



Faculty Publications

2022-02-15

"Truth Is the Only Ground": How Journalism Contributes to Good Government

Edward L. Carter

Brigham Young University - Provo, ed_carter@byu.edu

Follow this and additional works at: <https://scholarsarchive.byu.edu/facpub>



Part of the [Communication Commons](#)

Original Publication Citation

Carter, E. L. (2022). "Truth Is the Only Ground" How Journalism Contributes to Good Government. *BYU Studies Quarterly*, 61(1), 19.

BYU ScholarsArchive Citation

Carter, Edward L., "Truth Is the Only Ground": How Journalism Contributes to Good Government" (2022). *Faculty Publications*. 7090.

<https://scholarsarchive.byu.edu/facpub/7090>

This Peer-Reviewed Article is brought to you for free and open access by BYU ScholarsArchive. It has been accepted for inclusion in Faculty Publications by an authorized administrator of BYU ScholarsArchive. For more information, please contact ellen_amatangelo@byu.edu.

“Truth Is the Only Ground”

How Journalism Contributes to Good Government

Edward L. Carter

Growing up in the years after Watergate, I became a true believer in the power of the press to make society better by reporting on government’s corruption, lies, ineptitudes, and inefficiencies—as well as genuine public service, improvements, and accomplishments. In junior high school, I wrote a letter to the editor of the local newspaper critiquing the city garbage trucks in my neighborhood that left a trail of trash in their wake. In high school, I reported for the school newspaper about events and people as well as things I thought could be improved. I worked as a journalist during and after college, covering local politics and government, police, and courts. As a graduate journalism student with a White House press credential, I reported from the Senate Press Gallery during the impeachment trial of President Bill Clinton.

Now, after twenty years of teaching journalism as a college professor and fifteen years of periodically representing journalists as a lawyer, I believe the viability of our system of government at local, state, and national levels depends more than ever on good journalism. But amid rapid and unsettling social and technological change, journalism and government are degenerating. Journalists and public officials need to do better, and I believe informed community members should influence reforms and innovations while insisting on adherence to core values. Doing so will require community members to set aside some selfish interests and ask the same of journalists and government employees and officers. Although citizens do not vote for their journalists like they do their elected officials, community members nonetheless impact the quality of their community’s journalism by the news they tolerate, consume, and support financially.

Members of The Church of Jesus Christ of Latter-day Saints should have a particularly strong interest in ensuring that good journalism contributes to good government. The gospel is the good news of Jesus Christ, and his modern followers have been encouraged to inform themselves about government and other topics in ways that quality journalism can uniquely provide.¹ In order for that to happen, we have to differentiate between high-value sources of news that can contribute to understanding and wisdom, on the one hand, and low-value sources of information that contribute to noise and confusion, on the other hand.² Then we have to choose the harder path to understanding and wisdom even though it may require additional time, money, and sacrifice of preconceived notions or the comforts of echo chambers. Fortunately, the blessings associated with the restoration of Christ's Church include hope and faith to counter the cynicism infecting too much of politics and government, along with the journalism that reports on them.

I have come to understand that not all journalists are Bob Woodward and Carl Bernstein, and not all public officials are President Richard Nixon. Still, the example of Watergate remains relevant because it teaches both journalists and government officials to focus on the public interest, abide by the rule of law, and make decisions that build rather than erode trust. The overwhelming majority of American journalists and government officials do not work inside the Capital Beltway of Washington, D.C. Local journalists can do investigative journalism, and they also should engage in explanatory journalism—helping readers and viewers understand how government works, why it does what it does, and how it can get better.³ By working to make journalism more community-focused, and working to make the community more engaged with its journalism, we can make the future of self-governance better than its present. I know that seems idealistic, but I have worked

1. See Doctrine and Covenants 88:77–80.

2. “Church Policies and Guidelines: Seeking Information from Reliable Sources,” *General Handbook: Serving in the Church of Jesus Christ of Latter-day Saints*, 38.8.40, accessed December 18, 2021, <https://www.churchofjesuschrist.org/study/manual/general-handbook/38-church-policies-and-guidelines?lang=eng>.

3. Andrea Wenzel, *Community-Centered Journalism: Engaging People, Exploring Solutions, and Building Trust* (Urbana: University of Illinois, 2020). Vox Media (<https://www.vox.com>) has built an entire news operation on explaining things, especially government processes.

with too many excellent journalism students and professionals around the country to believe in anything less.

The purpose of this article is to provide justification and a road map for community members of good faith to engage productively with the quality journalism available to them and to contribute to improvement in journalism when needed. That includes making informed choices about which news sources and media platforms are worthy of attention and which are not. Doing so would strengthen the good in our media ecosystem and diminish the bad. As a result, community members and journalists could collaborate to improve the system of government we have currently and the system we will pass on to our children and grandchildren in the future. I do not presume to have all the answers, or even many of them, for the domestic and international challenges we face. But I do not think we as a society will discover those answers without high-quality, independent journalism that accomplishes its central role to report on the activities of government while maintaining the trust and attention of its audience.

This article first discusses a few lessons learned from Watergate, including some from the unique perspective of a Latter-day Saint Apostle. Then I discuss the values of modern American journalism and its contributions to a transparent and representative democracy. Next, I provide my perspectives on how to define high-value journalism and distinguish it from low-value information, including propaganda, misinformation, and disinformation. I then propose some methods for community members to practice news literacy, drawing on a Latter-day Saint perspective.

Elder Christofferson and Rationales for Freedom of Press

On the day President Richard M. Nixon announced his resignation—August 8, 1974—the *New York Times* reported on a courtroom drama in which a twenty-nine-year-old law clerk in the U.S. District Court for the District of Columbia played a central role. The clerk, a Brigham Young University graduate with a law degree from Duke University named D. Todd Christofferson, worked for Judge John J. Sirica. The day before Nixon went on prime-time television from the White House to announce he would resign, lawyers for the disgraced president appeared in Judge Sirica’s courtroom and handed Christofferson tape recordings and other materials that had been the subject of a subpoena by Special Prosecutor Leon Jaworski. Nixon did not want the court and the public to have secret tape recordings he had made of White House conversations, but

his claim of executive privilege had been denied by the U.S. Supreme Court just two weeks earlier.

The *Times*' reporter, Lesley Oelsner, shared the skepticism of the assistant special prosecutor, Richard Ben-Veniste, in light of the Nixon administration's many obfuscations. Nixon's attorney, James D. St. Clair, said there had been a problem with one of the recordings:

He told Judge Sirica that the tape recording of one of the subpoenaed conversations—of a meeting April 19, 1973, between the President and Mr. Ehrlichman—had been broken in the course of transcribing it.

The lawyer said that rather than try to splice it together, he was presenting both portions to the court, each portion on a separate reel in a separate box. He presented two boxes to the judge's clerk, D. Todd Christofferson, and continued on to discuss the next conversation on the list.

Mr. Christofferson, however, opened one of the two boxes. There was no tape in it.

"The two-part tape is now one tape," said Mr. Ben-Veniste, who had been watching Mr. Christofferson.

"You don't mind if I have a slight heart attack," said Mr. St. Clair, his voice sounding only partly jesting.⁴

The Watergate scandal stemmed from a break-in at Democratic National Committee headquarters on June 17, 1972, and subsequent cover-up efforts, dominating news coverage for two years and eventually landing in Judge Sirica's courtroom. Christofferson was a regular source for journalists during the criminal prosecution of seven Nixon aides for various crimes. Having been authorized by Judge Sirica to serve as a media spokesperson for the District Court, Christofferson was quoted in more than two dozen *New York Times* articles in 1973 and 1974. The mystery of the boxes handed to Christofferson in August 1974 was eventually resolved by an explanation from Nixon's attorneys that the two tapes had indeed been rejoined without St. Clair's knowledge and placed in one of the boxes. The experience serves to illustrate that skepticism is healthy in news reporting about government activities, and the Nixon administration merited special scrutiny. At the same time, cynicism can be unhelpful and even destructive.

4. Lesley Oelsner, "Court Fails to Get Tapes of 9 Talks," *New York Times*, August 8, 1974, <https://www.nytimes.com/1974/08/08/archives/court-fails-to-get-tapes-of-9-talks.html>.

Decades later, Elder Christofferson—retired from a long career in private law practice and by then serving as a member of the Quorum of Twelve Apostles for The Church of Jesus Christ of Latter-day Saints—participated in a panel discussion about Watergate. In January 2019, Christofferson joined Woodward at the Newseum in Washington, D.C., to discuss the lessons learned from their respective experiences during the Nixon years. Along with his *Washington Post* colleague Bernstein, Woodward was an early, dogged journalist pursuing the Watergate news story. As a result, the *Post* won the 1973 Pulitzer Prize for public service. At the Newseum, Christofferson said journalists can play a key role in holding government officials accountable.⁵ It is a message he has repeated.

In 2017, for example, Elder Christofferson spoke in Spanish to a group of news media executives from Latin America, gathered at the Church’s Conference Center in Salt Lake City. As a member of the local organizing committee for the Inter-American Press Association, I had the privilege to hear his remarks in person. It remains the single most compelling defense of freedom of the press I have heard from a senior leader of The Church of Jesus Christ of Latter-day Saints. Journalism makes societies better, he said, when it facilitates fundamental rights such as religious freedom and freedom of expression. He quoted the 1994 Declaration of Chapultepec, a press-freedom statement endorsed by more than sixty nations in the Western Hemisphere, and then Christofferson stated that “such declarations provide a common framework by which we can construct fair and open societies.”⁶

Elder Christofferson noted the marketplace of ideas justification for free speech, as articulated in a dissenting opinion of U.S. Supreme Court Justice Oliver Wendell Holmes Jr. in the 1919 *Abrams v. United States* case: “The best test of truth is the power of the thought to get itself accepted in the competition of the market.”⁷ Christofferson explained the concept that has become the central analogy of U.S. jurisprudence on freedom of expression and freedom of the press:

5. “Apostle Discusses Lessons from Watergate with Famed Journalist Bob Woodward,” ChurchofJesusChrist.org, January 14, 2019, <https://newsroom.churchofjesuschrist.org/article/apostle-discusses-lessons-watergate-journalist-bob-woodward>.

6. Elder D. Todd Christofferson, “Preserving Freedom of Expression and Protecting Conscience,” ChurchofJesusChrist.org, accessed December 13, 2021, <https://newsroom.churchofjesuschrist.org/article/transcript--elder-christofferson-speaks-atinter-american-press-association-general-assembly>.

7. Christofferson, “Preserving Freedom of Expression.”

All societies need fresh ideas and new perspectives to address the conditions of the moment. Writers and journalists play a key role in this discovery. Freedom of speech for everyone is important because wisdom often comes from the unlikeliest of places and the simplest of people. Thoughts that may be forbidden one day may turn out to be useful the next. Safety does not come from stifling speech but from giving it a chance to breathe. Not everything that comes from our pens or our mouths will be useful, but when freedom is discouraged, nothing good will come out of them either. To get the sublime, sometimes we have to put up with a little of the ridiculous. . . .

The concept of a free marketplace of ideas requires that all people, minorities as well as majorities, have access to the media. Your privilege and calling as a journalist is to facilitate discussion and debate between people who have different beliefs, races, nationalities, and political opinions. An informed citizenry, it is often said, is the bulwark of democracy.⁸

His argument for freedom of the press did not stop there. Elder Christofferson then proceeded to advance what amounts to an international human rights justification, based on the role of a free press to promote human dignity and facilitate the exercise of other rights, including freedom of religion and belief. He cited an example of a 2015 speech he gave about religious liberty in Brazil, and he observed that “media reporting on this event was insightful” and “the press was doing what it can do best—using its freedom to promote other freedoms.”⁹ He ended his 2017 Inter-American Press Association speech with an elevated vision of the role of journalism: “We honor your efforts to give voice to the voiceless, to shine light on the difficulties of our world, and to bestow dignity on the human experience.”¹⁰

In several settings, Elder Christofferson has discussed integrity, trust, and truth as keys to journalism and self-governance. For example, at the Inter-American Press Association, he called a “disinterested duty to the truth” one of the “basic principles of journalistic integrity.”¹¹ At the Newseum with Woodward, Christofferson described the shock and disappointment he and Judge Sirica felt when they became the first people outside the White House to listen to the tape recordings that substantiated the abuse of power and disregard for the rule of law in the Nixon administration. He expressed

8. Christofferson, “Preserving Freedom of Expression.”

9. Christofferson, “Preserving Freedom of Expression.”

10. Christofferson, “Preserving Freedom of Expression.”

11. Christofferson, “Preserving Freedom of Expression.”

optimism that good people could restore the integrity of institutions through a commitment to fundamental values.¹² Commitment to the truth in journalism goes beyond reporting facts. There is an old newsroom saying that journalism seeks to report not just the facts, but the truth about the facts. I teach journalism students that the substantive truth is what matters, and sometimes identifying the substantive truth requires journalists to make judgments and not just function as stenographers for what people in power say.

One of the most respected and historic journalism organizations in the country, *The Atlantic*, observed in 2021 that “all presidents lie” and then shared examples. While “the Trump administration weaponized dishonesty to a remarkable degree,” the Biden administration has restored a normal level of presidential deception.¹³ Journalists should be skeptical and should verify public officials’ claims but not become cynical. Journalists should not assume every public official is always lying, but journalists should not dismiss or diminish false statements by public officials when they do occur. The public needs to know when its representatives are wrong. The truth or falsity of some statements by public officials only becomes clear over time, requiring patience and diligence from journalists and the public. We as community members should fight the urge to downplay the errors of our preferred political party’s candidates and officeholders while trumpeting the errors of the other party. Getting at substantive truth requires our best efforts, plenty of humility, and willingness to look beyond flawed journalism or, even worse, inflammatory commentary by cable TV and radio talk-show hosts or know-it-alls on Twitter. Not all media content should be conflated with the core of high-value journalism, as a later section discusses.

Marketplace of Ideas and the Fourth Estate

As the United States entered World War I, Congress passed the Espionage Act of 1917 to prohibit the use of national defense information to the detriment of the United States and also to criminalize obstruction of military enlistment and functioning. A year later, Congress

12. Jennifer Graham, “Integrity in Government, and Why It Matters: A Conversation with Bob Woodward, Elder D. Todd Christofferson and Michael Dimock,” *Deseret News*, January 14, 2019, accessed December 18, 2021, <https://www.deseret.com/2019/1/15/20663523/integrity-in-government-and-why-it-matters-a-conversation-with-bob-woodward-elder-d-todd-christoffer>.

13. Adam Serwer, “Biden Will Lie to You,” *Atlantic*, January 26, 2021, <https://www.theatlantic.com/ideas/archive/2021/01/biden-will-lie-you/617820/>.

amended the Espionage Act in a law known as the Sedition Act. That statute, since repealed, prohibited speech that incited disloyalty in the military, advocated labor strikes, or brought the form of U.S. government into disrepute. In early 1919, Justice Holmes wrote majority opinions for the Supreme Court in three cases—*Schenck v. United States*,¹⁴ *Debs v. United States*,¹⁵ and *Frohwerk v. United States*¹⁶—upholding the constitutionality of the Espionage and Sedition Acts and affirming criminal convictions of antiwar protesters. However, after a summer spent reading theories about the free market and free expression by historical figures Adam Smith, John Milton, and John Stuart Mill—as well as receiving entreaties from contemporaries including Felix Frankfurter, Harold Laski, and Zechariah Chafee—Justice Holmes reversed course in the fall of 1919.¹⁷ In *Abrams*, Holmes decried the criminal convictions of four antiwar protesters and wrote eloquently in defense of freedom of expression even in wartime.¹⁸ In making the marketplace analogy, Justice Holmes emphasized that information consumers must identify and act on truth: “But 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, and that truth is the only ground on which their wishes safely can be carried out.”¹⁹

Holmes was a Unitarian with a “lifelong interest in religious questions” but also a skeptic or agnostic who believed in “a creative spirit whose presence he felt but whose character remained beyond his comprehension.”²⁰ So while he acknowledged the possibility of absolute truth from God (or “the universe,” as he put it), Holmes did not concern himself much with it. Instead, he focused on truth as “a present or an

14. 249 U.S. 47 (1919).

15. 249 U.S. 211 (1919).

16. 249 U.S. 204 (1919).

17. Thomas Healy, *The Great Dissent: How Oliver Wendell Holmes Changed His Mind—and Changed the History of Free Speech in America* (New York: Henry Holt, 2013), 198–210.

18. A fifth protester died in police custody prior to trial. For a history of the case, see Richard Polenberg, *Fighting Faiths: The Abrams Case, the Supreme Court, and Free Speech* (Ithaca, N.Y.: Cornell University Press, 1999).

19. *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

20. Catharine Pierce Wells, *Oliver Wendell Holmes: A Willing Servant to an Unknown God* (Cambridge University Press, 2020), 84.

imagined future majority in favor of [a particular] view” and something “I cannot help believing.”²¹

In the journalism and other classes I teach, I discuss with students how the marketplace of ideas is a valuable concept in seeking lowercase, societal truths such as the best domestic or foreign policies. In order to ascertain those policies and discover the will of the people, the government should allow a wide and diverse expression of viewpoints. As individual community members, our duty is to sift through those viewpoints to determine the most productive ways forward and then act accordingly. But I also tell students that uppercase or absolute Truth comes through revelation from God by way of prophets, the scriptures, and the Holy Ghost. On questions for which there is a revealed answer, we do not need to resort to the marketplace of ideas because the Truth is evident through spiritual means. Journalism, then, is valuable to help facilitate the search for social truth in the marketplace of ideas but less valuable as a commentator on revealed or divine Truth. I also believe a key part of any person’s education is learning to distinguish truth from error, and that job is now made increasingly difficult because of numerous bad-faith actors—including some government officials—with social-media megaphones and a penchant for intentional falsehoods in their own interest. The marketplace of ideas fails when a majority of the people believe something that is not true.

A core function of journalism is to serve as a check on government use of official power. This role is sometimes referred to as the watchdog, the Fourth Estate, or the checking value.²² While journalists at times take it upon themselves to monitor and report on the use of power in nongovernment hands such as corporations (including nonprofits such as churches) and unincorporated associations, I believe journalistic efforts should focus on government activities. This is in part due to the overwhelming powers granted to the government, not just to regulate our conduct and impose taxes in routine ways but principally to deprive us—if due process is met—of our property, our liberty, and even our lives. Journalists should resist the urge to focus on cultural fights and instead expend their best efforts helping viewers and readers to understand how a particular public official, political party, or government entity is either strengthening or undermining long-term values such as

21. Wells, *Oliver Wendell Holmes*, 199.

22. Vincent Blasi, “The Checking Value in First Amendment Theory,” *American Bar Foundation Research Journal* 2, no. 3 (1977): 527–28.

the rule of law, trust and accountability, and transparent representation of the people who are the ultimate sovereign. Of course, all of us who consume journalism should expect and demand the same focus of ourselves and our fellow community members.

The single most important free press case in the United States combines the search for truth and the checking value in a way so compelling that it remains relevant today even though nearly sixty years have passed. *New York Times Co. v. Sullivan*,²³ decided by the Supreme Court in 1964, teaches the value of journalism for good government in a society riven by political divisions, racial injustice, and disinformation. A police commissioner in Montgomery, Alabama, sued the *New York Times* for defamation based on the newspaper's publication of an advertisement written and paid for by civil-rights groups and supporters of Dr. Martin Luther King Jr. Although Sullivan was not named or identified by the ad, he claimed his reputation was harmed by statements—some of which turned out to be true and others unintentionally false—about police suppression of the movement to end racial segregation and achieve civil rights in the South. The lawsuit was part of a coordinated campaign to drive northern journalists away from covering the struggle against official segregation in southern states.²⁴

Reversing a \$500,000 jury award for the police commissioner given and affirmed in Alabama courts, the U.S. Supreme Court observed “that erroneous statement is inevitable in free debate, and that it must be protected if the freedoms of expression are to have the ‘breathing space’ that they ‘need . . . to survive.’”²⁵ The court recognized the core function of journalism to report on the activities of government when it held that false statements made without knowledge of their falsity, or without reckless disregard for their falsity, could not justify defamation liability in a claim by a public official. The so-called “actual malice” rule, the court said, was required by the First Amendment’s command that “Congress shall make no law . . . abridging the freedom of speech, or of the press.”

The constitutional doctrine of actual malice protects more speakers than just journalists, but the core rationale for *Sullivan* hinges on the checking value. The Supreme Court’s opinion in *Sullivan* cites James Madison’s observation that “the press has exerted a freedom in canvassing

23. 376 U.S. 254 (1964).

24. Melvin I. Urofsky, “*New York Times Co. v. Sullivan* as a Civil Rights Case,” *Communication Law and Policy* 19, no. 2 (2014): 157–83.

25. 376 U.S. at 271.

the merits and measures of public men” before concluding that “the right of free public discussion of the stewardship of public officials was thus, in Madison’s view, a fundamental principle of the American form of government.”²⁶ The effect of *Sullivan*’s actual malice rule is to shield news reporting about public officials that turns out to be inaccurate as long as journalists are engaged in a good-faith effort to get the truth. The result is more vigorous news reporting about the government because journalists do not have to worry about liability for defamation for unintentional or non-reckless inaccurate statements. This does not mean journalists can engage in intentional falsehood, just that they are insulated from vexatious lawsuits for doing what the Constitution envisions. While the United States is exceptional in this regard, variations of the actual malice rule have been adopted in foreign and international law.²⁷

Of course, Congress or the Supreme Court could choose to change the actual malice rule from *Sullivan*. Citing evolutions in media technologies since 1964, some scholars, as well as two sitting Supreme Court justices, have suggested reexamining the precedent.²⁸ The scapegoating of journalists by public officials only reinforces the notion that American society needs journalists to be supported and protected in their work. Citizens should not follow the course set by former President Donald J. Trump, who falsely called journalists the “enemies of the people” and tacitly approved physical attacks on journalists.²⁹ Trump also popularized the phrase “fake news,” but that phrase is meaningless. Trump used it to refer to any news or information about himself he did not like, but citizens should instead study the definitions and uses of propaganda (government persuasion, sometimes true and sometimes not), misinformation (unintentionally false), and disinformation (intentionally false).³⁰ The solution

26. 376 U.S. at 275.

27. Edward L. Carter, “Actual Malice in the Inter-American Court of Human Rights,” *Communication Law and Policy* 18, no. 4 (2013): 395–423; Edward L. Carter, “‘Error but without Malice’ in Defamation of Public Officials: The Value of Free Expression in International Human Rights Law,” *Communication Law and Policy* 21, no. 3 (2016): 301–22.

28. Adam Liptak, “Two Justices Say Supreme Court Should Reconsider Landmark Libel Decision,” *New York Times*, July 2, 2021, <https://www.nytimes.com/2021/07/02/us/supreme-court-libel.html>.

29. Martin Pengelly and Joanna Walters, “Trump Accused of Encouraging Attacks on Journalists with CNN Body-Slam Tweet,” *Guardian.com*, July 2, 2017, <https://www.theguardian.com/us-news/2017/jul/02/trump-body-slam-cnn-tweet-violence-reporters-wrestlemania>.

30. Congressional Research Service, *Defense Primer: Information Operations*, accessed January 11, 2022, <https://crsreports.congress.gov/product/pdf/IF/IF10771>.

to the challenges presented by an increasingly cacophonous marketplace of ideas is not for public officials to selfishly attack journalists but rather for those officials to support the public interest in journalism. In a society struggling with political divisions, racism, foreign wars, and autocratic tendencies, what is needed is more high-quality journalistic scrutiny of government, not less.

In reality, while national issues are prominent, the most frequent and perhaps most impactful cases of journalists facilitating democracy and the search for truth happen in local communities. I have represented and consulted with dozens of local journalists protecting the newsgathering process from fishing-expedition subpoenas, seeking public records and access to public meetings, and warding off litigation. In twenty-five years of practicing, teaching, and defending journalism, I have seen a few bad apples, but I am struck by the altruistic public-service orientation of the overwhelming majority of local journalists. They are not in it for the money, and there is not usually a lot of that, anyway. Some like to see their names in print or their faces on TV, but that is hardly sufficient compensation for the long days, weekend assignments, and missed family events to bring relevant news and information to the public. Much of journalists' work makes our communities better.³¹ They are not enemies of the people or intentional purveyors of false information. While journalists do make mistakes, the First Amendment allows for that, and the marketplace of ideas generally results in corrections toward truth.

Unfortunately, local news organizations are disappearing due to economic and other forces. The disappearance of local newspapers, in particular, has resulted in swaths of the country—known as “news deserts”—where no journalists are watching out for the public interest by monitoring government officials and activities.³² Ironically, even as technology promised to democratize information, our democracy has suffered because technology innovations and ease of accessing information have not resulted in more and better local journalism. An emerging

31. I recently represented several news media organizations by filing a friend-of-the-court brief in a state appeals court in a public-meetings case. We successfully argued that the government entity's improper closure of a public meeting undermined the public's trust and also harmed the government body itself because it could not be confident in its unscrutinized process.

32. Penelope Muse Abernathy, *The Expanding News Desert* (Chapel Hill: University of North Carolina, 2018), accessed December 20, 2021, https://www.cislm.org/wp-content/uploads/2018/10/The-Expanding-News-Desert-10_14-Web.pdf.

nonprofit funding model for local news may provide some relief.³³ Foundation funding is becoming an important source of media development and news reporting around the world, to the tune of hundreds of millions of dollars each year.³⁴ The result for consumers is a more complex news media landscape in which intentionality matters. Passive consumption of media content presented to us via prominent television, online, and social media platforms will not lead to an informed citizenry capable of governing themselves effectively. The next section discusses some ideas for practicing news literacy.

Latter-day Saints and News Literacy

Journalists and news organizations traditionally have resisted attempts to define journalism because they fear doing so would lead to some valuable free-expression activities being excluded and thus subject to government regulation. Still, both domestic and international law have outlined functional rather than formalistic definitions of journalism for purposes of determining who is entitled to an evidentiary privilege for news reporting.³⁵ The Utah Supreme Court, for example, approved a definition of news reporter that centers on “gathering information for the primary purpose of disseminating news to the public.”³⁶ Meanwhile, the United Nations Human Rights Committee has crafted a definition of journalism focused on acting independently and in good faith to seek and disseminate truth in the public interest, particularly about justice and civic virtue in government activities.³⁷

The ubiquity of cell phones with cameras and internet access means any person could carry out journalism at any given time if the person acts with independence and good faith toward the dissemination of truth relevant to the public. The person need not work for a news organization

33. Rosalie C. Westenskow and Edward L. Carter, “Journalism as a Public Good: How the Nonprofit News Model Can Save Us from Ourselves,” *Communication Law and Policy* 26, no. 3 (2021): 336–75.

34. Martin Scott, Mel Bunce, and Kate Wright, “Foundation Funding and the Boundaries of Journalism,” *Journalism Studies* 20, no. 14 (2019): 2034–52.

35. Edward L. Carter, “Reporter’s Privilege in Utah,” *BYU Journal of Public Law* 18, no. 1 (2003): 163; Edward L. Carter, “‘Not to Disclose Information Sources’: Journalistic Privilege under Article 19 of ICCPR,” *Communication Law and Policy* 22, no. 4 (2017): 399–426.

36. Rule 509(a)(1), Utah Rules of Evidence, December 2, 2021.

37. Edward L. Carter and Rosalie Westenskow, “Freedom of Journalism in International Human Rights Law,” *Communication Law and Policy* 25, no. 2 (2020): 113–43.

or even have formal journalistic training, as evidenced by the 2021 Pulitzer Prize Special Citation and Award given to Minneapolis teenager Darnella Frazier for her cell-phone video footage of George Floyd's murder by police.³⁸ The inverse is also true. Employees of news organizations who are not acting independently and in good faith to disseminate truth in the public interest are not doing journalism. Most of what Lawrence O'Donnell and Rachel Maddow do on MSNBC and most of what Laura Ingraham and Tucker Carlson do on Fox News is not news reporting or journalism. Political commentary has its place but should not be confused with the core of high-value journalism. One America News Network on the right and Palmer Report on the left cannot be considered credible journalism organizations at all but rather political propaganda outlets. The *Washington Post*, the *Wall Street Journal*, and the *New York Times* all produce much high-quality journalism on their news pages, but the commentary on their opinion pages is not the core of journalism under my narrow definition. It goes without saying that most social media content is also not journalism likely to get us closer to fact-based truths.

Rather than categorizing news media organizations and rating their political biases, I think it is more fruitful to understand what constitutes news, how political actors attempt to manipulate news, and how consumers can find and support high-value journalism. Traditional American news values include timeliness, relevance, conflict, impact, prominence, and proximity. Scholars have observed that modern American journalism derived its character from the Progressive Reform era and thus tends to believe government should solve societal problems pointed out by reform-minded but detached journalists. Sociologist Herbert J. Gans observed that journalism exhibits upper-middle-class values toward order, moderatism, ethnocentrism, altruistic democracy, responsible capitalism, and small-town pastoralism.³⁹ Gans also saw that journalists considered the president of the United States the most newsworthy person in the country and covered the president's every word and deed even though the judicial and legislative branches—as well as somewhat autonomous agencies in the executive branch—do much of actual governing. Journalistic content is also influenced by deadlines, routines, and other relatively mundane processes inherent in translating

38. Joe Hernandez, "Darnella Frazier, Who Filmed George Floyd's Murder, Wins an Honorary Pulitzer," *NPR*, June 11, 2021, <https://www.npr.org/2021/06/11/1005601724/darnella-frazier-teen-who-filmed-george-floyds-murder-wins-pulitzer-prize-citati>.

39. Herbert J. Gans, *Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek and Time* (New York: Random House, 1979).

the dynamics of life into a two-dimensional representation.⁴⁰ News consumers should also understand that economic forces, including ownership and advertising, may affect news content.⁴¹

Savvy political actors have long understood news values and how to manipulate them to get coverage in their favor. Some have gone so far as to say journalists have been captured by or subsumed within politics and government.⁴² Trump, hardened over many years dealing with New York City tabloids, understood better than most that virtually any public attention—even if about unnecessary conflict and silly controversy—can be beneficial to a political actor. This is particularly true for the president of the United States, given the newsworthiness attached to that role. Trump’s attacks on journalists served to undermine public trust and confidence in the news media, thus enabling him and his supporters to write off any news report that reflected negatively on him and to make Trump himself the sole source of truth.⁴³ Public officials, citizens, and journalists should protect values such as the rule of law, civil discourse, separation of powers, and respect for the constitutionally appointed role of the free press even when there may be personal or political advantage to undermine those values. Integrity can be restored, but only if journalists, political actors, and community members commit to acting on actual truth and not the alternative truths some conjure up.

High-value journalism today generally requires subscription payment. For decades in the twentieth century, high-quality American journalism was largely supported by advertising revenues. Editorial content appeared to be free. With the introduction of the internet, news organizations initially made their editorial content freely available online. Some legitimate news organizations still do. However, digital advertising revenues today pale in comparison to the print advertising revenues of the previous century. While there is freely available information content via social media and other digital channels, the content produced by

40. Gaye Tuchman, *Making News: A Study in the Construction of Reality* (New York: Free Press, 1980).

41. Melissa Tully and others, “Defining and Conceptualizing News Literacy,” *Journalism*, March 31, 2021, 6, <https://doi.org/10.1177/14648849211005888>.

42. Timothy E. Cook, *Governing with the News: The News Media as a Political Institution* (Chicago: University of Chicago, 1998).

43. W. Lance Bennett and Steven Livingston, “The Disinformation Order: Disruptive Communication and the Decline of Democratic Institutions,” *European Journal of Communication* 33, no. 2 (2018): 122–39; Andrew S. Ross and Damian J. Rivers, “Discursive Deflection: Accusation of ‘Fake News’ and the Spread of Mis- and Disinformation in the Tweets of President Trump,” *Social Media + Society* 4, no. 2 (2018): 1–12.

reputable journalists generally requires subscription revenue. So, news consumers who want to support good journalism should prepare to do so with their wallets.

News consumers should understand that social media are not Holmes's marketplace of ideas. The stream of information we receive on Facebook, Twitter, Instagram, and similar platforms is controlled by algorithms that attempt to maximize our attention rather than to give us high-value information for community well-being. Additionally, we tend to separate ourselves on social media into echo chambers so even though we are constantly getting new information, we may not be learning or gaining wisdom. Also, the ease of sharing posts or tweets may detract from the need for careful selection and verification. In the wake of the 2016 U.S. presidential election, it became clear that large social media platforms such as Facebook facilitated widespread sharing of misinformation and disinformation, viral hoaxes, conspiracies, and foreign propaganda campaigns.⁴⁴ Social media also seem to have played an important role in the radicalization that led to the January 6, 2021, insurrection at the U.S. Capitol.⁴⁵ While digital technology can be a great tool, the editorial choices made by public-minded professional journalists rather than profit-oriented algorithms make print books, magazines, and newspapers still worthwhile. Elder Dallin H. Oaks said at Brigham Young University in 2004 that "diminished readership of newspapers and books" was "leading us to a less concerned, less thoughtful, and less informed citizenry, and that results in less responsive and less responsible government."⁴⁶ That trend has only accelerated since then.

Some universities have started to teach news literacy as a matter of general education, based on the belief that a critical skill for adults in any field of work is to differentiate truth from error in media content and act on truth. It is important to reiterate that the entire marketplace of ideas analogy since its inception in Holmes's 1919 *Abrams* dissent was tied to the prerequisite that people could identify truth, discard error, and make private and public decisions based on truth. In what some have

44. Alexis C. Madrigal, "What Facebook Did to American Democracy and Why It Was So Hard to See It Coming," *Atlantic*, October 12, 2017, <https://www.theatlantic.com/technology/archive/2017/10/what-facebook-did/542502/>.

45. Rebecca Heilweil and Shirin Ghaffany, "How Trump's Internet Built and Broadcast the Capitol Insurrection," *Vox*, January 8, 2021, <https://www.vox.com/platform/amp/recode/22221285/trump-online-capitol-riot-far-right-parler-twitter-facebook>.

46. Dallin H. Oaks, "Where Will It Lead?" *BYU Speeches*, November 9, 2004, <https://speeches.byu.edu/talks/dallin-h-oaks/will-lead/>.

called a post-truth society, there is a basic need for retraining ourselves to identify and act on truth. The Church of Jesus Christ of Latter-day Saints recognized this in the *General Handbook* revision of 2020 that includes a section titled “Seeking Information from Reliable Sources”:

In today’s world, information is easy to access and share. This can be a great blessing for those seeking to be educated and informed. However, many sources of information are unreliable and do not edify. Some sources seek to promote anger, contention, fear, or baseless conspiracy theories (see 3 Nephi 11:30; Mosiah 2:32). Therefore, it is important that Church members be wise as they seek truth.

Members of the Church should seek out and share only credible, reliable, and factual sources of information. They should avoid sources that are speculative or founded on rumor. The guidance of the Holy Ghost, along with careful study, can help members discern between truth and error (see Doctrine and Covenants 11:12; 45:57). In matters of doctrine and Church policy, the authoritative sources are the scriptures, the teachings of the living prophets, and the *General Handbook*.⁴⁷

Stony Brook University in New York has created a news literacy curriculum that serves as a good example for the kind of wisdom we should develop. Core learning outcomes are to recognize the difference between journalism and other types of information; recognize the difference between news and opinion; recognize the difference, in news stories, between evidence and verification, on one hand, and assertion and inference, on the other hand; analyze news reports based on the quality of evidence and reliability of sources; and distinguish between news media bias and audience bias.⁴⁸ One academic study showed that the Stony Brook curriculum did result in more critical thinking and analysis about news but that further development about news media ownership ideology was needed.⁴⁹

One other concrete thing news consumers can do is push back against online, verbal, or physical attacks on journalists. Female and minority journalists, in particular, suffer the brunt of these attacks. Verbal attacks

47. “Church Policies and Guidelines: Seeking Information from Reliable Sources,” *General Handbook: Serving in the Church*, 38.8.40.

48. “Stony Brook University News Literacy Course Outline,” August 2017, <https://docs.google.com/document/d/1moNqVNCsow6foY4lRmZfjBPOXODlgjz5Hm4MSSxcfbg/edit>.

49. Jennifer Fleming, “Media Literacy, News Literacy, or News Appreciation? A Case Study of the News Literacy Program at Stony Brook University,” *Journalism and Mass Communication Educator* 69, no. 2 (2014): 146–65.

are often a harbinger of actual physical violence against journalists, and worldwide since 2006, there have been more than a thousand journalists killed, with 90 percent of the crimes going unresolved.⁵⁰ No error or disagreement justifies threats or physical violence. A 2021 *General Handbook* revision reinforces this: “Members should avoid all statements of prejudice toward others (see 38.6.14). They strive to be Christlike to others at all times, including online, and reflect a sincere respect for all of God’s children. Members should not use threatening, bullying, degrading, violent, or otherwise abusive language or images online. If online threats of illegal acts occur, law enforcement should be contacted immediately.”⁵¹

Finally, the connection between journalists and members of the community should be strengthened and enhanced. Journalists are being encouraged to set up storytelling networks to build trust and support civic participation.⁵² Individuals in the community could also reach out to local news reporters and editors to discuss issues of importance to them. Journalists and their audience members should build collaborations with mutual benefits. Journalists’ detachment or objectivity should not be allowed to get in the way of actually understanding and serving their community, and this means in part sharing the power to determine what is newsworthy.⁵³

Conclusion

Elder D. Todd Christofferson’s parting words to the Inter-American Press Association news executives in 2017 provide a fitting conclusion here. He praised journalists for giving voice to the voiceless, shining light on the difficulties of the world, and bestowing dignity on people and their experiences. Giving voice to the voiceless can mean journalistic interviewing, quoting, and bringing attention to marginalized groups in society, and it can also mean reporting that strengthens fundamental constitutional and societal principles that cannot enforce themselves. These principles include things like the rule of law, separation of powers, federalism, individual rights, and popular sovereignty.⁵⁴ If a political

50. United Nations Educational, Scientific and Cultural Organization, *UNESCO Observatory of Killed Journalists*, accessed December 20, 2021, <https://en.unesco.org/themes/safety-journalists/observatory>.

51. “Church Policies and Guidelines: Personal Internet and Social Media Use,” *General Handbook: Serving in the Church*, 38.8.19.3.

52. Wenzel, *Community-Centered Journalism*.

53. Wenzel, *Community-Centered Journalism*.

54. Justin Collings, “The Inspired Constitution: 5 Principles That Animate Our Country’s Governing Document,” *Deseret News* (based on talks by President Dallin H.

actor or party attempts to restrict voting access, for example, journalism need not hide behind false equivalencies and "both-sidesism" or "what-aboutism." Journalists should call it like it is so representative democracy can be preserved. Journalists do not need to be agnostic about the success or failure of our system of government.

Shining light on the difficulties of the world is a role journalists often undertake in pointing out the flaws and problems of government and society. I believe that is part of it but not all of it. Journalists should also be solutions oriented, helping their communities to resolve their problems. Certainly, journalists are not competent to solve all of society's problems, but the work of groups like Solutions Journalism Network demonstrates productive ways in which journalists can assist the community to improve itself.⁵⁵ Finally, the bestowal of human dignity is not something most journalists have likely thought about in those terms. But dignity is the foundation for international human rights law, and freedom of the press is a critical and fundamental human right because of its ability to contribute to the fulfillment of all other rights.⁵⁶ There is much good nonfiction narration or storytelling in journalism today that can uplift us through highlighting heroic and inspirational acts, events, and people.

Most importantly, good journalism can contribute to good government, but only if we as a society require and support it. Journalists make mistakes, but news consumers who understand how to identify high-quality news and act on truths they find there will be the key for representative democracy to continue to work. Otherwise, the hardened divisions of political tribalism fueled by untruths seem poised to throw out the ideals that have animated American government and life for nearly 250 years, all in the name of scoring political points. Let's not allow that to happen.

Edward L. Carter is a journalist, lawyer, and BYU professor of communications.

Oaks), accessed December 20, 2021, <https://www.deseret.com/opinion/2021/9/17/22679928/the-inspired-us-constitution-5-principles-that-animate-our-countrys-governing-document>.

55. Solutions Journalism Network, accessed December 20, 2021, <https://www.solutionsjournalism.org/>.

56. United Nations Human Rights Committee, "General Comment No. 34," September 12, 2011, <https://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>.