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Press Credentials and Hybrid Boundary Zones: The Case of WorldNetDaily and the Standing Committee of Correspondents

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ABSTRACT

Press credentialing practices are a vital, yet understudied site of scholarly research on journalistic norms and practices. Press credentialing not only structures internal professional hierarchies, but they also signify the boundaries of the journalistic field itself. This paper explores the legal and theoretical implications of press credentialing to cover the United States Congress, drawing on the concepts of boundary work and journalistic authority to demonstrate the material impact of the space between fields on professional legitimation in journalism. Using WorldNetDaily (WND) as a case study, I argue that the Standing Committee of Correspondents (SCC) occupies a hybrid boundary zone between the journalistic and political fields, generating a unique tension in First Amendment jurisprudence that places journalists in a paradoxical role as both the professional embodiments of free speech and its constitutional steward. The resulting jurisdictional conflict between the SCC and WND extends the relational model of journalistic authority by articulating how journalist-state relations can fundamentally augment the process of legitimation at its fuzzy boundaries. The relevance and implications for press credentialing practices in the digital age are discussed.

KEYWORDS

Boundary work; first amendment; hybrid boundary zone; online/digital journalism; press credentials; standing committee of correspondents

Since the 2016 U.S. election, press credentialing has been a recurring theme of President Donald Trump's vilification of journalists. During his presidential campaign, Trump revoked or denied press passes to a range of media outlets, including the *Washington Post*, the *Des Moines Register*, and the *Huffington Post*, among others (Farhi 2016). Once elected to public office, public discourse on press credentialing practices flared up again as Trump openly mused about revoking press credentials for the network news, citing negative coverage (Colvin 2018). More recently, the Trump administration revoked CNN Washington correspondent Jim Acosta's press credentials to cover the White House, which were subsequently restored by the courts on due process grounds (Baker 2018). The Trump administration subsequently promulgated new rules governing permanent press credentials that dozens of credentialed journalists did not satisfy, leaving them to apply for exemptions or have their press passes revoked as the White House exerts greater control over the press corps (Ingram 2019).

These incidents speak to the power of press credentials as a tool of professional legitimation and raise timely questions regarding the authority public officials have to grant or deny credentials to cover the institutions over which they preside. From a journalist's perspective, these incidents highlight the symbolic and functional importance of press credentials as a cultural technology signifying legitimacy and journalistic authority both outside of, and within, the field of journalism. Beyond retributive actions by political elites to revoke credentials, legacy journalists also face an increasingly competitive digital news media environment awash with online political media firebrands vying for credentials like *Breitbart* (Gangitano 2017), *Gateway Pundit* (Grynbaum 2017), and *Infowars* (Concha 2017).

As such, press credentialing practices are vital sites of study to understand the distribution and accumulation of cultural capital and boundary work in the field of journalism. Press credentials are the physical and symbolic manifestation of the professional norms that structure journalistic work. While the sociology of professional credentialing has a long history (Brown and Bills 2011), the academic literature on press credentialing reveals few systematic analyses of this process (Bock, Suran, and González 2016; Hermes et al. 2014). The dearth of research on press credentialing practices is curious given the increasing prominence of field theory and boundary work in journalism studies. The strength of this strain of research lies in identifying the material and symbolic conditions for the accumulation and exercise of journalistic authority among the organizational actors that create, reproduce, and alter the boundaries of a field, precisely the function of a press credential (Carlson 2017).

While private entities and political campaigns have wide-ranging latitude to determine their own press credentialing criteria, permanent credentials to cover public institutions like Congress and the White House reveal unique overlaps between juridical and journalistic fields. The delegation of congressional authority to the Standing Committee of Correspondents (SCC) to administer press credentials to journalists creates a paradoxical relationship between these two fields. This interstitial arrangement simultaneously elevates the position of journalists by formally delegating legal authority to the SCC while at the same time constraining their evaluation criteria due to First Amendment protections foisted upon the SCC as agents acting on behalf of Congress.

In this role, journalists on the SCC, elected by their professional peers, act in a dual capacity reminiscent of Gil Eyal's (2013) notion of hybrid boundary zones, the institutional manifestations of the space between fields. Within this liminal boundary space, external actors can establish a beachhead on the shores of a professional field, opportunistically raiding its cultural toolbox to acquire power within a field in ways that would not have been possible absent this hybridity. If journalism and mass communication scholars are to more thoroughly understand the growing influence of that right-wing media ecologies on civic life and public opinion (Faris et al. 2017), it is important to develop a more contextually sensitive and holistically relational account of press credentials as institutionalized technologies of professional journalism (Carlson et al. 2018). This paper contributes to this effort by exploring an instance of failed boundary work and assessing the theoretical implications of the unique arrangement of the SCC.

To unpack these theoretical dynamics more concretely, I turn to the historical genesis of paradigmatic conflicts over press credentialing involving conspiratorial right-wing online news outlets and traditional legacy media. Focusing on the SCC's "first major revision of

the rules in half a century,” (Ritchie 2005, 289) I use *WorldNetDaily’s* (WND) 19-month battle for press credentials from 2001 to 2002 as a case study. As a quintessential early example of what Berry and Sobieraj (2014) term the “outrage industry,” WND occupied a unique space within the matrix of professional journalism that highlights the conceptual usefulness of hybrid boundary zones in political journalism. By analyzing primary documents, organizational actors, and news coverage over this jurisdictional conflict, I explore the theoretical implications of the hybrid institutional arrangement of the SCC through the lens of boundary work (Gieryn 1983) and journalistic authority (Carlson 2017).

I argue that the unique position occupied by the SCC in the space between the juridical and journalistic fields generates a First Amendment paradox that underscores the importance of studying hybrid boundary zones and journalist-state relations in press credentialing practices at public institutions. In this liminal boundary space, WND was able to attain material and symbolic legitimacy within the journalistic field by challenging definitions of objectivity, independence, and original reporting, opening up the credentialing process and redrawing the boundaries of journalistic practice. Moreover, their ability to shrewdly leverage meta-journalistic discourse (Carlson 2016) during a period of high professional anxiety provides a useful theoretical inflection point for scholars of journalism.

This paper proceeds as follows: First, I briefly review the juridical and professional history of Washington press galleries. Second, I review the concepts of boundary work and journalistic authority and apply them to the study of press credentialing practices. Third, I introduce WND and its organizational history, followed by a thematic, discursive, and legal analysis of key documents and news reports during their 19-month conflict with the SCC over obtaining credentials to cover Congress. I conclude by synthesizing these findings to argue that press credentialing practices to cover public institutions provides theoretically and empirically rich site of analysis for journalism scholars.

Juridical and Professional History of Press Credentialing

The House of Representatives first debated press access to their chambers less than 24 hours after approving the First Amendment of the US Constitution. Congressional press galleries opened in the mid-1800s, made up almost exclusively by stenographers charged with creating verbatim transcripts of congressional proceedings and speeches as well as letter-writers who were responsible for sending congressional news to out-of-town papers. Predictably, these letters often contained errors, imprecise paraphrased accounts, and commentary critical of politicians. This frustration resulted in an 1839 push for the creation of a formal press gallery in both chambers and their formal opening in 1841 by Henry Clay. The rise of the penny press and concerns about executive office clerks and other lobbyists moonlighting as reporters put stress on a largely ad hoc credentialing system (Ritchie 1991, 1–26). Partisanship and a series of lobbying-related scandals culminated in the 1877, when press corps leaders met in a *New York Times* office to outline a set of standards that could properly regulate press access and maintain independence within given budgetary and physical space constraints. The House formally adopted these guidelines in 1879, with the Senate following along in 1884, and they remain largely the same to this day (Collins 2013; Eckman 2017).

Since their adoption, the gallery rules regulating the press credentialing process have structured the day-to-day work of the Washington press corps. Press galleries are not only responsible for credentialing, but also for maintaining workspaces for reporters, coordinating coverage of news conferences, distributing press releases, and disseminating updates about floor proceedings, pending legislation, amendments, markups and committee hearings (Eckman 2017, 1–2). Permanently credentialed members gain unfettered access to these information subsidies and are supported by full-time House and Senate staffers. In addition, credentialed reporters gain access to the House Speaker’s Lobby and the Senate President’s Room, where reporters often seek out politicians for comments and interviews. A congressional press credential is also a legal prerequisite to becoming eligible for permanent White House press credentials (Ritchie 1991, 2005). Without a congressional press pass, journalists are often locked out of the highest echelons of hard news reporting in politics. The press galleries also parlay their formal congressional power into more informal forms of professional influence. At both Democratic and Republican party conventions, for example, media outlets that do not receive credentials from the parties have often looked to the press galleries to issue credentials to authenticate journalistic access (Collins 2013, 325–6). In this way, congressional press galleries often exceed their delegated legal authority, drawing from both the political field and journalistic field to forge an institutional expertise that can exceed the sum of its individual parts.

In terms of a formal legal mandate, the press galleries are governed by House Rule VI and Senate Rules VI, XXV, and XXXIII. These rules task the Speaker of the House and the Senate Committee of Rules and Administration with overseeing the galleries and formally delegates that power to four correspondent committees, divided by technological medium. While the emergence of radio, photography, and television spurred the creation of their own galleries, online news publishers were left to adapt their organizations to the legal and journalistic interpretation of congressional rules by legacy media galleries. In fact, the press galleries did not even formally acknowledge the legitimacy of credentialing online news organizations until 1996 (Heaney 2008).

Despite the growing professionalization of journalism in the early twentieth century, the federal judiciary has been reluctant to recognize constitutional protections for journalists based on their status as news gatherers. At the same time, as evidenced by the very existence of the SCC as a delegated administrative body, the legislative and executive branches are similarly hesitant to have politicians making legal decisions about who is and is not a bona-fide journalist. However, when an individual is denied a press credential by the SCC, an applicant can appeal the decision all the way up to the Speaker of the House and the Senate Committee on Rules and Administration. If they choose not to overrule the SCC, applicants can resolve the dispute through the courts. There are two landmark precedents from the U.S. District Court and Circuit Court of Appeals for D.C. governing how these types of cases are handled: *Consumer’s Union v. Periodical Correspondents’ Association* (1975) and *Sherrill v. Knight* (1977).

In *Consumer’s Union*, the Washington editor of Consumer Reports was denied a press credential because the magazine was too closely connected to Consumer’s Union, an advocacy group that frequently lobbied Congress (Collins 2013). *Consumer’s Union* sued on First and Fifth Amendment grounds, arguing that this rule (1) constituted a prior restraint on the right to gather, have full access to, and report on news about Congress and that (2) the manner in which they were rejected was arbitrary and capricious, violating

their due process rights. While *Consumer's Union* won their case in district court, they lost on appeal when the circuit court decided, *sua sponte*, that the challenge was nonjusticiable because the Periodical Correspondents' Association had legislative immunity based on the Speech and Debate Clause in Article I of the Constitution. Because the credentialing body acted with formally delegated congressional authority, actions taken in that capacity are constitutionally indistinguishable from the actions of other congressional agents. As such, the Speech and Debate Clause, which provide Congress broad immunity from liability for matters involving their internal proceedings and personnel decisions, applies to the journalists making credentialing decisions.

Just two years later, the D.C. circuit court was faced with a slightly more nuanced fact pattern in *Sherrill*, which involved the revocation of credentials to cover the White House. In this case, Robert Sherrill, the Washington correspondent for a periodical, *The Nation*, had already obtained press credentials to cover Congress and was applying for a credential to cover the White House. The Secret Service, which conducts security checks on those seeking access to the White House, denied Sherrill's application for security reasons but refused to provide an oral or written justification for doing so. Allowed to reach the merits because the Secret Service issued the denial, not a congressional agent, the court ruled this action violated the First and Fifth Amendment because there was no explicit or meaningful standard for denying a White House credential on security grounds nor any procedural protections to those denied passes. This required the White House to issue narrow and specific rules for denying a press pass on security grounds in addition to providing formal notice and a written statement of the basis for denial.

The *Sherrill* and *Consumer's Union* cases highlight several key issues shaping the legal environment surrounding press credentialing at public institutions. As *Consumer's Union* makes clear, when the SCC makes a credentialing decision, it acts with legal authority delegated to it by Congress. Members of the SCC act both as agents within the journalistic field, reinforcing cultural practices associated with professional news work, as well as congressional agents charged with faithfully executing the law in accordance with its constitutional and legislative mandates. Not only are legal standards like strict scrutiny applied to content-based credentialing decisions by journalists accustomed to more professional autonomy and discretion, but there is ample evidence that journalists have not acted with their dualistic roles in mind and, in some cases, are completely ignorant of their legal status on the SCC (Collins 2013). Squarely positioned between journalistic and juridical fields, the SCC occupies a unique institutional space, exercising journalistic authority that is simultaneously shaped by the affordances and constraints imposed upon them by their status as congressional agents. In effect, journalists whose professional legacies depend upon expansive First Amendment protections from government interference are paradoxically constrained by the very same constitutional principles that govern their power to issue press credentials.

The only time *Consumer's Union* was applied to a decision about an online journalist was *Schreibman v. Holmes* (1999), where the sole owner and operator of a subscription-based, bi-weekly internet newsletter called the Federal Information News Syndicate (FINS) was denied a credential to cover Congress (Witte 2010). The denial was based on the business model of the FINS and its financial relationship with the journalist, Vigdor Schreibman. Schreibman lived on his retirement income, violating gallery rules that require credentialed journalists to draw a salary from their publications and that they

make their living as a journalist. In addition to reinforcing the emphasis on the organizational components of journalists seeking credentials from the press gallery, the case also reaffirmed the deferential role of the courts in reviewing internal Congressional deliberations involving press credentials, again ruling that the suit was nonjusticiable under the Speech and Debate Clause. Though unsuccessful, the case prompted the gallery to “reevaluate their treatment of Internet correspondents,” recognizing electronic publications as legitimate extensions of print “by specifying that web services must publish original news and charge market rates through subscription sales or advertising” (Ritchie 2005, 288).

This line of jurisprudence sets the stage for WND’s 2001 conflict with the SCC. Though the court has been broadly deferential to Congress, suits have centered on due process concerns as plaintiffs in all three cases were not even provided clear justifications for their denials until court briefs were filed (Witte 2010). These justifications, like the rules themselves, draw attention to the financial and institutional relationships between journalists and publishers with an emphasis on organizational independence. At the same time, press galleries were being increasingly forced to reckon with a digital turn in news production that raised new questions about traditional business models and complicated the already thorny question of how to legally define a journalist.

Boundary Work, Journalistic Authority, and the First Amendment

Definitional struggles over who is and is not a journalist are, at base, conflicts over jurisdiction, the link between knowledge and work (Abbott 1988; Schudson and Anderson 2009). Field theory (Bourdieu 1984, 1993) and boundary work (Gieryn 1983) have historically provided fruitful theoretical frameworks to analyze and interpret these jurisdictional conflicts in journalism. As a field, journalism occupies a tentative relationship within the professionalization literature compared to more established fields such as medicine or law. With few legal resources to exert independent social and political influence, journalists rely on cultivating material and discursive resources to demarcate areas of expertise that fall within their interpretive field. Scholars focus on many different measures of power within the journalistic field, including but not limited to: ownership structure, financial links to other companies, audience composition, ad revenue, size of the reporting beat, and proportion of journalists who graduated from prestigious journalism schools (Benson 2006; Duval 2005).

Following the sociological tradition of Durkheim and Weber, field theory and boundary work build upon scholar’s attempts to understand and analyze the process of functional differentiation in late modern societies. That is, as professions evolve, they specialize and attain relative autonomy through the construction of, and claim to, expertise that manifests itself in norms and symbolic codes that structures the day-to-day work of professionals. As actors from other fields attempt draw upon the professional and cultural influence of the journalistic field for their own purposes, or seek to establish themselves within the journalistic field, jurisdictional disputes are sure to follow. Shifting attention from the structure of professionalization to jurisdictional disputes allows scholars to analyze how these communities understand and interpret their professional identities relative to outsiders vying for influence within their field of expertise (Abbott 1988). In other words, it is important to focus on the process of constructing the boundary of

professions rather than becoming preoccupied with the precise location or definition of the field.

Many scholars have employed boundary work as a primarily rhetorical, discursive, and interpretive concept among journalists (Schudson and Anderson 2009), using published stories (Berkowitz 1992, 2016; Bishop 2016; Bratich 1992; Carlson and Berkowitz 2013) and interviews with journalists (Coddington 2012, 2013; Revers 2013) as the central unit of analysis. These studies of soft boundary work often focus on how journalists attempt to distinguish their profession and organizational role from a perceived outsider attempting to accrue cultural capital within the field. More broadly, researchers have also deviated from primarily discursive accounts, incorporating analyses of hard boundary work through formal, structural, organizational, and legal constraints on agents operating in the journalistic field (Lewis 2015, 221–3).

Although hard and soft boundary work are often co-constitutive, Eyal (2013) would question the centrality of discourse in boundary construction and maintenance, pointing to structural and material constraints such as “social mechanisms that limit the number of authoritative speakers, that assign their statements with different values, that close off certain topics and devices from non-expert inspection,” that undermine the power of rhetoric to, on its own, “produce a relational reality,” of fields like journalism (175). In the context of bloggers and online news outlets, Eyal suggests that it may be less useful to think of boundary work as creating a fine-grained dichotomy than to imagine it as a hybrid boundary zone of competing actors straddling many different networks, professional and otherwise. Through this lens, a strictly Bourdieusian approach that applies field theory to journalism is less helpful in digital media environments because of the difficulty of accounting for oppositional identities within alternative media arrangements (Atton 2002). For Atton, strict applications of field theory are “too undifferentiated,” and “too monolithic,” to provide an account of the heterogeneity of alternative media (30). For example, oppositional identity statuses afford niche news outlets a certain epistemic claim to independence, borrowing from or, in Eyal’s terms, opportunistically raiding, the objectivity norm as a means of carving out a niche and cultivating cultural capital within the field of journalism.

In this context, Carlson’s (2017) relational model of journalistic authority is a fruitful framework for understanding press credentialing decisions by the SCC as a contingent synthesis of soft and hard boundary work amid a complex web of associations that structure the legitimation process. The relational model of journalistic authority draws attention to (1) how journalists cultivate a group identity, (2) how journalists engage in the textual practices of news work, and (3) how journalists participate in broader metadiscourse about the profession as core components of authority. Crucially, these three core components are embedded in contingent networks of relationships that connect journalists to their sources, audiences, critics, and the technological platforms that structure their work.

For example, in 2014 the SCC denied press credentials to the preeminent legal website, *SCOTUSblog*, to cover the Supreme Court due to a lack of editorial independence from the law firm within which it was created. While objectivity and independence were prioritized as essential components of the group identity embodied in press credentialing decisions, their rejection also highlights the journalist-source relationship as the primary axis of interest in the SCC’s exercise of journalistic authority (Carlson 2017, 122–4, 133–8). As a go-to

source for news about the high court, *SCOTUSblog's* denial functioned to maintain the professional distance between journalists and insider sources who, arguably, have too much skin in the game to be considered journalists themselves.

The conflict between the SCC and WND contributes to the relational model of journalistic authority by expanding on the underdeveloped relationship between journalists and the state (Carlson 2017, 187). Here, the relationship between journalists serving on the SCC and the constitutionally delegated authority under which the committee operates simultaneously stymied the SCC's traditional boundary work strategies while also amplifying WND's claims to legitimation by supplanting journalistic interpretive processes and definition-making with juridical ones.

First Amendment jurisprudence reflects journalist-state relations quite well, providing a legal container for, and structural constraint on, journalistic activity and the process of legitimation (Martinez 2012). In one sense, journalists are perpetually operating within the legal field in that they are subject to legal constraints on their capacity to engage in professional work. Privacy laws, for example, can form hard boundaries for newsgathering and reporting practices that override First Amendment protections for newsworthy events, occasionally exacting fatal economic costs on media outlets that violate them (e.g., *Gawker*). Within this legal container is a space where the journalistic field interacts with other social, cultural, and economic fields to form professional norms, routines, and expectations that structure the distribution of symbolic and material resources among journalists. These professional norms often restrict journalistic conduct above and beyond the legal floor, leaving a gap that becomes the battleground of media ethics. Martinez identifies two paradoxes that build on the journalist-state relationship in the relational model: negative legitimation and displacing legitimation.

Negative legitimation refers to the conversion of merely lawful speech into newsworthy speech. This occurs when news organizations justify violations of media ethics by pointing to the juridical field, defending reporting decisions based on the mere lawfulness of their reporting practices. Displacing legitimation refers to the tendency for legal rights of publicity to trump other rights like privacy on the basis that more publicity is a remedy for the initial intrusion. The constitutional logic that puts a thumb on the scale for free speech provides structural incentives for fringe or startup news organizations to distinguish themselves from their mainstream competitors and gain an advantage over more elite news organizations. For example, differing decisions to release the names of Involuntary Public Figures (IPF) like sexual assault victims may converge as online news outlets exploit the gap between legality and professional ethics. By releasing names of IPF's, marginal journalistic actors may acquire a form of cultural capital (newsworthy scoops) through negative legitimation that is often forgone by journalists taking the ethical high road, yet another form of cultural capital. When the online circulation of an IPF's name spurs harassment, it can result in legal statements from the victim or their lawyers which often form the basis for decisions by previously uninterested news organizations to jump into the fray via displacing legitimation. As a result, the gap between what is legal and what high-brow journalistic actors consider ethical is a constant battleground of journalistic legitimation due to the relationship between journalists and the state.

While these forms of legitimation highlight important aspects of a journalists' relationship with state authority, they often lend themselves to analyses of metajournalistic discourse and other forms of soft boundary work that elide a more nuanced and structural

account of the position journalists are in while serving on the SCC. Given the history of the SCC, and its unique legal relationship Congress, an analysis of press credentialing practices at government institutions moves the conversation away from questions about how the state exogenously structures news work and toward questions about how these institutional arrangements endogenously augment how journalists can engage in boundary work in the first place. Rather than treating the journalistic and juridical fields as discrete entities, I argue that press credentialing practices on the SCC require a hybrid lens of analysis that accounts for how this contingent, liminal relationship between the state and journalists impacts the boundary work process beyond discursive textual accounts.

In this context, WND is an ideal case study for several reasons. In addition to showing how journalist-state relations can fundamentally alter the cultivation of journalistic authority, this 19-month credentialing episode captures a period of professional anxiety for legacy journalists facing an increasingly digital news landscape, ultimately culminating in the first major change to the SCC rules since 1879. Further, WND was among the first online political media outlets to successfully adopt an openly ideological and oppositional journalistic identity from the outset by playing up their outsider status as being independent from “biased” mainstream sources of news and boasting a surprisingly large and durable following that distinguished it as a major early player in the marketplace of niche online political news.

The Case of *WorldNetDaily*

WorldNetDaily was founded by Joseph Farah in 1997. After serving as the executive news editor of the *Los Angeles Herald Examiner* for six years, Farah became the editor of the *Sacramento Union* after the *Herald Examiner* folded in 1989. Prior to Farah’s arrival, conservative banking, oil, and aluminum magnate Richard Mellon Scaife owned the *Union*, who branded the paper as an ideologically conservative counterweight to the *Sacramento Bee*, just as the *Pittsburgh Tribune-Review* had to the *Pittsburgh Post-Gazette* during the early 1990s (Tascarella, 1997). Scaife sold his stake in the *Union* to local real estate developers who hired Farah as the *Union*’s editor-in-chief. Under Farah’s leadership, the *Union* accelerated their “unabashedly conservative,” bent (Kurtz and Trueheart 1990), featuring weekly syndicated columns from infamous right-wing provocateur and radio personality Rush Limbaugh. As circulation continued to plummet Farah left the *Union* in 1991, cofounding a nonprofit organization called the *Western Journalism Center* (WJC).

The WJC functioned as a “hybrid of activist organization, news agency, and publisher,” and “was an almost perfect forerunner for the structures that would soon prosper on the nascent Internet.” (Aaronovitch 2010, 268). WND was created as a project under the WJC in 1997 but was spun-off as an independent for-profit organization in 1999. Both WJC and WND were widely known for their relentless pursuit of right-wing conspiracy theories, particularly surrounding the Clinton family and, perhaps most notably about the death of Vincent Foster (Lieberman 1996). WND has been variously described as a the “granddaddy of right-wing conspiracy sites” (Roig-Franzia 2019) and a cross between supermarket tabloids and the John Birch Society (Nelson 2012). WND’s publishing arm, WND Books, has been described Paul Harris of *The Guardian* as “a niche producer of rightwing

conspiracy theories,” (Harris 2011) publication of Jerome Corsi’s book pushing birther narratives about former U.S. president Barack Obama, *Where’s the Birth Certificate?*

WND was among the most successful publishing outlets in the late 1990s, boasting stunning web traffic numbers. Between 1999 and 2000, WND ranked as the #1 most popular website for 52 straight weeks. This was buttressed by an impressive “stickiness” rating, that is, the amount of time people spent on the website when they visit. In terms of total hours spent on news websites, WND outpaced ABC News, the *Washington Post*, and the *New York Times* (PR Newswire, 2000). As one of the most successful online publications of its time, and at the cusp of the digital media age, WND’s press credential fight came at the height of professional angst over online news in the early 2000s (Bratich 2008).

On 8 February 2001, WND submitted a request for permanent Senate press credentials. At this point, several exclusively online publications had been granted congressional press credentials without much fuss, such as Washington reporters from Salon.com and Slate.com. In addition, Paul Sperry, the Washington correspondent for WND, had received temporary press credentials to cover Congress before applying a permanent credentials. Although WND was not denied complete access to the Congressional chambers, permanent press credentials offer an elevated tier of institutional benefits and are symbolically meaningful for journalistic boundary-setting.

As shown in Figure 1, the SCC delivered its initial reply to WND’s credential request on the one-year anniversary their application filing. The result of their deliberation was a unanimous 5-0 decision to deny WND credentials. In their formal rejection letter, the SCC confined their reasoning strictly to the letter of the law governing press galleries, leaning heavily on two justifications: (1) a lack of organizational independence from advocacy groups and special interests and (2) an inability to meet the threshold of disseminating “significant original reporting content”.

Broadly, these justifications reflect the core tenets of the SCC to uphold independence and limit access to organizations that simply aggregate information from other sources. Through the lens of the relational model of journalistic authority, WND’s initial rejection highlights the material and symbolic reinforcement of group identity through SCC appeals to independence and objectivity alongside a surface-level appeal to the textual practice of original reporting. Like the 2014 *SCOTUSblog* decision, editorial independence plays a central role in WND’s initial rejection; but rather than highlighting journalist-source relations, the SCC’s invocation of independence was more so an assertion of group identity in the face of an unfamiliar journalist-technology relationship. The second stated justification for rejection centered on a lack of original reporting, which gestures more directly to journalist-source relations, and a concern about the extent to which WND’s textual practices are more akin to an aggregator rather than an original content producer, a core journalistic boundary work device (Coddington 2014).

In addition to formally appealing the SCC ruling, WND responded to the rejection by engaging in a scorched-earth public response, publishing no less than six scathing articles about the decision within a week of their rejection. On 13 February 2002, WND published its first two response articles. The first, penned by WND reporter David Kupelian, stylistically resembled a straight news report of the rejection. While sticking to mostly factual content in his own words, Kupelian extensively quoted two sources, Rebecca Hagelin, WND’s vice president of communications, and Farah, the founder and CEO. Engaging in

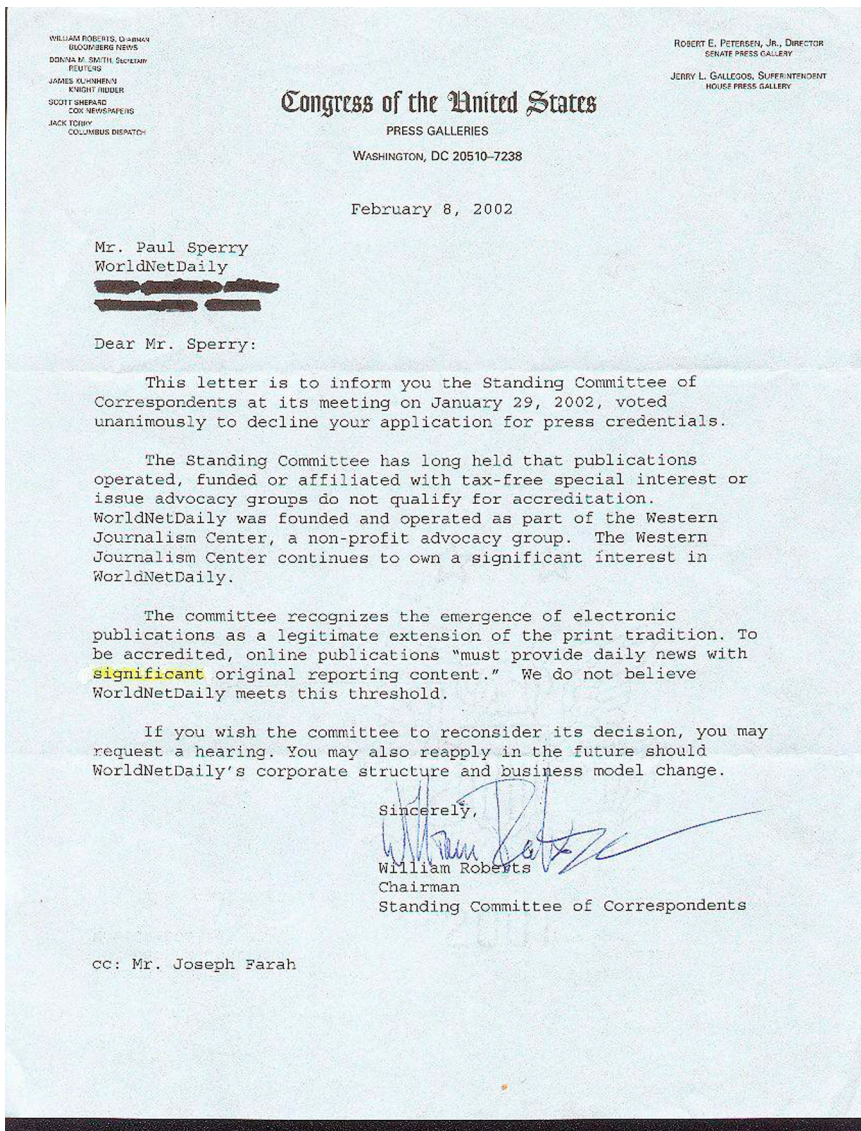


Figure 1. Initial SCC letter justifying its rejection of WND's application for press credentials to cover Congress.

an aggressive metajournalistic PR campaign, Hagelin suggested that the "decision smacks of insecurity and bias on the part of the standing committee," adding that

WorldNetDaily is different from the establishment press in this way: We're one of the few media outlets that has dared to criticize and point out how the media, in general, have failed to carry out the original mission of the press envisioned by our Founding Fathers—to serve as a watchdog on government.

Farah's quotes went even further, stating that WND had been "systematically discriminated against by this group because it doesn't like our reporting style—which is

aggressive, fiercely independent and focuses on investigative digging into government fraud, waste, corruption and abuse” (Kupelian 2002a).

The second salvo of self-coverage was an editorial by Farah himself, conspiratorially titled “The Government-Media Cabal,” highlighting the fact that several foreign, government-controlled media outlets like the Egyptian *Al-Ahram* and China’s *Xinhua News* received press credentials from the SCC. In addition, Farah encouraged readers to send their complaints to Joe Keenan, the deputy director of the Senate Press Gallery, and other members of the SCC.

As they pursued an appeal, WND continued to churn out stories covering its conflict with the SCC. Aside from a few stories published by *Roll Call*, an inside-the-beltway trade publication, this story was not picked up by other news media outlets. The result was a veritable echo chamber of internal quotes from WND leadership spun together into a web of self-citations and hyperlinks back to their own content. For example, the day after Farah called on the WND readership to email the press gallery to complain, Kupelian published a piece titled “Readers Flood Senate Gallery with Emails,” (2002b) documenting several of the thousands of emails that were sent to the gallery based on their story the day before. On 19 February 2002, WND published another story reporting that it sought outside legal assistance in the matter from the United States Justice Foundation (USJF), an active and well-known conservative legal advocate, and that their USJF attorney Robert Ackerman sent a four-page letter to the SCC demanding a public hearing to appeal the decision, stating that the press pass denial was “the most unconstitutional thing I’ve seen in a long, long time,” adding that “nothing could be more damaging to the First Amendment” (Kupelian 2002c).

WND’s initial pushback against the SCC was a gambit to control the public narrative about the SCC’s ruling. Consistent with Atton (2002), WND played up its oppositional identity as a source of interpretive strength, painting itself as a media victim and leveraging the SCC’s journalist-state relationship to drive home a familiar conservative narrative of government “fraud, waste, corruption, and abuse.” If the journalist-audience relationship is the “central relationship on which the recognition of journalistic authority is built,” (Carlson 2017, 186) then WND drew upon routinized conservative media heuristics to galvanize their readership into action against the SCC.

As a part of the pursuing an appeal to the SCC’s ruling, WND also requested additional materials from the SCC that were used during deliberations about their application, even filing several FOIA requests. The SCC initially denied access to the documents in the lead up to the appeals hearing, as FOIA only applies to executive agencies, not Congress. The resulting accusations by WND that the press gallery was withholding evidence were compounded by several other combative interactions between WND and the SCC over who should provide additional documentation in addition to other transparency issues. As a consequence, the April 15th appeals hearing amounted to another round of information-gathering and document requests from the SCC. For example, the SCC requested additional financial documents to substantiate WND’s claims to organizational independence and suggested that WND’s accusations of foot-dragging were simply a result of their unfamiliarity with the site, which required additional time to research its operations. WND’s attacks took advantage of the seeming irregularity of SCC member meetings to consider their application, their inconsistency in publishing full meeting minutes, and other record-keeping practices of the committee. The bureaucratic hang-ups were used

as fodder for WND's broader narrative of a corrupt, bloated government committee denying an aggressive government watchdog their right to free speech and due process.

During the summer of 2002, the SCC eventually delivered a two-page document (Figures 2 and 3) containing written notes and article citations used by SCC members during their deliberations on WND's application, which presented perhaps the most damaging pieces of information from a legal standpoint. The documents show committee members marking up the list of citations with words like "conservative," which was circled and highlighted in three separate places, along with the phrase "too aggressive,"

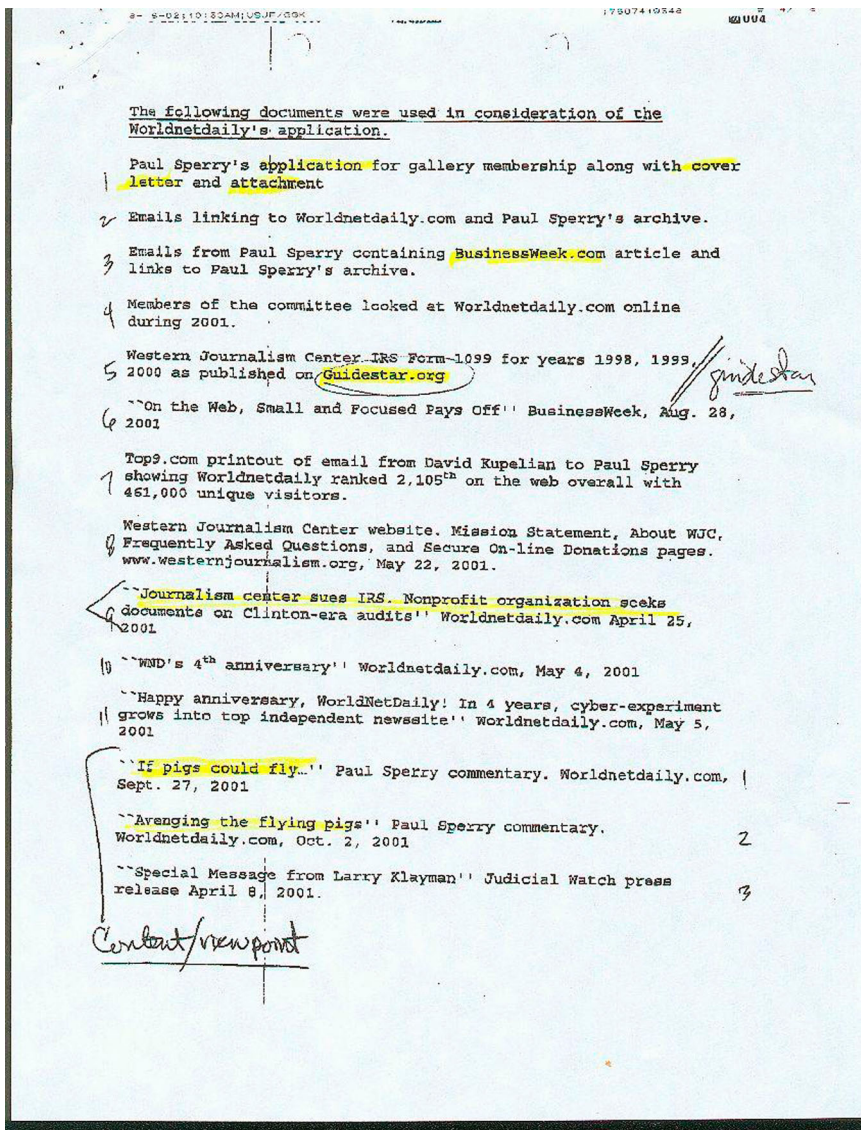


Figure 2. Documents used by the SCC during internal deliberations regarding WND's application for press credentials.

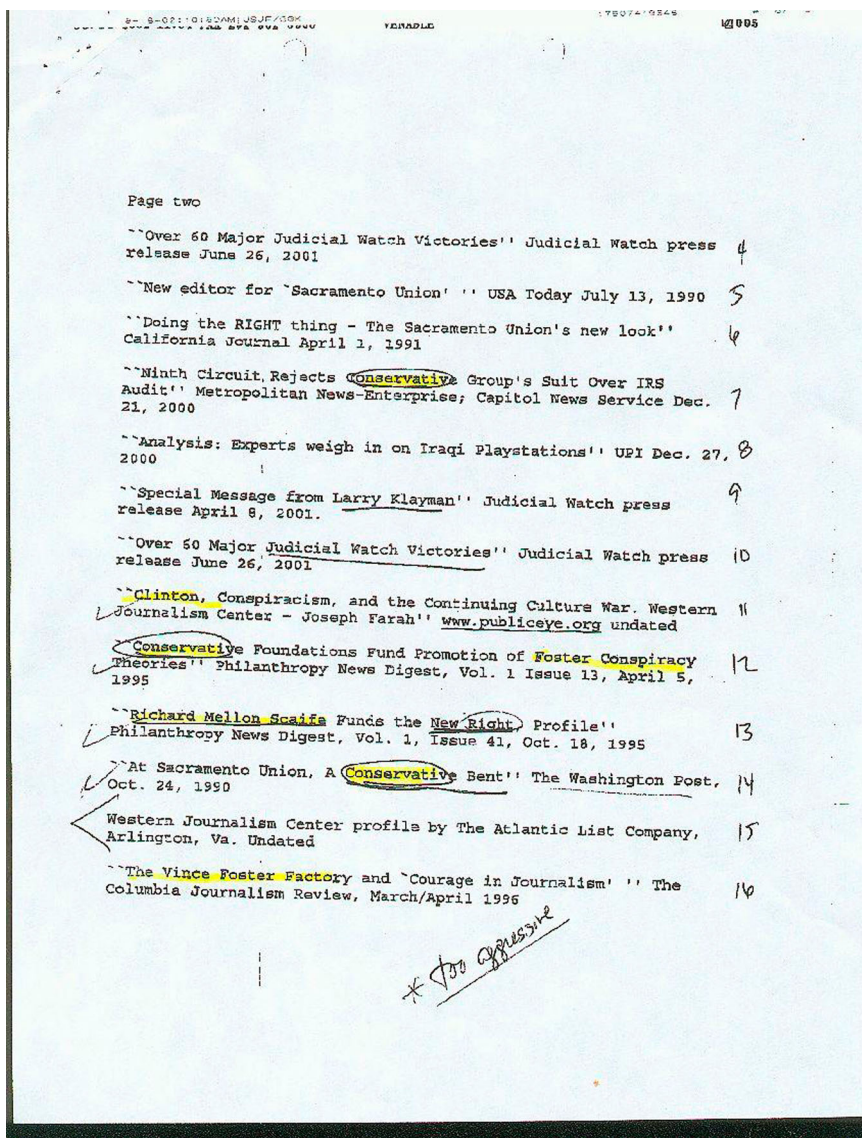


Figure 3. Documents used by the SCC during internal deliberations regarding WND's application for press credentials.

and a series of articles by WND reporter Paul Sperry labeled "content/viewpoint." In August, WND seized upon these documents, ramping up its self-coverage once more, publishing sixteen articles that month, followed by another eight in September, with colorful headlines like "Press Police Accredited Left-Wing S.F. Hippies," "Stalinists in the Press Gallery," and "The Political Lynching of WND."

Following these revelations, WND further appealed its application to the Senate Rules and Administration Committee (Sperry 2002), the congressional body that formally oversees the press gallery, threatening a lawsuit against the Senate Press Gallery for content-

based viewpoint discrimination against them (WND 2002). Faced with squaring their legal justification for rejecting WND's application with the contents of their internal deliberations, the SCC faced considerable pressure to reconsider its ruling. Under the threat of credible litigation after a combative 19-month back-and-forth, a divided 3–2 majority on the SCC voted in favor of granting WND permanent press credentials on September 10, 2002.

There are several aspects of this credentialing conflict worth unpacking further. First, despite the hyperbolic victimization narrative reinforced ad nauseum, WND had a legitimate legal basis for challenging the SCC's initial ruling. The SCC had trouble crafting a workable legal threshold for what constituted significant original content without resorting to content-based evaluations of WND's reporting. WND was able to successfully engage in the metajournalistic process of definition making largely due to the SCC's institutional proximity to the juridical field and the resulting constraints on the interpretive authority of the journalists charged with executing its duties (see Carlson 2016).

While WND sacrificed cultural capital with self-coverage rife with conflicts of interest, reinforcing its fringe status on the edge of the journalistic field, it could simultaneously claim that, in a legal sense, even its self-coverage of constituted original reporting of interest to a wide public audience because (a) they are the only one's reporting on it, and (b) WND can point to the millions of unique visitors amongst their online readership. WND pointed to a host of its news reports that were not reported on by other outlets, buttressing its legal claim to originality. Thus, the structural position of the SCC in this hybrid boundary zone significantly augmented the interpretive process of definition making and, subsequently, boundary setting.

A second, related point about WND's ability to galvanize its readership into action is that it offers a novel contribution in response to Carlson's (2016) call for scholars to ask how metajournalistic discourse positions news audiences. WND's non-stop coverage encouraging readers to flood SCC inboxes with complaints demonstrates a core feature of the outrage industry, that is, a reliance on affective, polarizing language aimed at laying the groundwork for mobilizing action among like-minded supporters (Berry and Sobieraj 2014). In addition, WND's ability to parlay its aggregate online viewership numbers to supplement their legal case also positioned the audience as an active participant in the legitimation of organization itself by leveraging their impressive, and relatively new, measures of their online readership.

In terms of the SCC's challenges to its organizational independence, WND seemed to have its legal house in order, formally separating itself from WJC and other potential legal conflicts relative to the anti-advocacy language of the press gallery rules. The normative battle over what defines independent reporting in the journalistic field, much like the definition of original reporting, differs substantially in the juridical field. While the SCC accurately identifies how embedded WND within an ideologically conservative network of financial backers, newspapers, and legal advocacy groups, legal definitions of organizational independence largely preclude content-based judgement on such criteria.

More than simply reflecting traditional norms of journalistic evaluation, the actions of the SCC also highlighted what Collins (2013) referred to as a general ignorance on the part of journalists of their dual role as both professional newsgatherers and guarantors of constitutional rights. While the SCC's initial February rejection letter stuck to the letter of the law, the materials used in their deliberation displayed a disregard for their

formal legal position, which functioned to constrain the reach of professional norms against overly aggressive, biased reporting. This issue was accentuated by the SCC's lack of familiarity with WND's online business model, transparency hiccups, and inconsistently applied standards of evaluation that played into the hands of WND's self-styled oppositional identity as an independent government watchdog. The status of the SCC as a hybrid institution allowed WND to play up both its separation from the ostensibly corrupt mainstream media as well as its libertarian disdain for government bureaucracy, providing more than enough feedstock to generate outrage and apply pressure on SCC leadership from the Senate committee overseeing their work.

It is also important to remember that WND's fight for press credentials was the crescendo in a much larger process of journalistic legitimation that began at their founding. When WND first separated from the WJC, Farah moved the headquarters of their operation to rural Oregon, stating that it was "a place with few distractions," adding that "WND was not going to become contaminated, seduced, or distracted—at least not right away! We wanted a chance to establish our own unique identity far from the not-so-bright lights and conventional wisdom of the big media centers." (Farah 2007, 202) This geographic separation held symbolic significance as a means of cultivating independence in the lead up to the legal conflict, a common tactic of organizations operating at fuzzy definitional boundaries (Medvetz 2012). Positioning itself at the fringe granted WND a reservoir of oppositional credibility that simultaneously distanced itself from journalistic norms while also positioning it to leverage deviant features to successfully acquire press credentials in a hybrid boundary zone that legally shielded it from traditional cultural sanctions in the journalistic field.

Journalist-state relations fundamentally augmented the SCC's ability to assert its professional authority over the press credentialing process. Unable to overcome strict scrutiny and render legal judgement on the content of WND's textual practices, the SCC's hybrid institutional arrangement both dampened its ability to engage in boundary work while also catalyzing WND's narrative of outrage. This ultimately allowed WND to successfully assert interpretive control and open up the credentialing process by, in Eyal's terms, opportunistically raiding the journalistic field. By inverting professional norms like independence and original reporting, WND was able to repackage them in order to gain a foothold in a liminal boundary zone where the juridical obviated the journalistic.

Conclusion

The historical reluctance of lawmakers and judges to wade into the thorny process of defining who is and is not a journalist resulted in a hybrid institutional arrangement embodied in the SCC. The result is a contingent journalist-state relationship imposing a complex set of affordances and constraints on the exercise of journalistic authority. Paradoxically, members of the press who serve on the SCC act in a dual-capacity as both the *embodiment* of the First Amendment principles forming the basis of their professional autonomy as well as the legal *enforcer* of their limitations. Operating in this capacity, journalists on the SCC are forced to articulate the cultural and professional norms of the field in juridical language that cedes definitional control, creating interpretive fissures in the process of journalistic legitimation at its boundaries.

Within this liminal space between fields, WND's successful gambit for press credentials to cover Congress highlights conditions under which oppositional journalistic entities can challenge extant boundaries of the professional field. WND took advantage of a poorly defined online media environment, leveraged its broad web reach, leaned into its oppositional branding, and threatened a lawsuit challenging its exclusion, applying multidimensional pressure in one of the few contexts where the definition of who is a journalist carries legal consequences. These elements of WND's news operation and reporting style allowed it to launch an aggressive attack from the fringe while credibly amassing sufficient journalistic qualities from a juridical perspective to claim legitimacy within the journalistic field.

Taken together, WND's 19-month conflict with the SCC make several contributions to the study of journalism, boundary work, and right-wing media. First, the WND episode extends Carlson's (2017) relational model of journalistic authority by expanding upon the implications of journalists' relationship with the juridical field. Rather than viewing journalist-state relations in terms of exogenous legal boundaries like libel, prior restraint, and source confidentiality, the hybridity of the SCC elucidates how journalist-state relations endogenously influence the process of journalistic legitimation. The result is a set of unique, contingent restraints on journalists' ability to construct and maintain professional boundaries through metadiscourse and appeals to group identity. Here, the relationship between journalists and the state is less of a constraint on the textual practices upon which journalistic authority is cultivated, but rather a lens through which journalists must filter their boundary work through in the first place.

Beyond contributing to the understanding of journalist-state relationship, the constraints imposed on journalistic authority in hybrid boundary zones like the SCC make clear the importance of attending to the overlap between fields. Boundary work in this context is not simply a product of discursive representation, but also a material consequence of the hybrid institutional features. Press credentials may be imbued with the representational force of ritualized professional norms in the journalistic field, but the distribution of their material and symbolic benefits is often mediated through institutional channels that differentially weight journalistic and juridical logics of legitimation. At these fuzzy boundaries of the field, scholars must seriously examine how the profession handles mimetic institutions like WND, who often engage morally inexcusable reporting practices.

Lastly, WND's case illustrates dynamics that can be traced to contemporary controversies over press credentialing in the United States. Jerome Corsi, the infamous *Infowars* correspondent who caused a media uproar after receiving temporary press credentials to cover the White House (Tani 2017), was a WND reporter throughout the Obama presidency. Corsi published a book propagating conspiracy theories about Barack Obama citizenship through WND's publishing imprint in May 2011 shortly after Donald Trump brought the issue out of internet forums and into mainstream media (Stelter 2011). Other prominent connections include Christopher Ruddy. Ruddy was not only a central player in WJC and WND's promotion of Vincent Foster conspiracy theories in the 1990s, he is currently the CEO of Newsmax, a conservative media outlet which close Trump advisors credit with being one of the earliest supporters of Trump's candidacy and, importantly, helped "refine his political image as an outsider, entrepreneur, and independent Republican," even more so than *Breitbart* (Gray 2017).

Since the 2016 election, President Trump's adversarial relationship with the press has brought new life to the public discussion of press credentials in the White House and

beyond. Although judicial precedent treats congressional press credentialing somewhat differently than credentialing in the White House, the core legal concern is independence. For WND, the primary legal concern was organizational and editorial independence from the WJC. Similarly, when *Breitbart's* application for permanent press credentials was set aside in April 2017, it was due to outstanding concerns about the degree of organizational and editorial separation from Steve Bannon, who left *Breitbart* to serve in the White House, and its financiers, Robert and Rebekah Mercer (Singer 2017). The rejection of *SCOTUSBlog's* bid for press credentials further highlights the degree to which the SCC scrutinizes the ownership structure of non-partisan organizations for potential conflicts.

At the same time, state-based foreign media entities pose an interesting challenge in the wake of Russia's election interference activities that warrant attention from journalism scholars studying press credentialing. The Russian state-based news agency, *RT*, was stripped of its press credentials in November 2017 after being forced to register formally as a foreign agent (Gold 2017). Just as Joseph Farah invoked the First Amendment right and pointed to the Egyptian *Al-Ahram* and China's *Xinhua News* as state-based foreign news agencies with credentials, *RT's* editor-in-chief similarly chastised the gallery's decision by pointing to Japan's *NHK* and China's *People's Daily* as evidence of discriminatory treatment. Since then, lawmakers have also filed formal legal requests for similar action against *Al Jazeera* following reports that the Emir of the State of Qatar is the sole owner and shareholder of the company (Kredo 2019).

Similarly, credentialing decisions by state and local government entities like police departments (Bock, Suran, and González 2016) also offer rich sites to extend examinations of the complicated relationship between journalists and the state. The timeless conflict between open participation and professional expertise in journalism provides a wealth of potential case studies to broaden the scholarly conversation around press credentialing practices at public institutions in the twenty-first century. Future research should explore the intersections of local, national, and international organizations and their relationships with press credentialing institutions. While WND's case is certainly not dispositive, it illustrates actors seeking credibility within the journalistic field engage in the process of professional legitimation. As online outlets proliferate and media consolidation continues, questions about ownership structure and organizational independence in credentialing decisions are sure to increase. More importantly, however, case emphasizes the implications of Collins' (2013) observation that established journalists must be more cognizant of their dual role as journalist acting as congressional agents. The failure to fully reckon with the interstitial nature of credentialing work on the SCC is a recipe for opportunistic field-raiding behavior described by Eyal.

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