



FAKE NEWS, LIES, AND OTHER FAMILIAR PROBLEMS

*Sam Lebovic**

(from the Knight Institute’s Lies, Free Speech, and the Law symposium**)

Introduction	513
I. Plus Ça Change	516
II. An Absence, Not a Presence	527
III. The Machinery of Knowledge	536
Conclusion: The Problem of Media Policy.....	547

INTRODUCTION

In the last months of 1919, a year in which a pandemic had killed hundreds of thousands and the nation’s cities had been marred by racial pogroms and mob violence, Walter Lippmann reflected on the state of the American public sphere. “[A] nation,” he complained, “easily acts like a crowd. Under the influence of headlines and panicky print, the contagion of unreason can easily spread through a settled community.” The press was awash in fictions and propaganda; Americans had “cease[d] to respond to truths, and respond simply to opinions.” There wasn’t even a way to make sure people didn’t deliberately and cynically lie to the public: “[If] I lie to a million readers in a matter involving war and peace, I can lie my head off, and, if I choose the right series of lies, be entirely irresponsible.” The public was acting not in response to its objective social reality, but to what Lippmann dubbed

* Professor of History, George Mason University.

** This Article is being reprinted essentially as it was published on the Knight Institute site, and adheres to the Institute’s stylistic preferences, which include retaining the styles of other disciplines where the authors so prefer (as here). More information about the Lies, Free Speech, and the Law symposium is available at <https://knightcolumbia.org/events/symposium-lies-free-speech-and-the-law>.

a “pseudo-environment of reports, rumors and guesses.”¹ How, he wondered, could democracy function in such an environment?

Over the coming years, as Lippmann sought to answer this question, he produced a series of books that constitute perhaps the most serious effort to think through the problems, possibilities, and limits of public opinion in modern American democracy. In particular, he developed two key insights about democratic theory that can help us today, as another generation of Americans looks on their public sphere—awash in fake news, rumor, and cynical lying—with disdain and despair.

The first was his rejection of what he dubbed the myth of the “omnicompetent citizen.” Americans, Lippmann argued, cling to “the intolerable and unworkable fiction that each of us must acquire a competent opinion about all public affairs.”² That simply wasn’t possible. American society was too complex, too vast, too differentiated. The divisions of labor were too deep, social life too confusing—a kaleidoscope of shifting experiences. And the tempo and sweep of political life, sliding from crisis to crisis, from issue to issue, made it impossible for the citizen to catch their breath. How could anyone, in the spare moments between work and leisure and family, be expected to come to a considered understanding of international trade policy one night, a labor strike the next, and a public health scandal the day after?

Inevitably, Lippmann pointed out, the individual had to rely on others to help them make sense of what was going on, they had to form their opinions in a social and political environment. Yet no one had really grappled with what this meant for the operation of democracy because people continued to presume that opinions were formed and expressed by self-sufficient individuals. The result was a tendency to think about the problems of public opinion as a problem of individual rights, of the regulations and prohibitions impinging on the way individuals exchanged their ideas. And that meant that “democrats have treated the problem of making public opinions as a problem in civil liberties.”³ They were focused on arguing about whether individuals had the right to express certain ideas or not, assuming that public opinion would emerge out of a marketplace of competing arguments.

¹ Walter Lippmann, *Liberty and the News* (Princeton: Princeton University Press, 2008), 23–24, 32–33.

² Walter Lippmann, *Public Opinion* (New York: Macmillan Company, 1957), 31, 273.

³ Lippmann, *Public Opinion*, 318.

But in his second important insight, Lippmann pointed out that this was the wrong way entirely to think about the problem of public opinion. In arguing about the “privileges and immunities of opinion,” he explained, “we were missing the point and trying to make bricks without straw.”⁴ What really mattered was the “stream of news” upon which opinions were based. “In going behind opinion to the information which it exploits, and in making the validity of news our ideal, we shall be fighting the battle where it is really being fought.”⁵ That meant thinking not about what any one individual believed or was saying, nor even about what rights should be afforded to any class of political expression, but in thinking about how the society, as a whole, was arranging the political economy of its information.

In this essay, I want to use these two points as a guide to thinking about the best way to navigate the contemporary crises of the American public sphere. Our anxieties about the spread of fake news—of lies about stolen elections and harmful vaccines and deep state conspiracies—continue to take the form of anxieties about the way that particular forms of expressive (mis)conduct influence the (in)competence of individual citizens. As a result, the most commonly proposed remedies—particularly the temptation to regulate lies—focus on the privileges and immunities of opinion. In short, seeing fake news as an illegitimate cancerous growth, we seek to cut it out of the body politic.

Drawing on Lippmann’s analysis, I will argue that this is the wrong way to think about the very real problems of American democratic life. The argument will proceed in three parts. In part one, inspired by Lippmann’s reminder that lying has been a problem for over a century, I compare the lies of a conservative political faction in the present moment with lies of their ancestors in the era of McCarthy and Massive Resistance. The success of angry, conspiratorial, racist lying even in the very different media environment of the post-WWII “golden era,” I suggest, helps us identify the lies of the present moment not as an unprecedented epistemic crisis, but as an expression of a conservative political formation in American political life. In part two, I argue that this political formation is benefiting from a broader crisis in the information economy of the U.S. Drawing on Lippmann’s distinction between the “stream of news” and the politics of expression, I show that the collapse of journalism as a profession has led to the underproduction of information

⁴ Lippmann, *Liberty and the News*, 41.

⁵ Lippmann, *Liberty and the News*, 41.

in the polity and favored the politics of outrageous expression—both of which have benefited the conservative political formation in its effort to win elections by lying. Having developed this understanding of the contemporary problem, part three considers solutions to the current epidemic of lying. Following Lippmann’s reform suggestions from 1919, it argues that the key task is a broader politics of democratic revitalization, which will include new efforts to improve the “stream of news” by encouraging the production of information in new institutions devoted to that task. Such reform efforts should be contrasted to efforts to deal with lies by seeking to eradicate or counter them directly in the discourse, whether by censorship, civic education, or mandated counterspeech. By focusing on the politics of opinion rather than information, reform efforts centered on speech law and speech acts risk exacerbating, rather than ameliorating, the crises of American democracy.

I. PLUS ÇA CHANGE

The problem of fake news entered American political life as a way to account for the seemingly inexplicable—Donald Trump’s surprise election to the presidency. It has since been called on to do a lot of additional work, proving a protean concept able to signify the threat of Russian bots and Macedonian trolls, right-wing cable pundits and manipulative algorithms, anti-vaxxers and white supremacists, and those convinced that the 2020 election was stolen. Perhaps because the earliest stories focused on social media virality and the foreign interference, there has been a recurring tendency to treat the problem as something alien to the traditions of American political life. Lying on this scale seems a new development, an unprecedented flood sweeping away the vestiges of a political culture that looks, in hindsight, remarkably tame and rational and sober.⁶

Except, of course, that there was plenty of lying before the deluge. America’s foreign policy has long had a tortured relationship with the truth, from the sinking of the Maine to John F. Kennedy’s 1960 defeat of Richard Nixon on the basis of a nonexistent “missile gap” to the Gulf of Tonkin to weapons of mass destruction in

⁶ For paradigmatic statements, see Craig Silverman, “This Analysis Shows How Viral Fake Election News Stories Outperformed Real News on Facebook,” *BuzzFeed News*, November 16, 2016, <https://www.buzzfeednews.com/article/craigsilverman/viral-fake-election-news-outperformed-real-news-on-facebook> [<https://perma.cc/Q6LV-9LQH>]; Nathaniel Persily, “Can Democracy Survive the Internet?,” *Journal of Democracy* 28, no. 2 (April 2017): 63–76; Emily Bazelon, “The First Amendment in the Age of Disinformation,” *New York Times Magazine*, October 13, 2020, <https://www.nytimes.com/2020/10/13/magazine/free-speech.html> [<https://perma.cc/RN38-VPME>].

Iraq to Iran-Contra. (Ronald Reagan: “A few months ago I told the American people I did not trade arms for hostages. My heart and my best intentions still tell me that’s true, but the facts and the evidence tell me it is not.”⁷) If you had to identify the lies that have done the most damage to American citizens and to confidence in American democracy—let alone the damage done to Iraqi, Vietnamese, and Filipino citizens—that’s not a bad list to start with. All of them came from well within the mainstreams of American political life.

And Trump was far from the first demagogue to hold the nation’s politics hostage to his mendacity. Decades before the internet, in an era now often dubbed a golden age of media, Joe McCarthy lied about his war record to get elected to the Senate and then, after a couple of years of incompetent irrelevance, found that lying gave him an even bigger platform. In early 1950, during a backwater campaign speech in Wheeling, West Virginia, he waved a sheet of paper and said it contained the names of 205 communists in the federal government. The next day, the sheet had 57 names. Two weeks later it was 81. Never mind—there was one reporter from the Associated Press on hand at the speech, which went out on the wire and then went viral, 1950s style. Soon 40 percent of the public said they thought his entirely made-up charges were “good for the country.”⁸

McCarthy’s lies spread so effectively because they resonated among a broader conservative political formation willing to exploit the anti-communist hysteria. Fanned on by a right-wing press, politicians had been making exaggerated as well as completely fictitious accusations about communist subversion for years. (A favorite minor anecdote: In July 1948, a right-wing bureaucrat in the State Department’s visa office testified to a right-wing congressional committee that Soviet terrorists were roaming New York with fake visas to work at the U.N. The Chicago Tribune ate it up, even though the bureaucrat was reprimanded publicly for giving testimony “irresponsible in its lack of factual support.”)⁹

⁷ Ronald Reagan, “Address to the Nation on the Iran Arms and Contra Aid Controversy” (speech, Washington D.C., March 4, 1987), The American Presidency Project, <https://www.presidency.ucsb.edu/node/252209> [<https://perma.cc/UB4L-RQEM>].

⁸ David M. Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy* (London: Collier Macmillan, 1983), 108–11, 139–58; Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Princeton: Princeton University Press, 1998), 241.

⁹ “He Can’t See Red,” *Chicago Tribune*, July 24, 1948; John Fisher, “Report of Spies in UN Disputed by Marshall,” *Chicago Tribune*, July 22, 1948; Neal Stanford, “Scrutiny Dims Report of

Apart from the made-up, slippery numbers, McCarthy's speech was entirely conventional—in fact, good chunks of it were plagiarized from a speech given earlier by Nixon, whose own political career had been made by accusing his rivals in Californian elections of communist sympathies. (Much of the dirt came from files collected by Ralph Van Deman, the arch-conservative founding father of American counterintelligence, who took his antiradical files, full of rumor and inaccuracy, with him into retirement and then fed them to allies in California.¹⁰) “Joe never had any names,” boasted William Randolph Hearst, sounding more than a little Trump-like: “He came to us. ‘What am I going to do? You gotta help me.’ So we gave him a few good reporters.”¹¹ Unsurprisingly, the Hearst press and the Chicago Tribune, both archly conservative, were happy to promote McCarthy's accusations, which “just fitted into what we had been saying long before,” as one Tribune journalist put it.¹²

The parallels with the present moment are instructive. There are the psychological similarities in the demagogues du jour. McCarthy and Trump were both unabashed liars—by one count, Trump was lying 22 times per day in 2019¹³—and crude bullies. “If you want to be against McCarthy, boys,” said the senator to a gaggle of reporters, “you've got to be a communist or a cocksucker.”¹⁴ In the 1950 midterms, McCarthy circulated a faked image of a political rival—Millard Tydings—which made it look like he was conversing with Earl Browder, head of the American

Spies in UN Employ,” *Christian Science Monitor*, July 24, 1948; “Those UN Communists,” *New York Times*, July 24, 1948; Robert Young, “State Dept Aide Put on Spot for Attack on Reds,” *Chicago Tribune*, September 16, 1948; “Alexander Is Reprimanded for Charging Subversives Entered Country through UN,” *New York Times*, October 22, 1948; Bertrand D. Hulen, “Marshall Starts UN ‘Spy’ Inquiry,” *New York Times*, July 29, 1948; Associated Press, “Evidence of Spies Seen Nil in UN Agents Admitted to U.S.,” *Christian Science Monitor*, September 1, 1948.

¹⁰ Alfred W. McCoy, *Policing America's Empire: The United States, the Philippines, and the Rise of the Surveillance State* (Madison: University of Wisconsin Press, 2009), 326–46.

¹¹ Scott Anderson, *The Quiet Americans: Four CIA Spies at the Dawn of the Cold War* (New York: Anchor Books, 2020), 230.

¹² Sam Lebovic, *Free Speech and Unfree News: The Paradox of Press Freedom in America* (Cambridge: Harvard University Press, 2016), 160–62.

¹³ David Rohde, *In Deep: The FBI, the CIA, and the Truth About America's “Deep State”* (New York: W.W. Norton & Company, 2020), 267.

¹⁴ Kyle A. Cuordileone, *Manhood and American Political Culture in the Cold War* (New York: Routledge, 2005), 47.

Communist Party—a deepfake, 1950s style. And, of course, there is a direct linkage between the two men via the figure of Roy Cohn.

But more importantly for present purposes, McCarthy’s career is a reminder that angry lying was a viable political strategy even in a very different media environment. The way those lies spread was significant. McCarthy’s lies were boosted and promoted by a coterie of fellow-traveling politicians and pundits in papers of varying reliability. And they were then laundered into a mainstream press that found it hard to turn away, and even harder to work out how to cover a shameless fabulist who made for good copy. “My own impression,” complained one journalist, “is that Joe was a demagogue. But what could I do? I had to report—and quote—McCarthy . . . you write what the man says.”¹⁵

With the benefit of a little perspective, and a host of good scholarship, we can now see a similar process at work in the fake news controversies of the present moment. For all the concern over online virality, the spread of fake news on social media in 2016 was actually tightly concentrated. Something like 90 percent of Americans never shared a fake news story on social media, and most of those who did shared perhaps one such story.¹⁶ Even on Twitter, which is occupied by a highly political and highly partisan subset of the population, just 1 percent of users accounted for four out of every five exposures to fake news, and just 0.1 percent of users were responsible for 80 percent of the shares of fake news. Even if we assume these are undercounts—a possibility, given the difficulties of defining “fake news”—they suggest a much less decentralized mode of distribution than is commonly assumed, a trend confirmed by studies that show the importance of small numbers of superspreaders of fake news about the COVID vaccine or about the “theft” of the 2020 election. Trump himself is a key such superspreader.¹⁷

¹⁵ Lebovic, *Free Speech and Unfree News*, 161.

¹⁶ Andrew Guess, Jonathan Nagler, and Joshua Tucker, “Less Than You Think: Prevalence and Predictors of Fake News Dissemination on Facebook,” *Science Advances* 5, no. 1 (January 2019): eaau4586; Jennifer Allen et al., “Evaluating the Fake News Problem at the Scale of the Information Ecosystem,” *Science Advances* 6, no. 14 (April 2020): eaay3539.

¹⁷ Noah Giansiracusa, *How Algorithms Create and Prevent Fake News: Exploring the Impacts of Social Media, Deepfakes, GPT-3, and More* (Acton: Apress, 2021), 198; Nir Grinberg et al., “Fake News on Twitter during the 2016 U.S. Presidential Election,” *Science* 363, no. 6425 (January 2019): 375; Sheryl Gay Stolberg and Noah Weiland, “Study Finds ‘Single Largest Driver’ of Coronavirus Misinformation: Trump,” *New York Times*, September 30, 2020, <https://www.nytimes.com/2020/09/30/us/politics/trump-coronavirus-misinformation.html> [https://perma.cc/G6NH-HTXY];

These superspreaders are themselves embedded in a media formation that has amplified their messaging. It takes two forms. First, there is an explicitly conservative media apparatus, stitched together from trolling bloggers through Breitbart and the Daily Caller and onto right-wing talk radio (Dan Bongino and Mark Levin) and organizations like One America and Fox News. As Yochai Benkler, Robert Faris, and Hal Roberts have shown, these constitute a right-wing propaganda network, in which talking points spread.¹⁸ The audience for this network, it is worth remembering, is significant in the context of media shares, but very limited when thought about in terms of the broader population. Fox News tops the cable ratings in primetime, but pulls in an average audience of only around 2 million to 3 million people.¹⁹ These channels are the equivalent of the right-wing press of the New Deal era, albeit on a smaller scale and without what was frequently the benefit of a local monopoly.

The second amplification channel is what can be referred to, for lack of a better term, as the mainstream media: free-to-air television, the respectable press, non-Fox cable news. These organizations, by and large, do not themselves actively spread fake news as if it were the truth. But they do report on the lying, both in pieces on the electoral mood and by covering the political speech of particularly controversial figures such as Trump or Hannity. When Trump's tweets hijacked the news cycle, when The New York Times gives over its front pages to reporting the latest rant, the press is acting no differently than the newspapers and wire services in the McCarthy era.

Shannon Bond, "Just 12 People Are Behind Most Vaccine Hoaxes on Social Media, Research Shows," NPR, May 14, 2021, <https://www.npr.org/2021/05/13/996570855/disinformation-dozen-test-facebooks-twiters-ability-to-curb-vaccine-hoaxes> [https://perma.cc/Q53C-LG6V]; Sheera Frenkel, "How Misinformation 'Superspreaders' Seed False Election Theories," *New York Times*, November 23, 2020, <https://www.nytimes.com/2020/11/23/technology/election-misinformation-facebook-twitter.html> [https://perma.cc/6D5S-UD7Z].

¹⁸ Yochai Benkler, Robert Faris, and Hal Roberts, *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics* (New York: Oxford University Press, 2018); Duncan J. Watts and David M. Rothschild, "Don't Blame the Election on Fake News. Blame It on the Media," *Columbia Journalism Review*, December 5, 2017, <https://www.cjr.org/analysis/fake-news-media-election-trump.php> [https://perma.cc/P8R6-AP2P].

¹⁹ Mark Joyella, "Tucker Carlson Has Most-Watched Show In Cable News As Fox Leads Basic Cable For 17 Straight Weeks," *Forbes*, June 15, 2021, <https://www.forbes.com/sites/markjoyella/2021/06/15/tucker-carlson-has-most-watched-show-in-cable-news-as-fox-leads-basic-cable-for-17-straight-weeks/?sh=7726ec36661c> [https://perma.cc/MY8A-WWJ2].

Seen this way, as the expression of a significant fraction of the American polity, the current flow of politicized lying does not appear an unprecedented collapse of cultural norms. It looks a lot more like part of the American political tradition: a meaningful, but limited, right-wing political formation willing to lie for political gain, and a mainstream press that feels duty bound to report on it.

More broadly, too, the present echoes the trends of the past. QAnon is scary, but as Richard Hofstadter reminded us, the paranoid style is a recurrent feature of American politics.²⁰ Hot on the heels of McCarthy came the John Birch Society, whose founder believed that Dwight Eisenhower and the Dulles brothers were secret communist agents, and which helped create a moral panic that fluoridation of drinking water was not a public health measure but a communist conspiracy. Roughly one-third of the country declined to fluoridate, just as one-third of the country has declined the COVID vaccine. A 1955 study of the defeat of a fluoridation measure in Northampton, Massachusetts, attributed the referendum outcome to the “current suspicion of scientists, a fear of conspiracy, the tendency to perceive the world as menacing.”²¹

The founding sin of American health care, the rejection of government health insurance, can also be traced to politically motivated lies in the golden age of objective journalism. Harry Truman’s proposal to insure all Americans ran into the buzzsaw of a motivated conservative lobby running an expensive public relations (PR) campaign to dub health insurance “socialized medicine”—a famous pamphlet included the straightforward lie that Vladimir Lenin had called government health care the “keystone” of state socialism.²² The New Dealers frequently com-

²⁰ Richard Hofstadter, *The Paranoid Style in American Politics: And Other Essays* (New York: Vintage Books, 2008); Thomas Milan Konda, *Conspiracies of Conspiracies: How Delusions Have Overrun America* (Chicago: University of Chicago Press, 2019); Kathryn S. Olmsted, *Real Enemies: Conspiracy Theories and American Democracy, World War I to 9/11* (Oxford: Oxford University Press, 2009).

²¹ D. J. Mulloy, *The World of the John Birch Society: Conspiracy, Conservatism, and the Cold War* (Nashville: Vanderbilt University Press, 2014); Donald R. McNeil, “America’s Longest War: The Fight over Fluoridation, 1950–,” *The Wilson Quarterly* 9, no. 3 (1985): 140–53; “Community Water Fluoridation,” U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, Fluoridation Statistics, last modified August 26, 2020 [https://perma.cc/QHD6-UEEQ].

²² Jeff St. Onge, “Health Care Reform as ‘Socialized Medicine’: The Formative Years of a Political Myth,” *Western Journal of Communication* 79, no. 3 (May 2015): 348–66.

plained that they could not get fair press coverage in newspapers owned by extremely conservative publishers, whose willingness to distort the truth about government policy directly influenced governance and shaped the course of American politics.²³ In the lead-up to the 1936 election, for instance, the Hearst press published a faked registration form for the recently created Social Security Board, part of a broader effort to undermine the New Deal by creating fears that the government was encroaching dangerously on civil society.²⁴

There is, in short, nothing new in the existence of a conservative political formation, willing to circulate and believe untruths in the promotion of an objectionable vision of the good life. A persistent antisemitic strain of demagoguery saw an international (read: Jewish) banking power behind the Depression, the New Deal, and everything wrong with modern life. Tens of millions tuned into Father Charles Coughlin's mainstream version of this narrative. Some 50,000 subscribed to William Dudley Pelley's explicitly fascist *Liberation* magazine, and 15,000 joined his Americanist imitation of Hitler's SS: the Silver Shirts. On the West Coast, one Silver Shirt was offering a \$1,000 bounty to anyone who could find a copy of Labor Secretary Frances Perkins' birth certificate, to prove she was, in fact, a Polish-born Jew. Pelley, who claimed he could make mental contact with other dimensions, thought a New Deal sexual health program was a Jewish plot to infect gentiles with syphilis.²⁵

Even amid the prosperity of the early postwar period, paranoid fantasies continued to spread. An innocuous, if loosely written, Alaska Mental Health Enabling Act of 1956 led to a flood of mail to Congress, triggered by an article by a member of right-wing conservative women's groups in California who thought it was a thinly veiled effort to establish Siberian-style camps for political prisoners. The

²³ Sam Lebovic, "When the 'Mainstream Media' Was Conservative: Media Criticism in the Age of Reform," *Media Nation: The Political History of News in Modern America*, eds. Bruce J. Schulman and Julian E. Zelizer (Philadelphia: University of Pennsylvania Press, 2017), 63–76.

²⁴ Sarah E. Igo, *The Known Citizen: A History of Privacy in Modern America* (Cambridge: Harvard University Press, 2018), 66–68.

²⁵ Konda, *Conspiracies of Conspiracies*, 77–81, 106; David M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929–1945* (New York: Oxford University Press, 1999), 227–34; Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime: From the Sedition Act of 1798 to the War on Terrorism* (New York: W. W. Norton and Company, 2004), 258–77.

main purpose of the law was to transfer the provision of mental health in the Alaskan territory from the federal government to the territorial government. In the fashion of midcentury mental health practice, the law was generous in its granting of the power to commit the mentally ill; right-wing activists in California read those powers, along with a section allowing the territorial government to lease federal land to fund the new health service, as a blueprint for mass roundups and imprisonment. Even the *National Review* complained that this was jumping at shadows, blaming the opponents of the bill for “touching off the biggest panic since Orson Welles landed his Martian invaders almost twenty years ago.”²⁶ The next year, Wesley Swift, an advocate of the deeply racist Christian Identity theology, thought the severe influenza outbreak of 1957 was an internationalist experiment in germ warfare and advised his followers not to get flu shots—because the shots were actually spreading the disease.²⁷ There were those who saw in the Beatles evidence of a Soviet plot to control the nation’s youth through Pavlovian mind control, as well as those who thought the lily-white Liverpudlians threatened to tear down America’s racial and religious hierarchies. Across the Bible Belt, there were bonfires of Beatles records in the summer of 1966.²⁸

The postwar golden age of American journalism was also the age of Massive Resistance, and though we rarely think of the racism of the period in the genealogy of today’s fake news, we probably should. In North Carolina, anti-desegregation efforts were headed up an emeritus professor of science who circulated selectively sampled and factually discredited racial science. Racial fictions intermingled with anti-communist conspiracy theorizing—his governor had argued in the Democratic primary that “integration was part of a communist conspiracy to destroy the moral fibre of the nation by creating a ‘mongrel’ race incapable of preventing a red take-over.”²⁹ Racial prejudice and unscientific beliefs had their impacts on public

²⁶ Michelle M. Nickerson, “The Lunatic Fringe Strikes Back: Conservative Opposition to the Alaska Mental Health Bill of 1956,” *The Politics of Healing: Histories of Alternative Medicine in Twentieth-Century North America*, ed. Robert D. Johnston (New York: Routledge, 2004), 117–30.

²⁷ Konda, *Conspiracies of Conspiracies*, 238.

²⁸ Sam Lebovic, “‘Here, There and Everywhere’: The Beatles, America, and Cultural Globalization, 1964–1968,” *Journal of American Studies* 51, no. 1 (February 2017): 43–65.

²⁹ George Lewis, “‘Scientific Certainty’: Wesley Critz George, Racial Science and Organised White Resistance in North Carolina, 1954–1962,” *Journal of American Studies* 38, no. 2 (August 2004): 227–47.

health, too. During World War II, blood donations were segregated to appease the concerns of racists; only 36 percent of Americans on one 1944 poll believed that Black and white blood were the same.³⁰ (Said a young Robert C. Byrd, later to serve as senator from West Virginia from 1959 to 2010: “I would rather receive blood from a monkey or guinea pig or suffer death if offered no other choice” than “blood possibly transfused from Negro veins.”³¹) As late as 1963, one poll in the aftermath of the March on Washington found one in three Americans thought Black people were “inherently inferior” and seven out of 10 believed they “smelled different.”³²

The real question is whether the proportion of the population who believe in political lies and hateful propaganda has grown. Are we living through an epistemic crisis, or merely a new moment of reckoning with a conservative social formation willing to distort the truth to promote its political agenda? This is a difficult question, but I want to suggest that there are good reasons for thinking that rumors of an epistemic crisis are, themselves, overstated.

In general, it is important to remember, the population remains depoliticized. The 2018 midterms and the 2020 presidential election set modern records for turnout. But even so, only two in three Americans voted in 2020. In 2018, more than half the electorate didn’t bother to vote.³³

Seen as a whole, media consumption is also marked by disinterest in the news. Between 2016 and 2018, Americans spent on average an astonishing 7.5 hours a day consuming media—86 percent of that time was not related to consuming news of any kind. (The study took a broad definition of news, including such programs as “Good Morning America” and “TMZ” in the news category.) Nightly television

³⁰ Michael X. Delli Carpini and Scott Keeter, *What Americans Know About Politics and Why It Matters* (New Haven: Yale University Press, 1996), 81.

³¹ Thomas Guglielmo, “‘Red Cross, Double Cross’: Race and America’s World War II-Era Blood Donor Service,” *Journal of American History* 97, no.1 (June 2010): 63–90.

³² Michelle Brattain, “Race, Racism, and Antiracism: UNESCO and the Politics of Presenting Science to the Postwar Public,” *American Historical Review* 112, no. 5 (December 2007): 1410–11.

³³ Emily Stewart, “2018’s Record-setting Voter Turnout, in One Chart,” *Vox*, November 19, 2018, <https://www.vox.com/policy-and-politics/2018/11/19/18103110/2018-midterm-elections-turnout>; U.S. Dept. of Commerce, Census Bureau, “Despite Pandemic Challenges, 2020 Election Had Largest Increase in Voting Between Presidential Elections Record,” by Jacob Fabina, April 29, 2021, <https://www.census.gov/library/stories/2021/04/record-high-turnout-in-2020-general-election.html> [<https://perma.cc/FB2P-GNGS>].

news draws an audience of only 24 million people; cable talk shows peak at an audience of 2 million to 3 million. Only 4.2 percent of the information consumed online is news.³⁴ Twitter draws a particularly politicized user base, but even there, the median tweeter never tweets about politics, and only 13 percent of tweets concern politics.³⁵

Disengagement from political life is a problem, as are poor results on polls testing basic levels of political knowledge among American citizens. But they are not precisely problems caused by exposure to toxic lies. And neither is new. Americans have always done poorly in political knowledge polls. In 1951, only 6 percent of Americans knew the size of the federal budget; in 1985, only one in three could name both their senators.³⁶ One study from the height of the Cold War in the early 1950s found that less than half of Americans could identify Syngman Rhee (on whose behalf the nation was engaged in the Korean War) and four out of five did not know what NATO stood for.³⁷ On one level, this is upsetting, but it is only an existential crisis if you think that democracy requires “omnicompetent citizens.” Political knowledge as needed for democratic self-governance is not something that needs to be held at all times by citizens, to be discretely measured as a presence or absence in each individual; rather it is something that needs to be formed through political and social organization. To say that a citizen can’t answer a decontextualized question about a “basic” political fact says a lot less about their competence than it suggests about the ways that that fact has not been made politically or socially meaningful to them.

All of those polls showing huge sections of the American public believing in lies share a similar problem. At the most basic level, a little perspective is in order because the stories are often framed sensationally. “More than 40 percent of Americans still do not believe that Joe Biden legitimately won the 2020 presidential election,” ran one recent Guardian headline. The actual survey said something a little bit different. Only 26 percent of the respondents disagreed with the statement that

³⁴ Allen et al., “Evaluating the Fake News Problem,” eaay3539.

³⁵ Chris Bail, *Breaking the Social Media Prism: How to Make Our Platforms Less Polarizing* (Princeton: Princeton University Press, 2021), 82.

³⁶ Delli Carpini and Keeter, *What Americans Know About Politics and Why it Matters*, 81.

³⁷ International Press Institute, *The Flow of the News* (New York: Arno Press, 1972), 57.

they “accept Joe Biden has having legitimately won the 2020 presidential election.”³⁸ The Guardian got to the more worrying result by adding the “not sures” and the “no answers” to the “no” answers. This is a common, but flawed, approach to public knowledge surveys—it treats knowledge/unknowledge as a binary pair and rounds all doubt down to zero.³⁹

Even so, one might ask, who could doubt that Biden won? And isn’t 26 percent an awful lot of people to believe such a thing? Well, yes, obviously. But the question does leave some room for ambiguity—what does the respondent think “legitimately” means in this context? Without voter fraud? Or without hoodwinking or misleading the public, a much harder belief to fact-check? And even if we assume the poll was methodologically pristine, no poll like this can tell you how deeply someone holds a belief, or whether they are answering instrumentally because they think there is political benefit to “their side” from undermining the credibility of a rival. And the answer can tell you nothing whatsoever about whether the respondent would be willing to act politically on the basis of their answer to a pollster on a bored Tuesday afternoon in the middle of a pandemic.

In short, I think that current alarm about the influence of fake news on the American public simultaneously overstates and understates the problem.⁴⁰ There is a tendency to pathologize a large swath of Americans, to assume either that they are “deplorables” who cannot be reasoned with or that they are good citizens who have been misled by exposure to a handful of lies and could be led back to the path if the lies were expunged from the body politic. As Lippmann pointed out, the reality of political belief is murkier. “For in trying to explain a central public opinion,” he observed, “it is rarely obvious which of a man’s many social relations is effecting

³⁸ Maya Yang, “More Than 40% in US Do Not Believe Biden Legitimately Won Election—Poll,” *The Guardian*, January 5, 2022, <https://www.theguardian.com/us-news/2022/jan/05/america-biden-election-2020-poll-victory> [<https://perma.cc/K4TF-X9CL>]; Brianna Richardson, “Axios| Momentive Poll: January 6th Revisited,” *Survey Monkey*, accessed October 20, 2022, <https://www.surveymonkey.com/curiosity/axios-january-6-revisited/> [<https://perma.cc/6PDH-CY8Q>].

³⁹ Jeffery J. Mondak, “Reconsidering the Measurement of Political Knowledge,” *Political Analysis* 8, no. 11 (2000): 57–82.

⁴⁰ As Jack Bratich has argued, there are also parties invested in promoting a moral panic around fake news to shore up their own political and institutional legitimacy. Jack Bratich, “Civil Society Must Be Defended: Misinformation, Moral Panics, and Wars of Restoration,” *Communication, Culture & Critique* 13, no. 3 (September 2020): 311–32; Joseph Bernstein, “Bad News: Selling the Story of Disinformation,” *Harper’s Magazine* (September 2021): 25–31.

a particular opinion.”⁴¹ And it is important to remember that even noxious opinions are a product of a real social and political formation.⁴² They are not likely to be easily removed with a warning label and a scolding—they are doing work for those who believe them. But the situation is fluid. There are fellow travelers and true believers, and alienated individuals and all the shades in between. And there is an enabling environment of uncertainty and political disengagement that helps lies flourish.

The fact that a meaningful segment of the American public continues to hold objectionable beliefs remains, of course, a political problem. But misunderstanding the novelty and scale of the problem can make it hard to identify its causes. The power of lies in American politics and media are, I think, epiphenomenal of deeper problems.

II. AN ABSENCE, NOT A PRESENCE

The real problem in the nation’s media ecosystem, I want to suggest, is not the presence of lying politicians or their credulous followers but their relative dominance in the information economy. And the most important factor in explaining their dominance is the *absence* of countervailing forms of necessary political information. This may seem counterintuitive, given as we are to speaking of information floods and explosions and deluges—we often assume that our problem is “too much information.” But drawing on Lippmann’s distinction between the expression of opinion, on the one hand, and the stream of news upon which it is based, on the other, it becomes clear that the real problem is the absence of streams of news. Much of what we call “information” is, strictly speaking, expression—spin, commentary, or “analysis” (of various degrees of sophistication). The consequences of this media ecosystem are profound, but among other things, they both incentivize demagogic politicians and exaggerate the spread of lies in the polity.

To understand what has happened, the most important place to begin is with the collapse of journalism as a profession. Between 2000 and 2014, the number of journalists in the nation fell by an astounding 40 percent. The trend predates the internet and is a product of a corporate consolidation of newspapers in the 1980s, which saw newspapers go public and take on debt to expand—to service the debt

⁴¹ Lippmann, *Public Opinion*, 183.

⁴² Gabriel Winant, “We Live in a Society,” *n+1* (December 12, 2020): <https://www.nplu-sionemag.com/online-only/online-only/we-live-in-a-society/> [<https://perma.cc/WK86-D86G>].

and pay stockholders they frequently needed to cut costs. With the rise of the internet, and the loss of local advertising monopolies, the bottom fell out of the newsroom economy. The city of Denver had 600 reporters in 2009. 10 years later, it had only 70.⁴³

This collapse was felt unevenly. In the last 15 years, as one in four newspapers has closed its doors, rural areas and smaller towns were hit hardest. Some 1,800 communities lost their paper, which were frequently their only source of local news.⁴⁴ Television and radio have always relied on newspapers to source the bulk of their content.⁴⁵ And particularly since the post-Reagan deregulation of broadcast markets, they have in any case increasingly been tied together into vast national networks focused on the spread of standardized content. Even where local papers exist, they too are increasingly tied together into chains—one in five papers in the country is now owned by one company, after Gannett and Gatehouse merged their holdings in 2019.⁴⁶ (It soon began laying off journalists.⁴⁷) Media jobs are increasingly clustered on the coasts—in 2004, one out of eight reporters were in New York, Washington, or Los Angeles; by 2014, it was one in five.⁴⁸ Even as technological

⁴³ James Hamilton, *Democracy's Detectives: The Economics of Investigative Journalism* (Cambridge: Harvard University Press, 2016), 47, 186; Victor Pickard, *Democracy Without Journalism?: Confronting the Misinformation Society* (New York: Oxford University Press, 2020), 74–76.

⁴⁴ Tom Stites, “A Quarter of All U.S. Newspapers Have Died in 15 Years, a New UNC News Deserts Study Found,” *Poynter*, June 24, 2020, <https://www.poynter.org/locally/2020/unc-news-deserts-report-2020/> [<https://perma.cc/LQ86-W6R2>].

⁴⁵ Pew Journalism Research Project, “How News Happens: A Study of the News Ecosystem of One American City,” January 11, 2010, <https://www.pewresearch.org/journalism/2010/01/11/how-news-happens/> [<https://perma.cc/D9GL-TJXG>].

⁴⁶ Marc Tracy, “Gannett, Now Largest U.S. Newspaper Chain, Targets ‘Inefficiencies,’” *New York Times*, November 19, 2019, <https://www.nytimes.com/2019/11/19/business/media/gannett-gatehouse-merger.html> [<https://perma.cc/89F2-YLZV>].

⁴⁷ Tali Arbel and Alexandra Olson, “As Gannett, Gatehouse Merge, Newspaper Cost-Cutting Persists,” Associated Press, August 23, 2019, <https://apnews.com/article/media-nc-state-wire-fl-state-wire-layoffs-ma-state-wire-6507e82f647449bd817184b14174f477> [<https://perma.cc/GSS2-2TMG>]; Kristen Hare and Ren LaForme, “After Coronavirus Furloughs, Gannett Newspapers Lay Off Journalists Around the Country,” *Poynter*, April 24, 2020, <https://www.poynter.org/business-work/2020/after-coronavirus-furloughs-gannett-newspapers-lay-off-journalists-around-the-country/> [<https://perma.cc/9LVK-5NWU>].

⁴⁸ Joshua Benton, “The Game of Concentration: The Internet Is Pushing the American News Business to New York and the Coasts,” *NiemanLab*, March 25, 2016, <http://www.niemanlab.org/>

transformations made it easier to read news from across the nation and across the world, easier to turn on a cable news station at any time of the day, vast portions of the country became effective “news deserts”—places where no news was being grown.⁴⁹

The result has been a remarkable nationalization of American political discourse. National media enterprises seek market differentiation by badging themselves politically. Fox and MSNBC and CNN seek to target different parts of the polarized market for cable news. The Sinclair Broadcasting Group sends conservative messaging through its 173 television stations; The New York Times and The Washington Post pointedly identify themselves as guardians of democratic norms and seek like-minded subscribers from a national market.⁵⁰ (“Had we stayed largely regional,” explained Marty Barron of The Washington Post, “we would be facing severe financial problems today, as most newspapers are. [Jeff Bezos] knew we could leverage the Post’s name and tradition of great journalism to national scale.”⁵¹)

I don’t think we have fully come to terms with all the consequences of political nationalization for American democracy. But one thing about it is very significant to thinking about the problem of fake news. Even though the political discourse appears highly fragmented, it has, in fact, become remarkably centralized and abstracted and no longer embedded at all in local communities.

2016/03/the-game-of-concentration-the-internet-is-pushing-the-american-news-business-to-new-york-and-the-coasts/#disqus_thread [https://perma.cc/8H53-NES8]; Jack Shafer and Tucker Doherty, “The Media Bubble is Worse Than You Think,” *Politico Magazine*, May/June 2017, https://www.politico.com/magazine/story/2017/04/25/media-bubble-real-journalism-jobs-east-coast-215048/ [https://perma.cc/WPQ4-5PEF].

⁴⁹ Penelope Muse Abernathy, “News Deserts and Ghost Newspapers: Will Local News Survive?,” *University of North Carolina Hussman School of Journalism and Media*, 2020, https://www.usnewsdeserts.com/reports/news-deserts-and-ghost-newspapers-will-local-news-survive/ [https://perma.cc/7Y28-2KUA].

⁵⁰ Michael J. de la Merced and Nicholas Fandos, “Fox’s Unfamiliar but Powerful Television Rival: Sinclair,” *New York Times*, May 3, 2017, https://www.nytimes.com/2017/05/03/business/dealbook/sinclair-media-expansion-fox-conservative-media.html?mwrsm=Email [https://perma.cc/JQU8-EESG].

⁵¹ Paul Farhi, “Martin Baron, Executive Editor Who Oversaw Dramatic Washington Post Expansion, Announces Retirement,” *Washington Post*, January 26, 2021, https://wapo.st/3sZKqqH [https://perma.cc/53HV-VRDH].

An obvious byproduct of these intersecting trends has been the rise of opinion journalism, often of a highly partisan nature. Much has been written about the outrage industry, but two points are important to emphasize.⁵² The first is that commentary has proven a much better business model than hiring journalists. It is easier to turn to a freelance op-ed writer than hire a journalist on staff. And should you hit upon a particularly popular commentator, it is much easier to capture their market. A perpetual problem for the economics of journalism has been information's status as a public good—if you are the first to break a news story, there is no way to stop others from also covering it, and so any individual news consumer has no reason to particularly favor the originator of the story.⁵³ But highly personalized commentary is different. The audiences for Rachel Maddow or Joe Rogan or Ezra Klein or Jamelle Bouie or Tucker Carlson are loyal to them in the way that readers are not loyal to beat reporters at the local city hall. Even better if a particular piece goes viral. (Hate-shares and likes both bring in eyeballs.) Substack represents the logical culmination of the branding of the individual voice as a viable business model for the media.

But, and this is the second point, regardless of how accurate or biased commentary is—of whether it is an effort to explain the truth or to promote a lie—it serves a different function in the media landscape to the production of information. It is, formally speaking, parasitical upon journalism. Opinion journalists rely upon the “stream of news” to give them something to opine about.

Yet the stream has dried up—the rise of commentary has played out against the decline of reporting. Areas without local journalism lose not only the news stories they need to allow for meaningful politics at the local level, they also feed no news up the media food chain. All eyes are fixated on the same set of national stories. Even a place like Washington, D.C., which has a thriving newspaper, suffers a dearth of local reporting. In a recent poll, 56 percent of district residents said they didn't have enough information to have an opinion about the chair of the Council of the District of Columbia.⁵⁴

⁵² Jeffrey M. Berry and Sarah Sobieraj, *The Outrage Industry: Political Opinion Media and the New Incivility* (Oxford: Oxford University Press, 2014).

⁵³ Hamilton, *Democracy's Detectives*, 23–25.

⁵⁴ Julie Zauzmer Weil et al., “Washington Post Poll: D.C. Mayor Bowser's Approval Rating Drops Amid Rising Concerns about Crime,” *Washington Post*, February 17, 2022, <https://www.washingtonpost.com/news/energy-environment/wp/2022/02/17/dc-mayor-bowser-approval-rating-drops-amid-rising-concerns-about-crime/>.

Journalists lucky enough to remain employed are forced to do more with less, churning out numerous stories per day to hit quotas (at the same time they also need to repurpose their work for multiple media formats, draining further time away from original reporting). Budgets for serious investigative pieces, always rare, have become increasingly nonexistent.⁵⁵ Quota-quickies, often pasted together from already-existing news stories, are much more frequent. The right-wing Washington Examiner requires its journalists to produce 6–9 stories per day.⁵⁶ In 2018, The Washington Post and the Raleigh News & Observer both fired a journalist for excessively copying content from other publications. The Post journalist had published 150 stories in the prior five months—one a day.⁵⁷

Under such conditions, journalism has become a swirl of self-reflective, self-sampling commentary, a giant speculative bubble in which most of the ideas in the marketplace are derivatives of derivatives. Late-night comedians react to outrageous commentary by right-wing media pundits, themselves doing schtick in part to “own the libs.” Clickbait headlines lead to constantly updated “news” stories that document the social media reactions of the famous to the dominant story lines a few hours prior. Occasionally, someone will say something so outrageous that there is backlash, triggering a new round of meta-commentary about “cancel culture.”

This media environment incentivizes demagogic politics, in which expression matters more than policy, in which spin matters more than governance. The causation here is complex. Political gridlock undermines the possibility for governance, creating a vacuum that is filled by speechifying and signifying. The reduction of all politics to expression simultaneously disincentivizes politicians from doing the dirty work of politics, encouraging purity over compromise, and thus contributing to deadlock. But the degradation of all political discourse, the evacuation of serious content from, and serious consequences for, speech acts, makes it harder to

washingtonpost.com/dc-md-va/2022/02/17/dc-poll-bowser-white-election/ [https://perma.cc/6D4U-SN5F].

⁵⁵ Hamilton, *Democracy's Detectives*, 83, 105–08.

⁵⁶ Howard Polskin, “How Conservative Media Has Grown Under Trump,” *Columbia Journalism Review*, August 19, 2019, <https://www.cjr.org/analysis/conservative-media-grown.php> [https://perma.cc/BZE8-8XR5].

⁵⁷ Jared Brey, “As Newsrooms Do More with Less, Can Reporters Keep Up?” *Columbia Journalism Review*, September 12, 2018, https://www.cjr.org/united_states_project/productivity-stories-news.php [https://perma.cc/B5QK-L4TE].

distinguish lies from truth. Politics has come to seem just a hyped-up, ever-present reality show, where what matters is less what is accomplished than who is winning, and who is going to get voted off the island. (Or, since the producers keep recycling the same small cast of aging contestants, who is going to get sent to “Top Chef: Last Chance Kitchen,” competing to return to the main stage next time—producing content all the while.) This was the context in which Donald Trump, a media presence more than a man, a caricature made by “The Apprentice,” could win the White House.

The most important factor in the outcome of the 2016 election was the vacuity of all election coverage. Only 11 percent of the news stories in the election cycle were about policy issues—the rest were horse race coverage and stories about scandal.⁵⁸ Trump benefited from this environment in several ways. He provided good content, receiving huge amounts of free media coverage. (“It may not be good for America,” observed the president of CBS, “but it’s damned good for CBS.”) Most of it was negative, but most of the coverage of Hillary Rodham Clinton was negative too.⁵⁹ In the six days after James Comey announced the reopening of the email investigation, The New York Times ran 10 front page stories on the scandal. That was more coverage than it had given to all policy issues combined in the 69 days leading up to the election.⁶⁰

That email scandal played a more decisive role in the election than Russian fake news.⁶¹ It can be explained, in large part, by the ease with which right-wing propagandists manipulated the broader media and political ecosystem to take advantage of unforced errors by Clinton and the Democrats. The roots of the scandal can be traced to the ongoing theatrics of the Benghazi investigations, on the one hand, and to a conscious effort by right-wing activists to shape media narratives on the other.

⁵⁸ Thomas E. Patterson, “News Coverage of the 2016 General Election: How the Press Failed the Voters,” HKS Working Paper no. RWP16-052, December 13, 2016, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2884837 [<https://perma.cc/F4UG-S7XR>].

⁵⁹ E. J. Dionne, Norman J. Ornstein, and Thomas E. Mann, *One Nation after Trump: A Guide for the Perplexed, the Disillusioned, the Desperate, and the Not-Yet Deported* (New York: St. Martin’s Press, 2017), 40–41.

⁶⁰ Watts and Rothschild, “Don’t Blame the Election on Fake News.”

⁶¹ Devlin Barrett, *October Surprise: How the FBI Tried to Save Itself and Crashed an Election* (New York: Public Affairs, 2020), 227–29.

In 2012, backed by Robert Mercer, Steve Bannon founded the Government Accountability Institute in Tallahassee, a small organization that funded investigative reporting on political opponents. Most importantly, it funded the research and writing of Peter Schweizer's *Clinton Cash: The Untold Story of How and Why Foreign Governments and Businesses Helped Make Bill and Hillary Rich*—an account that received wide coverage in the media when it was published in 2015, including a long, front-page story in *The New York Times* that drew on Schweizer's work. In such ways, the book shaped perceptions of the Clintons that reverberated throughout the political culture. It added to the environment of suspicion that haunted Clinton's campaign (which in turn raised the pressure on Comey to announce a reopened investigation just days before the election) and provided the seedbed for a great deal of conspiracy theorizing. Throughout the election, Clinton's emails became a key talking point in right-wing circles, where separate issues were deliberately blurred—whether she had broken classification and information handling rules by keeping a separate server and whether emails that had been kept on that server would, if they could be found, reveal corrupt practices or even darker secrets. One of the Breitbart stories that was most shared on Facebook was headlined “Hillary's Clinton Foundation Tie Terror, Immigration, Email Scandals Together.”⁶²

But those explicitly fake news stories reached relatively few citizens, and they were epiphenomenal, baroque elaborations of themes that played widely in the legitimate news. The real power of the Schweizer's work was its influence on the political culture as a whole. That was a product of the absence of other source of news. The media, Bannon knew, desperately wanted to publish investigative news, it wanted to unearth scandal. But it struggled to do so for very simple reasons. “The modern economics of the newsroom don't support big investigative reporting staffs,” Bannon astutely noted: “You wouldn't get a Watergate, a Pentagon Papers today, because nobody can afford to let a reporter spend seven months on a story. We can. We're working as a support function.”⁶³ Desperate for content, the venerable *New York Times* helped launder right-wing propaganda into the news cycle, where it was feasted upon by the outrage industry.

⁶² Benkler, et al., *Network Propaganda*, 167; Joshua Green, “This Man is the Most Dangerous Political Operative in America,” *Bloomberg Businessweek*, October 8, 2015, <https://www.bloomberg.com/politics/graphics/2015-steve-bannon/> [<https://perma.cc/S52M-WLDR>].

⁶³ Green, “This Man is the Most Dangerous Political Operative in America.”

The structural crisis of American journalism doesn't just produce problems on the supply side of the American media. It creates problems on the demand side as well, exacerbating public disinterest in politics and encouraging people to turn away from the news. Two out of three Americans report feeling worn out by the amount of news they are receiving—even at a time when, on any objective analysis, most are disengaged from politics, and the “news” they are receiving barely rises to the level.⁶⁴ A 2013 Pew Study found that 31 percent people reported abandoning a news outlet because the information it supplied was not of sufficient quality—a sign that many people are just not that interested in punditry and scandal.⁶⁵ The relative dominance of a highly politicized minority on social media produces similar disengagement. Forty-six percent of adult social media users reported being “worn out” by the political arguments they saw online in 2019. In 2017–2018, four out of 10 Americans reported taking a break from Facebook and one in four deleted it from their phones.⁶⁶

This disjuncture between the highly partisan content of media flows and the relative political indifference of vast sections of the public has pernicious consequences for democratic life. As much as it leads some to dwell in echo chambers, it also frustrates the ability of many to form any firm political convictions. A recent ethnographic study of news consumption in small Midwestern towns discusses the presence of a number of citizens whose lack of trusted news sources has rendered them essentially opinionless on key issues. One woman from Iverson, Wisconsin, struggled to outline her opinion on government COVID policy: “Honestly, it’s all hearsay. I don’t really know how the government is handling it. . . . I tried to do my own research . . . other than, oh, what does CNN say, oh, what does Fox News say? I try not to take their word for what’s actually happening.” Another woman confessed similar difficulties during the 2016 election. Given all the commentary, she wondered, “[How to] filter it, evaluate it, and analyze it? And is this really true?

⁶⁴ Jeffrey Gottfried, “Americans’ News Fatigue Isn’t Going Away—About Two-Thirds Still Feel Worn Out,” Pew Research Center, February 26, 2020, <https://www.pewresearch.org/fact-tank/2020/02/26/almost-seven-in-ten-americans-have-news-fatigue-more-among-republicans/> [https://perma.cc/7N6E-RVG5].

⁶⁵ Pickard, *Democracy Without Journalism*, 77.

⁶⁶ Bail, *Breaking the Social Media Prism*, 81–82, 85.

And should I believe what this celebrity is saying? And I don't know. And why do I even read that or hear it?"⁶⁷

This kind of alienation and uncertainty is both a deeper and a more wide-ranging problem than the spread of lies. And while we shouldn't engage in false equivalence—the right *is* lying more than the left—a little humility on behalf of liberals is warranted here, given how many became invested in the belief that Trump only won because of Russian interference and/or that Trump was a Russian plant. Such liberal conspiracy theorizing could exist, in large part, because there was a void of information. The structure of the Russiagate crisis was significant—anonymous disclosures from within the security apparatus alleged dark conspiracies behind Trump, citing decontextualized scraps of evidence; Trump and his boosters responded with allegations of their own about a “deep state” conspiracy. In the media, this was all “they said, they said” stuff, frequently based on anonymous sources and classified information. In form, it was 18th century court intrigue, not a rational, democratic debate. The only option for the citizen was to choose to trust one side or the other—which they happily did—or to embrace ignorance.⁶⁸

Ironically, media commentary on the problems of public knowledge and ignorance is itself overproduced, reinforcing the sense of crisis. As Lippmann observed in 1919, it is far easier to know what the politically organized are thinking than the disorganized. Partisan warriors are easy to identify and easy to quote; when they take to the streets or the op-ed page, they are highly visible.⁶⁹ Spectacular, deeply upsetting acts of political violence by tiny numbers of Americans—January 6, Charlottesville—shape the mood of the nation as a whole. The uncertain and disinterested either don't participate in polls, or they give noncommittal, uncertain answers—which are aggregated into further evidence of disbelief in political truths, a broader epistemic crisis, and the wildfire spread of lies.

Meanwhile, the visibility of highly partisan political commentary erodes American faith in the good intentions and democratic capacity of their fellow citizens.

⁶⁷ Stephanie Ternullo, “‘I’m Not Sure What to Believe’: Media Distrust and Opinion Formation during the COVID-19 Pandemic,” *American Political Science Review* 116, no. 3 (February 2022): 1096, 1103.

⁶⁸ Sam Lebovic, “Leaking about Donald Trump in the Age of Fake News,” in *Chaos in the Liberal Order: The Trump Presidency and International Politics in the Twenty-First Century*, eds. Robert Jervis et al., (New York: Columbia University Press, 2018), 363–72.

⁶⁹ Lippmann, *Liberty and the News*, 31.

Amid a general decline in organizational life, and as Americans sort socially and geographically along party lines, their images of the citizenry are increasingly derived from the media, which shows them an unrepresentative sample of outrageous, angry partisanship. The social isolation of the COVID era has taken this to extremes (particularly among the chattering classes), but even in 2015, one study found that Americans radically overestimated their social and demographic difference to their political opponents—Republicans thought an absurdly high number of Democrats were Black, LGBT, or unionized; Democrats in turn thought too many Republicans were rich, evangelical, or Southern. Americans are, no doubt, divided by real political differences. But the sense of polarization is being driven less by actual encounters with political rivals than by what the authors of that 2015 study called, in homage to Lippmann, “the parties in our heads.”⁷⁰

III. THE MACHINERY OF KNOWLEDGE

This is, no doubt, a democratic crisis. But to focus on the spread of lies, I think, misses the main game. As I have argued thus far, I think it is best to understand the past few years as the newest manifestation of a demagogic strain in American political life, in which a right-wing political formation has effectively mobilized around a political vision that advances the economic interests of the elite while waging cultural war in the name of populist passions. It has been aided in this political project by a media economy and a political culture geared to controversy, outrage, and expression rather than the substantive work of self-governance. But it has proven a successful political strategy, capable of winning and holding office, and hence it has grown.

The check on political power in a democracy is supposed to come from the public via the ballot box. In fact, this would already be happening were it not for the undemocratic features of the American political structure. Republicans are not winning office with the support of the majority of the population; they are increasingly governing as an explicitly minoritarian political faction, aided by the distorting influence of the Electoral College and the Senate, and taking full advantage of the powers their political overrepresentation has given them to stack the judiciary and rewrite the rules of the electoral game.

⁷⁰ Douglas J. Ahler and Gaurav Sood, “The Parties in Our Heads: Misperceptions About Party Composition and Their Consequences,” *Journal of Politics* 80, no. 3 (July 2018): 964–81.

The obvious solution to this political problem is countermobilization. Most attention has understandably been focused on democracy reform, which has become deadlocked in the Senate, itself an ironic victim of the undemocratic political structure. But while this is important work, it has been primarily a defensive project, an effort to make politics at least represent the current distribution of public opinion. The more important work of countermobilization would not seek to ensure that current political coalitions are proportionately represented in political institutions—it would try to form new political coalitions that are more actually responsive to the interests of a largely disengaged and atomized American public. It would seek to bind Americans into new forms of relationship with each other and with their representative institutions. Whoever finds a way to effectively mobilize even a meaningful fraction of the 1 in 3 Americans who do not vote—let alone peel away voters loosely affiliated with their parties—would be able to transform American political life.

This is difficult, long-term, granular political work, focused on restoring faith in the possibilities of governance and social policy at all levels of the polity, from local elections to national office. It will require rebuilding social organizations and intermediary institutions and social movements, and stitching them together into revitalized party structures. In such a context, we have every reason to believe, a politics based on lies would lose much of its appeal. Its populist minstrelsy, its embrace of unreality, and its unresponsiveness to pressing social needs would all be revealed as thin gruel, and no substitute for actual governance. Much of what is needed therefore has little to do with freedom of expression or media policy—the key domains for reform and activism lie elsewhere, in the political economy, in social relations, in political institutions, and so forth.

Yet there is one important role for media policy: to ensure the production of the forms of information necessary for democratic politics. This is a distinct task from the effort to eliminate unsavory forms of expression from the public sphere, and it is important that the two not be confused.

Lippmann explained it best in 1919. “For the real enemy,” he said, “is ignorance, from which all of us, conservative, liberal, and revolutionary suffer. If our effort is concentrated on our desires . . . we shall divide hopelessly and irretrievably. We must go back of our opinions to the neutral facts for unity and refreshment of

spirit.”⁷¹ Of course, in the short term, in a highly divided citizenry, there will not be easy agreement about how to interpret the facts, let alone what the facts are. But Lippmann knew that; he was no naive optimist. Rather, he was concerned that the neutral facts were not even being produced, that public discourse was awash in theory and conjecture and argument, that the focus of our politics was “opinion” rather than the “objective realities from which it springs.” “We shall advance,” he thought, “when we have learned humility; when we have learned to seek the truth, to reveal it and publish it; when we care more for that than for the privilege of arguing about ideas in a fog of uncertainty.”⁷² The “primary defect” of popular government Lippmann asserted is “the failure of self-governing people to transcend their casual experience and their prejudice, by inventing, creating, and organizing a machinery of knowledge.”⁷³

It is a mistake, Lippmann argued powerfully, to assume that the press can provide that machinery. The press was—and is—a commercial enterprise, providing content that will attract reader eyeballs that can be sold onto the advertiser. And yet in Lippmann’s time as in ours, the assumption is that the press will serve the public “truth however unprofitable the truth may be” and that the “press should do spontaneously for us what primitive democracy imagined each of us could do spontaneously for himself, that every day and twice a day it will present us with a true picture of all the outer world in which we are interested.”⁷⁴ Lippmann thought that people had wrongly assumed that the press is “an organ of direct democracy”—an assumption made even easier today, given the self-styling of social media companies as neutral arenas for individual expression and crowdsourced content. The problem is that this way of thinking about public opinion is faulty, assuming that what matters is simply the consumer demands of individual citizens, as articulated in something like a market. Yet as we have seen, aggregate consumer demand in the media market underproduces the sorts of information necessary for self-government.

Lippmann’s solution was to turn away from a focus on the press as the “panacea” for democracy, and to reject the idea of the omnicompetent individual citizen

⁷¹ Lippmann, *Liberty and the News*, 58.

⁷² Lippmann, *Liberty and the News*, 58–61.

⁷³ Lippmann, *Public Opinion*, 365.

⁷⁴ Lippmann, *Public Opinion*, 320–21.

who's spontaneously emerging interests would guide press policy through the price signals in the market. "The press," he argued, "is no substitute for institutions." In fact, he noted perceptively, much of what the press "reported" was, in fact, information generated by other institutions for the purpose of being reported on—to take a striking example, it remains remarkable that Apple product launches are front-page news. "[T]he quality of the news about modern society," Lippmann concluded, "is an index of its social organization."⁷⁵ What were needed, Lippmann argued, were institutions that could produce the sorts of knowledge necessary for self-governance, even when there was no obvious consumer market for those forms of knowledge. What he had in mind was the creation of what he called "political observatories" in "all branches of government, national, state, municipal, industrial and even in foreign affairs"—which should be endowed and ensured of their independence. The universities, he thought, provided an obvious place to locate them.⁷⁶

Given Lippmann's later political trajectory, this might sound like an elitist effort to cut the public out of the project. But whatever Lippmann's ambivalence around the capacities of the citizenry, his early analysis seems entirely compatible with both broader democratic commitments and the kind of political mobilization I think is necessary in the present context.⁷⁷ (Lippmann first proposed his "political

⁷⁵ Lippmann, *Public Opinion*, 363–64.

⁷⁶ Lippmann, *Liberty and the News*, 56–57.

⁷⁷ This is a delicate, dangerous moment in Lippmann's analysis, and it is worth pausing here to make very clear how I am reading his political project. In his effort to rethink the structure of democratic public opinion, in his rejection of the idea of the "omnicompetent citizen," Lippmann came to hold an increasingly jaundiced view of the public. By the mid-1920s, he would come to think that the only way to make governance responsive to the truth would be to lodge the machinery of knowledge on the inside of the state, to make it report to the elite, and to largely cut the citizen out of the process of self-governance. Some of the seeds of this elitist disdain for the mass are already present in *Public Opinion* in 1922, but I do not think they are central to the project. The difference turns on the way he understood the aims of these political observatories. Lippmann said they should be for the "people making the decisions," by which he increasingly meant a governing class. But if we retain democratic convictions in the public as the "people making the decisions" and ensure that they can access the information produced by the observatories, Lippmann's analysis both works and retains a purer democratic grounding.

For the intellectual historians keeping score at home, I am following John Dewey's argument in 1927's *The Public and Its Problems* even more than I am following Lippmann's. Dewey understood himself to be indebted to Lippmann for his basic approach to the issues but then departed

observatories” in 1919, in a book in which he also called for “organized labor and militant liberalism [to] set a pace which cannot be ignored.”)⁷⁸ The “omnicompetent citizen” is not a myth because of the intellectual incompetence of the citizenry. It is a myth as a matter of practical logic: No one can be fully informed about everything. That says nothing about the capacities of any particular citizen to form a meaningful opinion on whatever matter of policy they choose to care about. What matters to democracy is that the resources be available to allow any group of citizens to inform themselves about an issue should they be so motivated.

To create those resources, we need public institutions able to produce information and then make it freely available, even if there is no market for it. (Today, a good deal of policy reporting is, in fact, secreted behind paywalls in trade journals; exacerbating the long-standing regulatory problems created by the informational disparities between producers, who are incentivized to know one industry very closely, and consumers, who are expected to be “omnicompetent” about all the products they consume.)⁷⁹ Lippmann was writing before the rise of the administrative state, which was in part the kind of organization he was calling for—expanding funding for the agencies of the state would certainly not be a bad thing, capable as they are of providing all sorts of essential data about social life. But there is also a need for nonprofit newsrooms, focused on the recording and reporting of basic data about political life. One of the great, if now largely taken for granted, benefits of the digital revolution is that it has radically reduced the distribution and production costs of media. Because it is no longer necessary to invest in delivery trucks and newsprint and printing presses, it is now possible, and relatively cheap, to start

from the conclusions that Lippmann reached by the mid-1920s. Lippmann gave up on communication and collective deliberation; Dewey clarified that the “only possible solution” to the problems of democracy was “the perfecting of the means and ways of communication of meanings so that genuinely shared interest in the consequences of interdependent activities may inform desire and effort and thereby direct action.” John Dewey, *The Public and Its Problems* (Athens, Ohio: Swallow Press, 1927), 116–17, 155. But Lippmann’s detailed diagnosis of the problems of public opinion—which Dewey did not develop—as well as his less diaphanous prose—make him a better interlocutor as we seek to understand contemporary moment.

⁷⁸ Lippmann, *Liberty and the News*, 60.

⁷⁹ John Heltman, “Confessions of a Paywall Journalist,” *Washington Monthly*, November 8, 2015, <https://washingtonmonthly.com/2015/11/08/confessions-of-a-paywall-journalist/> [<https://perma.cc/Q3B6-TMDV>].

up small investigative and institutional reporting organizations (ProPublica provides a powerful model). Such organizations are especially necessary at the local and state levels.

It is possible to imagine these organizations taking several forms; experimentation with form and style and output is to be welcomed. But what I have in mind is something in the middle ground between simple transparency work, on the one hand, and attention-grabbing story seeking, on the other. The demands of basic transparency can be met in other ways—public records law, recording local board meetings and posting them online, etc.—but the problem is that no one really has the time to sift through raw material of this sort. What is needed is some kind of curation and summary—the presence of political observers on local beats who can keep an eye on the ongoing, daily work of politics, provide easily digestible summaries of what is happening, provide some hierarchy of importance in their presentation of the material—page one of a physical newspaper was excellent at this—and who are ready to provide context and background when important moments and decisions and developments arise. Some commitment to the fraught professional norm of objectivity would be necessary—objectivity not understood as a balancing of competing political perspectives, but as a process of transparently reporting on political life. Crusading and muckraking and advocacy are jobs best left to others. What is needed is an easily available resource where citizens can go to see what is happening in their local polities, where they can quickly scan a familiar, trusted outlet to inform themselves, in a relatively efficient manner, about what is going on, what issues may lead them to change their vote, what they might care to learn more about.

Some may be concerned that government-funded journalists will be little more than paid propagandists. I think this is alarmist; we have models for the establishment of endowed, autonomous knowledge production. And I think it better on both practical and normative grounds to create these institutions autonomously, rather than to use public funds to subsidize already existing local newsrooms as the tax credits of the proposed Local Journalism Sustainability Act do.⁸⁰ Leaving the organs of opinion and criticism independent, and providing an external check on

⁸⁰ Lauren Harris, “Supporting Local News beyond the Newsroom,” *Columbia Journalism Review*, November 17, 2021, https://www.cjr.org/the_media_today/build-back-better-local-journalism-sustainability-act.php [<https://perma.cc/4PR9-UA5C>].

the political observatories, seems a valuable approach. If one wanted to avoid starting entirely new institutions, one idea might be to establish “political observatories” attached to student newspapers at local universities and colleges. They have a distribution network and an identity. If they were able to hire permanent staff to work alongside students, and aim their vision not simply at campus politics but at the local communities in which they reside, they could play a very different role than they currently do.⁸¹

It is important not be naive about the likely impact of these political observatories, particularly over the short term. There is some evidence to suggest that nations with public media do better on public knowledge exams than those without, but I don’t put a huge amount of stock in such thin measures of public knowledge, and it is entirely possible that if you have the sort of political culture that sees a national broadcaster as a public good, then you already have a degree of political consensus about basic political facts. In any case, the BBC was no bar to Brexit or Boris.⁸²

But the reason to invest in the production of information is not to assume that good information will drive out bad information in some kind of reverse Gresham’s law. Nor is it to assume that such forms of information will find a mass audience, or to resurrect hopes for omniscient citizens. It is to provide a bare minimum of information to allow for political mobilization and self-governance among those citizens who choose to care. Even very engaged citizens cannot be expected to go to every local planning meeting, to every police oversight board, to watch the raw footage of school board meetings on Zoom, or to have a good sense of the bidding process for their city’s recycling contracts or its homeless policy. But if they want to find something out, there need to be easy ways to do so. And if they are upset or excited about what they learn and want to talk about it with their fellow citizens, it is helpful to have a common set of referents. At that point, politics will kick in, of course, as well as argument and disagreement and media criticism and suspicion—but we already have all of that without even the basic reporting. And even the potential of such citizen scrutiny, we have every reason to think, will serve to deter corruption, incompetence, and deception in government.

⁸¹ My thanks to Joel Simon for ideas on this model.

⁸² James Curran et al., “Media System, Public Knowledge and Democracy: A Comparative Study,” *European Journal of Communication* 24, no. 1 (March 2009): 5–26.

And while that would be enough to justify the project, I do think it would help ameliorate the broader media crisis in two ways. First, it might feed information up the media ecosystem, as content-hungry for-profit newsrooms could draw on this base of information if it occasionally served up more headline-grabbing stories—a corruption scandal, for instance. If these outlets then reallocate any labor saved from the content received from the observatories, there would be knock-on effects, too. Second, by providing well-paid journalism jobs with favorable work conditions and reportorial autonomy, these political observatories would help transform the labor market in journalism and aide the necessary renovation of work conditions in other organizations seeking to hold onto staff. (There are also, of course, economic benefits to using newsrooms as a form of government economic stimulus—government money spent on news infrastructure trickles through the economy just as effectively as money spent on building works).

In the interests of space, I won't try to elaborate the details of such a program any further. But the broader point, I hope, is clear. The sort of media policy we need as part of a broader effort to democratize American politics is one aimed at the production of necessary forms of information. Government transparency provides another arena for this sort of democratization work. There is basic consensus that the national security branches of the state classify far too much information as secret: 50 million to 80 million documents classified every year in the 2010s, costing \$18 billion a year to secure, and an absurd 4.5 million citizens to hold security clearances to do their work.⁸³ This bloated secrecy regime has serious consequences for oversight and public deliberation. And it is no accident, I think, that the most fervent conspiracy theorizing has been articulated around these sites of secrecy, from Clinton's classified emails to QAnon, so named, of course, for Q's elite security clearance.

Such interventions aimed at producing new forms of information to allow for new forms of political organizing can be usefully contrasted with interventions aimed at trying to confront lies in the expressive sphere. These take three primary forms—content regulation, counter-speech, and civic education—and each falls

⁸³ Oona A. Hathaway, "Secrecy's End," *Minnesota Law Review* 106 (May 2021): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3852303 [<https://perma.cc/67TA-6EDL>]; National Archives and Records Administration, Information Security Oversight Office, *2017 Report to the President*, 2017, <https://www.archives.gov/files/isoo/reports/2017-annual-report.pdf> [<https://perma.cc/376T-C8U3>].

back into the trap of thinking about political opinion through the lens of the omniscient citizen. I do not think they are likely to be effective in actually reducing the appeal and spread of lies. In fact, I think they are likely to cause harm to the broader program of democratic remobilization that is necessary.

It is hard to imagine a form of content regulation or censorship that would be effective—in the current media environment, lies mutate and spread easily, as evidenced by QAnon’s co-optation of #savethechildren discourse when efforts were made to purge it from social media.⁸⁴ Meanwhile, the old, unfashionable arguments against speech regulation remain, I think, powerful. Any effective tool for the regulation of speech is as likely to punch left as to punch right, particularly given the minoritarian political strategy of the GOP, and thus should not be countenanced even as a matter of partisan political warfare. And the old idea that it is better for revolutionary speech to be visible rather than underground have been confirmed by what we now know about January 6, when online discussion would have provided the means for effective law enforcement when speech turned to action—had the security apparatus been paying the appropriate level of attention to the threat posed by far-right militias.⁸⁵

Efforts to mandate counter-speech, such as proposals to resurrect broadcast regulations like the Fairness Doctrine or the Equal Time Rule strike me as similarly

⁸⁴ Kevin Roose, “QAnon Followers are Hijacking the #SaveTheChildren Movement,” *New York Times*, August 12, 2020, <https://www.nytimes.com/2020/08/12/technology/qanon-save-the-children-trafficking.html> [<https://perma.cc/47TG-9B46>]; Anna North, “How #SaveTheChildren Is Pulling American Moms into QAnon,” *Vox*, September 18, 2020, <https://www.vox.com/21436671/save-our-children-hashtag-qanon-pizzagate>.

⁸⁵ Devlin Barrett, “Homeland Security Official: Jan. 6 Changed How We Handle Online Intelligence,” *Washington Post*, November 3, 2021, https://www.washingtonpost.com/national-security/homeland-security-official-jan-6-changed-how-we-handle-online-intelligence/2021/11/03/108484f0-3cb7-11ec-bfad-8283439871ec_story.html?hpid=hp_hp-top-table-main-jan-6-lessons%3Asecurity&hpid=hp_hp-top-table-main-jan-6-lessons%3Asecurity&hpid=hp_hp-top-table-main-jan-6-lessons%3Asecurity&hpid=hp_hp-top-table-main-jan-6-lessons%3Asecurity&hpid=hp_hp-top-table-main-jan-6-lessons%3Asecurity [<https://perma.cc/F9NR-7KNM>]; Devlin Barrett, Ashley Parker, and Aaron C. Davis, “Biden White House Concludes Jan. 6 Preparations Hurt by Lack of High-level Intelligence-Sharing,” *Washington Post*, January 5, 2022, https://www.washingtonpost.com/national-security/white-house-jan-6-lessons/2022/01/04/10970c9c-6cd2-11ec-a5d2-7712163262f0_story.html [<https://perma.cc/GF26-S2R3>]; Matt Zapposky and Devlin Barrett, “Justice Dept. Forms New Domestic Terror Unit to Address Growing Threat,” *Washington Post*, January 11, 2022, https://www.washingtonpost.com/national-security/domestic-terrorism-justice-threat/2022/01/11/dfd8d82c-72eb-11ec-8b0a-bcfab800c430_story.html [<https://perma.cc/45BV-EHRP>].

flawed.⁸⁶ They were designed to ensure a basic level of diversity in a media structure defined by concentration. Because of economic, regulatory, and technological considerations, the ideal of a diverse marketplace did not exist in the broadcast industries. A small handful of outlets enjoyed essentially captive audiences and a monopoly position in their markets: The rules were designed to make sure that at least some modicum of diversity would be carried to those audiences. The situation is obviously very different today, and it is hard to imagine what an updated version of these rules would look like. But adding more voices onto any existing media channel doesn't seem a particularly useful intervention. Exposure to alternative viewpoints is not, of itself, likely to change minds—if that exposure is embedded in a partisan political formation, it is, in fact, more likely to heighten polarization by allowing for the caricature and pillorying of the other side (as the presence of “liberal” interviewees on Fox News has long revealed). And seeking “fair and balanced” coverage has its own risks. The most important fake news story of our time is public misapprehension of climate change, where a self-conscious conservative political formation adopted a strategy in the 1990s of casting doubt on the science, of creating debate instead of consensus, and which was able to do so effectively by weaponizing mainstream media's desire to quote “both sides” on an issue. Seeking to create little marketplaces of ideas within each media outlet or media story is no way to create the kinds of knowledge necessary for self-governance—they are more likely to amplify minority positions, turn everything into a partisan issue, to create doubt and confusion where their ought to be certainty.⁸⁷ In that sense, some fairness rule seems to me likely to simply accelerate the problematic trends of the present. And all of that assumes that such regulations would be fairly soft, simply seeking to add to discourse. To have any teeth, they would, of course, need the ability to censor as well, which would open up all the problems of censorship raised above.

At the other end of the extreme are common cries for programs of media literacy. On some level, these seem unobjectionable, if a little vanilla. (I sometimes feel a sense of whiplash when apocalyptic accounts of the epistemic crisis put forward

⁸⁶ Philip M. Napoli, “Back from the Dead (Again): The Specter of the Fairness Doctrine and Its Lessons for Social Media Regulation,” *Policy & Internet* 13, no. 2 (April 2021): 300–14.

⁸⁷ Maxwell T. Boykoff and Jules M. Boykoff, “Balance as Bias: Global Warming and the US Prestige Press,” *Global Environmental Change* 14, no. 2 (July 2004): 125–36; Naomi Oreskes and Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (New York: Bloomsbury Press, 2010).

a one-credit college course as the last, best hope for democracy.) If “media literacy” is the badge that opens the funding spigot for civics education, then it is probably a good thing. But it would surely be better to provide money to all the old disciplines of humanities and social sciences that have been quietly teaching students how to read and think critically for decades, rather than to create a whole new pedagogical structure that may or may not work. There is also the risk that, done poorly, teaching students to be skeptical of the media may simply heighten cynicism and distrust of all forms of political communication—problems of false equivalence arise here, too.⁸⁸ Finally, given the evidence that fake news circulates more frequently among the elderly—particularly the conservative elderly—it seems strange to aim our solutions at students, the opposite end of the demographic and political spectrum.⁸⁹

In a broader sense, all of these solutions strike me as inappropriate to the actual problems of the current moment. All assume that there is a relatively small class of “lies” that can be identified in some procedurally neutral way and then expunged from the body politic through technocratic means. Not only does this distract from the hard political work necessary to make American democracy more vibrant and meaningful, it actually doubles down on the current tendency to treat all politics as a politics of expression. At the very least, this strikes me as a tactical and strategic error. Efforts to censor risk making free speech martyrs; the liars are very happy waging cultural war over content and cancellation.

It also, I think, risks a retreat from democratic commitments. To focus on regulating speech or on education are both, in their own ways, to assume some deficiency on behalf of the citizen—to assume they need to be protected from some forms of expression or provided with a particular set of skills. Curiously, both cling to the idea that democracy requires “omnicompetent citizens,” and, in trying to create a media environment where that could be true, back themselves into a technocratic politics, one that seeks top-down solutions that will make the crisis of democracy disappear without a substantial program of social and political reform.

⁸⁸ danah boyd, “You Think You Want Media Literacy . . . Do You?” *Data & Society: Points*, March 9, 2018, <https://points.datasociety.net/you-think-you-want-media-literacy-do-you-7cad6af18ec2> [<https://perma.cc/3GRE-FL2P>].

⁸⁹ Guess, Nagler, and Tucker, “Less Than You Think.”

Lippmann showed us a different way. “If, then, you root out of the democratic philosophy the whole assumption . . . that government is instinctive, and that therefore it can be managed by self-centered opinions,” he asked, “what becomes of the democratic faith in the dignity of man? It takes a fresh lease of life by associating itself with the whole personality instead of with a meager aspect of it.”⁹⁰ Creating a true democracy, one that restores dignity and capacity to individual citizens, will take a lot more than tinkering with the messages that circulate in the media. Among many other tasks, it will require some effort to produce new information that can be the basis for a new politics.

CONCLUSION: THE PROBLEM OF MEDIA POLICY

As part of a broader political project to revitalize American democracy, it will be necessary to grapple with the media industries. They not only play an important role in disseminating information in the public sphere; they are major economic institutions. How they should be regulated and reformed raises difficult questions that there is not space to fully answer here. But my hope is that drawing on Lippmann’s ideas provides a framework for evaluating media policies. By way of conclusion, let me suggest two ways it may do so.

The first is that it opens the door to a robust program of regulation. Throughout the 20th century, as I have argued elsewhere, media enterprises have clothed themselves in the First Amendment to ward off regulation.⁹¹ Deliberately collapsing any distinction between their expressive functions, on the one hand, and their economic functions, on the other, media companies have claimed that efforts to regulate their labor policies, their advertising relations, their monopolistic media positions, their cross-media holdings, and their use of private information should all be protected by the First Amendment. Throughout the 20th century, this maximalist free speech politics was remarkably effective in blunting calls in the political culture to regulate the media; today, tech barons similarly identify themselves as free speech champions. Their arguments should be familiar. They present an unregulated media market as the only viable form of democracy; they see themselves as anointed to their powerful positions by the autonomous, free consumer choices of the citizenry.

⁹⁰ Lippmann, *Public Opinion*, 313.

⁹¹ Sam Lebovic, “The Conservative Press and the Interwar Origins of First Amendment Lochnerism,” *Law and History Review* 39, no. 3 (August 2021): 539–67.

Reconsidering the politics of the omniscient citizen, remembering that the broader political economy is also important to the capacities of citizens, and that opinions need to be forged in a collectively engineered environment, not a pre-political marketplace, would help us see through this maximalist vision of the First Amendment. Clearing away overgrown civil liberties arguments would allow for a range of democratic experimentation with economic regulation of these powerful industries.

Second, in designing such regulations, we should bear in mind the need to focus not on policing speech but on cultivating the forms of information necessary for political action. Anti-monopoly action in the newspaper industry, for instance, should today be guided less by a desire to diversify the voices in the media market than by a desire to cultivate investment in local news production. Take the problem of the bloated holdings of the Sinclair Broadcasting Group. There are reasonable economic and political grounds to think that reinstating ownership caps on broadcast networks are justifiable. But there is a risk that simply splintering ownership will encourage centralization at another point in the media economy, as local stations, deprived the economic benefits of scale, will seek to syndicate material to reproduce those economic efficiencies. It seems more important to pair any antitrust politics with, for instance, local content rules for broadcast licenses.

Such considerations should be one factor weighed in policy decisions that should largely be determined on broader considerations than the politics of expression. The most important arena for media antitrust, for instance, is in the economics of advertising, currently monopolized by Google and Facebook. This raises important questions about economic competition and about citizen privacy, all of which may be grounds for economic regulation and which should be debated on their own terms. The settlement of these policy issues will have important downstream consequences for free speech and political expression—the evaporation of local advertising dollars, after all, is what killed local journalism—but they are not, of themselves, aimed primarily at the politics of expression. Keeping strong First Amendment protections around genuinely expressive activity will ensure the legitimacy of experimentation in other parts of the political economy.

Advertising regulation provides an interesting case for further thinking. Given all the anxieties about lying in politics, it is strange that advertising's dominant role in the political economy has become so naturalized—we are bombarded, every day, with loosely regulated untruth, and we have simply accepted it. As journalism has

collapsed, PR has blossomed—there are now something like six PR workers to every journalist in the nation.⁹² Trump’s vague, boastful, dishonest politics was, above all, the politics of puffery, learned in the sales industry. Much could be done to reduce the footprint of all this unproductive speechifying—by allowing companies to write off their advertising expenses for tax purposes, we are essentially subsidizing the industry.⁹³ And there is a case for tighter regulation for false advertising in many fields, such as pharmaceutical and health products. In fact, earlier efforts to regulate these fields were defeated by capitalist industries that mobilized civil liberties arguments to protect their economic autonomy. A New Deal effort to endow the Food and Drug Administration with more robust truth-in-advertising powers was defeated by the anti-New Deal newspaper coalition that called it a form of dictatorial overreach; the same coalition that would soon oppose “socialized” health care for interfering with the rights of Americans to self-medicate.⁹⁴ And in 1976, when the Supreme Court first awarded commercial speech First Amendment protections in *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, it did so via perhaps the most explicit invocation of the “omnicompetent citizen” on record, a logic soon reproduced in the rise of direct-to-consumer pharmaceutical advertising: Consumers can make their own choices if exposed to enough voices in the market.⁹⁵

It should be no surprise that conspiracy theories about vaccines have arisen in a health economy awash in fake advertising, cynical half-truths, full-bore frauds, and a lack of supported access to expert treatment. Tightening up the economics and marketing of the drug industry would have major public health benefits on its

⁹² Pickard, *Democracy Without Journalism*, 85; Mike Schneider, “There Are Now More than 6 PR Pros for Every Journalist,” *Muckrack Blog*, September 6, 2018, <https://muckrack.com/blog/2018/09/06/there-are-now-more-than-6-pr-pros-for-every-journalist> [<https://perma.cc/X4M5-YJ8E>].

⁹³ Brenton J. Main, “Advertising as a Tax Expenditure: The Tax Deduction for Advertising and America’s Hidden Public Media System,” *Political Economy of Communication* 8, no. 1 (January 2020): 2–17.

⁹⁴ Lebovic, *Free Speech and Unfree News*, 72–76; Inger L. Stole, *Advertising on Trial: Consumer Activism and Corporate Public Relations in the 1930s* (Urbana: University of Illinois Press, 2006).

⁹⁵ *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976); Natasha Parekh and William H. Shrank, “Dangers and Opportunities of Direct-to-Consumer Advertising,” *Journal of General Internal Medicine* 33, no. 5 (May 2018): 586–87; Julie Donohue, “A History of Drug Advertising: The Evolving Roles of Consumers and Consumer Protection,” *The Milbank Quarterly* 84, no. 4 (December 2006): 659–99.

own accord and perhaps would also help diminish the presence of fake news in the broader health economy. There is such a tight fit between purveyors of fake health supplements and fake political news—Dr. Oz, Alex Jones, wellness experts, purveyors of male enhancers—that public health regulations might turn out to be the most effective method of cutting off the flow of money to the conspiratorial right-wing media apparatus.⁹⁶ (In fact, I think such a regulation would be such an effective tool of political censorship that I am reluctant to advocate strongly for it even though I think it is entirely justifiable on public health grounds.)

These are the sorts of discussions and debates American democracy truly needs. Lying has taken hold of American political culture not because of some unprecedented epistemic crisis, or some novel mutation or foreign intervention. It represents a recurrent strain in American political life, given new potency by a structural crisis in the political economy of information as well as a broader crisis in American democracy. These are the product of politics; their solution is also political. They cannot be fixed by reform measures aimed at the politics of expression; in fact, focusing on issues of free speech risks exacerbating them. You cannot drag a citizen to the “stream of news,” and you can’t make them drink only what you’d like. But you have no chance if the stream has dried up. The challenge today, in other words, is the same as the one confronting Lippmann in 1919—to revitalize the flow of information in the American public sphere.

⁹⁶ Olivia Nuzzi, “The Political Life of Dr. Oz,” *New York* magazine, December 28, 2021, <https://nymag.com/intelligencer/article/dr-oz-senate-pennsylvania.html> [<https://perma.cc/FGV7-BULB>]; Matthew Hongoltz-Hetling, “The Rise and Fall of a Herbal Viagra Scammer,” *New Republic*, June 23, 2021, <https://newrepublic.com/article/162632/herbal-viagra-scammer-fda> [<https://perma.cc/HKV5-U728>]; Shannon Bond, “Just 12 People Are Behind Most Vaccine Hoaxes On Social Media, Research Shows,” NPR, May 14, 2021, <https://www.npr.org/2021/05/13/996570855/disinformation-dozen-test-facebooks-twitthers-ability-to-curb-vaccine-hoaxes> [<https://perma.cc/SP4L-ABVX>].