

12-2-2016

## RWU First Amendment Blog: David Logan's Blog: When Facts and News Diverge 12-2-2016

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### Recommended Citation

Logan, David A., "RWU First Amendment Blog: David Logan's Blog: When Facts and News Diverge 12-2-2016" (2016). *Law School Blogs*. 458.

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# When facts and news diverge

December 2nd, 2016 by efitzpatrick



**David A. Logan**, professor of law and former dean of the RWU School of Law who has studied and written extensively about First Amendment issues:

Historically, what information was considered "news" and thus worth publishing was determined by a reporter or editor. The idea was that this provided a screen that would judge not just accuracy but also relevance and context. And indeed, many journalists worked hard to be unbiased in making these determinations, striving toward some version of the New York Times motto: "All the news that's fit to print."

But the arrival of social media has flipped the script, empowering anyone with internet access to narrowly focus what sources a reader receives but also to be a "news source" by easily republishing items from other sources, with little or no effort to verify or contextualize. This past election cycle was thus influenced — some would say polluted — by false statement and fake news at a volume and velocity that was striking, reflecting both a cause and effect of public trust of "the media" being at all-time lows.

For many years, the country has had an appropriately contentious relationship between the media and the government. But this year, the country has elected a president who made a point at almost every turn of blasting the media as inaccurate and unfair. And the eroding faith in the fundamental capacity of the media has been coupled with a burgeoning faith in social media — a combination that is at times toxic.

Without reporters gauging the truth or falsity of candidate statements and providing critical context, social media venues often seem to lack an adult in the room, and blatantly false or misleading declarations can masquerade as truth. If you don't trust the referees, do you really trust the players to make the right calls?

To get a sense for the pervasiveness of this problem, check out a recent item in Atlantic magazine noting that Scottie Nell Hughes, a supporter of President-elect Donald J. Trump and a CNN political commentator, has declared "There's no such thing, unfortunately, anymore of facts." Nonsense. Hughes went on to note that some supporters believe

Trump is stating a fact when he tweets that millions of people voted illegally in the presidential election. But the fact is there are no hard facts to bolster that claim.

And then consider the potential consequences of fake news: The New York Times reports that on Dec. 4 a man fired a rifle inside a Washington, D.C., pizza restaurant that has been subjected to harassment based on false stories linking it to child abuse. A man told the police he had come to the restaurant, called Comet Ping Pong, to "self-investigate" what is being called Pizzagate, an online conspiracy theory asserting, with no evidence, that the restaurant is somehow tied to a child abuse ring. "What happened today demonstrates that promoting false and reckless conspiracy theories comes with consequences," Comet Ping Pong's owner said.

In theory, each citizen can take it upon themselves to serve as their own fact-checking operation. But that's asking a lot from citizens trying to lead their lives amid a mounting torrent of tweets and posts that can range from slightly slanted to outright purposeful lies. The need for an informed citizenry is undeniable. So as we emerge from this campaign's murky mix of late-night tweets and blatantly fake news, Reddit posts and Drudge reports, we find ourselves in uncharted waters in our democracy.

Posted by: efitzpatrick December 2nd, 2016