



Written by [Michael Tennant](#) on September 29, 2018

California Governor Vetoes “Fake News” Bill

California Governor Jerry Brown (shown) has vetoed legislation that would have created a state advisory group to study the dissemination of “fake news” on the Internet, deeming such a group “not necessary.”



On September 20, Brown, a Democrat, vetoed the bill, which was authored by state Senator Richard Pan, also a Democrat, and passed the California Assembly and Senate in late August. “This bill directs the Attorney General to establish an advisory group to study the problem of the spread of false information through Internet-based social media platforms,” Brown [wrote](#) to the Senate. “As evidenced by the numerous studies by academic and policy groups on the spread of false information, the creation of a statutory advisory group to examine this issue is not necessary.”

The bill’s demands went well beyond mere studies of “fake news,” reported Sacramento’s [KQED](#):

The bill would have required the California Attorney General to create the advisory committee by April 1, 2019. It would have had to consist of at least one person from the Department of Justice, representatives from social media providers, civil liberties advocates, and First Amendment scholars.

The Assembly and Senate-passed bill required the advisory group to study how false information is spread online, come up with a plan for social media platforms to fix the problem, and develop criteria establishing what is “fake news” versus what is inflammatory or one-sided.

Such requirements naturally aroused concern among civil libertarians, who viewed it as an attempt at government censorship.

“Established case law prevents the government from positioning itself as the arbiter of which statements are fictional and which are truthful,” argued the Electronic Frontier Foundation. “Indeed, false statements are often constitutionally protected speech.”

Media Literacy Now (MLN), an organization aimed at teaching children how to think critically about messages they encounter in the media, also opposed the bill. “The intention of this bill is to help control the spread of information deemed as false. But who will make these determinations? Should the government be in the position to determine what is truth and what is fiction? Or should an educated citizenry be able to use critical analysis tools acquired through media literacy education to determine this for themselves[?]” [penned](#) California MLN state chapter co-chairs Lisa Levine and Brooklyn Levine Sapozhnikov. “This bill treads on a slippery slope towards government censorship and might infringe on



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First Amendment rights.”

In addition, Levine and Sapozhnikov pointed out the self-serving nature of the legislation, observing, “It seems obvious that the ideas being passed around by politicians in discussion of this issue are about them more than they are about kids” — or, for that matter, adults outside the halls of power. What politicians want, of course, is not so much to prevent fake news as to suppress real news that reflects badly on them.

Besides, the state of California can hardly be trusted to decide which information is true and which is false. It is, as columnist [Ben Shapiro](#) notes, “the same state that [requires](#) children to be taught that men can magically become women.” It is also the same state that tried — and failed, thanks to the [Supreme Court](#) — to force pro-life organizations to promote the false alternative of abortion.

Indeed, the very idea of making government the arbiter of truth and falsity flies in the face of the principles on which the United States was founded. Thomas Jefferson, no stranger to scurrilous “news” reports, [wrote](#):

It is so difficult to draw a clear line of separation between the abuse and the wholesome use of the press, that as yet we have found it better to trust the public judgment, rather than the magistrate, with the discrimination between truth and falsehood. And hitherto the public judgment has performed that office with wonderful correctness.

Brown was, therefore, correct to veto the “fake news” bill. However, it is unfortunate that he chose only to do so on the grounds that the bill was unnecessary rather than taking the opportunity to remind his fellow elected officials that, under both the California and U.S. Constitutions, they are duty-bound not to interfere with freedom of speech or of the press.

Photo: Gov. Jerry Brown



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