

LIBERTY *and the* NEWS

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JOURNALISM AND THE HIGHER LAW

VOLUME I, Number I, of the first American newspaper was published in Boston on September 25, 1690. It was called *Publick Occurrences*. The second issue did not appear because the Governor and Council suppressed it. They found that Benjamin Harris, the editor, had printed "reflections of a very high nature."¹ Even to-day some of his reflections seem very high indeed. In his prospectus he had written:

"That something may be done toward the Curing, or at least the Charming of that Spirit of Lying, which prevails amongst us, wherefore nothing shall be entered, but what

¹"History of American Journalism," James Melvin Lee, Houghton Mifflin Co., 1917, p. 10.

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we have reason to believe is true, repairing to the best fountains for our Information. And when there appears any material mistake in anything that is collected, it shall be corrected in the next. Moreover, the Publisher of these Occurrences is willing to engage, that whereas, there are many False Reports, maliciously made, and spread among us, if any well-minded person will be at the pains to trace any such false Report, so far as to find out and Convict the First Raiser of it, he will in this Paper (unless just Advice be given to the contrary) expose the Name of such Person, as A malicious Raiser of a false Report. It is suppos'd that none will dislike this Proposal, but such as intend to be guilty of so villainous a Crime."

Everywhere to-day men are conscious that somehow they must deal with questions more intricate than any that church or school had prepared them to understand. Increasingly they know that they cannot understand them if the facts are

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not quickly and steadily available. Increasingly they are baffled because the facts are not available; and they are wondering whether government by consent can survive in a time when the manufacture of consent is an unregulated private enterprise. For in an exact sense the present crisis of western democracy is a crisis in journalism.

I do not agree with those who think that the sole cause is corruption. There is plenty of corruption, to be sure, moneyed control, caste pressure, financial and social bribery, ribbons, dinner parties, clubs, petty politics. The speculators in Russian rubles who lied on the Paris Bourse about the capture of Petrograd are not the only example of their species. And yet corruption does not explain the condition of modern journalism.

Mr. Franklin P. Adams wrote re-

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cently: "Now there is much pettiness—and almost incredible stupidity and ignorance—in the so-called free press; but it is the pettiness, etc., common to the so-called human race—a pettiness found in musicians, steamfitters, landlords, poets, and waiters. And when Miss Lowell [who had made the usual aristocratic complaint] speaks of the incurable desire in all American newspapers to make fun of everything in season and out, we quarrel again. There is an incurable desire in American newspapers to take things much more seriously than they deserve. Does Miss Lowell read the ponderous news from Washington? Does she read the society news? Does she, we wonder, read the newspapers?"

Mr. Adams does read them, and when he writes that the newspapers take things much more seriously than they deserve, he has, as the mayor's wife remarked to

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the queen, said a mouthful. Since the war, especially, editors have come to believe that their highest duty is not to report but to instruct, not to print news but to save civilization, not to publish what Benjamin Harris calls "the Circumstances of Publique Affairs, both abroad and at home," but to keep the nation on the straight and narrow path. Like the Kings of England, they have elected themselves Defenders of the Faith. "For five years," says Mr. Cobb of the *New York World*, "there has been no free play of public opinion in the world. Confronted by the inexorable necessities of war, governments conscripted public opinion. . . . They goose-stepped it. They taught it to stand at attention and salute. . . . It sometimes seems that after the armistice was signed, millions of Americans must have taken a vow that they would never again do any thinking

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for themselves. They were willing to die for their country, but not willing to think for it." That minority, which is proudly prepared to think for it, and not only prepared, but cocksure that it alone knows how to think for it, has adopted the theory that the public should know what is good for it.

The work of reporters has thus become confused with the work of preachers, revivalists, prophets and agitators. The current theory of American newspaperdom is that an abstraction like the truth and a grace like fairness must be sacrificed whenever anyone thinks the necessities of civilization require the sacrifice. To Archbishop Whately's dictum that it matters greatly whether you put truth in the first place or the second, the candid expounder of modern journalism would reply that he put truth second to what he conceived to be the national in-

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terest. Judged simply by their product, men like Mr. Ochs or Viscount Northcliffe believe that their respective nations will perish and civilization decay unless their idea of what is patriotic is permitted to temper the curiosity of their readers.

They believe that edification is more important than veracity. They believe it profoundly, violently, relentlessly. They preen themselves upon it. To patriotism, as they define it from day to day, all other considerations must yield. That is their pride. And yet what is this but one more among myriad examples of the doctrine that the end justifies the means. A more insidiously misleading rule of conduct was, I believe, never devised among men. It was a plausible rule as long as men believed that an omniscient and benevolent Providence taught them what end to seek.

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But now that men are critically aware of how their purposes are special to their age, their locality, their interests, and their limited knowledge, it is blazing arrogance to sacrifice hard-won standards of credibility to some special purpose. It is nothing but the doctrine that I want what I want when I want it. Its monuments are the Inquisition and the invasion of Belgium. It is the reason given for almost every act of unreason, the law invoked whenever lawlessness justifies itself. At bottom it is nothing but the anarchical nature of man imperiously hacking its way through.

* Just as the most poisonous form of disorder is the mob incited from high places, the most immoral act the immorality of a government, so the most destructive form of untruth is sophistry and propaganda by those whose profession it is to report the news. The news

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columns are common carriers. When those who control them arrogate to themselves the right to determine by their own consciences what shall be reported and for what purpose, democracy is unworkable. Public opinion is blockaded. For when a people can no longer confidently repair 'to the best fountains for their information,' then anyone's guess and anyone's rumor, each man's hope and each man's whim becomes the basis of government. All that the sharpest critics of democracy have alleged is true, if there is no steady supply of trustworthy and relevant news. Incompetence and aimlessness, corruption and disloyalty, panic and ultimate disaster, must come to any people which is denied an assured access to the facts. No one can manage anything on pap. Neither can a people.

Statesmen may devise policies; they will end in futility, as so many have re-

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cently ended, if the propagandists and censors can put a painted screen where there should be a window to the world. Few episodes in recent history are more poignant than that of the British Prime Minister, sitting at the breakfast table with that morning's paper before him protesting that he cannot do the sensible thing in regard to Russia because a powerful newspaper proprietor has drugged the public. That incident is a photograph of the supreme danger which confronts popular government. All other dangers are contingent upon it, for the news is the chief source of the opinion by which government now proceeds. So long as there is interposed between the ordinary citizen and the facts a news organization determining by entirely private and unexamined standards, no matter how lofty, what he shall know, and hence what he shall believe, no one will

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be able to say that the substance of democratic government is secure. The theory of our constitution, says Mr. Justice Holmes, is that truth is the only ground upon which men's wishes safely can be carried out.¹ In so far as those who purvey the news make of their own beliefs a higher law than truth, they are attacking the foundations of our constitutional system. There can be no higher law in journalism than to tell the truth and shame the devil.

That I have few illusions as to the difficulty of truthful reporting anyone can see who reads these pages. If truthfulness were simply a matter of sincerity the future would be rather simple. But the modern news problem is not solely a question of the newspaperman's morals. It is, as I have tried to show in what fol-

¹ Supreme Court of the United States, No. 316, October term, 1919, *Jacob Abrams et al., Plaintiffs in Error vs. the United States.*

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lows, the intricate result of a civilization too extensive for any man's personal observation. As the problem is manifold, so must be the remedy. There is no panacea. But however puzzling the matter may be, there are some things that anyone may assert about it, and assert without fear of contradiction. They are that there *is* a problem of the news which is of absolutely basic importance to the survival of popular government, and that the importance of that problem is not vividly realized nor sufficiently considered.

In a few generations it will seem ludicrous to historians that a people professing government by the will of the people should have made no serious effort to guarantee the news without which a governing opinion cannot exist. "Is it possible," they will ask, "that at the beginning of the Twentieth Century na-

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tions calling themselves democracies were content to act on what happened to drift across their doorsteps; that apart from a few sporadic exposures and outcries they made no plans to bring these common carriers under social control; that they provided no genuine training schools for the men upon whose sagacity they were dependent; above all that their political scientists went on year after year writing and lecturing about government without producing one, one single, significant study of the process of public opinion?" And then they will recall the centuries in which the Church enjoyed immunity from criticism, and perhaps they will insist that the news structure of secular society was not seriously examined for analogous reasons.

When they search into the personal records they will find that among journalists, as among the clergy, institution-

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alism had induced the usual prudence. I have made no criticism in this book which is not the shoptalk of reporters and editors. But only rarely do newspapermen take the general public into their confidence. They will have to sooner or later. It is not enough for them to struggle against great odds, as many of them are doing, wearing out their souls to do a particular assignment well. The philosophy of the work itself needs to be discussed; the news about the news needs to be told. For the news about the government of the news structure touches the center of all modern government.

They need not be much concerned if leathery-minded individuals ask What is Truth of all who plead for the effort of truth in modern journalism. Jestling Pilate asked the same question, and he also would not stay for an answer. No

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doubt an organon of news reporting must wait upon the development of psychology and political science. But resistance to the inertias of the profession, heresy to the institution, and the willingness to be fired rather than write what you do not believe, these wait on nothing but personal courage. And without the assistance which they will bring from within the profession itself, democracy through it will deal with the problem somehow, will deal with it badly.

The essays which follow are an attempt to describe the character of the problem, and to indicate headings under which it may be found useful to look for remedies.