

# Major First Amendment Conference Brings National Acclaim to Duquesne

By Tara Bradley-Steck

A group of high school students taking a “banned books” class came, as did a retired executive from Alcoa. A journalist flew in from Moscow specifically for the two-day event and flew home again with nary a twinge of jet lag. An alumna and her husband drove west across Pennsylvania, while another couple drove east from Iowa.

This diverse assortment of folks came to Duquesne University in October for one purpose—to discuss, honor and show their appreciation for the First Amendment and to learn of the challenges it might be facing.

“I went because I want to learn more,” Marilyn Painter, 81, of Pittsburgh said simply. “I just loved the agenda, and the quality of the presenters was amazing.”

*The National Conference on the First Amendment: Bedrock of American Freedoms*, held Oct. 21 and 22 at Duquesne, couldn’t have come at a more opportune moment.

In the age of lightning-fast information and hair-trigger responses, of mal-information, disinformation and misinformation, of presidential jabs at the press and radical groups’ assaults on freedom of speech, of barely suppressed tolerance

for non-mainstream and mainstream religions, the conference served as both an homage to the First Amendment’s might and exploration of the forces threatening it in the digital age.

Duquesne and The Pittsburgh Foundation, in collaboration with the National Constitution Center, presented the conference as a catalyst to reawaken appreciation for First Amendment freedoms and as continuation of a University-sponsored series on civil discourse.

“The First Amendment comes up constantly—online, in our lives, in court, on campus. It’s really interwoven into our lives in a way few other laws are,” said panelist Lata Nott, executive director of the First Amendment Center at the Freedom Forum Institute in Washington, D.C.

That is why the First Amendment is so critical. Indeed, that is why the First Amendment is first, said Maxwell King, president and CEO of The



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Gen. Michael V. Hayden (center), former director of the Central Intelligence Agency and National Security Agency, and Tom Ridge (right), former governor of Pennsylvania and former secretary of the U.S. Department of Homeland Security, speak with panel moderator Paul Rosenzweig (left), senior fellow at R Street Institute, founder of Red Branch Consulting PLLC, senior advisor at The Chertoff Group and former deputy assistant secretary for policy, U.S. Department of Homeland Security.

Pittsburgh Foundation and former editor of *The Philadelphia Inquirer*.

“All other freedoms under our Constitution are imperiled if fundamental First Amendment freedoms are undermined,” he said. “The shared mission of The Pittsburgh Foundation and Duquesne is recognizing that an aware and involved citizenry is the ultimate safeguard of American democracy.”

Duquesne President Ken Gormley echoed those sentiments.

“There’s endless talk in the news these days about being divided as a nation, based upon differing political views and strongly-held beliefs fueled by nasty partisanship. That’s all true. Yet ... we’re at our best, firing on all cylinders, not when we’re at each other’s throats but when we’re rallying around principles that unite us,” he told the crowd packed into the ballroom of Duquesne’s Power Center.

And what better freedoms to rally around than those that come first in the Bill of Rights, expressed in a succinct, 45-word promise?

“This little amendment—more than any other words in our Constitution—reflects the values that unite us as Americans,” Gormley said.

### WHO’S WHO

The event featured a Who’s Who of 48 nationally prominent journalists, college presidents, legal scholars and public figures across the political spectrum and hailing from around the world—all of whom shared a passion for the freedoms guaranteed by the First Amendment.

Dignitaries included retired four-star general and Duquesne alumnus Michael Hayden, who headed the CIA and National Security Agency; Tom Ridge, the former governor of Pennsylvania and first secretary of the Department of Homeland Security; U.S. Solicitor General Noel Francisco; Ohio Governor John Kasich interviewed in advance by Gormley; and U.S. Supreme Court Justice Ruth Bader Ginsburg, whose videotaped speech reminded the audience that the First Amendment “is not a license to ride



Left: Floyd Abrams, attorney and leading legal authority on the First Amendment, gave a talk on “the soul of the First Amendment.” Maxwell King, president and CEO of The Pittsburgh Foundation and former editor of *The Philadelphia Inquirer*, moderated the panel on the importance of a free press.



Left: Dean P. Baquet, executive editor of *The New York Times*, Martin Baron, executive editor of *The Washington Post*, and David Shribman, executive editor of the *Pittsburgh Post-Gazette*, took part in a panel on the importance of a free press.

Middle, left: Joy McNally, interim director of the Thomas R. Kline Center for Judicial Education at Duquesne University School of Law, was emcee of the event.



Middle, right: Lana Ulrich, in-house counsel at the National Constitution Center; Lata Nott, executive director of the Freedom Forum Institute's First Amendment Center; and Katy Glenn Bass, research director at the Knight First Amendment Institute at Columbia University, told the audience about organizations that educate the public about the First Amendment.



Bottom, left: Juan Williams, a political analyst for *Fox News*, participated in a panel discussion on the First Amendment in the 21st century as viewed from the “trenches.”



Bottom, right: Author, musician, activist and self-proclaimed “troublemaker” Simon Tam spoke about his eight-year battle to call his Asian-American rock band “The Slants.”



roughshod over the well-being of others.”

Also attending were editors from *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *Pittsburgh Post-Gazette*, *TIME* magazine and Google; conservative and progressive print columnists and radio/television commentators, including Hugh Hewitt, Tony Norman, James O’Keefe, Jason Willick and Juan Williams; and journalists from Russia and South Korea. Former American Civil Liberties Union president Nadine Strossen, lawyer/First Amendment expert Floyd Abrams and outspoken Harvard law professor-turned-commentator Alan Dershowitz provided additional perspective. There even was an Asian-American dance rock band, whose eight-year battle to call itself “The Slants” ended up before the U.S. Supreme Court and resulted in a victory.

Panel discussions probed speech on college campuses, assaults to free press, political correctness, artistic expression, new technology and social media (moderated by alum Jim Crutchfield), and national security. History lessons in the form of the Founding Fathers’ intentions in crafting the First Amendment and memorable U.S. Supreme Court decisions involving certain aspects of the First Amendment kept the more than 600 spectators who attended the event grounded in facts.

Or, at least, facts all could agree on.

## FACT VS. FICTION AND THE PROTECTION OF LIES

In the age of President Donald Trump, who popularized the term “fake news,” heretofore agreed-upon facts are not assumed, said the panelists. American consumers, confused and jaded by onslaughts on the press and democratic institutions such as the FBI and the courts, have forced journalists to increase their efforts to be more transparent in explaining their process, their sources and their methods.

“It’s hard to have a democracy without strong institutions or when people don’t agree on a baseline set of facts,” said Martin Baron, executive editor of *The Washington Post*. “But ultimately you have to agree on what happened yesterday, and that’s concerning when you don’t have that.”

Surprisingly, the First Amendment protects falsehoods, and “fake news is protected by the First Amendment because lies are protected by the First Amendment,” Nott said.

In such an atmosphere of distrust, a free press is more relevant and necessary than ever, said the panelists.

“To the extent we and that public officials declare that the press is an enemy of the people or that the press are mean and horrible people ... we begin to undermine the very trust that historically people have placed in the press,” Ridge said. “And, I don’t believe democracies can exist without a free press.”

*Top row, left to right:* One of the panelists was Nadine Strossen, professor at New York Law School and immediate past president of the American Civil Liberties Union. Noel Francisco, solicitor general of the United States, and Judge Thomas Hardiman of the U.S. Court of Appeals for the Third Circuit, listened to a question posed by Duquesne University President Ken Gormley about categories of unprotected speech and the types of First Amendment cases federal courts may confront in years to come.



*Bottom row, left to right:* Andrew Conte, founding director of the Center for Media Innovation at Point Park University, moderated a panel discussion on unconventional reporting styles featuring Salena Zito, CNN contributor and reporter for the *Washington Examiner*, and James O’Keefe, founder and president of Project Veritas. Amanda Bennett, director of Voice of America, participated in a panel of foreign journalists.



Ridge acknowledged that being in the public eye, scrutinized by media from all sides, may be uncomfortable; but that goes with the territory of being an American, and he would have it no other way.

"The First Amendment freedom was not designed to make elected officials happy," he said.

Ironically, the editors said recent attacks on the mainstream media have led to renewed support for freedom of the press.

"All newspapers have had their backs against the wall, and we lost a bit of confidence in ourselves," said Dean Baquet, executive editor of *The New York Times*. "And now we're in the middle of one of the great stories of our generation. People see us as vital more than ever before."

"Now they don't take us for granted," Baron said. "They are subscribing to us in record numbers."

Yet, how does one become a more educated consumer of news? What is the result of getting one's news, not from *The Washington Post* with its 850 reporters and fact checkers but, rather, from a Twitter feed or blog that is nothing more than an echo chamber for narrow, uninformed views?

### SOCIAL MEDIA: THE FIRST AMENDMENT'S GREATEST THREAT?

The basis behind the First Amendment is that once all information is on the table, the truth will be revealed.

But the panelists weren't sure that adage still applies in the age of social media.

"What's fact? What's fiction?" Ridge asked. "The advent of the internet and social media have dramatically changed how information is conveyed. They're unrestrained. There are no standards. There's no geographic boundary. It complicates the world in a very significant way. It can be



Left: Panelists included Hugh Hewitt, American radio talk show host, lawyer, academic and author. Right: Jeffrey Rosen, president and CEO of the National Constitution Center, moderated a panel discussion on speech on college campuses.

weaponized to undermine the values we hold dear and want to protect."

Richard Gingras, vice president of news for Google, said the internet has created a world of unfettered free expression, which has forever changed the nature of public discourse and political engagement.

"Yes, the internet can elevate noble speech. But the internet also enables heinous speech where anger, outrage or self-righteousness can be turned into a hatred of others," he said. "As society's access to media becomes more open, the media space becomes intrinsically, mathematically more divisive. If you want to unify a society, then the one-voice media model of (North Korean leader) Kim Jong-un will do the trick."

Williams said part of the problem with social media is "anonymous actors, and even some actors that are intending to mislead you."



### DRAWING ON EXPERIENCE

Conference speaker Liza Donnelly, a cartoonist and writer with *The New Yorker* and resident cartoonist at CBS News, participated in a panel discussion and also drew images during the conference on her iPad. Donnelly is the creator of digital live drawing, a new form of journalism in which she draws on a tablet and then shares her impressions of events and news instantly on social media.



Follow Liza on Twitter at [@lizadonnelly](https://twitter.com/lizadonnelly) or visit her website at [lizadonnelly.com](http://lizadonnelly.com).



Top, left: Panelists included Nancy Gibbs, former editor of *TIME* magazine and visiting professor at the Harvard Kennedy School of Government; Liza Donnelly, cartoonist and writer with *The New Yorker* and resident cartoonist at CBS News; Luis Fábregas, editor of the *Tribune-Review's* Pittsburgh digital edition and the *Valley News Dispatch*; and *Pittsburgh Post-Gazette* columnist Tony Norman. Top, right: Robert Rosenthal, executive director of the Center for Investigative Reporting and former editor of several national newspapers, moderated a panel of foreign journalists.

“You as the consumer really have to rely on your own discernment and you have to make decisions about what it is you are reading, watching or listening to. This is a tremendous burden in terms of citizenship, but I think it is required at this time,” he said.

Hayden agreed.

“Social media knows you at least as well as you know yourself. The business model—the return on investment—is time on the platform, the number of clicks, so it wants you to stay,” he said. “And the longer you stay on it, the core algorithm will drive you to more extreme expressions of your starting point. Rather than driving you to some sort of global comments for dialogue, it actually bends you away from the center and into the darkest corners of your self-identified ghetto.”

Therein lies the brave new world. A democracy in the digital age requires people to be more skeptical of information and seek out other points of view, which, after all, was one of the founders’ goals in drafting the First Amendment.

Said Ridge: “I like to think that technology can help us get through the abuse of this extraordinary capability that’s global in nature ... so that maybe down the road at least 330 million Americans could be a little more demanding of facts and truth and be a little bit more open-minded to another point of view, which helps us get to a better place.”

## FOREIGN JOURNALISTS FROM LANDS WITHOUT THE FIRST AMENDMENT

Foreign journalists reminded the audience that freedom of the press, speech, religion, assembly and petition are not inalienable rights in many countries. Just recently, family members of six Chinese journalists reporting in Washington for Voice of America were arrested and sent to concentration

camps in China “because of the work they’re doing here,” said Amanda Bennett, director of Voice of America.

“This is one of the things I find so touching, so moving, is the people that come to work for us face down these dangers because they see the value of free, neutral, independent information,” she said. “What happened with (executed Saudi Arabian journalist) Jamal Khashoggi is not trivial for us.”

Suki Kim, a Korean-American journalist who went undercover in North Korea for six months, claimed it’s impossible to have an educated citizenry in a country in which all information is controlled by the government and citizens “have been educated on nothing but the great leader.”

“What the North Korean government has done is to erase the media within the country. There’s only one working paper, and it’s six pages long, and every article is about the great leader. It is not an informed audience,” she said. “In 70 years, the history of Korea has been successfully erased.”

The ramifications of a country without First Amendment protections could be disastrous, she said.

“The fear of what we’re talking about, of somehow losing this First Amendment—North Korea is what happens,” Kim said.

## THOSE WHO CAME

Those who attended the conference, which was open to the public, ranged from Duquesne students and faculty to Pittsburgh-area residents, distant alumni, interested journalists, legal aficionados and concerned citizens.

Maryann Spellman Young and her husband, Gordon, drove more than 300 miles from their home in Union Dale, Pa., to hear speakers such as Elizaveta Osetinskaya, who flew almost 5,000 miles from Moscow, talk about the challenges covering a country that doesn’t have First



Duquesne University President Ken Gormley; the Rev. James McCloskey, C.S.Sp., senior advisor to the president for strategic initiatives; and the Rev. Donald Nesti, C.S.Sp., past president of Duquesne University from 1980-1988, met with students from Holy Ghost Prep, a Spiritan prep school in suburban Philadelphia founded by Spiritan missionaries. The students traveled to Duquesne to attend the First Amendment conference.



Emmie Calland, senior manager for the Center for Philanthropy and Strategic Initiatives at The Pittsburgh Foundation, enjoys a light moment with conference coordinator Erin Karsman, adjunct professor in the Duquesne University School of Law.

Amendment protections and whose leader does not permit any aggressive reporting about his family. The couple couldn't arrive in time to make the opening day's session, so they streamed the panel discussions during the five-hour drive.

They called the event "riveting."

"I thought it was such a profoundly timely event," said Young, A'77. "There was no stone unturned in representing both extremes of politics and judicial discourse. It seemed so well thought out in terms of who should be there. I'd be hard-pressed to know who they could top for those panelists."

Young said she sat next to a woman who brought her three pre-teen and teenage children, "and she was making them pay attention and take notes." She also met a few couples from Iowa at the conference.

"We saw them later in the hotel and they asked us, 'What did we think, wasn't it great?' They seemed to have gotten a lot out of it as well," she said.

A group of high school students from Winchester Thurston, a private school in Pittsburgh, attended the conference as part of a class on "banned books."

"They are talking about things that are really relevant and sharing a lot of opinions that haven't been brought to the forefront of discussion," senior Gabriel Batista, 17, said. "It makes people think about themselves within an organization or community."

Halyna Kowal, A'97, GA'99, of Pittsburgh said she was impressed that the panelists spoke so eloquently and pragmatically.

"Everybody was so well-informed," she said. "The discussion had different viewpoints; they were not afraid to voice their opinions."

Broadcast journalist Bill Flanagan, who also serves as chief corporate relations officer for the Allegheny Conference on

Community Development, said he was "blown away by the quality of the panelists and the discussions."

"It's refreshing to see people have a civilized conversation about the First Amendment," he said.

### NEED FOR ENGAGEMENT

Not everything at the conference was neatly tied in a bow. Questions were raised—especially those involving the "policing" of speech on the internet—for which there was little consensus. Panelists differed markedly over issues such as anonymity and privacy. But disagreements were expressed with grace and courtesy. Even conservative political activist O'Keefe, whose invitation to speak prompted *The Duquesne Duke* to pen a scathing editorial, was respectful in his passionate polemic against traditional journalism. And students who disagreed with his position and approach listened, with equal respect, in the audience.

To be sure, perhaps the most remarkable takeaway was that so many folks with so many points of view could come together and engage in true *civil* discourse. And that discourse made it clear that many acts of personal freedom depend on the First Amendment, which shines brightest under the watchful protection of an informed and educated citizenry.

"I think the beauty of a free society is the ability of different parties to be able to communicate and create a symbiosis that can lead to clarity. What happens is, you rub up against one another, and the truth prevails," Kasich said. "And it's also the responsibility of all of us as citizens to not just sit back and not have our say. Your opinion matters. Your actions matter. So, it's important for all of us to be engaged." ♦

