the left has used free speech as a way to defend and invoke its political philosophies, He writes, “Conservatives have recently discovered the First Amendment, and they are beginning to like what they see: a banner for corporations seeking to dominate election campaigns,' for tobacco companies to hawk their wares, for shopping centers to exclude demonstrators, for media corporations to resist access, and a club to use against those who seek to regulate racist speech' and pornography.”³² For Shiffrin, the transition and prominence of free speech within the public discourse was a result of a Conservative reaffiliation with the First Amendment.

Shiffrin is quick to establish that commercial media sources primarily earn their funds through advertisers.³³ This reality, as Chomsky also illuminates, incentivizes the media to portray a stable political culture that encourages consumption, specifically "to maintain a high standard of living for most individuals and to shore up the expectations of the less well off for

³¹ Ibid, 693.

³² Ibid, 683.

³³ Ibid, 695.

the future.³⁴ Advertisers may like to sell political scandals to sell papers, but the structural critique offered by radicals does not help sell papers. He adds that even though it is sometimes popular to criticize corporations, the attention and social message ultimately reports that immoral corporate actors are simply bad apples, rather than condemning the entire corporate political infrastructure.³⁵ Instead, the media prefers to report on public affairs.³⁶ He writes: "The process by which corporations achieve and maintain power, for example, is not easily captured on camera for nightly news."³⁷

Shiffrin also analyzes the interests and constraints on reporters themselves. He explains that journalists are cynical people, and, as a way to maintain objectivity, write about politics as a sort of horse race.³⁸ Meanwhile, progressives propose thinking about societal structures critically, compared to reporters who must write *within* that society.³⁹ He also writes that "[r]eporters do not have the time, resources, or in many cases, the training to conduct primary investigation."⁴⁰ His approach of looking at the particular goals of reporters also affects how foreign issues are covered by the American press (This note is important later, as much of the free speech coverage produced by this project was related to foreign, usually Communist, countries.) He writes that even as a journalist attempting objectivity, reporters must conceive of themselves first as Americans, then journalists.⁴¹

³⁴ Shiffrin, 696.

³⁵ Ibid, 710.

³⁶ Ibid, 700.

³⁷ Ibid, 701.

³⁸ Ibid, 702.

³⁹ Ibid, 703.

⁴⁰ Ibid, 703.

⁴¹ Ibid, 703.

Finally, he observes that the news industry simply wants to appeal to its market as much as possible, to maximize revenue. This goal necessarily motivates publications to aim towards reporting from the center, leaving out far progressives. Moreover, he explains clearly “consumers, and criticism of corporate power is kept to a minimum. Even if the media were not financed by advertisers, even if it were not owned by powerful corporations, even if it did not depend upon people in power for much of its product, the mass media are constrained by their financial need to appeal to a mass audience. This need itself constrains the issues discussed.”⁴²

Shiffrin then moves to apply this analysis, similar to Chomsky’s and Zaller’s, to the principle of free speech.⁴³ He writes, “If the free speech principle is important to the left in protecting and forming grass-roots movements,” it also furthers the left's interests with respect to the media, despite the factors causing the media to incline in so many circumstances against the left.”⁴⁴ Ultimately, he concludes the idea of free speech is fundamentally one that tilts against the powerful, but more often disadvantages left-leaning radicals. Within a centrist-leaning mass media, this leaves these radicals more likely to need, and be concerned with, free speech rights. Ultimately, the concerns of Zaller, Chomsky, and Shiffrin, ground this study’s analysis of free speech coverage by American newspapers.

Methodology

This study’s methodology involves three primary steps: first, testing the efficiency of a phrase dictionary meant to measure Free Speech Orientation (FSO); second, testing for the

⁴² Shiffrin, 713.

⁴³ Ibid, 713.

⁴⁴ Ibid, 716.

presence of these phrases across a set corpus of texts; and third, analyzing the results and establishing conclusions.

In approaching this study, there are two sets of previous literature worthy of exploration. As discussed earlier in the introduction, historians have studied free speech in the United States through a more traditional lens. Then, we must also discuss previous research methods that use a quantitative and text-mining-based approach to history.

The use of text-mining as a historical tool is still a question of burgeoning research. Historians currently are grappling with how to optimize the use of text-based data in their studies. While scholars have been able to confirm what is already known through text-mining, academics are still struggling to use data to create new historical knowledge. John Mohr and Petko Bogdanov have surveyed current methods in topic modeling and text-mining, and outline a new method of humanities research that allow scholars to automate the process of “building a topic” within a text corpus.⁴⁵ Essentially, topic modelling moves backwards, as compared to traditional historical research. Rather than choosing an initial set of ideas or topics, and then searching through a set of texts to discover them, topic modelling allows researchers to identify a number of topics represented within a corpus. Specifically, a computer program identifies topics by finding words and phrases that often appear together.

Fundamentally, this system is premised on the relationships between meanings of various phrases, assuming their historical significance. Naturally, phrases topically related to other phrases will frequently appear near each other across a distribution of texts, potentially producing trends worthy of further study. While topic modelling is an innovative approach, it is

⁴⁵ Petko Bogdanov and John Mohr, “Topic Models and the Cultural Sciences,” *Poetics*, Vol. 41, No. 6 (2013): 1-40.

perhaps too complicated and potentially inappropriate for the research questions explored in this paper. First, topic modeling typically investigates a multitude of topics, while this project focuses on only one. Second, as this research is focused on the way newspapers cover “free speech” issues, study of phrases that happen to be correlated with free speech oriented phrases over time are somewhat irrelevant (as we are looking for explicit historical coverage). Third, while word-based topic modelling has been relatively easy to automate, phrase-based topic modelling is more challenging. Fourth, the validation processes (exemplified in this paper) will hopefully largely mitigate many of the concerns protopic modelling researchers have with “traditional” historiographic analysis (such as historians taking their own preconceived notions of correlated ideas for granted, without validating them within a corpus).

Justin Grimmer and Brandon Stewart described a research method similar to the one I use here. Their paper analyzed the best way to balance the benefits of large scale text-mining on political texts databases and detailed human study.⁴⁶ Specifically, the authors outline dictionary methods in Section 5 of their paper, a relatively simple method of automating text-mining processes. Essentially, phrases are chosen in order to denote a various tone or state (in this project’s case, free speech orientation).⁴⁷ The occurrences or frequency of these phrases is then used as a measure for how much or how often this tone or state is produced. Importantly, Grimmer and Stewart argue that dictionaries cannot be produced solely by authorial presumption. Instead, dictionary sets must be validated among sample sets of a text corpus.⁴⁸

⁴⁶ Justin Grimmer and Brandon Stewart, “Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Text,” *Political Analysis*, 21(2013), 267-297.

⁴⁷ *Ibid*, 274.

⁴⁸ *Ibid*, 274.

Additionally, the authors encourage scholars to use binaries when using dictionaries as text-mining tools (to simplify following validation methods).

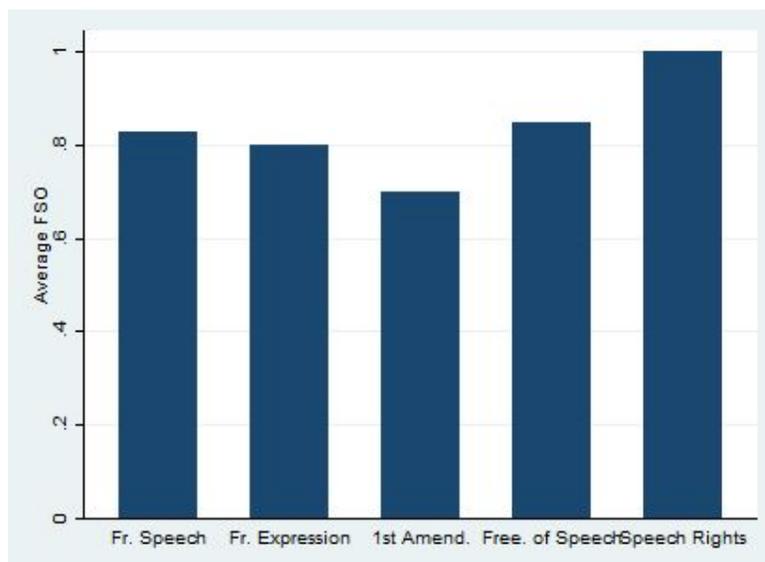
While tracking the temporal changes of free speech coverage is important, I had to first verify the accuracy of the study's phrase dictionary. A text-mining dictionary is a set of phrases and words that are highly correlated with free speech orientation. The project aimed to develop a highly predictive dictionary that would eventually permit text mining within large sets of historical newspapers.

Part of the challenge of this project is choosing the particular words that ought to be employed within the search, what we would call a "dictionary." The words chosen in this project represent a preparative study of *New York Times*-texts that sought to test the "efficiencies" of various phrases at predicting Free Speech Orientation. The project tested phrases thought to be directly associated with free speech, as well as free speech related "topic" phrases. The former set included "Free Speech," "Free Expression," "First Amendment," "Speech Freedom," "Speech Freedoms" and "Speech Rights," and the latter set included "Supreme Court," "Campaign Finance," "Censorship," and "Press Freedoms." Twenty-one thousand text-files of *New York Times* articles from three time periods, June, 1990, June 1997, and June, 2003 were then searched via the Python program that was developed. If an article had any of the phrases listed in the initial dictionary, it was marked as having Free Speech Orientation. Overall, this program created over 237,000 observations, testing for each phrase in each article. Articles related to free speech constituted just 1,230 of the *New York Times* articles, representing a mere .5% of total coverage of world events. This initial rate illuminates how infrequently free speech is covered by the *New York Times*, and likely other publications as well.

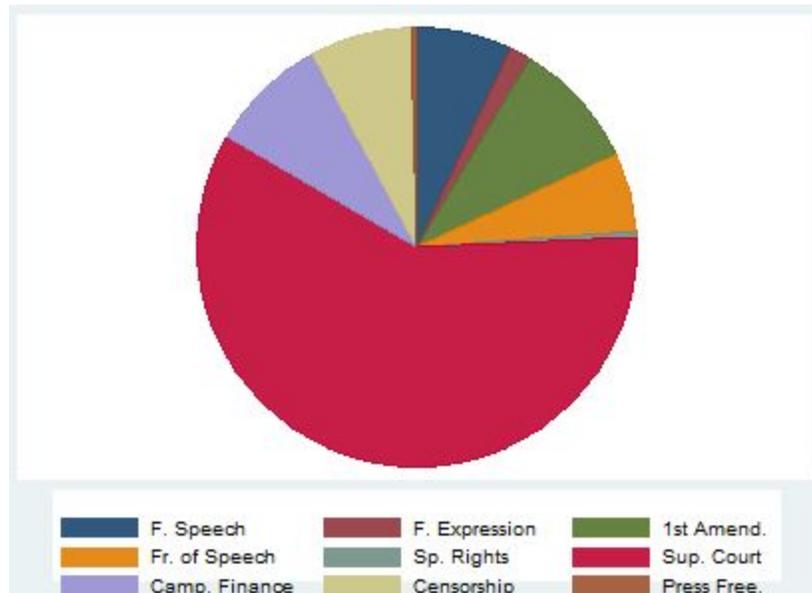
After the program yielded 1,230 “positive” results, each article was hand coded to determine whether any articles had yielded false positives. The concern regarding false positives was especially important for the topic-based phrase, which could potentially be loosely related, but were not specifically about, free speech.

Most of the phrases initially included were significantly helpful at predicting free speech orientation. Still, “Free Speech,” “Free Expression,” and “Speech Rights” are significantly better at predicting FSO than “First Amendment.” Presumably, “First Amendment’s” lower success rate at predicting free speech orientation is due to the First Amendment’s broader protections than simply “Free speech.” “Censorship” and “Free Expression” had strong relationships with Free speech Orientation, while “Campaign Finance” had a relationship with Free Speech Orientation, while “Supreme Court” was not effective at predictive Free Speech Orientation. Below are two images to provide a sense of how “good” and “bad” each phrases were at predicting Free Speech Orientation.

Free Speech Orientation in Initial Dictionary Phrases



Unique Words Per Article, Distributed over the Corpus



*Because “Speech Freedom” and “Speech Freedoms” were never found, they were omitted from later data analysis.

The program used Python to mine the data, and Excel to manipulate and chart it. Unlike the initial dictionary test, the meta-data, including the date and publication type, was not attached to actual text within each article so the program, as an initial step, attached the date of every article’s publication to its text. Importantly, the basic design of the program determines how many times a single word or phrase appears in article. Thus, if “Free Speech” appeared in an article four times and “Free Expression” appeared in an article once, the program would note “five hits” but would mark two different unique words, or hits, per the one article. These basic results are then processed for alternative presentations.

Final Dictionary:

Free Speech
Free Expression
First Amendment
Speech Freedom
Speech Freedoms
Speech Rights

Once I compiled a final phrase dictionary for the project using the test documents in the *New York Times* database, I needed to find a larger database that could handle a larger-scale search. I used the Corpus of Historical American-English (COHA) database of English language, and then employed a text-mining program created in Python similar to the initial dictionary-verification program, but wider and more suited to a larger database. It is important to note that there is no perfect corpus for text-mining through American newspapers. Every database currently available has a different approach to sampling texts in order to produce the most “accurate” representation of linguistic trends (which is the primary goal of such databases), and none can truly claim to be entirely inclusive. Those that do claim to be inclusive, such as Google Books, over-represent texts that are presently available, but have no way to adjust for materials that may constitute a larger portion of texts than their representation in a corpus would imply. For several reasons, I chose COHA in order to study this topic, as it provides a balanced representation of several “genres” of material, as well as the full text of those documents. COHA contains more than 400 million words of text that range from the 1810s to the 2000s, which,

according to its scholars, makes “it 50-100 times as large as other comparable historical corpora of English.”⁴⁹

The COHA database is separated by genre, which allows me to specifically search through news and media documents. The Google Docs N-gram services does not have a function for distinguishing between different genres of documents, and would therefore produce results too broad for the purpose of this project.

I chose COHA for this project because it is highly respected, while more popular services like Google Books suffer from systemic problems. Penechick, Danforth and Dodds have explained some of the problems with services like Google Books, illuminating some of the challenge of selecting and using the data from a linguistic database for the purpose of a project like this one.⁵⁰ They argue that while Google Books has a tempting “frequency trend” function, the service potentially claims to do more than it does.⁵¹ Google Books functions as a “library, containing only a single copy of a single text. They explain that using this approach, “ A single, prolific author is thereby able to noticeably insert new phrases into the Google Books lexicon, whether the author is widely read or not.”⁵² Moreover, the authors worried that the introduction of scientific texts in the Google Books service causes it to overstate the prominence of terms only popular within strains of academia.⁵³

Because the Google Books N-Grams service is also inappropriate, as it relies on books, not popular articles and media, it is also not appropriate for this project. Still, the results of a

⁴⁹ “Corpus: Coha,” <http://corpus.byu.edu/coha/> (accessed December 15, 2016).

⁵⁰ Eitan Pechenick, Christopher Danforth, Peter Dodds, “Characterizing the Google Books Corpus: Strong Limits to Inferences of Socio-Cultural and Linguistic Evolution,” PLoS One 10 (10). Available at <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0137041> (accessed December 20, 2016).

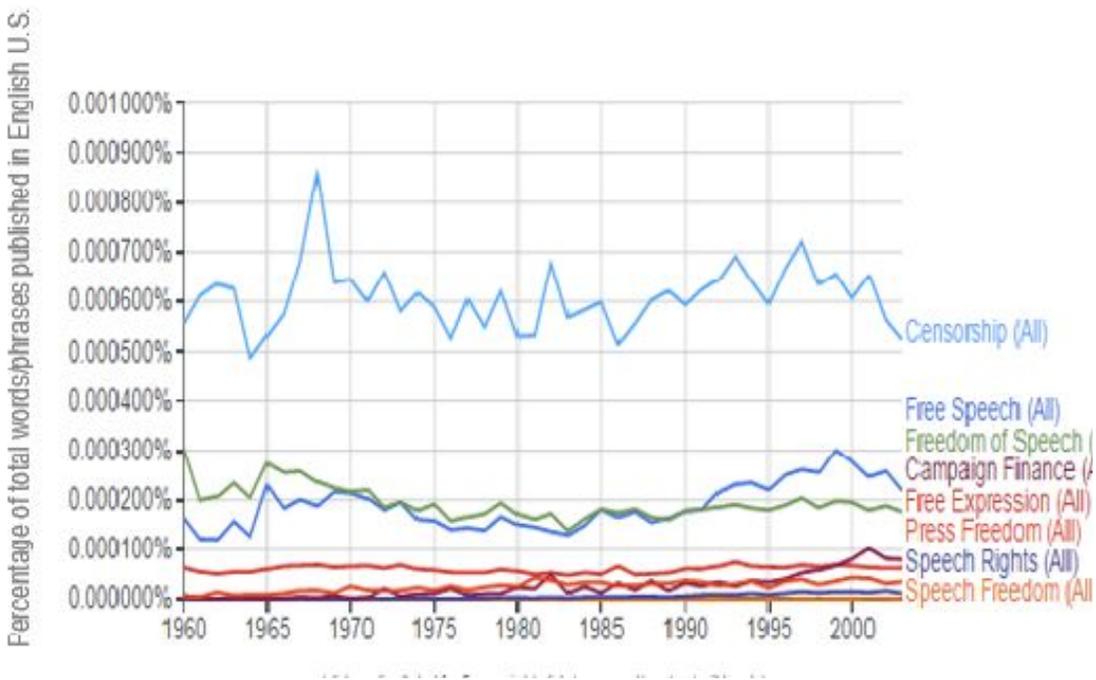
⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

Google N-Grams test can provide some useful information regarding the popularity of various terms chosen for the ultimate dictionary. Graph 1 pictures what a Google Books-based N-Gram produces. From these results, we can see that “censorship” is utilized at a much higher frequency than the other phrases employed in this study. Moreover, we can tell that there are clear trends in the use of various words over time, with strong upticks and downward trends.

Graph 1 - Google N-Gram of Free Speech Related Phrases, from 1960 to 2003



To finish the research, a more developed version of the Python program used for the *New York Times*-based search searched through the COHA database media documents. The program was altered to aggregated data over a monthly-basis, and to account for the changes in articles published month-to-month in the COHA database.

Results

The results section will be organized into two sections. First, I will analyze the results of the text-mining project, looking at the highs and lows in Free Speech Orientation, and comparing them to highs and lows in Supreme Court activity on the issue of free speech. Second, I will look at the texts from the various time periods to investigate what issues and stories caused newspapers to cover free speech.

Ultimately, I searched through 16,148 articles, testing each one for six selected phrases, constituting 96,888 observations. Just over 200 articles had positive results for one of the phrases ultimately selected for inclusion in the dictionary.

In order to find trends, the data was treated several different ways. Graph 1 represents the total number of articles searched by the COHA database, and is meant to illuminate the uneven density of articles available in the COHA, which varies depending on the month. Graph 2 represents the total number of “hits,” our measure of FSO, per month. A “hit” was “earned” when an article included one of the several phrases set out in the final phrase dictionary. Graph 3 represents the hit count ratio, in relation to the total volume of articles published within that month. The decimal numbers represent the number of hits (FSO, or one phrase found per article) divided by the number of articles in the COHA database for that month. Graph 4 is a mixed average graph, where every day’s hit count is a weighted average of the FSO from the 15 days before and 15 days following that date. Graphs 5 and 6 represent free-speech case decisions over time. Graph 5 is based off of a free-speech case list constructed by the Foundation for Individual

Rights in Education, a prominent First Amendment advocacy center.⁵⁴ Graph 6 is based off of a free-speech related list constructed by the First Amendment Center, a project of the Newseum in Washington D.C. and the John Seigenthaler Center at Vanderbilt University.⁵⁵ These are both meant to contextualize “highs” in Supreme Court free speech cases, which can be compared to the results of the COHA text-mining results.

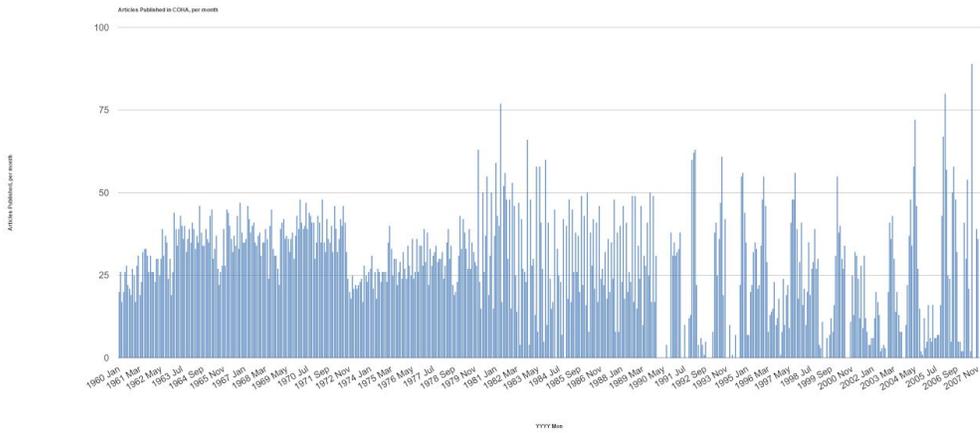
Importantly, these graphs are incredibly sensitive. While an elevation in hit count might seem like evidence of high free speech coverage spread throughout several articles, it also potentially represents a single, longer article. For instance, a score of 17 might represent a single article, or could represent 17 articles each with a single mention of a free-speech oriented phrase. However, from this graph we can see that there are clearly times when free speech is covered more often than others.

**These images are difficult to read, so they will put in a labeled appendix with a larger rendering of the graphs.*

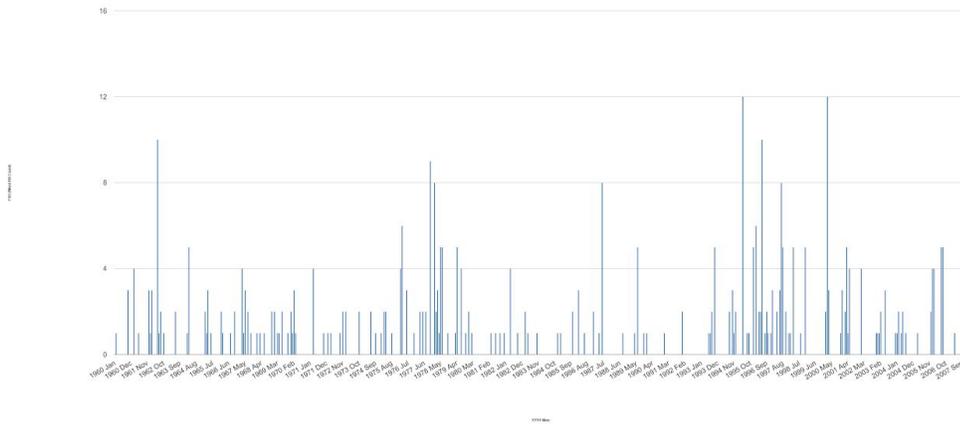
Graph 1 - Articles in COHA Database, every month

⁵⁴“First Amendment Center,” First Amendment Center, firstamendmentcenter.org (accessed January 11, 2017).

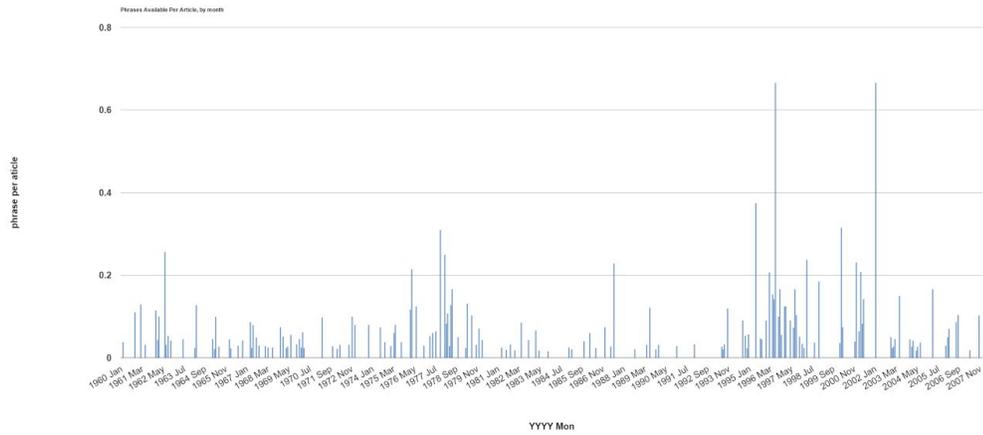
⁵⁵Ibid.



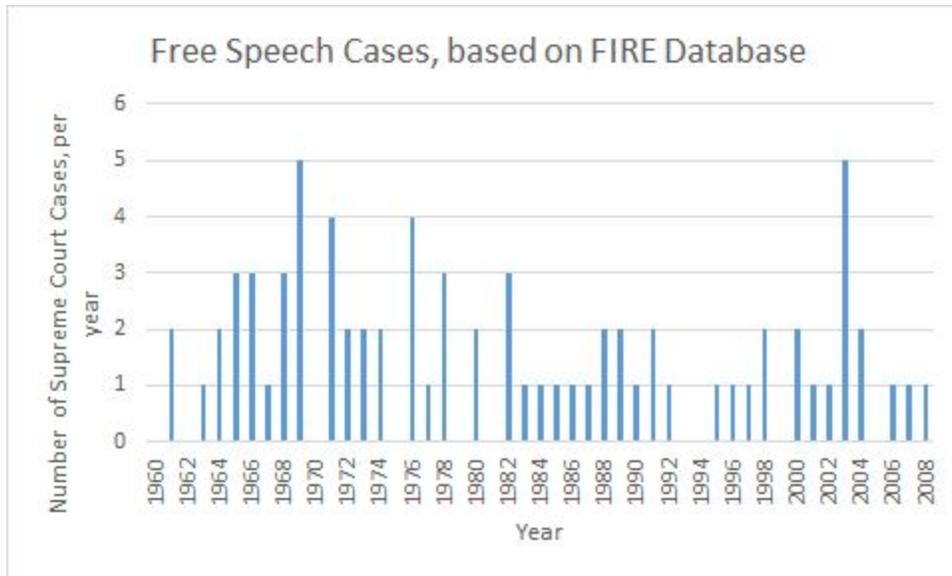
Graph 2- Free Speech-Related Phrases Published Per Month



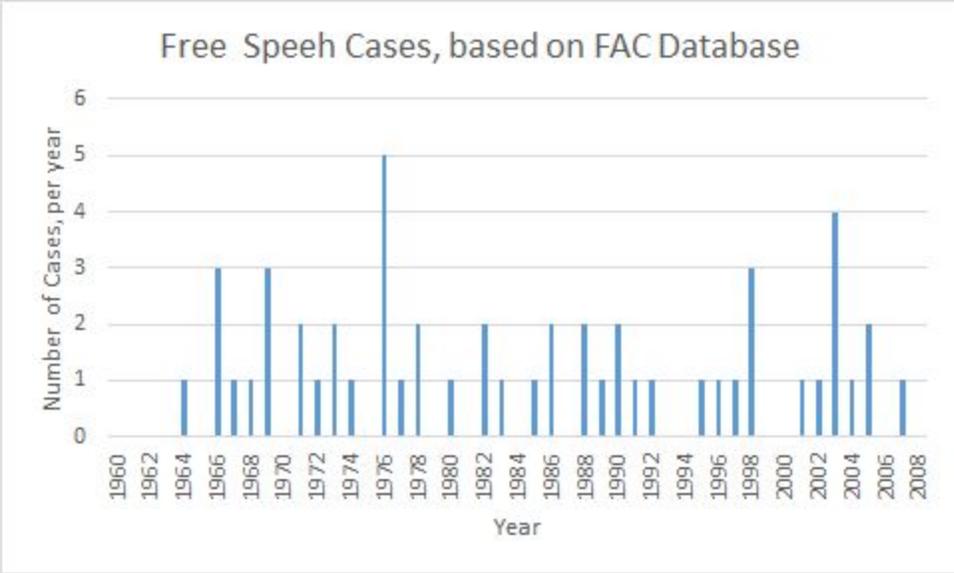
Graph 3 - Free Speech Phrases Published Per Month, adjusted for COHA Database density



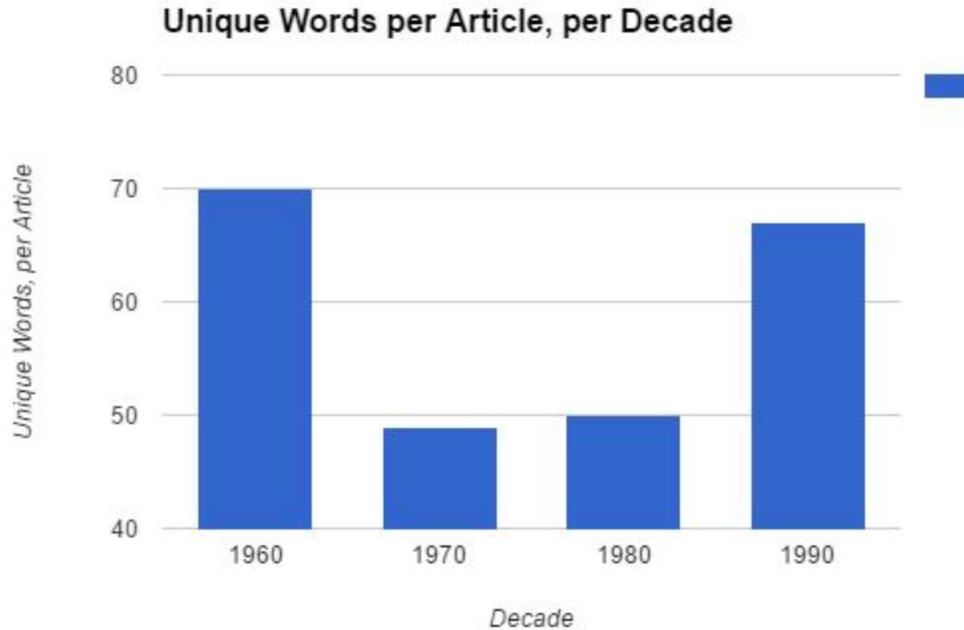
Graph 4- Free Speech Related Cases, according to the FIRE Database



Graph 5- Free Speech Related Cases, based on First Amendment Center Database



Graph 6 - Unique Words per Article, per Decade



Graph 6 represents the number of unique words per article. This number is not sensitive to one word repeating several times within an article (e.g., “Free Expression” appears seven times), but very sensitive to two different phrases appearing, in which case this number would double for one article (“Free Speech” and “Free Expression” both appear). This method, while partially reflective of the way the program text-mines, has the benefit of, in a way, weighting in favor of an author using a diversity of phrases all related to free speech. An author using several cognates is more likely discussing free speech than one using one singular phrase. Ultimately, this measure leans in favor of an author, for a single article, using several of the phrases, but gives no weight to whether an author has used the same word multiple times. Importantly, this measure also arbitrarily prefers the conventional cut offs for decades, and does not account for whether more articles were written in one decade than another. While the years 1960-1970 and

1970-1980 could potentially show similar representation of free speech, it is quite possible that 1965-1975 has much higher free speech coverage than either of the decades it straddles. The aggregation interval here may still be too large. Still, this table provides an important, complementary view of free speech throughout the decades based on unique words within an article. This viewpoint doesn't rely on an article's hit count, which is heavily influenced on one word's repetition within an article.

Analysis

The analysis of the data is explained in two ways. First, the trends are examined as a whole. Then, the trends (the highs and lows) are analyzed within historical contextualization, analyzing what historical events might have inflated or deflated coverage. This approach allows for both a theoretical description of how and why free speech is covered, as well as a more descriptive description of when free speech experienced highs and lows in coverage, and the topics that pushed free speech closer to the center of conversation.

Graphs 4 and 5 reveal that the time period studied in this project had a significant number of free-speech related Supreme Court cases over time. These graphs differ slightly, as scholars (and judges) ask whether certain legal questions involve free speech. For instance, one could wonder whether the Supreme Court affirming the decision of a lower appellate court to reject First Amendment-based objection to a ruling on free speech grounds would be notated as a free speech-related case. Ultimately, the question of whether or not a case is about free speech is a fundamentally subjective question, but the FIRE and First Amendment Center's definition seem to specify the freedom of speech clause in the First Amendment.

In most years, only one free speech case would become prominent and reach the Supreme Court cases. We can see, however, that while such cases are generally uncommon in the early 1960s, they were very common between 1964 and 1974, reaching a high of five cases in 1969. In the 1970s and 1980s, free speech cases in the Supreme Court case were less common. The early 2000s then saw another small uptick, with the Court deciding on five cases in 2003. Though the timeline of cases included in the First Amendment Center database differs slightly from the FIRE database, its collection reaffirms the same trends. Graph 3, which standardized the hit count, or FSO, based on the number of articles searched by COHA, reveals highs in coverage in the early 1960s, relatively stable coverage until a period of high coverage in the late 1970s, and then a lull until about 1994, where there is a high amount of coverage until 2003.

From these trends, it is difficult to decipher any significant trend between Supreme Court decisions related to free speech and free speech coverage, as measured by this project. Given the analysis discussed in the introduction of this paper, it would make sense that a purely legal framework for explaining when and why newspapers cover free speech. When FSO was high in the early 1960s, there were relatively few major Supreme Court decisions. While there were more Supreme Court cases between 1964 and 1974, there were fewer compared to other years' coverage of free speech. Despite a high in free speech coverage in the late 1970s, there was no corresponding high in free speech-related cases. A new wave of high free speech coverage began in 1994, which included an increase in Supreme Court cases that began in 2000, and ended in 2003.

These results show that determining a clear relationship between coverage of free speech and Supreme Court cases is a challenge. Both have had a constant presence since the 1960s, but

have seen highs at vastly different times. This result leaves much to be desired about why free speech is covered in the United States, if not inspired by legal challenges to the First Amendment, the legal foundation for free speech in the country. A closer investigation of these highs and lows in FSO potentially reveals what topics motivated this coverage, if not necessarily major Supreme Court decisions.

The high in 1962 is somewhat surprising, given that the Free Speech Movement (FSM) did not truly accelerate until 1964, contrary to my expectations.⁵⁶ Newspaper were certainly not covering a major U.S. Supreme Court case, either. The last major free speech case had been resolved in 1959, when the U.S. Supreme Court upheld the conviction of a college professor who had refused to testify before the House Un-American Activities Committee in *Barenblatt v. United States*.⁵⁷ In 1962, the Court considered *Engel v. Vitale*, which was an Establishment clause, not free speech, case.⁵⁸ Importantly, during this time the Supreme Court was considering the issue of libel.

To investigate further, I sampled articles that produced positive Free Speech Orientation scores in the early 1960s. Many articles focused on how far free speech extends, especially when an individual's speech is violent, incendiary or morally abhorrent. One 1961 article explored the right of an American Nazi to make a public speech. Another article is a letter to the editor in the *New York Times* following an editorial about free speech. This American wrote, "Since reading your editorial of Feb. 1 on Hitler and the right of George Rockwell to hold a celebration of

⁵⁶ Richard Gonzales, "Berkeley's Fight for Free Speech Fire up Student Protest Movement," *National Public Radio*, October 5, 2014, <http://www.npr.org/2014/10/05/353849567/when-political-speech-was-banned-at-berkeley> (accessed December 21, 2016).

⁵⁷ Chicago-Kent College of Law at Illinois Tech. "Barenblatt v. United States." Oyez. <https://www.oyez.org/cases/1958/35> (accessed December 29, 2016).

⁵⁸ Chicago-Kent College of Law at Illinois Tech. "Engel v. Vitale." Oyez. <https://www.oyez.org/cases/1961/468> (accessed December 29, 2016).

Hitler's birthday, in the name of free speech, some pertinent thoughts come to mind. Should a typhoid carrier or one freedom to poison the atmosphere, thereby infecting others? It would seem that there should be a difference between freedom of opinions and dissemination of hatred. Didn't we fight a great war to stamp out such evils? In Tanganyika, I understand they have vowed to expel anyone, be he black, white, European, African or Asian, who spreads race hatred. This might be a good idea. At any rate , such poison should be discouraged and not encouraged in the name of "free speech."⁵⁹

Another reported article from the same era featured a discussion of Justice Hugo L. Black's and the Supreme Court's view of libel and its relationship to free speech and the First Amendment.⁶⁰ One letter to the editor chided the American public for objecting to the statements of a public figure after criticizing the FBI, writing "We have a common devotion to free speech and a conviction that the maintenance of free speech for everybody is vital for the continued existence of our way of life. The motto of the fund is : Feel Free. Mr. Ferry feels very free , and he speaks his mind."⁶¹ Articles found by the program from 1964 focused on libel, foreign affairs, but curiously did not cover the Free Speech Movement in Berkeley, California.⁶²

Unlike the 1960s, the 1970s had significantly more frequent and prominent Supreme Court cases. In the 1974, *Miami Herald Publishing Co. v. Tornillo*, the Supreme Court invalidated the state law requiring newspapers to give space for politicians to respond to criticism produced by editorial boards.⁶³ In that same year, the Supreme Court made one of the

⁵⁹ Article 72261 *In order to cite specific articles from the COHA database, articles will appear as their meta-data ID tag.

⁶⁰ Article 722498.

⁶¹ Article 72256.

⁶² Article 72261

⁶³ Chicago-Kent College of Law at Illinois Tech. "Miami Herald Publishing Company v. Tornillo." Oyez. <https://www.oyez.org/cases/1973/73-797> (accessed December 20, 2016).

most important campaign finance decisions in its history. *Buckley v. Valeo* found that the Federal Election Campaign Act of 1976, which established limits for expenditures to political campaigns, was in violation of the First Amendment. Other free speech cases also got attention from the Supreme Court that year, including *Hudgens v. National Labor Relations Board*, *Young v. American Mini Theatres*, *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, and *Nebraska Press Association v. Virginia*. Significant cases followed, including *Abod v. Detroit Board of Education* and *FCC v. Pacifica*. However, it's not clear that the abundance of Supreme Court coverage was responsible for the increase in coverage.

NSPA v. Skokie was another example of a Supreme Court case that received a lot of coverage.⁶⁴ Yet to attribute an uptick in media coverage to the Supreme Court's involvement would ignore the other compelling reasons reporters found for covering the story. Skokie got coverage as a free speech debate in large part because it was controversial, flashy and remarkably complicated, giving reporters access to several different "angles," beyond a simple free speech story. Importantly, the Nazi group announced over half a year before the march that they planned the event, providing ample time for increasing tensions to surround what became a media frenzy. This longevity gave reporters ample time to research with detail, produce several follow-up stories, and to head to Illinois for on-the-ground reporting. The Illinois Digital Archives, operated by the Illinois Secretary of State, provides a view into the diversity of stories written about the march. Articles were able to cover the court cases that ranged from local court rulings granting the group the right to march, to opinion pieces to covering the internal politics of the Jewish community in Skokie, home to almost 7,000 Holocaust survivors at the time. The

⁶⁴ Chicago-Kent College of Law at Illinois Tech. "National Socialist Party of America v. Village of Skokie." Oyez. <https://www.oyez.org/cases/1976/76-1786> (accessed December 20, 2016).

story gave journalists a chance to cover controversy through legal, cultural, and historical lenses, while also promising a long enough timeline to allow reporters to return multiple times to the same story.

One piece in Illinois archives features how a local Skokie paper pleaded that the Nazis be denied the media coverage they received. Joseph Barr wrote:

Deny Nazis publicity: Now the prospect of another possible attempted Nazi march or demonstration in Skokie looms on the horizon. If it does indeed develop, it is devoutly to be hoped that the matter is handled in a manner which shows we learned something from the last time. Specifically, and your Sunday, March 8, issue already gives grounds for pessimism on this score, it is to be hoped that the media give extremely minimal coverage. It is to be hoped that village officials have nothing to say to city media, minicam carriers, and so forth. It is to be hoped that they place no obstacles in the way of any contemplated shenanigans - exorbitantly high bonds, dubious contentions about special situations, and the like. It is to be hoped that Jewish groups maintain their cool (easier for me to say than for them to do); it is to be hoped that Christian groups do likewise. It is to be hoped (though in the village we have no control over this) that national militant groups opposing the Nazis do not come to town. Then, if there is some sort of rally, or demonstration, it is to be hoped that no one at all turn out for the affair, that there be no counter-demonstration, and that the few odd-balls play to an empty house. All of this is probably too much to hope. But if we do it that way, we won't have a replay of last time, the Nazis will not get what they want, perhaps no film company will even contemplate a "Skokie II."⁶⁵

The story routinely made national news, creating an endless cycle of scandal. The *New York Times* covered the event as well:

⁶⁵Joseph Barr, "Deny Nazis Publicity," *The Skokie Citizen*, no date available, in *Skokie Public Libraries*, available <http://www.idaillinois.org/cdm/ref/collection/skokiepo001/id/203> (accessed December 20, 2016).

U.S. COURT RULING BARS NAZI MARCH IN SKOKIE, ILL.

CHICAGO, Oct. 22 (AP)—A request for a preliminary injunction to bar enforcement of ordinances prohibiting a demonstration by Nazis in the heavily Jewish suburb of Skokie has been denied by a Federal district judge.

Judge Bernard M. Decker turned down the request yesterday, indicating that granting the injunction sought by the American Civil Liberties Union in behalf of the Nazis would amount to declaring the ordinances unconstitutional.

A village regulation bars marches by persons wearing paramilitary style uniforms. Another ordinance, enacted earlier this year, requires that a \$350,000 parade bond be posted, and a third bans distribution of literature that would incite racial or ethnic hatred. The judge said that the constitutionality of the ordinances should be decided as quickly as possible and set Friday for a hearing on the matter.

Another piece articulates just how much the Jewish community in Skokie was in disarray, providing another “angle” for the story. One writer said:

“GOOD OLD FRANK Collin is probably doubled over with laughter right about now. And, ladies and gentlemen of Skokie and the larger Jewish community, he owes it all to you. With your rhetoric, your announcements, your threats and your in-fighting, you’ve made it virtually unnecessary for Collin and his tiny group of neo-Nazi followers to travel to Skokie. When the National Socialist (Nazi) party originally announced its intention to rally in Skokie last October, the voice on the tape machine at Nazi headquarters said something to the effect that “we’re going to Skokie to see all those Jews go crazy.” Whereupon the Jews in Skokie went crazy. While Collin is buffeted about by court injunctions, appeals and village ordinances which keep him physically out of Skokie, he actually is getting more attention than a youngster at his own bar mitzvah. SKOKIE HAS BECOME a community with its dirty laundry on public display. Representatives of Jewish organizations are publicly belittling one another. Well-known Jewish leaders are booed by irate crowds whose ideas don’t mesh with their own. And Skokie residents who probably have never before set foot in village hall are making their debuts at board meetings, praising or vilifying public officials, then presenting and repeating their own feelings about Collin & Company. For practical purposes, July 4 is no longer the date of a proposed march-- it’s more likely to mark Skokie’s first three-ring circus. A village with 7,000 Holocaust survivors certainly can expect to see fear and hatred and threats of vengeance. But “Nazi panic” has reached far beyond the survivors, becoming precocious

rhetoric from 12-year-olds at village board meetings and overtones of fascism in those like the man who asked the board to pass an ordinance forbidding the news media from carrying information on the Nazi activities. IN ANY CASE, July 4, 1977, may well be an event to remember. The invitations were sent out weeks ago, but the refreshments won't be much and you can leave your tux in the closet. Everyone will be too busy to notice you as they seek out the host and the guests of honor. They're the ones in the funny brown shirts with the funny emblems wearing those big funny grins all over their faces."

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Even beyond Skokie, free speech was constantly a topic explored when socially stigmatized ideological groups, namely the Ku Klux Klan, Communists, fascists, and Nazis, were using it to rile the public in the mid to late 1970s. One 1975 article generally discussed fascist and communist countries, U.N. representation, and the importance of democratic free speech.⁶⁷

Another piece was an op-ed condemning the American Civil Liberties Union for defending the KKK, angrily writing: "Where is the support for the A.C.L.U. 's position from minority people in this country ? It is easy for white people to be sanguine about free speech for the Ku Klux Klan."

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As we can see from the graphs, the 1980s, up until the mid 1990s, did not see as much coverage as of free speech. To rule out whether this is correlated with a dearth of Supreme Court cases, it is worth reviewing what decisions were written in the 1980s. At the turn of the decade, the Supreme Court created a four-part test to decide when a state could regulate commercial speech. in *Central Hudson Gas & Electric Corporation v. Public Service Commission*.⁶⁹ In 1982, *New York v. Ferber* found that child pornography is not protected by the First Amendment. That

⁶⁶ Jim Szczepaniak,"A classic case of protection of 'repulsive' beliefs," *The Skokie Review*, no date available, available at <http://www.idaillinois.org/cdm/ref/collection/skokiepo001/id/201> (accessed December 20, 2016).

⁶⁷ Article 731713.

⁶⁸ Article 73301.

⁶⁹Chicago-Kent College of Law at Illinois Tech. "Central Hudson Gas & Electric Corporation v. Public Service Commission of New York." Oyez. <https://www.oyez.org/cases/1979/79-565> (accessed December 20, 2016).

same year, the Court ruled in *Board of Education v. Pico* that schools may not remove books because they include unpopular ideas, In the 1986 case *Bethel School District v. Fraser*, the Supreme Court decided that a school could suspend a student for making lewd remarks contrary to the school's values, limiting protections previously established by the *Tinker* case.⁷⁰

Yet not many of the 1980s articles seemed to focus on the issue of free speech, the Constitution, or federal statutes, though of course, some did. Early articles in the 1980s, from the COHA database, focused on regulation of cable content, especially concern over obscene material. Mentions of free speech were common in broader discussions of "freedom." These concerns harken back to view of Chomsky, who saw regulation of the media by the state as one of the reasons it can neither defend, nor enhance, the free speech culture necessary for a democratic society.⁷¹ There was also discussion of whether prayer in school was some form of protected speech, or constituted a recognition of a religious establishment.⁷²

The later years of 1980s demonstrate a similar trend of not showing a strong presence of Supreme Court-references within media coverage, while other free-speech related coverage included efforts to censor discussion of drugs, television, and the use of censorship by the Soviet Union, as well the censorship of American political opinion sympathetic to the Soviet Union. Regarding efforts to limit discussion of drugs, one author angrily wrote, "But history suggests that effective censorship is not the way to protect society from a climate of ignorance...History suggests that ignorance is not bliss. It is only the illusion of bliss."⁷³ Notably, coverage seemed

⁷⁰ Chicago-Kent College of Law at Illinois Tech. "Bethel School District No. 403 v. Fraser." Oyez. <https://www.oyez.org/cases/1985/84-1667> (accessed December 20, 2016).

⁷¹ Chomsky, 28.

⁷² Article 735588.

⁷³ Article 670538

relatively sparse between the late 1970s and the mid-1900s. However, one article from 1987 potentially exemplifies some of the discussions surrounding free speech and censorship.

Ten years after the mini-series " Roots " changed accepted notions of prime-time TV programming and four years after ABC confronted the issue of a nuclear holocaust with " The Day After, " network entertainment chief Brandon Stoddard , who played a role in both of those productions , is gambling on "Amerika." The controversial 14 1/2-hour mini-series , which airs on Channel 7 beginning Sunday night and continues nightly through Friday before concluding on Feb. 22, has produced wails from the political left , an abandonment by Chrysler Corp. as a sponsor , consternation at some affiliate stations , the threat of lawsuits by the United Nations , official protests from the Soviet Union , nasty letters from three former U.S. ambassadors to the U.N. and a pervasive sense that " Amerika," with its \$35 million budget , could be a risky business indeed for a struggling network . Briefly , " Amerika " is a fictional account of life in the United States 10 years after a Soviet occupation ...As the production of " Amerika " raced to a conclusion earlier this month , O'Connor addressed the firestorm of criticism and the fleeing of sponsors that has dogged the ABC Circle Films effort. "We've been thunderstruck by some of what we've heard and seen," he said in a telephone interview." In one very real sense this is a television show, a piece of entertainment." If people want to watch it and say it stinks , that's fine. But when people in Moscow threaten to expel the ABC News bureau chief if the network airs it , and when you're confronted with the sort of commercial pre-censorship that you have to read into what Chrysler did , it's hard to fathom the tremendous opposition to this theme."... (The program) deals with rather fundamental American principles which should be , in my view , of common agreement -- the nature of the individual in a free society and the responsibility of that individual in maintaining a viable democratic society . It ' s not even about socialism versus capitalism . It ' s about democracy versus totalitarianism. "Objection to "Amerika" primarily has come from the political left . Wrye and company have been accused of poisoning the well of U.S.-Soviet relations , of characterizing the U.N. as a tool of the Soviets and ,... Ultimately , the first principle of television viewing stands : If you don't like what you're seeing, turn it off."

The data shows another "high" in 1993 through approximately 1997. Articles focused on the issue of censorship and commercial advertisements, as well as censorship in Cuba, China and Iran.⁷⁴ Others focused on reflecting on the "effect of violent words." Importantly, free speech regarding pornography and information about abortion access was also covered.⁷⁵ The article

⁷⁴ Article 600240.

⁷⁵ Article 615364.

featured below, one of the few that extensively focused on free speech, exemplified much of the conversation surrounding free speech principles throughout the 1990s:

“ Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the free speech, or of the press , or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances. Sticks and stones -- and bombs -- can break our bones. But words, we are taught, can never hurt us. Or can they? The terrorist bombing in Oklahoma City has triggered new debate over one of the oldest quandaries of our democracy: When is our cherished free speech too free? Can angry, vile, blood-boiling speech -- Newsweek called it “toxic speech” last week -- trigger violence? And if it does, should it be restricted -- or even censored? Under the protective cover of the First Amendment, anyone can freely broadcast recipes for explosives on the Internet or even offer rationales for the Oklahoma City bombers, such as the fight against an oppressive government...In the days since the April 19 bombing, President Clinton has encouraged debate over the effect of violent words in today 's society -- and what to do about it.” Bitter words have consequences,” he told an audience in Minnesota April 24. In the end Clinton, who once taught constitutional law at the University of Arkansas....Clinton said,“ I remind you that we have free speech , too...It is time we all stood up and spoke against that kind of reckless speech and behavior.” But in a climate of increasing hate and violence , is that optimistic remedy -- which relies on the idealistic view that the good speech will drive out the bad -- enough? Some legal theorists think not.” Frozen at the First Amendment bulkhead , we watch the rising tide of racial hatred wash over our schools and workplaces,” says Mari Matsuda of Georgetown law school.”...Sen. Arlen Specter, R-Pa., chairman of the subcommittee, says he wants to see if the publication and distribution of such information can be limited. But beyond that, Etzioni acknowledges, there is little that can be done: “You control such speech, not by law, but by the forces of the community.” It seems clear that under First Amendment doctrine that has been ratified by both liberals and conservatives on the Supreme Court, not much can be done about hateful speech -- a fact celebrated by some, lamented by others. One reason it's so hard to restrict or censor toxic speech is the difficulty of proving -- before or after -- that speech actually causes illegal action. In recent years, various groups have sought to draw the connection between pornography and rape, television violence and aggression , rap music and cop killers . Virtually all these efforts have failed -- in the courts and in academia.” University law professor R. Kent Greenawalt. “On the other hand, it 's also plausible to argue that this speech allows people to blow off steam and talk, rather than act.” Because free speech is so valued, and the causal link between speech and action is so hard to prove, the U.S. Supreme Court has drawn its line in the sand more broadly than

any other democracy. In the 1969 case of *Brandenburg vs. Ohio*, the high court reversed the conviction of a Ku Klux Klan leader prosecuted under an Ohio law forbidding advocacy of lawlessness. The court unanimously agreed that speech can be restricted only when it is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action Even efforts to penalize hate speech on campuses , pursued just a few years ago , have withered in the wake of Supreme Court rulings. Other democracies, with pasts shattered by hate , or with a different take on free speech, have found ways to restrict toxic speech. Germany , still mindful of its Third Reich past, has outlawed the Nazi party, Nazi propaganda and several neo-Nazi groups. German laws also bar the use of Nazi symbols and outlaw the assertion that the Holocaust never happened. France, Great Britain, India and Indonesia are among the many countries that criminalize threatening speech. Closer to home, Canada outlaws hateful speech -- even though its 1982 charter of rights strongly protects free speech. The government has shut down telephone hate lines and prosecuted a man for teaching that the Holocaust did not happen." It is your country that is the odd man out, you have to remember, not the rest of the world,"...America should resist the current temptation to clamp down on hateful speech, says Harvard law professor Laurence Tribe." The fact that the electronic media give an incredibly powerful megaphone to this disfavored speech doesn't justify anything more than the government using the bully pulpit, as President Clinton has done."⁷⁶

Because the data did not completely cover the 2000s, it is harder to draw a general trend for that decade. Ultimately, from the articles that produced positive Free Speech Orientation scores through the text-mining program, we can draw a few conclusions about when and how free speech is covered within the United States. These conclusions both support and undermine the theoretical frameworks explored at the beginning of the study. First, one important conclusion from this data is that very few of the articles noted as having Free Speech Orientation were primarily focused on free speech. Most were “about” free speech, but explored free speech as a secondary topic. In many of these articles, free speech was often referred to as a defense for a socially impermissible or societally stigmatized movement. Moreover, free speech, unlike Second Amendment rights, was rarely discussed on its own terms, according to the results.

⁷⁶ Article 611532.

Instead, First Amendment free speech rights are invoked as a prerequisite or cultural norm that is in some way used to critique - or defend- impermissible action.

The invocation of free speech as a criticism of foreign governments was a common thread through the decades in each paper. No matter what the time period, articles arose criticizing Communist regimes, whether China, Cuba, East Germany, or the Soviet Union, and their relationship to free speech. Ironically, several pieces explored interest in censoring materials about these regimes, due to fear of normalizing Communism. This result in part vindicates the ideas purported in *Manufacturing Consent*. As earlier discussed, Chomsky believes American media has an inherently anti-Communist bias, though it is difficult to tell from this data whether anti-Communist sentiment expressed in these articles is uniquely exacerbated by the media, or merely reflective of American society. Notably, none of the articles surveyed betrayed any significantly favorable views of Communist thought.

Perhaps surprisingly, reports on major free-speech-related Supreme Court cases were not incredibly frequent, and fewer than a constitutionalist might expect. While there were tens of Supreme Court cases with major implications for free speech rights between 1960 and 2009, these cases were not the primary coverage of free speech. Notably, much of the “legal” coverage that the text-mining program found were related to libel and the protection of commercial speech. Importantly, this might allow us to argue that in American media coverage, free speech is primarily understood as a sociocultural value, not a constitutional principle. While free speech (or Congress’s inability to limit it) is emboldened in the First Amendment, the invocation of free speech as a value, within media, has not been from a legal framework. Even considering the Skokie controversy, which caused a major stir, the Supreme Court decision was neither the first

court to rule on the Nazi's permit and receive media coverage, nor the only arbitrator of free speech within the controversy. The American citizenry, through opinion articles, quotes, and public events was having a larger, public debate about incendiary speech, well beyond the protections of the First Amendment.

Future Research and Conclusion

Like any investigation, this study had several opportunities for error. The creation of a dictionary presents natural challenges that reflect both the potential for human bias and human error. First, the choices for what could and could not be tested for eventual inclusion in the final dictionary were limited by what I initially saw as the most important phrases. Theoretically, my initial selections could have ignored a potentially very effective phrase that predicted Free Speech Orientation. Second, in order to determine whether articles had Free Speech Orientation, I had to hand-code 1,200 initial *New York Times* articles. The hand-coding of these results was certainly affected by the subjectivity of human interpretation. Moreover, the sources I used were selected in order to produce documents with a high likelihood of FSO, potentially compromising and inflating the FSO of the phrases -- rates of false negatives among phrases being correlated but not implicitly related to free speech. Finally, the sources used to test the efficiency of the dictionary were solely provided by the *New York Times* from three specific time periods, while the COHA set of texts came from a significantly more diverse set of sources. While the potential benefit of this choice is that there was no overlap between the sample set and the ultimate set of texts included, the *New York Times* has particular political, regional and rhetorical traits that might separate the newspaper from COHA's more general collection of news media. Moreover, the *New York Times* article search was different from the COHA search, as the *New York Times*

search included every article published by the paper between the designated time periods, while the COHA database included articles selected to create linguistic balance.

This study was also imperfect because, while the COHA database is very large, only a small number of articles had mentions free speech topics. This problem, no matter how the topic is studied, maybe be unavoidable. Still, this approach gives a large weight to a single article that the program finds. This fact provides an important justification for analyzing the data both in terms of the occurrence of certain phrases contributing to one “hit count,” as well as in terms of frequency of articles written about free speech, without weight to how many times a phrase related to free speech is mentioned within an article.

Finally, the conclusions drawn from a project like this are fundamentally different from a traditional historical project. While a traditional project can easily understand the content of a particular set of primary sources, such as newspaper articles, their analysis cannot represent the full scope of their topic’s primary source material. Conversely, a study like this, which employs a massive number of primary sources cannot make assumptions about the content. While I can make conjectures about what likely “caused” the spike in the 1970s, or the slump in the 1980s, in free speech coverage, there is no easy way to ensure that my analysis is actually correct. Thus, we can conceivably use this study to argue that there is a spike in the late 1970s, but proposing what events might have caused that spike is more challenging.

Interestingly, government censorship and state abuse of citizen free speech rights did not arise as a topic. For part of my research, I interviewed Lauren-Glenn Davitian from the Center for Media & Democracy in Burlington, Vermont. Her work, primarily, involves running a local, public television channel in Vermont. She spoke about free speech as a type of public good, and

how media networks were responsible for providing young activists with media access to spread their message. She also discussed how she conceptualized public access television as a necessary part of American free speech culture, and the work activists had consistently done to make free speech a center of their advocacy. The Free Speech Movement in the early 1960s exemplified this long tradition, which continued throughout the Civil Rights movement and environmental movement. Still, my research produced no linkage between activist communities and free speech. Perhaps, this result implies that the American news media has an explicitly non-radical disposition, and throughout the 20th century consistently failed to establish a meaningful relationship between free speech (the cultural concept) and progressive activism.

One of the challenges of this study was trying to explain the results of this study was the lack of “height” seen during the Free Speech Movement at the University of California, Berkeley in the 1960s. The implications of a lack of coverage within the text-mining are important, and delve into questions of historical memory. One explanation is that the Free Speech Movement *should* represent a “high” in free speech coverage according to this study, and therefore shows an error in the text-mining approach. Alternatively, the text-mining project might show that despite historical memory, at the time the Free speech Movement was not “covered” as a free speech issue.

Looking at Free Speech Movement archives at the University of California, Berkeley, we can get a sense of how these issues were covered. A telling excerpt from a October 2, 1964 San Francisco Chronicle article titled “Tolerance at Breaking Point” explicated: “The broadest possible tolerance for college students who behave like college students customarily shapes the attitude of the general public and of campus authorities, but that tolerance is being strained to its

limit by troublous events at the University of California in Berkeley. A small minority of students - estimated at 400 among 27,500 registrants - is deliberately defying university regulations, and other hundreds, apparently misled by the far-fetched contention that those regulations infringe upon free speech and other civil rights, have joined the defiant mess in sit-ins and mass demonstrations of protest.”

A survey of headlines from the era reveal its lack of emphasis on free speech, instead prioritizing the language of “rebellion” and “radical.” We can get this sense from a brief analysis of newspaper headlines:

“U.C. Rebels Await Support from Faculty in Sit-In,” “800 U.C. Rebels March New All-Night Sit-In,” “U.C. Rebels March on Sproul Hall,” “U.C. Students Gather For Another Sit-In,” “The Big ‘Revolt’ at UC,” “UC ‘Revolt’ Over Ban on Politics,” “U.C. Students Defy Ban on Politics,” “Regents Regard U.C. as ‘Sanctuary,’” “Chancellor Hits Report by Faculty,” “Rafferty Assails U.C. Revolt,” “Tolerance at Breaking Point,” “Rafferty Assails U.C. Revolt,” “‘Weak’ U.C. Action Blasted by Pursel,” “Students Rally on Sproul Hall Steps,” “U.C. Rebels Await Support From Faculty in Sit-in,” “New Charge Hits U.C. Rebel Leaders,” “800 U.C. Rebels march For New All-Night Sit-In,” “U.C. Rebels March on Sproul Hall,” “U.S. Students Gather for Another Sit-In,” “UC Rebels’ Battle Plan For Showdown,” “UC Rebels’ Battle Plan,” “Big Protest at UC Campus -- Revolt Flares Up Again,” “Tougher UC Line on ‘Rebels,’” “UC Faculty Group Raps Suspensions,” “A Short and Neat UC Sit-In,” “Talk of Another Big UC Protest,” “UC Students Again Shut Out of Auditorium,” “Nine Professors for the FSM,” “The UC Trial: Copy’s Shattering Night at Sit-In,” “UC Bars FSM Fund Drive,” “Bomb the Ban -- UC Acts,” “U.. Sit-In Rebel,” “Our Man in the UC Campus Mob,” “Chancellor Spells Out Campus Rules,” “A Stern Warning on U.C. Protest,” “Cal’s Day of Protest,” “Disciplining Of Rebels Starts at UC,” “‘Discipline’ of UC Rebels,” “ASUC Panel to OK Permits,” “U.C. May Expel 4 Rebels,” “Four U.C. Rebels Face Expulsion,” “A Bit Setback for Defense in U.C. Set-In Trial,” “The U.C. Sit-In Trial-- A Model for the Nation,” “U.C. Berkeley Demonstration Continues, Car is Wrecked” “91 in Cal Protests Receive Sentences,” “Sit in Trial in 10th Day,” “Attendance of Sit-in Group Checked,” “Sit-In Mistrial Sought,” “Savio on Stand, Tells How He Was Arrested,” “Savio Grade Points Down Because of Incompletes,” “Savio Questioned on Stolen Letters,” “FSM’s ‘Sound Man’ Called to Stand,” “Mario Savio, Bride Miss Sit in Trial,” “Kerr Testifies on UC Crises.”

A closer analysis of newspaper articles written about the Free Speech Movement betray an important problem with using language within newspapers as a measure of “free speech” coverage. Fundamentally, text-mining programs can only track words that are used within a text, and not language that does not. Moreover, text-mining will not identify movements that are only later characterized as moments in free speech history but whose coverage does not include the words included within an initial phrase-dictionary.

Looking at the topics that received a significant amount coverage, Shiffrin, Zaller and Chomsky’s approaches are potentially reconcilable. As predicted by Shiffrin and Fromm, free speech coverage seems to strongly disfavor radical progressive groups. If these groups were covered, the results would suggest that they were not portrayed as related to free speech. Meanwhile, socially stigmatized groups, like the Nazis and the KKK (who are radical in their own), received a lot of coverage compared to radical groups who were significantly less “scandalous” and forwarded more politically meaningful messages. This project seems to suggest that in order for a group’s free speech rights to gain newspaper coverage, they would need to be both marginal and socially stigmatized. A group needs to be insignificant enough to the average reader that they do not challenge the consumerist instincts publications seek to cultivate, but produce enough scandal to sell papers. A crisis over whether the Nazis have a right to free speech sells papers by creating scandal, but does not truly urge the average reader to question his or her political system. This conclusion resembles Zaller’s conclusion that “Rational citizens want to be exposed to some but not a great deal of elite conflict.”⁷⁷ The same argument, in a way, could be applied to college students and the “political correctness” issue which Miller

⁷⁷ Zaller, 17.

notes was a cause for significant coverage in the 1990s. Students are perceived to be marginal in their ability to influence society, but often produce arguments and events that seem absurd, or are characterized as absurd, to the average American. Thus, it is possible that college students, who seem eternally embroiled within the free speech debate, are covered, but are not represented by this study because the dictionary phrases were not included in the articles written about them.

The study is in no way exhaustive. Future study could increase the initial articles analyzed by the text-mining program, though it would be difficult to find a database that offered more sources than the COHA database. However, an issue worthy of resolution is the surprisingly variable number of articles available per month in the COHA database. Another approach to this study could hand-code the 200 articles into various topics to explore potential themes or trends. Further study could also better compare various databases of articles, to see if trends remain consistent. Moving forward, I could also explore the option of topic-modelling as a way to improve or supplement this research.

Ultimately, several conclusions can be drawn from this study, though they would require further quantitative and primary source analysis. First, free speech, as covered by U.S. news media, is portrayed more as a cultural construct than a legal one. Second, free speech is rarely covered as a topic on its own terms. Third, free speech is generally covered in the United States when it's not clear whether the subject at hand is covered, or deserves, free speech protection. We see this trend in coverage of Nazis, libel, Communists, and incendiary speech. When the free speech-related topic is not domestically based, articles seem to be focused on vilifying other nations for not protecting free speech, or celebrating the United States, comparatively, for doing so. While the research on this topic is certainly not complete, this text-mining study has given

credence to several important perceptions and arguments about the role of free speech in the United States. Ultimately, it provides evidence that Supreme Court and legal conceptions of free speech are not intimately related to cultural conceptions of free speech, at least as affected by media coverage, that free speech is rarely a covered topic on its own grounds, and finally, that cleavages in public consensus regarding free speech rights are more likely to be covered than domestic objective violations of free speech, while the opposite is true regarding the American media's coverage of foreign countries.