

How Journalists Think About the First Amendment Vis-à-Vis Their Coverage of Hate Groups

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This study, based on in-depth interviews with U.S.-based journalists (n = 18), explores the increasingly fraught circumstances of reporting on hate groups. We examine how journalists think about the First Amendment vis-à-vis their coverage of such groups. Through the lens of media ecology and First Amendment principles and theories, we argue ultimately that journalists who cover hate groups use the First Amendment to identify their place in the journalistic environment.

Keywords: First Amendment, hate groups, hate speech, media ecology, journalism ecology, and role enactment

In September 2017, White supremacists from around the country gathered in Tennessee, in a small town roughly 40 miles west of Knoxville, for a summit sponsored by Stormfront, the far-right, Neo-Nazi Internet forum that at the time had over 300,000 members (Al Jazeera, 2017). About three dozen White supremacists turned out for it, including several who committed acts of violence at the Charlottesville “Unite the Right” rally. Many of the attendees wore swastikas and Schutzstaffel patches on their clothes, and when one of the 30-some protestors used a handheld megaphone to welcome the “master race” to town, some attendees responded by making obscene gestures, and others, like the KKK’s national director, waved and took a bow (Al Jazeera, 2017). Police kept ample space between the White supremacists and the protestors. Ultimately, the event generated a large amount of media attention.

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One journalist, a recent college graduate who had majored in journalism, arrived at her newsroom that day to learn that she had been assigned to cover the summit. She considered it a difficult and complicated story, and on her arrival, she said she saw “Nazis who looked like Nazis,” along with the leaders dressed in sweater vests and suits like university professors or TED speakers—all against the background of protestors and police. As she was taking it all in, her newsroom called to remind her that she had not yet done her required daily Facebook Live hit. The journalist, a participant in this study, started recording, using it as an opportunity to describe what she was seeing. Then, the crowd moved her toward the center, and one of the summit’s top organizers, Billy Roper, took over the broadcast. At first, the journalist said, his words seemed so rational and reasonable. It was only later, reading Roper’s comments, when the journalist spotted the rhetorical winks and nods to Holocaust denialism and anti-Semitism.

The journalist was ashamed she had granted him a platform, a fact recognized by her readers as well as by the summit’s organizers. Afterward, at its conclusion, Roper called out the journalist’s publication by name to thank it for “finally giving my people a voice.” Later, when reflecting on her newsgathering and reporting that day, the journalist expressed a high level of understanding of the First Amendment and what hate speech is (and is not), but her explanation of the First Amendment’s relationship to hate speech did not entirely track the current state of the law. She said, for example, that hate speech is not constitutionally protected. She also said it is difficult to assess what hate speech is and how to interpret it, “when someone is speaking it at you.”

This story, gathered from the interviews conducted for this study (n = 18), exemplifies the increasingly fraught circumstances in which journalists find themselves when reporting on hate groups, namely those of White nationalists or White supremacists. We examine, more narrowly, how journalists think about the First Amendment’s freedoms of speech and press vis-à-vis their coverage of hate groups—how they articulate their understanding of the First Amendment, and how they conceive of their normative First Amendment obligations in covering hate groups. In this study, we analyze semi-structured interviews with journalists who have covered hate groups, both through the lens of the media ecology theory and with reference to major First Amendment principles and theories. We find that these journalists use the First Amendment to identify their place in the journalistic environment despite their incomplete understanding of First Amendment law.

Theory: Media Ecology

Postman (1970) defined media ecology through a biological metaphor as a way to view media as a part of a larger environment. More specifically, he argued that human culture grows within a medium, and thus the ecology creates a location in which practices and norms can develop out of politics, ideology, and social institutions. The theoretical tradition of media ecology bridges the gap between the fields of media and technology and has become an essential theory for examining journalism practice, particularly as journalists rely more on digital modes of communication.

Within media ecology, the term journalism ecology is used to denote the specific factors that delimit journalism (Dovey, 2008; M. F. Perreault & Perreault, 2021; Tracy, 2012). Journalists’ ability to disseminate information depends on the shape of the media environment, and social media affects how people think

about their environment and how journalists think about disseminating information (Singer, 2006). For example, the use of Facebook Live to cover a hate group is not only an editorial decision but also a result of media ecological factors. These factors have been examined in the context of the journalism marketplace (Mullainathan & Shleifer, 2005; Pavlik, 2013) and problematic processes like *churnalism*—the recycling of information from press releases with no verification (G. Perreault, Johnson, & Klein, 2020). Hence, while journalism may have shifted toward the audience in reporting on topics like hate groups, the structure of how that reporting is produced is the result of a highly complex media ecology that includes journalistic norms and the First Amendment, as well as varied expectations drawn from social media (Paulussen & Harder, 2014).

Within media ecology, journalists tend to operate in a hierarchy that professionally legitimizes those who work inside the bounds of acceptable practice (Postman, 1970), that delegitimizes those who do not (M. F. Perreault & Perreault, 2021; G. Perreault & Vos, 2020; Vos & G. Perreault, 2020), and that ranks them according to their normative rigor. For example, broadcast and print journalism are often differentiated within the media ecology (Scolari, 2012), with broadcast news viewed by print journalists as shallow and corrupted by the medium's bias toward entertainment and the visual (Newman & Levine, 2012). Worth noting is that this hierarchy is not fixed. Indeed, cultural hierarchies are continually "consolidating, breaking down and rearranging again and again" (Collins & Makowsky, 1998, p. 125). Such hierarchies are reflective of different forms of control, given that as "availability and access to various dimensions of life increases . . . its relevance diminishes" (Altheide, 1995, p. 180). In other words, the more a medium or practice is made available, the lower it falls on the hierarchy, as scarcity begets value. Though this might seem problematic at first, getting work done efficiently requires some degree of hierarchy (Garber, 2011).

Conversations in which journalists assess their environment occur through discourse on all manner of issues, and in this study, we asked journalists to think about the First Amendment in relation to their coverage of hate groups—more specifically, to reflect on their understanding of the First Amendment and on its role in shaping their decisions when reporting on hate groups.

First Amendment Theories and Principles

Although a full exploration of the First Amendment is beyond the scope here, it is useful to review several major theories and principles to inform our analysis of how journalists articulate their understanding of the First Amendment and how they conceive of their normative First Amendment obligations in covering hate groups. To start, the First Amendment is expansive in its coverage. It generally prohibits censorship (*Near v. Minnesota*, 1931), and it broadly protects symbolic conduct that communicates ideas (*Texas v. Johnson*, 1989), as well as hate speech (*Snyder v. Phelps*, 2011) and even the use of profanity in political speech (*Cohen v. California*, 1971). Government restrictions on First Amendment rights are often subject to strict scrutiny, the highest standard of judicial review, and there are only several narrowly defined categories of speech that entirely lack protection, such as true threats and incitement (*Brandenburg v. Ohio*, 1969; *Elonis v. United States*, 2015).

All of that said, scholars have long puzzled over the First Amendment's precise meaning and purpose—and what the framers intended when they drafted and ratified it. Indeed, there is compelling

evidence that even the framers did not know what freedom of expression should mean (Meyerson, 2001). So, scholars have developed theories to explain why and when expression should be free, in part by exploring the values served by free expression. Distinct theories focus on the social values of attaining truth, making decisions in a democracy, checking government power, and managing change. They are discussed here because of their relevance to how journalists cover hate groups.

First, the oldest of the theories is the search for truth, often characterized by the metaphor of the marketplace of ideas. It is rooted in the works of John Milton (1918) and John Stuart Mill (1860), and it holds that freedom of expression facilitates the collective and individual search for truth—on the premise that rational decisions come from consideration of all facts and arguments, and that eventually truth will win out over falsity (Emerson, 1966). In American law, it was Justice Oliver Wendell Holmes Jr., who first put the Supreme Court's imprimatur on this theory in a widely cited dissenting opinion in 1919:

When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market. (*Abrams v. United States*, 1919, p. 630)

Second, the Supreme Court has recognized that “public discussion is a political duty” and “a fundamental principle of the American government” (*Whitney v. California*, 1927, pp. 375–376). And scholars, similarly, have theorized that free expression contributes to democratic self-governance. The philosopher Alexander Meiklejohn (1948) was the best-known proponent of this theory, which holds that governmental authority derives from the consent of the governed, that an informed citizenry is critical to a self-governing society, and that a free press is critical to an informed citizenry, and therefore, the public and press must have the freedom to communicate about public affairs (Lidsky & Wright, 2004). Later, Vincent Blasi (1977a, 1977b) offered a variation of the self-governance theory, arguing more narrowly that freedom of expression is a check on abuses of governmental power, making the press a counterweight to government.

Third, scholars have theorized that freedom of expression helps to effect orderly change, in the sense that it can act as a safety valve, enabling people to participate in peaceful change rather than seek it through violent or other antidemocratic acts (Lee, Stewart, & Peters, 2020). The idea is that where there is free expression, society is often better able to maintain “the precarious balance between healthy cleavage and necessary consensus” (Emerson, 1966, p. 12).

With these theories in mind, it is critical to recognize that “because freedom of speech and freedom of the press are interrelated,” as Lidsky and Wright (2004) argued, “the theoretical justification for protecting them are largely the same” (p. 15). Yet the press as an institution does play a unique role in informing the public and in shaping public opinion (Stewart, 1975, p. 635). Consider what Justice Hugo Black wrote in a 1966 majority opinion:

The Constitution . . . selected the press . . . to play an important role in the discussion of public affairs. Thus the press serves and was designed to serve as a powerful antidote to any abuses of power by governmental officials and as a . . . chosen means for keeping officials elected by the people responsible. (*Mills v. Alabama*, 1966, p. 219)

For these and other reasons, the press enjoys First Amendment protections, in significant part, as the public's agent or surrogate; this is also why journalists' First Amendment rights are generally no greater than those of other citizens (*Lamont v. Postmaster General*, 1965). Indeed, as Justice Lewis F. Powell wrote in a 1974 opinion:

No individual can obtain for himself the information needed for the intelligent discharge of his political responsibilities. . . . In seeking out the news, the press therefore acts as an agent of the public at large. . . . The press is the necessary representative of the public's interest. (*Saxbe v. Washington Post Co.*, 1974, p. 863)

Similarly, when announcing a First Amendment right of access to criminal trials in a 1980 case, Chief Justice Warren E. Burger acknowledged the public's heavy reliance on the press, saying the press enables the public to understand how its business is conducted by receiving information on the public's behalf (*Richmond Newspapers Inc. v. Virginia*, 1980).

Role Enactment and Covering Hate Groups

Historically, hate groups enjoyed favorable coverage in the U.S. press, in part because of their perceived ability to exact retribution on journalists (Scharlott, 1988). And although journalists still do express safety concerns related to reporting on hate groups, journalists more often express the concern that their reporting will lend legitimacy to hate groups (Fitzgerald, 2019). This is complicated today by the tactics and nature of modern White nationalism. For example, White nationalists have adopted self-descriptive terms like alt-right to seem more palatable or mainstream than they really are (Berlet & Sunshine, 2019), and journalists have the difficult task of explaining who and what they are without elevating them. Following the 2017 "Unite the Right" rally in Charlottesville, the Society of Professional Journalists published advice about news coverage of White nationalists, saying journalists "must be especially cautious not to inflate situations or make matters worse" (Seaman, 2017, para. 7). Later, the Associated Press, in a change to its Stylebook, offered even blunter guidance: If something is racist, call it racist and avoid the use of ambiguous terms to describe incidents displaying racial bias (Evans, 2019).

Journalists simultaneously essentialize hate speech as a necessary phenomenon for the exceptional American tradition of free speech and yet acknowledge that hate speech can be used as a partisan weapon (Johnson, Thomas, & Kelling, 2021). Such a limited conception of hate speech amounts to journalists being "derelict in fulfilling a duty to safeguard democracy and ensure citizens have the requisite tools for self-governance" (Johnson et al., 2021, p. 32). Put differently, journalists have continued a long-documented trend of watering down the complexities of First Amendment doctrines and values when reporting on instances of extreme speech (Alexander, 1993; Bowles, 1989). Journalists appear to have struggled in the past to cover White nationalist groups because of, in part, their fear of granting the groups legitimacy. Indeed, G. Perreault

and colleagues (2020) found that journalists struggle to navigate their role enactment at hate-group rallies; a watchdog role is not a perfect fit because rally participants often see themselves as a powerless population, yet a disseminator role is not a perfect fit because it can lead to coverage that includes equivocating views of racists and nonracists. As a result, journalists tend to enact a storyteller role that allows them to produce more nuanced coverage—exploring, for example, how a rally attendee might support the preservation of Confederate monuments but oppose the goals of White nationalism (G. Perreault et al., 2020).

Such roles have significant value to journalists, enabling them to articulate their function in a democratic society (Weaver & Wilhoit, 1996). Journalists use their roles to find their place within the journalism ecology to help them identify their purpose and to reify their professional identity (Deuze, 2005). And for its part, the First Amendment has the potential to be a lodestar for helping journalists define their roles and find their place within the journalism ecology. A free press, however imperfect, is the lifeblood of a healthy democracy, in which journalists are benefactors and beneficiaries of the First Amendment by relying on its freedoms to inform their communities and enable democracy (Peters, 2020). However, given the mixed record of reporting on First Amendment issues, research is needed to assess the extent to which First Amendment doctrine and values influence role enactment, particularly when reporting on issues involving the most extreme of speakers: hate groups.

All of this leads us to pose the following research questions:

RQ1: How do journalists covering hate groups articulate their understanding of the First Amendment?

RQ2: How do these journalists conceive of their First Amendment obligations in covering hate groups?

Method

To answer those questions, we paired findings from interviews of journalists who have covered one or more hate group rallies over the last decade with a close reading of major First Amendment doctrines, theories, and principles.

We began our research by conducting semi-structured in-depth interviews with 18 print journalists. Interviewing is an effective method to explore journalists' conceptions of their work (Bourk, Rock, & Davis, 2017; Lewis & Reese, 2009; Usher, 2009). Qualitative interviewing, in particular, is useful for exploring the meanings that interview subjects give to important areas of their lives, such as their work (Brennen, 2013). Our interview questionnaire builds on the frameworks developed in research on journalistic norms and definition-making (e.g., G. Perreault, Stanfield, & Luttman, 2019; G. Perreault et al., 2020) with the intention of examining how journalists experience their work differently despite a shared set of norms and practices (Hanitzsch, Hanusch, Ramaprasad, & de Beer, 2020, p. 4).

Our interview questionnaire included open-ended questions designed to allow the participants to elaborate on their self-perceived roles. We divided our questions into four areas, addressing (1) their occupation and professional background; (2) their experiences covering hate-group rallies; (3) their understanding of the First Amendment; and (4) the extent to which First Amendment values guide their

reporting on hate-group rallies. In the third and fourth areas, for example, we asked the journalists to “describe [their] familiarity with First Amendment law and free speech” and to discuss the extent to which they “view [their] coverage of hate groups as an opportunity to educate readers about the First Amendment.” The interviews were semi-structured in nature, which allowed for variation in individual responses while maintaining the precision afforded by a formal interview guide (Fontana & Frey, 2005).

We identified the participants from a search of LexisNexis. Our goal was to discover reporting on physical White nationalist rallies; therefore, we searched for the words “White supremacist” or “White nationalist” in the same sentence as “rally.” According to the Southern Poverty Law Center (2009), the year 2008 saw an uptick in the formation of hate groups because of the election of President Barack Obama. So, we refined our search criteria to include only newspaper stories published since 2008. We were most interested in newspaper reporters and their coverage because they tend to report on White nationalist rallies using a distinctive frame compared with those of broadcast and other media (Iyengar, 1991). Newspaper reporters also continue to be seen as holding a high level of social capital because of their perceived role as community “stakeholders” (Hess, 2013).

These search parameters led us to stories by 88 journalists, and we invited 42 of them to participate in the study. The invitations reflected our desire for diversity in race, gender, circulation size, geography, and the types of hate groups they covered. Ultimately, 18 agreed to participate, 5 declined to do so, 3 expressed interest but did not respond to follow-up emails, and 16 did not respond at all. We did not contact any other journalists from our sample after the 18 were interviewed, having achieved sufficient information power based on the study’s aim, the sample’s specificity, the dialogue quality, and our mode of analysis (Malterud, Siersma, & Guassora, 2016).

We conducted all the interviews by telephone, and we recorded each one. The average interview was 45 minutes. Each interview was transcribed by the researcher who conducted it, and each transcript was then read and coded by two additional members of the research team. The responses were read in view of our research questions, and coding occurred in four stages. We conducted open coding of the transcripts individually using a constant comparative method (Glaser & Strauss, 1968; Onwuegbuzie, Dickinson, Leech, & Zoran, 2009). After that, two researchers conducted an axial coding session, in which they discussed individual findings through the lens of the First Amendment and the media ecology (Lindlof & Taylor, 2011, p. 252). Then, the same two team members conducted selective coding to group the categories identified through axial coding, and they connected them to the research questions (Lindlof & Taylor, 2011, p. 252). Finally, all team members discussed the findings in light of the research questions and through the lens of the 18 interviews. Given that this study explores journalism as an ecology, individual participants are not assigned particular letters or numbers, but their exact words are quoted.

After coding the interviews, we conducted traditional legal research to pair our findings with a close reading of major First Amendment theories and principles. Legal research in mass communication analyzes the political and social processes that shape and influence the work of journalists, public relations practitioners, and advertisers (Gillmor & Dennis, 1989, pp. 341–342). More broadly, it provides a better understanding of how the law operates within society and how legal problems and their solutions arise. To research the law is to engage in thinking that is “structured and open-ended, expansive and precise, rigorous

and creative,” as well as “grounded in the careful reading of legal texts” (Achmedemann & Kunz, 2007, p. xxix). Specifically, researching the law is the process of finding the rules that govern conduct in society through the five main sources of law (constitutions, statutes, court opinions, executive orders, and regulations) and through secondary sources (treatises and law review articles) that comment on the law to aid in the understanding of specific issues (Sloan, 2003, pp. 1–4). This study relies chiefly on (1) secondary source materials such as books and law reviews, and (2) Supreme Court case law that breathes life into the First Amendment and the theories that animate it.

Findings

With the first research question, journalists largely assessed themselves as having a strong working knowledge of the First Amendment, but they said little in their responses that evidenced that they did. Journalists at times linked their First Amendment knowledge to their professional experience, implying that the practice of journalism generally is inextricably tied to knowledge of the First Amendment. For example, one respondent said her knowledge is “the same as any journalist who’s been doing it for 20 years plus” and that she knows “what a typical journalist knows.” Other times, journalists who articulated a high self-appraisal of their First Amendment knowledge associated it with their professional training. One said: “I studied it from day one in college and j-school, and I’m constantly having those battles now, fighting for access.” Another journalist said: “I was a [media law teaching assistant] in graduate school.” Yet another said he was self-taught, having “read a half dozen books on free speech.” In other words, the accumulated experiences of practicing and studying journalism can be evidence of First Amendment knowledge.

Several interviewees suggested that they strive to apply First Amendment principles and to exercise First Amendment rights in their day-to-day work. As one put it: “I don’t think I could cite specific . . . codes, but at least for purposes of street demonstrations, I know . . . where cops can and can’t stop me from being.” Several reporters spoke of the First Amendment in relation to the hate groups they covered and the ability of those groups to exercise their expressive and assembly rights. They argued that reporting on hate groups requires an understanding of the First Amendment to gather news at public events and to produce accurate and fully contextualized stories. If a White nationalist claims at a rally that his First Amendment rights are being violated, one journalist said, “you need to be aware of whether that’s true or not.” Another journalist noted the increasingly contentious issue (e.g., Peters, 2017) of how the First Amendment applies to social media platforms, saying, “Twitter can kick someone off, for whatever reason it wants.”

Quite significant, however, is what does not appear in the interview data: much evidence of actual, substantive First Amendment knowledge. Although the absence of evidence does not necessarily translate to absence of knowledge, that few journalists offered any substantive knowledge when asked to do so was significant, if not troubling. Some even expressly misstated the nature or extent of First Amendment protections (e.g., “The First Amendment does not cover hate speech”). Indeed, it is noteworthy that journalists, through the interviews, referred correctly to only two specific principles of First Amendment law: the right of hate groups to assemble peaceably and the rule that people have First Amendment rights against only government actors and not private ones.

With the second research question, some journalists appeared to operate from the belief that their audiences already understand the First Amendment. As one put it: "People are supposed to know that." This seems to emerge from journalism's standard objectivity norm that presumes a knowledgeable audience—knowledgeable enough to discern a story's context without needing to be told explicitly. In other words, just as journalists at times presume that the audience does not need to be told that a racist is a racist (Johnson et al., 2021), so do journalists presume at times that the audience understands the First Amendment.

Other journalists expressed less confidence about their First Amendment knowledge but reasoned that it was not a problem because educating the public about the First Amendment is not a journalist's role anyway. As one journalist said: "I don't think, as a reporter, I should be putting in my story information about what the First Amendment is, or what ideals of equality are." Another journalist said: "I don't really think that does fall in the confines of my job." Still another said that although they have a role in educating the public that hate "groups are marching and they have a permit to do so, and that it's legal—I don't think we have any role beyond that." Finally, one journalist bluntly said, "That's above my paygrade . . . [and] somebody else's grip," a reference to the fact that he believed that communicating First Amendment knowledge was the role of a teacher, not a journalist.

Many journalists indicated that the extent they have a duty to educate their audience about the First Amendment depends on the story that they are reporting. One journalist, for example, said:

I don't view [coverage of hate groups] as an opportunity [to educate the audience about the First Amendment] unless for whatever reason it is particularly relevant to do that in the story. . . . If [the First Amendment] is a big role, which sometimes it is, then yes.

Similarly, another journalist said: "I don't think about [coverage of hate groups] in terms of telling readers as part of a story that these people . . . [have] a right to do this unless [there is] a specific First Amendment issue being discussed." Yet another put it this way: "If there was a counter-protester or someone who was asking, 'Why are civic leaders allowing this to happen?' or some of those concerns, I think I'd put in my story explanations." One concern underlying some of these beliefs is real or perceived space constraints. For example, a journalist said: "Usually, . . . you have too much other business to contract in a story about an event to . . . launch into . . . discussion of the First Amendment."

One journalist, however, made the point that hate groups make the First Amendment part of the story, thereby necessitating coverage of First Amendment doctrines and values. As he put it:

The groups I've covered, that was part of the argument itself. . . . The clashes were about silencing of hate speech versus the right to free speech. . . . So it became a part of our reporting. There were whole stories on freedom of speech and what it covers, what it doesn't.

Discussion

During one KKK rally, a journalist found himself surrounded by members of the Klan's Loyal White Knights sect who had brought knives for self-defense. They were squaring off with antifascist

protesters, and tensions were high. It did not take long for violence to break out, and multiple people were stabbed, one of them just a few feet from the journalist, who by that point had stopped interviewing people to direct his full attention to the growing violence. He ended up next to a Jewish former police officer who, moments later, sprang into action to save the life of Klan leader William Quigg, who was nearby and being stomped by protesters. As they recovered and caught their breath, the Klansman and ex-officer began having a conversation that the journalist recorded. In the end, the journalist asked just one question of Quigg: "How do you feel that a Jewish man saved your life?" The Klansman replied: "Thank you." This story was reported widely after the rally, and it was able to be told only because a journalist put himself in harm's way to navigate the complexities of covering a hate group. And it is hardly unique among the data we gathered.

Generally, the journalists interviewed for this study shared similar stories of placing themselves in precarious situations and of feeling physical danger and, at times, shame about how they later framed their coverage. It is difficult work, and the journalists who do it are driven, at least partly, by a sense of normative obligation: that their audiences need to know more about hate groups. In the legal domain, discussion of such obligations often starts with the First Amendment and its role in protecting the free press in a democracy, and that is why this study explores how journalists understand the First Amendment and the extent to which it shapes their roles in relation to their coverage of hate groups. With the first research question, we found that journalists largely assessed themselves as having a strong working knowledge of the First Amendment, but they said little in their responses that evidenced that they did. With the second research question, we found that some journalists operate from the belief that audiences already understand the First Amendment, leading them to believe that they have no obligation—or, at most, a limited one—to educate audiences about the First Amendment.

These findings initially seem somewhat disconnected: journalists saying they have strong First Amendment knowledge but saying that if they lack such knowledge, it is not a problem because imparting it is not necessarily their job. Through the media ecology lens, however, this apparent disconnection makes more sense. Media ecology research has shown that journalists understand their environment as hierarchical. Higher positions usually belong to journalists who conduct public affairs reporting, while lower positions usually belong to journalists who conduct, say, lifestyle reporting, which is seen as less important because of, among other things, a perceived lack of adherence to normative journalistic standards (G. Perreault & Vos, 2020).

But how do journalists operationalize this hierarchy? The findings here suggest that the rubric journalists use to identify their place in the media environment includes the enactment of the First Amendment. Journalists did not always think it was their responsibility to educate the public on the First Amendment, but they did feel the need to offer a strong affirmation of the First Amendment. Perhaps they believed they should know more than they did, and that may explain the general lack of evidence of actual, substantive First Amendment knowledge, as well as the desire to cast off as someone else's job the need to educate the public. Another way of thinking about this is that although the journalists did not demonstrate much of an understanding of the First Amendment's letter, they did embrace its spirit to some extent. The use of the First Amendment in this way, as a sort of yardstick for measuring one's place in the hierarchy, helps explain why certain journalism specialties receive preferential placement over others (Altheide, 1995).

Investigative, political, and court reporting are specialties that require a greater depth of knowledge of major First Amendment principles to navigate rights of access to government and the threats that so often accompany reporting on public issues. Hence, the journalists interviewed for this study articulated that they work in or around those specialties because the sheer existence (and growth) of the hate groups they cover is a matter of public concern. This also puts them, to some degree, at the top of the journalistic food chain (G. Perreault & Vos, 2020).

However, these findings are concerning when put in the context of research on First Amendment knowledge. As noted previously, journalists have long tended to water down the First Amendment's complexities when reporting on extreme speech (Alexander, 1993; Bowles, 1989), and the journalists here demonstrated little actual, substantive First Amendment knowledge, all while occupying a privileged position within the journalistic ecology (Milberry, 2016). This is consistent with research showing that although journalists have a strong normative commitment to covering hate groups, they often cannot define key First Amendment concepts, like hate speech, that are related to such coverage (Johnson et al., 2021). Given that journalists generally express normative commitments to work against the message of hate groups (G. Perreault et al., 2020; G. P. Perreault & Vos, 2018), and the importance of the First Amendment to enact that commitment (Johnson et al., 2021), it is worthwhile to consider the need for further journalistic training and socialization about the First Amendment.

Furthermore, it is a problematic that some journalists interviewed here operate from the belief that audiences understand the First Amendment, while others feel they have no obligation, or at most a limited one, to educate audiences about the First Amendment. First, public-opinion research shows that most Americans support the freedoms of speech and press but are poorly informed about them. More than a third of Americans, in fact, cannot name any rights that the First Amendment guarantees (Annenberg Public Policy Center, 2017). Second, given that courts do not operate in a vacuum and can be influenced by public attitudes, journalists may not be able to maintain their own protections if the First Amendment is not widely understood by the public. This is a problem because a free press is, as Peters (2020) put it, "the lifeblood of a healthy democracy" (p. 66).

Expanding on the latter point in the context of covering hate groups, journalists have an essential role to play in producing independent coverage of rallies and protests and in holding government accountable for any law-enforcement response. Frequently, rallies and protests represent the only or best means for people to express their ideas and grievances publicly, no matter how disagreeable they may be, so newsgathering at rallies and protests can be essential to the free flow of information about social and political issues, all of which ties in with major First Amendment theories and principles. Recall that the press enjoys First Amendment protections, in large part, as a public agent, as Chief Justice Burger argued (*Richmond Newspapers Inc. v. Virginia*, 1980), and "the necessary representative of the public's interest" (*Saxbe v. Washington Post Co.*, 1974, p. 863), as Justice Powell once said.

Journalists covering hate groups do important work to inform their communities about contentious social and political issues, but their work might be less informative if they assume more public knowledge of the First Amendment than there is, or if they feel they simply have no obligation to educate the public about the First Amendment. Moreover, in reporting on hate groups, journalists can enact the First

Amendment in various ways: through the marketplace of ideas, by covering and facilitating the search for truth related to events that inherently raise public questions about racial justice; and through helping to effect orderly change, by providing a forum for public discourse of highly contentious issues that acts as a safety valve and enables people to express their views and work toward change in a nonviolent manner (Lee et al., 2020).

The journalist at the Roper rally did the best she could under the circumstances, but a better understanding of the First Amendment—on her part or her news organization’s—could have encouraged more nuance in the approach to her reporting. With that in mind generally, and in view of the increase in hate group activity in the United States, it would be useful for news outlets and journalists to seek out training opportunities related to the First Amendment and covering hate groups—particularly in the days or weeks before a planned event like the Roper rally. This kind of training could be conducted in newsrooms or through professional organizations like the Society of Professional Journalists (SPJ) or Poynter, both of which have developed relevant resources on best practices for covering hate groups (SPJ’s is called “Covering Hate,” and Poynter’s is called “Covering Hate and Extremism”).

Limitations and Conclusion

One limitation of our research is its medium-specific focus. We interviewed newspaper journalists, in part, because they are perceived to have strong social capital (Hess, 2013). But they also see themselves in a higher place within the media ecology (Newman & Levine, 2012), so it could be that their self-determined higher place played a role in how they thought about the First Amendment and its normative obligations. The modern practice of journalism involves a shared digital skillset (Lee et al., 2020; G. P. Perreault & Ferrucci, 2020) to such a degree today that nearly all journalism is digital journalism. Nevertheless, it could be that interviews with cable television journalists, for example, might have resulted in even more acute findings of their perceived First Amendment obligations.

In addition, it could be that in our search for interview respondents we limited our sample through use of the term “rally” instead of “march” or “protest” and through the exclusion of the term “alt-right.” Although we did this intentionally, it might have skewed our responses away from journalists influenced by the public-relations strategies of White nationalists, since they prefer the term “alt-right” (G. Perreault & Meltzer, 2019). Future research should examine further the other criteria journalists use to identify their placement within the media ecology. Certainly, the First Amendment is a critical one, but it is fair to assume that it is not the only one. Future research might also consider other contexts in which journalists discursively construct their First Amendment obligations (e.g., in reporting on crime or courts).

Journalists tied their First Amendment obligations to the very core of their professional work—work that is all the more important given that hate groups put no less than democratic values and systemic equity on the line. That said, because of the findings of this study, the lack of understanding of the First Amendment is reason for concern, especially for the lost opportunity to enact the First Amendment more effectively.

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