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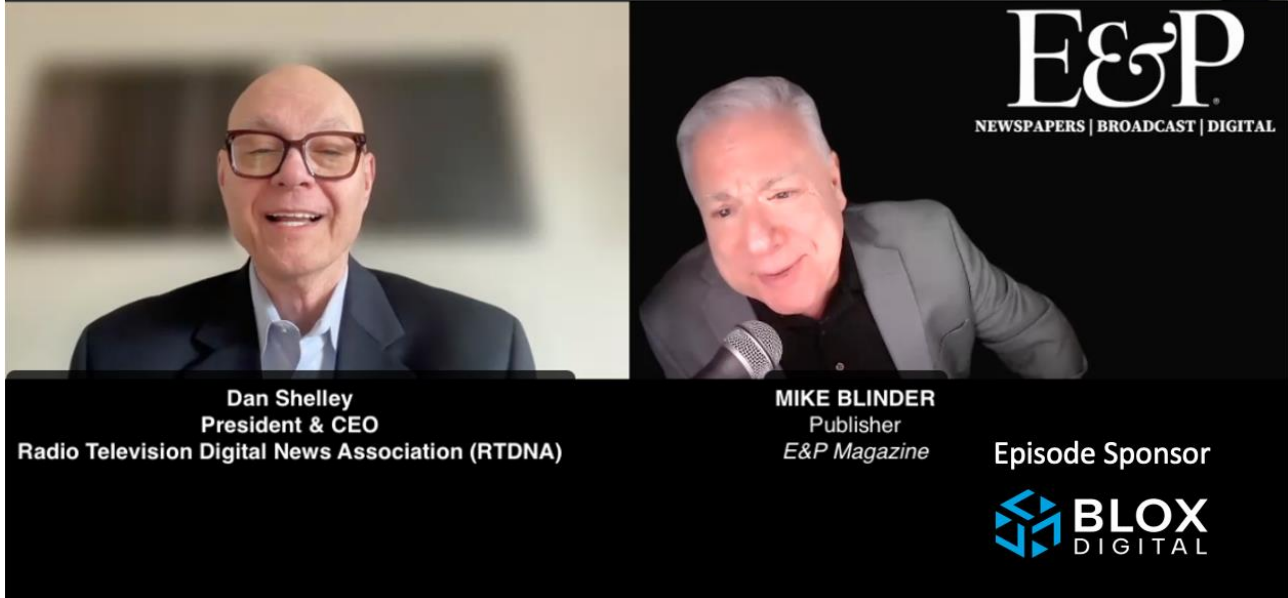
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[A look at the broadcast news industry from RTDNA CEO Dan Shelley](#)

E&P gains insights from the Radio Television Digital News Association’s CEO & President Dan Shelley, on how the RTDNA is helping journalism survive in today’s complex local news media ecosystem. Topics discussed in this episode of “E&P Reports,” include: The fight for camera’s (and microphones) in courtrooms. Should the news media industry police itself in defining who is a journalist? Citizen journalism’s growth and the impact it is having on local news media outlets, and more.



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0:00:00.7 Announcer: This is E&P reports, a Vodcast from Editor and Publisher magazine, the authoritative voice of news media since 1884, serving newspapers, broadcast, digital, and all forms of news publishing.

0:00:19.0 Mike Blinder: And greetings. Once again, Mike Blinder, publisher, E&P Magazine. As always, we urge you if you're listening on any podcast platform to follow us watching on our YouTube channel subscribe button below me there is a bell to the right smash. The first thing, ring the second, or whatever your preference, and you'll get an update each and every time we upload a new episode of this weekly Vodcast series dedicated to the news publishing industry E&P reports. I have someone who I've been following, Dan Shelley on our program. Dan, welcome. It's so great to have you.

0:00:53.3 Dan Shelley: Thanks, Mike. It's great that you invited me, and I'm happy to be here.

0:01:00.5 MB: Dan, for seven years you've been the president and CEO at the radio television Digital News Association, RTDNA. I remember you as the RTNDA, but you switched over in 2009. You spent a year as SVP Digital at iHeart. This very program appears on the iHeart network. FYI. Radio one, six years SVP, interactive Digital Director Media, WCBS. You're a nerd just like me, right? I mean.

0:01:26.0 DS: Yeah, I've done radio, television, digital news programming, sales, general management. I've pretty much done it all.

0:01:38.2 MB: I am excited 'cause as one old radio guy to another we're gonna chat about your association, where you guys are at in this ever changing, very volatile, disruptive news media landscape. And we'll do that on the backside of this message.

0:01:55.3 Announcer: This episode of E&P reports is exclusively sponsored by BLOX Digital formerly TownNews. Even though the name has changed, their commitment to the media industry is as strong as ever. BLOX Digital is now even better positioned to deliver integrated solutions like content management, audience development, advertising revenue, video management, and more. Join the over 2000 news publishers worldwide that power their ongoing digital transformation with BLOX digital serving over 141 million monthly users who view over 6.5 billion pages of content each year. You can trust BLOX digital to empower you, to connect you at scale with the community you need to reach. BLOX Digital formerly TownNews now reimaged to help meet the news publishing challenges of tomorrow and beyond. Learn more @Bloxdigital.com.

0:03:00.3 MB: Okay. So Dan, the first thing I wanna talk about is your advocacy. Okay. And where you are compared to the advocacy that we publish a lot of stories on and work hard on at E&P supporting the various associations out there. You're really big into cameras in the courtroom. Am I right when I went to your site? There's a lot of stuff on that. Is that your number one challenge right

now?

0:03:22.2 DS: I would say it's among the top challenges. Certainly. We are heavily involved in a coalition that is fighting hard in the US District Court, in the District of Columbia to get cameras or at least live audio. But the preference is live cameras in the upcoming Donald Trump federal trial in DC over the January 6th insurrection. And it's the charges for which he has been alleged to have occurred during that incident on January 6th, 2021. But we have been an advocate for decades for cameras in the courtroom. In fact, it was our... When we were still RTNDA in the year 2000, my predecessor as President of RTNDA, Barbara Cochran was able to convince then Chief Justice William Rehnquist in the year 2000 to release same day audio recordings of Trump... Oh I'm sorry, Trump. I have Trump on the brain.

0:04:29.6 MB: Of course.

0:04:29.6 DS: Talking about cameras of Bush versus the Palm Beach County Canvassing Board in Florida, which is the US Supreme Court case in December of 2000 that decided that year's presidential election. So it was our association that was first to compel the US Supreme Court to allow then same day audio release of oral arguments. Now, chief Justice Roberts has continued that in the Supreme Court with live audio streaming, and we're pushing for that in other federal courts, most especially the upcoming Trump trial in DC.

0:05:05.6 MB: And of course, that benefits all news publishers because then they could put live feeds on web pages as well. I mean, everything pretty much is digital now in so many different ways. So you're actually lobbying a very important issue that would benefit all newsrooms. Do you agree? I mean, of any...

0:05:24.2 DS: Oh Absolutely. Absolutely. And the digital in our name includes a number of newspapers which as you rightly point out, publish a lot of video, a lot of multi-platform offerings that we advocate on behalf of just as we do for radio and television stations.

0:05:44.5 MB: Where are you on big tech compensation? And if I may just do a little preamble. Big tech comp reminds me of when I used to be a DJ program director, like in Ithaca, New York, WTKO. This was '81, '82, and I had a news team there, by the way. But I remember we had to write down every record we played on these sheets to ask Captain BMI to compensate the composers of these songs. This goes back, by the way, as you likely know, to the days of piano rolls. When music was just sheet music, that's what was coming out of the Brill building back on, you know, Broadway in New York City. The sheet music producers resented the piano rolls playing their music without compensating them. Then they went to court and Piano Roll company said, wait, we're just helping amplify their songs so they'll sell more sheet music.

0:06:35.3 MB: And no copyright went down back in the 1800s to this day that will support a composer of like a one hit wonder, a song where the band didn't make a dime. You and I both know the news that's generated out of the newsrooms today has made Google very rich. Canada just caved what do I mean caved. Google caved in Canada on the a hundred million dollar Canadian online News act where now a hundred million dollars will be distributed not just to to print newsrooms, but broadcast as well. I get to see a lot of stuff on your page advocating for compensation for news



monetization. Are you still... Are you behind that bill or you're letting the NAB handle that? Where's your...

0:07:19.7 DS: Oh, no we're very much behind that. And, we've had meetings within the past year with the chief sponsor, Senator Klobuchar of Minnesota and others. The Journalism Competition and Preservation Act is what you're talking about Or JCPA. It would create a one-time limited safe harbor against antitrust laws to allow companies that run local newsrooms across the country to form together and negotiate with big tech, meta, Google, et cetera, to be compensated for the work that appears on their search engines and their sites. And you're right the first country to do it was Australia. Then Canada the bill came close in the last congressional session.

0:08:15.0 MB: Right, in December. Yeah.

0:08:15.1 DS: Yeah. Didn't quite make it. There was an attempt to attach it to the Must Pass Defense Authorization Act and it was scuttled at the last minute. And there are efforts underway as we speak, to find some way in this volatile Congress to get the JCPA introduced in some form, probably attached to another bill. Probably a must pass bill to see if it can happen. But yes, we're very much supporters of the Journalism Competition and Preservation Act.

0:08:43.6 MB: How about on state levels now? I mean the word that we report on constantly is sustainable. I mean, how do you have a sustainable journalism entity in a community when so much has just been disrupted over time with the advertising revenues we take in? So we're fine trying, I mean, the revenue can be advertising can be reader revenue, audience revenue, people subscribe. It can be philanthropy. I'm sure you're reporting on that covering that. It could be holding a tin cup in front of the building. But anyway you look at it now, when state levels there are now bills, like one just got introduced in Illinois allowing for the state to help journalistic entities. So we continue to exist. Are you lobbying on those as well and working hard in certain states like California and Illinois?

0:09:32.5 DS: California, Illinois, New Jersey...

0:09:34.0 MB: Yes. New Jersey right.

0:09:36.1 DS: We have worked mostly behind the scenes to help local journalism entities push for those bills with appropriate safeguards. Because if you take money from the state you've got to make sure that there are pretty sturdy editorial walls there so that the state, while they're providing you with grant money or however they formulate the offering, if they're providing you with money you can't let them expect preferential coverage.

0:10:08.4 MB: Of course.

0:10:08.5 DS: Right?

0:10:09.3 MB: Constitutionally we're supposed to be a free and unfettered press. Right?

0:10:12.5 DS: Right.

0:10:13.5 MB: Which is a major issue. Alright, well, that brings up the next topic. Recently on this show I had Mickey Osterreicher, the General Counsel for the National Press Photographers Association NPPA, and yes, they have been advocating with you on cameras in the courtroom, but Mickey, you may or may not know, is also an auxiliary sheriff in his hometown. And he spends a lot of time training police forces on how to deal with First Amendment, but he also trains us on how to deal with police forces. And he has brought up topics with us in conversations about defining who a journalist is. So the police know who to keep in or out of a rope line. I mean, in the old days, you know, we used to show up with big cameras, right? And big, you know, microphones and the police kind of knew who a journalist was. When we're talking about compensation, how do you define journalism? Is that an issue that kind of gets discussed in meetings at your organization and how we can...

0:11:15.8 DS: It does, and you know, in some ways we have to walk a fine line because we don't want to define who is and who isn't a journalist. We sure as hell don't want the government defining who is and who isn't a journalist. But we recognize that there are good actors out there who claim they are journalists with their cell phones or other recording devices, and there are bad actors. And you know, one of the big issues that we are involved in in our advocacy work is the right to record police. While most of the federal appeals court circuits in the country a slim majority of them have said that citizens do have a right lawfully to record the activities of police officers in public spaces. The other remaining circuit courts of appeal have yet to rule on that.

0:12:12.3 DS: So you have a patchwork system across the country where there are rules in some areas, no rules in other areas. In our mind, there's no question that citizens have a constitutional right to record police. Look at what happened to George Floyd. We would never know the true story of George Floyd. If a 17-year-old teenage girl named Darnella Frazier had not used her cell phone to record what Derek Chauvin did to George Floyd, the world would've never seen that because the news release, the Minneapolis Police Department put out the next day made it sound like a benign medical emergency during a routine arrest. So to your question, who is and who isn't a journalist? I'm not gonna define that because I don't think it's our place to define that. In some respects, everybody with a cell phone can be a journalist to the extent that they are present when news events occur, and have the ability and wherewithal to record it and submit it to a news organization for publication.

0:13:14.4 MB: It's funny, one of the cover stories we did at E&P, you may have seen it about citizen journalism, got us a lot of feedback from our industry because there are people in my, well, our industry together, it's also blurred right now. I think newsrooms are newsrooms regardless. Maybe you disagree with me, but I think having a legacy transmitter or a legacy press means very little in today's world of news generation.

0:13:38.7 DS: I agree.

0:13:40.7 MB: But citizen journalism pissed off some people because they would rather have it controlled within an entity with an editor. You see what I'm saying? Rather than having citizens and I don't... I mean, there are some amazing stuff that is coming directly from readers who are submitting content now. Where's your position? Go ahead.

0:13:57.3 DS: No, and I sympathize and even empathize with that concern because I do think there needs to be an editor. So everybody needs an editor, right? That's the old adage, Everybody needs an editor. And that includes so-called Citizen Journalists who are doing stuff on their own either to report on their communities or their neighborhoods, or to serve as watchdogs over police or other government agencies. And in fact, as just a small tangent here some of the most important right, to record police cases that have gone through the courts, the federal court system haven't come at the behest of journalists who are requesting the right to record police, but have come because citizen journalists have filed lawsuits that have led to positive outcomes for everyone, including journalists right to record police. There was a gentleman in the Denver area who has a YouTube channel, I believe and his he's more of a community activist than a journalist.

0:15:10.0 DS: And he follows police around in suburban Denver. And every time they do a DWI roadblock where they check for DWI drivers by stopping every car he gets his camera out and records police doing it, and publicizes live locations of the DWI checkpoints.

0:15:31.7 MB: Wow.

0:15:32.7 DS: Now that's not a journalist in my view, but he was prevented from recording by a suburban Denver Police department. On one occasion, he filed suit, went all the way to the 10th Circuit US Court of Appeals. The Biden Justice Department wrote an amicus brief in support of him, and that's how we got a favorable ruling on right to record in the circuit that is governed by the Denver Federal Appeals Court. So he's not a journalist, doesn't claim to be a journalist, but he's chronicling what public officials are doing much to their dismay. But he won.

0:16:12.6 MB: Fascinating. So there's two sides to this coin that, especially when it comes to the news being generated from phones or small cameras where you can see both sides of the argument. And your position then is not to ever license journalism.

0:16:34.5 DS: No.

0:16:34.6 MB: But simply... But which some people believe is important now, but self-policing that licensing, not having a government do it. Your position in your association is just, it's all good as long as it's edited before it is played or it's just all good, period.

0:16:50.8 DS: Our position is we are unabashed supporters of the right to a free press as enshrined in the US Constitution.

0:17:00.7 MB: Okay.

0:17:03.4 DS: Journalists are the only profession specifically referenced in...

0:17:07.9 MB: In the Constitution.

0:17:09.5 DS: The United States Constitution. And that's for a reason. Our founding fathers, as much as they disdained news coverage in many cases, they said quite clearly that they would rather



live in a society with a cantankerous press than a society with no press at all.

0:17:26.8 MB: I believe the biggest story on advocacy last year, and we were one of the few entities that reported heavily on it, was the merger of Arizona Press and Arizona Broadcast Associations. I think that's the beginning of a united front to support journalism between you and I. And of course, this is being recorded. And now aren't there too many associations in this.

0:17:53.1 DS: No, no.

0:17:55.5 MB: Go ahead. Take it away, sir. You got the mic.

0:17:58.3 DS: Well some of them are very niche, right. Because they represent a specific entity or type of journalism. And I think that's just fine if they have the wherewithal and the resources and they think their niche is specific enough that they have unique needs in the advocacy space, they should have their own association. I would never advocate for fewer press freedom associations. We're one of the larger ones along with SPJ News Media Alliance. We work hand in glove with the NAB when our interests align. The NAB is more of an umbrella organization for all issues broadcast. And our interests do align more often than not. But there's strength in numbers. And I think the more press associations, press freedom groups there are out there. And there are regional ones too. Not just the national ones.

0:19:02.9 MB: I know.

0:19:03.0 DS: We're heavily involved in many state and local press freedom associations and help them when we can. And they help us when they can fight a number of local issues that pop up. It's like whack-a-Mole in this advocacy world. Right. Just when you think you get a victory in one court on one issue or in one state legislature on one issue something else bad comes up. Like there's a bill in this year's Oklahoma legislative session that would require journalists to be licensed by the state and require them to undergo propaganda free training and require them to have between 1 million and \$50 million of liability insurance. So when not if, but when they are sued by a public official for printing or broadcasting something libelous.

0:19:55.7 MB: I'd love to see that one make it to the Supreme Court because you are...

0:20:00.5 DS: I don't think it'll... Frankly just between you and me. I don't see it making out of the Oklahoma legislature.

0:20:06.1 MB: No, but James Madison would be really pissed off at that one. We could go on and on. There's so many more topics we could chat about, but I think we both agree that news is news and constitutionally it must survive.

0:20:21.9 DS: Yes.

0:20:23.8 MB: 'cause it's part of the DNA of our Madisonian Republic. So if it could... Because the alternative is, correct me if I'm wrong, is just ghastly to even think about if it wasn't... It's the end of everything we believe in.



0:20:39.1 MB: Absolutely. Our founding father said that people who are smart and don't pretend to be dumb in the political and ideological world in which we live now they get that they understand the power of journalism and the necessity of journalism. People understand the necessity of journalism and can't imagine a landscape in which local journalism didn't exist anymore. So, you know, despite all the bluster and blow that we hear from some politicians, fake news and enemy of the people, and despite the...

0:21:22.4 MB: Well, that's not new.

0:21:24.9 DS: No, it's not new. And despite...

0:21:27.1 MB: Back in time, for hundreds of years.

0:21:31.3 DS: I know, and despite the increasing, unfortunately increasing number of physical threats to journalists in their local communities, it will continue to go on and thrive because it has to. There is no alternative. Our society will not survive. Our constitutional republic will not survive without a thriving, healthy, robust journalism industry.

0:21:52.5 MB: Very powerful voice for our industry is Dan Shelley. And I feel guilty that you haven't been on this program sooner, because I think you are what you're up to at the RTDNA. See, I got it right now. Radio, Television Digital News Association is essential for our audience to be kept abreast of because we're all in the same game. We're all trying to row that same boat, and we all have that same common goal in mind, which is sustainable, credible, local journalism. Dan, I wanna thank you so much for being on this program. Thank you for the valuable time you invested, and please reach out to us so we can amplify your message to our audience.

0:22:31.8 DS: Thank you so much. I appreciate it.