

# CHUCK SCHUMER TO BLOGGERS: "FUCK YOU"

Jay Rosen first pointed me to the news that Chuck Schumer is aiming to declare all us DFH bloggers non-journalists before the law.

For citizen journalists, the federal shield law front was looking good for a while. Although the House of Representatives version of the bill, passed in April, only offered a shield to professional bloggers, the Senate version didn't differentiate between the pros and the amateurs. So there was hope that amateur journalists might actually, eventually, get its protection.

No longer though.

Sadly, the Senate Judiciary Committee has followed the path of the House and opted to specify that only a "salaried employee . . . or independent contractor" will be able to invoke the shield, reports the *Wall Street Journal's Digits* blog. The amendment, offered by Sen. Chuck Schumer (D) of New York, limits the definition of a journalist to one who:

*(iii) obtains the information sought while working as a salaried employee of, or independent contractor for, an entity—*

*(I) that disseminates information by print, broadcast, cable, satellite, mechanical, photographic, electronic, or other means; and*

*(II) that—*

(aa) publishes a newspaper, book, magazine, or other periodical;

(bb) operates a radio or television broadcast station, network, cable system, or satellite carrier, or a channel or programming service for any such station, network, system, or carrier;

(cc) operates a programming service; or

(dd) operates a news agency or wire service . . .

This language is in fact *more restrictive* than its House counterpart, which only limits the shield to those who gather or disseminate news "for a substantial portion of [their] livelihood or for substantial financial gain." The Judiciary Committee's "salaried employee . . . or independent contractor" language on its own would be sufficient to deprive most non-traditional journalists of protection. But the requirement that the hosting entity both disseminate information by electronic means *and* operate a

publishing, broadcasting, or news  
service of some kind ices it.

So to be a journalist in Chuck Schumer's eyes, you have to **both** have a boss (at this point, you generous readers and Jane would count as my boss, but Jane doesn't have a boss, for example) and that boss' company must disseminate news on some other medium, in addition to the Toobz. Even free-lance writers or people like IF Stone (in the period when he ran his own newsletter) would be excluded from this definition of journalist.

Now, I'm on the record as a skeptic that this new law is going to work out the way the media thinks. I fear that the national security exemption will mean the law will protect people like Judy Miller mobilizing smears or the Rent-a-Generals spreading propaganda, but not protect Dana Priest or James Risen and their sources.

Still, this move pisses me off because it's a transparent bid to grant a powerful industry special privileges.

It's tough to figure which of Schumer's powerful constituents he's doing this for. Is it the dying media outlets located in NYC? Is he pushing this stinker for the Administration or DOJ as a way to undercut the power of the blogs? Or is he just listening to the big media lobby in DC?

If you feel like calling to ask, his number is (202) 224-3027.