



## **Fake News Hysteria Could Lead to Assault on Free Speech**

*By George Runner*

Pundits and politicos are still struggling to explain how Hillary Clinton lost to Donald Trump. In recent weeks, they've blamed Russia, third-party candidates for president and FBI Director James Comey.

But the media's favorite culprit seems to be "fake news," whether it be Denver Guardian stories or the fake tweets that spread like wildfire in the days leading up to the election.

Trump's unconventional win over Clinton is worth studying; however, blaming websites that publish hoaxes like "Pizzagate" and satirical information is shortsighted. What's worse, it could lead to an assault on our First Amendment rights. Some politicians have seized the moment by calling for government regulations of such websites.

The rationale for regulating such websites has an air of smug condescension to it; the media and many lawmakers believe people are just too gullible to think for themselves. This arrogance is the reason why the media elite and many academics are still scratching their heads as to why Trump won.

Yes, there are limits to free speech – But our courts have already recognized this reality through the "imminent lawless action" doctrine to prevent people from spreading disinformation to cause chaos. If we further limit free speech to include satire and salacious news, government could take the role of determining what types of satire are acceptable.

That would be a dangerous precedent.

Government could then label alternative news sources or critical outlets as propaganda in an effort to discredit them. Lawmakers who would love nothing more than to punish the press would then have the power to do so.

The problem of fake news is as old as news itself. Rumors and gossip spread through the grapevine with or without a smart phone or a printing press.

Our nation's founders knew the dangers of limiting the press and worked hard to protect its freedom. Access to information was much more limited during the colonial period and geography played a huge factor in how information was received. Many early American papers were created by political parties for partisan purposes.

In the 19th century, the rise of the "penny press" and "yellow journalism" meant newspapers relied on sensational headlines to sell newspapers. Our ancestors, arguably, dealt with much worse tabloid-style news than we do today. As a matter of fact, yellow-journalism helped push Spain and the United States to war in 1898.

Despite this, our republic has survived.

Some argue that anyone with access to a smart phone can be a journalist, and that producing legitimate and trustworthy news takes more time and resources than posting content to Twitter or Facebook. They also argue that the sheer volume of information available makes it harder to determine what is true or false.

They may be correct, to an extent, but the real change caused by social media isn't our ability to determine what's real or not. Rather, social media is slowly usurping the role of gatekeeper from traditional media. Predictably, this makes established news media outlets unhappy, so one may question their motives for critically covering fake news.

The free marketplace of ideas and an educated citizenry have always been the best defense against the spread of disinformation. If it's harder to know what the truth is these days, it isn't because of social media, it's because we're doing a poor job educating our youth. Our educational institutions have become indoctrination centers.

Giving government the role of media gatekeeper isn't the solution to our problems. Let's devote ourselves to creating a strong, unbiased educational system so people can make the best decisions for themselves and their families. Anything less isn't worthy of America.

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