

# Law, politics, and ten years of Minnesota blogging

In late 2004, Edina resident John Swon clicked his mouse, and published the initial post of his newly christened blog “The First Ring.”

In the world of self-published web content, Swon’s post was somewhat atypical fare. The piece was a longish rumination about the role of the U.S. Senate minority leader in American history. “I was always an outlier,” Swon says of his penchant for wonkish, extended blog posts.

A week after his site went live, “The First Ring” had been mentioned on the blog of nationally syndicated radio host Hugh Hewitt. For Swon, the overnight – but fleeting - notoriety was evidence of the new ways that knowledge and political capital were being transmitted in the fluid age of the web.

While self-published content has been a feature of the internet since its earliest days, it was just over a decade ago that web publishing became a self-serve enterprise for the broader public, via “Blogger” software developed by Pyra Labs.

Coincidentally, at the same time that blogging software was becoming widely available, the United States was thrust into the maelstrom of 9/11. That event - and its aftermath - generated intense public interest in international news, electoral politics, and public affairs. The resultant combination created an explosive growth of self-publishing and self-expression on the web. By the mid-point of the last decade, blogging had become integrated into the mainstream of American media consciousness. According to a 2006 Pew Research Center report, 12 million Americans kept a blog, while another 57 million were regular readers.

While never an exclusively political phenomenon, many of the most ardent and prolific post-9/11 blogs covered political topics. This was particularly true in Minnesota, where the “blog-rolls” of local site consisted of endless lists of politically-themed blogs - from the “Dump Bachman” on the left, to “Truth vs. The Machine” on the right.

The persistence and focus of Minnesota's political bloggers was noted by the New York Times in the middle of the last decade – at the peak of what many call the “high-water mark” of local blogging. In the years since, what has Minnesota's political blog phenomenon wrought?

### **From the margins to the center**

“I started noticing blogs around 2001 or so, when my husband started sending me links at work,” says Robin Marty, the long-time proprietor of the “Power Liberal” blog. Marty started her blog in 2004, as a way to express her frustration with the re-election of George W. Bush. Marty notes that she was a relatively late adopter - part of the “second wave” of Minnesota political blogging.

“The “first wave” Minnesota bloggers were around a few years before I really got active,” she says. “Norwegianity, Power Line, the New Patriots, Shot in the Dark, Blog of the Moderate Left, all of them led the way in developing the medium back when it was just a simple “text and link” time.” These blogs, Marty notes, were often familiar in tone, and mixed personal reflections with political analysis. Through their comments sections, they became forums where readers and writers debated social and political issues. The web proved to be a highly fungible and porous medium, and such blog discussions began to have impacts that reached far beyond their original venues.

By mid-decade, those impacts had become clear. Self-published web material began to influence (and sometimes undercut) the national media narrative. The largely Minnesota-based group blog “Power Line,” for instance, garnered a notice in Time Magazine after their posts challenged CBS news claims about George W. Bush's National Guard records. The resulting publicity eventually led to Dan Rather's exit from the network's evening news desk.

Other local blog personalities had similar trajectories. Ed Morrissey - formerly of the “Captain's Quarters” blog - became a minor national media figure on the right side of the political spectrum, appearing on cable news programs and serving as a substitute host on syndicated radio programs. “Ed accomplished what a lot of people who were writing at the time aspired to do,” says Gary Miller, the

proprietor of the former “Truth vs. The Machine” blog. Miller notes that such meteoric rises were very much a part of the landscape at the time. “From 2003-2007, blogging was like the Wild West,” he says.

The “blogosphere’s” newly minted pundit class rapidly accumulated clout and cache due to its novelty. Bloggers were sought out by the legacy press for quotes, and reporters monitored blogs for fast-breaking tips, compressing the “news hole” into an ever-smaller space. The immediacy of the blogosphere forever altered the speed and style of political coverage, says University of Minnesota journalism professor Jane Kirtley. “Blogging,” she flatly notes, “changed the face of political reporting.”

While blogging changed the broader media, its particular importance to the political world was found in its ability to spread information amongst politically active audiences. Partisan bloggers were sought out by political party operatives as vehicles to transmit and amplify messages to like-minded constituencies. According to John Swon of “The First Ring,” blogs allowed the politically curious to engage the process in a sudden and direct way. “In the world of political blogging,” he says, “those formerly on the sidelines now found themselves at the center.”

### **A high-water mark for political blogging?**

Like Robin Marty, John Swon started blogging the day after the 2004 elections. Swon (who this author knows personally) categorizes his former website as a “center-right” public affairs blog that covered topics ranging from the 2005 Saint Paul mayoral race, to the Schwarzenegger administration. Swon’s posts were detailed, lengthy, and were a function of his inputs. “I was reading news-style content,” he says, “and I wrote news-style content.”

After the launch of his blog, Swon became connected into the larger scene of conservative Minnesota bloggers – a scene that traces its lineage back to radio host Hugh Hewitt. Hewitt, Swon notes, met with several audience members after one of his state fair shows, and encouraged them to start blogs. That group - which Hewitt dubbed the “Northern Alliance” - included the Power Line bloggers, Mitch Berg of “Shot in the Dark” and others. Their meeting with Hewitt proved to be

fortuitous, says Swon, for “their proximity to Hewitt gave them national prominence.”

On the left, the local blogosphere was more fragmented, says Chuck Olsen, an early adopter of blogging, and the creator of the 2003 film “Blogumentary.” Olsen (who this author also knows personally) states that, “At that time, the right wing blogosphere was more organized and active, with the Northern Alliance folks. One of those blogs - Fraters Libertas - commented that there weren't any good lefty blogs locally, so I decided to band together with some other lefty bloggers and form New Patriot.” The “New Patriot” blog was active from 2004 until 2007, when Olsen and other New Patriot alums went on to found the citizen journalism site “The UpTake.” This mid-decade period is cited by many as the “high-water” mark of local political blogging.

“I always feel like 2006 was the best year for blogging,” says Robin Marty. “It was before everyone became convinced that running a blog was either part of a campaign itself, or a step for a blogger to get recruited into a campaign down the road. Back then, it felt like we were doing it for the love of watching politics unfold.”

### **From social scene to meet-and-greet**

Keegan’s Irish Pub sits in the middle of the block that faces Surdyk’s Liquors in Minneapolis. During the heyday of Minnesota political blogging, it functioned as the unofficial headquarters for right-of-center Twin Cities bloggers. “Thursday night trivia at Keegan’s became a social scene,” says John Swon. “From 2004 to 2006, you’d walk in, and people would know who you were from your blog.”

The left’s parallel social experience centered around the 331 club in northeast Minneapolis, where Robin Marty organized the weekly “Drinking Liberally” event. Much like Keegan’s, it acted as a social venue for bloggers, but eventually came to serve a more overtly political function.

“From the beginning,” says Marty, “we found that a lot of candidates were interested in stopping in. Our first major event was a Fifth CD “meet and greet” when (Martin) Sabo announced he wouldn't be running, and there were suddenly

eight candidates all vying for the party endorsement. We had a chance to host both current Minnesota Senators during their campaign launches, and in 2006 we had most of the DFL or Independent candidates for governor coming by.”

Swon notes that the Keegan’s scene underwent a similar transition, as operatives from numerous Republican campaigns made Keegan’s a desired destination. Swon recalls that part of what spurred campaign interest in these venues was the focus on “single-candidate” blogs that emerged during the period.

### **Bloggers and campaigns**

Gary Miller’s “Truth vs. The Machine” blog started in 2004 as a candidate-centered blog called “Kennedy vs. The Machine” that chronicled the activities of then-Republican Senate candidate Mark Kennedy. “I liked the idea of specializing,” says Miller, who had closely followed South Dakota political blogs that charted the Tom-Daschle/John Thune race.

Miller started his blog independent of the Kennedy campaign, but was quickly noticed by them. “I got a call from the Kennedy campaign office, and the staffers there told me that they were following the blog.” Miller says that he and campaign staff struck up a rapport, and they began communicating often about campaign-related news. Miller describes the enterprise as enjoyable in its early stages, and “exhilarating” once Mark Dayton declined to run for his Senate seat, throwing the race wide open.

Miller notes that his proximity to the campaign eventually grew somewhat uncomfortable for him, as his posts became more highly scrutinized by Kennedy staffers. “I crossed swords over several posts,” he says. Miller recalls feeling that the blog had grown too close to the campaign, and he missed the independence of his early operation.

While some bloggers became closely affiliated with political campaigns, others became candidates themselves. Conservative graphic designer and blogger Derek Brigham ran for a state senate seat in 2006 against Democratic Senator Ann Rest. “One guy who ran against Larry Pogemiller was a blogger,” notes John Swon. “The main idea of these races was often to change the debate, not to win.”

During the 2010 elections, one blogger did make the leap from the web to the state house. Saint Cloud State economics professor King Banaian is currently the state representative for district 15B, after many years of hosting the “SCSU Scholars” blog.

Robin Marty notes that blogging has become an integral part of campaign work in many respects. “I firmly believe that every political candidate should have a blog, and actually control the blog him or herself,” says Marty. “If a candidate can't handle the online arena, there's no way he or she can handle a full campaign.”

### **Late arrivals to blogging still having political impact**

Citizen lobbyist Rich Neumeister has been a reliable presence at the Minnesota Capitol for three decades. Since the 1980s, he has focused on issues involving personal privacy and government transparency. For much of that time, he says, he has operated in a decidedly low-tech fashion.

“I’ve been a luddite,” Says Neumeister “I still send stuff by mail. People say, ‘Rich is the guy who brings documents in paper bags.’”

Long quoted by the local press, Neumeister interacts with the legacy media on a regular basis. However, his introduction to the world of blogging came relatively late.

“I was trying to get the word out about the criminal intelligence bill in 2009,” says Neumeister. “The papers weren’t interested in covering the issue.” Neumeister met blogger Eric Pusey of the Minnesota Progressive Project at that time, and Pusey subsequently devoted a post to the bill. “Politics in Minnesota saw it, and did a story on it,” says Neumeister. “Then other media picked it up. Then I realized the power of blogging.”

Since then, Neumeister procured a computer, and now maintains a blog and a Twitter feed. His audience, he says, is largely comprised of legislators, reporters, and other lobbyists. “I’m not a journalist. I’m someone who lobbies,” he notes. “Blogging has magnified my ability to be an advocate.”

## **Blogs and Minnesota law**

The advent of the blog platform brought the combustible worlds of politics and speech together on-line, putting new spins on old legal questions.

From early on, internet speech was afforded a high degree of legal protection, notes professor Jane Kirtley, “In the *ACLU v. Reno* case, the Supreme Court said that internet speech gets the highest level of protection – higher than broadcast - and akin to the printed word.” Minnesota courts, she notes, have largely treated internet speech cases according to the legal standards afforded to traditional print publications - particularly regarding questions of defamation. However, she hastens to note that some bloggers do not understand the limits of what is permissible under libel law, and fail to realize that they can be held legally responsible for publishing defamatory information. “There’s a belief among some bloggers that the medium will self-correct via the posts of other bloggers,” she says. “But just as with the traditional press, false information can have a long-lasting impact, even after a correction is issued.”

An early blog defamation case arose in 2006 in Dakota County Court. The suit involved Michael Brodkorb, a Republican campaign operative who was (at the time) blogging anonymously at the “Minnesota Democrats Exposed” website. Brodkorb made assertions on his blog that New School Communications - a company owned by DFL consultant Blois Olson – had lost a bid to provide services to a congressional campaign. Olson sued for damages and injunctive relief, claiming that Brodkorb’s posts were false and defamatory.

Brodkorb moved for summary judgment to get the case thrown out, and in late 2007, Judge Timothy Blakely dismissed the case. Blakely determined that Olson was a “limited purpose public figure” for the purposes of defamation law, and therefore any statements published about him had to have been made with “actual malice.” Blakely ruled that this high standard could not be met with the materials that had been presented to him.

The difficulty of proving “actual malice” in defamation suits has led some to seek other avenues for challenging internet speech that they dislike. In 2009, blogger

John Hoff wrote a post asserting that Minneapolis community organizer Jerry Moore was involved in a case of mortgage fraud. Moore was subsequently fired from his job at the University of Minnesota, and he brought suit against Hoff, seeking damages. In 2011, a Hennepin County jury found that Hoff's assertions were true, but nonetheless awarded Moore \$60,000.00 in damages stemming from the infliction of emotional distress and interference with an employment contract.

"I was surprised by the result" says professor Kirtley. Kirtley characterizes Moore's lawsuit as a so-called "trash tort" whose judgment will likely be overturned on appeal. "Many of these actions ultimately fail," she notes. "The Supreme Court has held that you can't re-cast libel in the form of another tort in order to evade Constitutional standards. To do so," she maintains, "would be to chill protected speech."

### **The future of political blogging**

While political blogging continues apace in Minnesota, many note that its volume has fallen off considerably from its 2006 peak. "For a lot of "first generation" bloggers that I knew, quality was a priority," says John Swon. By the end of the last decade, "the sheer amount of work hit a lot of people."

Swon says that a long post on the "First Ring" would reach 1000 words, and involve nearly two hours of research. "I couldn't keep it up at that pace," he states. While the "First Ring" blog has been defunct for several years, Swon still occasionally posts at Mitch Berg's "Shot in the Dark."

Many note that the growth of social media platforms has cut into what might now be called "traditional" blogging. Gary Miller of "Truth vs. the Machine" shut down his blog earlier this year, but maintains an active Facebook presence. With its speed and immediacy, Chuck Olsen believes that "Facebook could be called the largest blogging platform in the world."

Miller is quick to highlight the role that Facebook has played in the evolution of his political philosophy. Facebook, he says, connected him with several old friends who held libertarian beliefs, and their on-line discussions have changed his

thinking about some political issues. “I have become much more anti-war, for instance,” he says.

Many bloggers observe that the medium has been slowly absorbed by other forms, and has now become an indistinguishable part of many communication modalities. “I think blogging has definitely taken over as a rapid response platform in politics, as well as in the news,” says Robin Marty. “Newspapers and television stations scoffed at blogs, now they make all of their reporters have their own.”

Looking back over blogging’s past decade, John Swon sees some downsides to the medium, in that it can provide a ready platform for invective and incivility. However, he maintains that such things are functions of social trends that would have developed without blogs. In large measure, Swon notes, “Blogging is worthwhile,” and has made substantive contributions to Minnesota’s political discourse.

Chuck Olsen’s review of Minnesota blogging is similarly positive. “The growth of the local political blogosphere has really filled in the vast civic space that was once occupied only by official campaign communication and mainstream media,” he states. “It’s a way for motivated and passionate citizens to publicly engage the political process, and sometimes influence it.”

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