

## 1st Amendment battle pits schools vs. media

Written by Mark Dukes

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The Wisconsin Interscholastic Athletic Association chalked up a victory last month over media, and it's one that could have far-reaching impact on how high school games are covered.

We wrote last March about a case that began in 2008 when the Appleton (Wis.) Post-Crescent was sued by the WIAA for streaming live coverage of high school football playoff games on the Internet. The 7th Court of Appeals in Chicago ruled last month that the Wisconsin association has the right to limit who streams games.

This could have First Amendment ramifications for media outlets nationwide. The appeals court essentially ruled that media cannot stream games without paying for them.

The Iowa High School Sports Network, which operates in conjunction with the Iowa High School Athletic Association and Iowa Girls' High School Athletic Union, charges radio stations for broadcasting state tournament games. Television stations independent of the IHSSN can run highlights but cannot do live coverage.

Presently there are no restrictions in Iowa for newspaper and website coverage, but the state associations could put the clamps on anyone who has any ideas. Many reporters now, including those at Metro Sports Report, use Facebook or Twitter to update the progress of games they are covering.

KCRG-TV 9.2 began live coverage of Metro basketball games last winter and has continued producing coverage of football this fall. KCRG-TV 9.2 has broadcast other sports as well.

Mediacom has done delayed telecasts of high school events. This is allowed by the IHSSN because the coverage is of regular season games.

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I'm not sure what the difference is between live television coverage and live streaming. It's OK for a local TV station to do a game live, but MSR or the local newspaper cannot do live streaming?

Who really owns high school games? Well, the courts say the state associations have ownership. That's interesting, since most members of state associations (the schools) are funded by taxpayers.

There also is the question of live blogs and chats, which both essentially are providing live coverage. Many newspaper reporters do live blogs or chats of college football games. What is stopping a media outlet from doing a live blog at this week's Jefferson-Kennedy game?

Perhaps these questions will be answered more clearly in the future. But now there is precedent, so challenges from media may be sparse. Or will they?