

# Journalists' illogic is the logic of self-dealing



Gensler

by Lev Tsitrin

Journalism and book writing are essentially the same thing. The only difference is that journalists report on the external world, while book authors, on the world of their minds. Book authors are reporters, too.

This thought did not occur to me before – because there was no reason for it to occur. It popped into my mind only after I attended the other day a talk titled *“Covering Democracy: Protests, Police, and the Press”* held in midtown Manhattan at the Ford Foundation Center for Social Justice.

I decided to attend not because of its “social justice” theme, but because to me, the words “press” and “justice” act as irresistible magnets (or rather, as the proverbial “red rag to a bull”) – the word “press,” because of the way the government

effectively suppresses books published by their authors, only allowing into the “marketplace of ideas” the [corporate-published product](#) – and the word “justice” because of the absence thereof in the so-called “justice system” of the federal courts where I sued to give individuals the corporations’ government-granted speech rights, only to discover that no “due process” controls judicial decision-making process, since federal judges feel free to replace parties’ argument with the bogus argument of judges’ own concoction, thus “pitching and batting” in the very same case in which they “call balls and strikes” – and that judges justify it with the self-given, in *Pierson v Ray*, right to act from the bench “maliciously and corruptly.” So it is no wonder that whenever I come across an event that is likely to be attended by journalists or lawyers, I try to show up, and to raise my hand, and to ask why the mainstream press is not interested in reporting this.

There wasn’t any Q&A at the Ford event (or at least, not by raising of hand – the questions were to be asked in writing, and thus pre-screened, making a joke of the process; nor was there much time allocated for it). But I did manage to talk to a few people during the reception that preceded the talk (the Ford Foundation Center for Social Justice serves pretty decent hors d’oeuvres, by the way). As is usually the case, the outcome was disappointing – my question of “why is there no coverage of the fact that federal judges gave themselves the right to be malicious and corrupt?” did not elicit the hoped-for response of “oh gee, is this what’s going on? I assure you that we’ll report it all right on our program! Can you fill me in on details?” – but was, disappointingly, interpreted as an excuse for explaining those reasons – like because “judges are independent, you see” as one ex-journalist explained to me – though even if judges are independent from the other branches of the government, how does it make them independent from public scrutiny? Another gentleman – a journalism professor – explained that reporting requires investing resources into a

story, yet given that what judges do is soooo complicated, no one would finance that (though what is so complicated about being openly boastful of corruption and malice is beyond me). Yet another journalism professor – Joel Simon of the CUNY School of Journalism, one of the sponsors of the event (who later turned out to be its main panelist), professed his lack of knowledge – or of interest – excusing himself by being focused exclusively on his “Journalism Protection Initiative.” His fellow-panelist, Katy Glenn Bass, “the research director of the Knight First Amendment Institute at Columbia University” was much less interested in the First Amendment violations I was telling her about than in shaking me off. Nor did the person who by all accounts should know why the “corrupt and malicious” federal judiciary is off the radar of mainstream journalism – the Dean of CUNY Journalism School Graciela Mochkofsky – enlightened me. They were in a hurry, they permitted me to contact them via their publicly-available e-mail addresses – and not one of them responded.

But I digress. The truly grotesque part came during the event itself – which featured a short film followed by a panel discussion, the gist of which was that violent protests (like those which followed the death of George Floyd) have to be covered by the press; yet the police that controls the crowds do not always distinguish between the participants and the journalists, and at times treats them alike – that is, arresting and charging them with various violations. What makes matters worse, is that we now live in the age of “citizen journalism.” In the heat of the moment, the police not only fails to distinguish between a protestor and a citizen-journalist, but also between a citizen-journalist and a corporate journalist. The blurring of the line between protesters and corporate journalists that is due to citizen-journalists blending in on both ends endangers corporate journalists. What to do? The solution is – make the police treat all those with a phone camera as the bona fide corporate journalists, leaving them alone. Citizen-journalists are

journalists, pure and simple. End of debate!

To be honest, I was not particularly impressed by this argument, because it did not address too many obviously-important issues. The fact that the very presence of journalists may by itself serve as a catalyst for protests, protesters now exaggeratingly acting out their rage for the cameras (Palestinians, for instance, raised this use of journalism to an art form, and they are far from alone in exploiting journalists' unspoken desire to juice up the story to make it more showable – a desire that too often turns journalists into activists, despite their pretensions to mere objectivity) – was not mentioned at all; nor, amongst many high-minded invocations of the First Amendment, was the part that talks of “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” mentioned – the word “peaceably” having been, I strongly suspect, put there on purpose. Damaging property and looting shops during George Floyd protests may of course be interpreted as “peaceable” activity by the believers in the “living Constitution” and the words changing their meaning with the passage of time – but I am not sure I agree.

Unfortunately, in focusing on those deficiencies, I failed at the moment to appreciate its overall irony. Yet the irony is rich: the very same corporate journalists who call for the government to treat anyone with a camera as a bona fide journalist refuse to accept that anyone who publishes a book himself should be treated by the government exactly as a corporate book publisher is treated, and allowed into the “marketplace of ideas,” not shut out of it. For aren't book authors journalists, too – journalists of their own souls, that is?

Yet journalists refuse to cover as a “story” the fact that the government brazenly abridges the rights of the non-corporate authors, First Amendment's prohibition on doing so be damned – while screaming bloody murder when the government treats non-

corporate journalists as non-journalists.

Yet, how to explain this stark discrepancy?

Well, there is a catch, of course: there is no discrepancy. In both instances, corporations favor their own interest. In the case of the book authors publishing their work themselves, the interest is financial – library acquisition funds, and moneys spent at bookstores are finite, so its a zero-sum game: moneys spent on books published by their authors are lost to corporations, so corporations want to lock to themselves the market – “the marketplace of ideas” – and the government obligingly hands it to them. So naturally, the book-publishing corporations love what the government does for them by protecting their monopoly. And journalists concur that this is right and proper.

It’s a different story entirely when it comes to citizen-journalists. No money hanging in balance, the “solution” to treat anyone as a bona fide journalist causes no pain to the corporations – yet it protects their assets, their employees.

This is the reason for journalistic double-standard, in which author-publishers shouldn’t be treated by the government as equals of corporate publishers, while the government should treat equally the corporate, and citizen-reporters. The latter demand is not corporate altruism, but corporate self-dealing. Making the government put an equal sign between corporate and non-corporate journalists helps avoid corporate pain – while government treating as equals the corporate and not-corporate publishers would inflict sharp corporate pain – for the loss of revenue that would result is the very definition of corporate pain. So, there is no discrepancy here: though seemingly mutually exclusive, the opposite attitudes towards citizen-journalists and citizen-publishers are merely two manifestations of the very same phenomenon: corporate self-interest.

In the Ford event, more self-serving hypocrisy was on display. The purpose of journalism, the film proclaimed, was to “keep the powerful accountable.” But aren’t federal judges exactly the “powerful” who *We the People* should keep an eye on, and hold to account when they violate the law? Well, the journalists apparently feel that federal judges should be exempt from scrutiny. And (I strongly suspect, though the journalists themselves refuse to say) – this is not because of the difficulty of the subject-matter; it is yet again an act of self-dealing, plain and simple. The press got for itself some powerful protections out of the federal judges – *New York Times v Sullivan* allows journalists to lie by commission; *Miami Herald v Tornillo* lets them lie by omission. Shed journalistic light of public scrutiny on the machination and fraud by federal judges – and they may reciprocate by striking down those protections. So, better stay quiet, under this pretext or that. Why invite trouble? Why rock the boat?

Self-interest always wins – and corporate journalists’ seemingly generous attempts to take citizen-journalists under their protective wing is no exception. It does not signify generosity, it does not signify charity; nor is it an acknowledgment of genuine equality. It is just another manifestation of plain self-interest, and self-dealing – the very same phenomenon that makes journalists stay mum on government’s abridgement of speech and property rights of author-publishers; it is exactly what makes journalists blind and deaf to federal judges’ self-declared right to act from the bench “maliciously and corruptly.”

The absence of “liberty for all” and of “justice for all” is no reason for journalists to get into action, for all the lip service paid to “social justice;” it only becomes a problem when it stops serving their own interest. While many uplifting words were said the other day at the Ford Foundation Center for Social Justice by Professor Simon, and by Dean Mochkofsky of the Craig Newmark Graduate School of Journalism at CUNY,

and by Katy Glenn Bass of the Knight First Amendment Institute at Columbia University, and by their co-panelists, all I took away was a single message – the message of journalistic hypocrisy, and of blatant self-dealing.

*Lev Tsitrin is the author of "[Why Do Judges Act as Lawyers?: A Guide to What's Wrong with American Law](#)"*