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Could we have some privacy, please?

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COULD WE HAVE SOME PRIVACY, PLEASE?

In an era in which information (or misinformation) spreads in seconds and ‘new media’ drive the message, we could learn some valuable lessons from the Founding Fathers.

Last summer, as Sen. Charles Grassley was venting his frustrations about health care reform and President Obama via Twitter, and as cable news and the Internet were fixated on the possibility of death panels in the health care bill, I found myself wondering if today’s new media outlets are ruining American politics.

Although there is much to be said for the benefits of news on demand and the amount of political information available through today’s media, there is also cause for concern. While the Internet and cable news may encourage political interest and participation, they also appear to discourage deliberation. And deliberation is essential to the American political system, even if we don’t talk about it as much as participation.

In January 2010 the House and Senate had both passed versions of health care reform, and the process was at a crossroads as Democratic Party leaders tried to decide how to proceed. C-SPAN requested that negotiations between the House and the Senate to reconcile the different versions of the bill be open to C-SPAN cameras. House speaker Nancy Pelosi emphatically said no. Reporters, Republicans, pundits and the public voiced frustration and even outrage over Pelosi’s decision, demanding transparency and citing their need to know what would take place during the closed meetings.

Silently thanking Pelosi for sparing us the media spectacle and speculation that surely would have followed had cameras been privy to such discussions, I was reminded of another time in which the nation’s leaders shut out the press to make major decisions that would profoundly affect the country’s future.

When the Founding Fathers gathered to write the Constitution, they met in a room, closed the windows and shut the doors to keep out the press and the public. They agreed not to discuss matters with those outside the meetings and reportedly assigned someone to stay close to Benjamin Franklin to keep him from divulging information after hours. Representatives offered a variety of justifications for their secrecy. Some worried about premature public reaction or misrepresentation of the discussions.

In John R. Brown’s “The Miracle of 1787: Could It? Would It? Happen Again?” (published in Loyola Law Review 33, 1988), he quotes George Mason of Virginia as saying that privacy was necessary “to prevent mistakes and misrepresentation until the business shall have been completed, when the whole may have a very different complexion from that in which the several crude and undigested parts, in their first shape, appear if submitted to the public eye.” Brown also quotes Alexander Martin of North Carolina as advocating secrecy “lest unfavorable representations might be made by imprudent printers of the many crude matters and things daily uttered and produced in this body, which are unanswerable.”

Others recognized the need for the delegates to have room to deliberate and compromise. As noted in The Records of the Federal Convention (Yale University Press, 1913), James Madison said that “the minds of members were changing, and much was to be gained by a yielding and accommodating spirit. Had the members committed themselves publicly at first, they would have afterwards supposed consistency required them to maintain their ground.”

The Founders, then, recognized that delegates needed room to offer policies and receive feedback, make compromises and change their minds without being subjected to immediate reactions by those outside the proceedings — and the potential impact on the public.

DON’T TREAD ON THIS...

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Congress could be described as having the “accommodating spirit” Madison thought so essential: I can think of two, though I dare not name them for fear their constituents might promptly vote them out of office for failing to be sufficiently ideological.

Political communication scholars agree that the media have an impact on politics and political outcomes—not necessarily because of the proliferation of news media or organization or individual reporters, but because of what they consider news-worthy and how journalists in general report the news.

Politicians, interest groups and citizens who want to communicate with the public or with each other to influence policymaking use the media. To see how they conform to the values of the media. As cable news channels, the Internet and wireless communication increasingly rule the media environment, they have changed the news values — and also offered expanded access.

Politicians and citizens, regardless of expertise, can report events and offer their opinions to the world via blogs, Facebook, e-mail and Twitter. But is this new media environment running America’s politicians?

Early research suggests that the Internet and cable news encourage participation, an important element of democracy. They provide people with information and connections to others to whom they may share their views, and with people who agree with us more likely to participate. To see the potential of these media to mobilize people, we need look no further than the grassroots networks accredited by social media and cable news that helped Barack Obama with his party’s nomination and encouraged frustrated citizens to form the current tea party movement.

But the American political system is not just about participation. It also requires deliberation. The Founders’ desire for deliberation is evident in the bicameral Congress they created. It is especially evident in the unicameral body with representation based on population. Would the small states have revolted at a Congress that could be described as having the “representive spirit” Madison thought so essential? I can think of two, though I dare not name them for fear their constituents might promptly vote them out of office for failing to be sufficiently ideological. (Cambridge University Press, 2006); Cass R. Sunstein versus Participatory Democracy: Hearing the Voice of the People (Oxford: Oxford University Press, 2007).

The Constitution could be considered some ideas that, upon further research, were withdrawn or notched. Unfortunately, the current pressure to report news immediately and be the first to react to it discourages the president and members of Congress from talking about ideas beyond the “sound bite” and will result in the feedback they can receive before they commit to a policy. Once committed, it becomes difficult to back away.

TONE. Cable news and the Internet are associated with a hostile tone and negative hate that are antithetical to deliberation. Television especially plays to people’s emotions rather than their reason. A local television news producer once told me her audience “doesn’t think, it feels.” Cable news talk show hosts on the right and left have taken this concept to new levels. Pundits and politicians know television’s preference for emotional appeals and often use extreme rhetoric to get attention. The anonymity of the Internet only exacerbates the problem. Bloggers use harsh or even profane language they could never publish in a mainstream newspaper, and people say things they would never say to anyone face-to-face. They demonize their opponents and overshoot the mark of a proposal, creating hostility and hysteria that fuel polarization and raise the costs to anyone who dares to compromise.

When politicians participate in the name-calling and personal attacks of of cable news and the Internet, there were never going to be more independent minds. They Internet has given us the ability to hear a wide range of perspectives, but they have also allowed us to isolate ourselves with like-minded people. Deliberation requires us to hear the other side.

ACCURATE INFORMATION. Deliberation demands good information. There is less (for lack of a more precise measure) of inaccurate and incomplete information online and on cable news, which is sometimes more interesting in being first than being accurate.

Inaccurate information is reported, repeated, often unhinged (at least in some of the fragmented media circles), and thus believed. It becomes reality for many people, and spreads wildly. Notwithstanding the 51 percent (35 percent for Republican) of Americans who insist that it is, President Obama is not Muslim. And despite the attention they commanded on-line and on cable news, there were never any death panels on the health care bill. Still, both of these misconceptions continue to find their way into political discussions. A recent study on-line and on cable news, there were never any death panels on the health care bill. Still, both of these misconceptions continue to find their way into political discussions. A recent study

IMMEDIACY. Today events and statements are reported as soon as they happen. Officials, pundits and the public are invited to react to them immediately, with no time to consider what the events might mean or why something was said. This creates two problems. Without thinking first, people may oversimplify because they misunderstand the situation. This is the root of the death panel debate.

Twitter is the worst manifestation of this demand for immediate reactions, and some members of Congress have discovered firsthand the incompatibility of tweeting and deliberating. Sen. Grassley lost the 11 percent of the details that his chair to negotiate during the health care discussions last summer when, while he was supposed to be negotiating in good faith with his Democratic counterparts, he insisted on tweeting Republican talking points that described the legislation as a government takeover that would put Washington bureaucrats on charge of health care. The second problem arising from the immediacy of the new media environment is that politicians can speak with opponents with opposing views, conflicting information, or even issues we might not have been aware of.

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But is this new media environment reining American politics?

Early research suggests that the Internet and cable news encourage participation, an important element of democracy. They provide people with information and connections to others who may share their views, and with people who agree with us make us more likely to participate. To see the potential of these media to mobilize people, we need look no further than the grassroots networks sparked by social media and cable news that helped Barack Obama with his party’s nomination and encouraged frustrated citizens to form the current tea party movement.

But the American political system is not just about participation. It also requires deliberation. The Founders’ desire for deliberation is evident in the bicameral Congress they created. The president and senators are representatives who serve different constituencies for different lengths of time. That divergent interests require negotiation; thus, they must talk to each other.

Deliberation is a requirement built into the Constitution, but it seems evident that cable news and the Internet are ill-equipped to encourage deliberation. The interest in deliberation was reaffirmed when the first Congress refused to include in the Bill of Rights the right to include elected officials a front to debate and to reach their own policy conclusions.

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This creates two problems. Without thinking first, people may overreact because they misunderstand the situation. This is clearly the case with the death panel. Twitter is the worst manifestation of this demand for immediate reaction, and some members of Congress have discovered firsthand the incompatibility of tweeting and deliberating. Sen. Grassley lost the 11 percent (17 percent for Republicans) percent of his constituents to a proposal, creating hostility and hysteria that fueled polarization and raise the costs to anyone who dares to compromise.

When politicians participate in the name-calling, sometimes with all caps, they can ultimately hold them accountable at the polls. But with this freedom comes the temptation to shout at people who disagree with us — not to change their minds, but to silence them. Then we can begin to isolate ourselves from those who disagree with us.

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The Constitutional Convention considered some ideas that, upon further reflection, were withdrawn or rewritten. Unfortunately, the current pressure to report news immediately and be the first to react to it discourages the president and members of Congress from talking about ideas beyond the latest poll, and it influences the feedback they can receive before they commit to a policy. Once committed, it becomes difficult to back away.

TONE. Cable news and the Internet are associated with a hostile tone and hope that are notional to deliberation. Television especially plays to people’s emotions rather than their reason. A local television news producer once told me he attributed the “ups and downs” to “the public opinion.” Cable news talk shows host on the right and left have taken this concept to new levels. Pundits and politicians know television’s preference for emotional appeals and often use extreme rhetoric to get attention.

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