

Masthead Conversation with Yoni Appelbaum on August 17, 2018

Caroline Kitchener: This is clearly a really problematic time for the relationship between government, the United States, and the press. And we say in the editorial that it is darker than the relationship was at our founding and it's particularly dark moment. Have things ever been this bad before?

Yoni Appelbaum: Oh, for sure, the relationship between presidents and the press has always been awful. A succession of American leaders have risen to the defense of a free press and offered encomia to the virtues of free speech, only to come into office and discover what it feels like to face every morning a barrage of stories, many of which you know to be factually inaccurate, to be so misleading as to verge on calumny. And that experience is radicalizing for American presidents. They all entered into office loving the free press; if not all, most; and then they exit office hating it.

Starting with the first one, George Washington writes a letter to Alexander Hamilton as he's prepared to give up the Presidency and not seek a third term where he essentially says, the press is infamous, I'm grateful that I'll no longer be subject to them. And that sets a pattern that I think every subsequent American president has really followed.

So, it is not unusual to see conflict between a president and the press. Some have taken it further. So early in the American Republic, we're still working through what it means to be a republic. Everybody understood that you could criticize a king. The question was if we had a virtuous, democratic republic, how could anyone stand in opposition to the virtuously elected government of the people? Weren't we setting ourselves against the people? Making yourselves, so to speak, an enemy of the people by setting yourself against it?

We worked through that in the battle over the Federalists. You get John Adams passing the Alien and Sedition Acts, and then using it to go after his critics in the press. Printers are jailed. They are convicted under the statute of seditious libel, and the Jeffersonian Republicans look at this and see real danger here. They stand up in defense of the press and they'll flip around a few years later. They come into power and the Federalists then move into civil society and set up voluntary associations, but also publications, to criticize the Democratic Republicans.

As we work through that in the earlier public, we arrive at this sort of American compromise. Which is the idea that you can have a government of the people, for the people, by the people and that part of that process is that the people who are out of power are going to criticize the people who are in power. And it's in everybody's interest to protect their rights to do so, because that wheel will turn again. So we move from this early fight over press freedom in America, where it's just not clear that you can be legitimately patriotic and still criticize the government, and we criminalize it early on. And we move away from that. We move toward a vision of press freedom in which allowing maximum freedom is in everybody's long-term best interest, despite its short-term pain.

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Karen Yuan: I would love for you to talk more about that founders' moment, actually. How would you distill the big differences between the press in 1789 and the present 2018?

Yoni: Any criticism you want to lodge against the contemporary press, it was a hundred times worse in 1789. For one thing, it's government subsidized. It's getting around by virtue of the post, so the distribution mechanism is publicly subsidized. And that's a huge percentage of the cost. For another, it's a partisan tool, so the papers that are on your side, you feed them government printing contracts, you place classified advertisements and in the early republic, it is, to use one scholar's phrase, a republic of printers.

The printers, the newspapers, literally are the party apparatus there for a couple of decades. They are the means by which the parties operate on the local level, so it's explicitly and avowedly partisan. Many of the stories that they run are factually incorrect. They're routinely picking up and echoing stories that run in other papers. So this stuff goes unchecked. The language that they use would shock, I think, many contemporary audiences. The kinds of slanders, the kinds of invective that they've leveling against each other. And this is a republic where these are literally fighting words. You can be called out for a duel. Only usually newspaper editors don't get called out because they're not considered gentlemen. And a politician wouldn't lower himself to fight with an ink-stained wretch of the fourth estate.

So they're not the social equals of the people who are running the country. They're considered widely to be scurrilous liars and partisan hacks and despite that, the founders are fully committed to a free press. So this is something I think that the contemporary audiences often don't understand. There's sort of a sense that maybe President Trump's attacks are justified and because after all, the press is hostile to him. Or the press sometimes gets its stories wrong. The kinds of ethical standards that now pervade American media, even the worst outlets in American media, are so much higher than the standards that prevailed in the early republic.

And the language that even the worst of the outlets uses is so much more restrained than it was that you really can't look back to the early republic and say, well, gosh, if the founders could only see the contemporary media, they'd have felt differently about freedom of the press. To the contrary, these were rights that they defending knowing full well how awful the press could be, how humiliating it could be, how maddening it could be, how partisan it was, not just in alignment, but actually institutionally relying on and constituting the early parties.

And yet in spite of that, because of that in some ways, they protected it. Because they understood that you needed to have this kind of vigorous debate. That the people needed to be engaged and the press was a right that belonged to the people. It wasn't about defending a profession or defending an industry, it was about defending the right of the people to speak up and criticize their government. And that there was no clean way to do that.

Caroline: Did middle-of-the-way publications exist at all? In the early republic?

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Yoni: There were some. It was tough to find a commercial model. I think these were mostly subscription driven with some advertising revenue, and whenever you're subscription driven people tend to sign up for their side rather than go other ways. Printing was relatively expensive back then. There weren't that many. You will find those coming in as the 19th century goes on. The Atlantic comes in as of no party or clique. I think the interesting thing about that is, they've got to say it, right? The presumption is that if you're launching a magazine is going to be of a party. Or maybe of a faction within a party, which is what that second phrase is there. That many of these people involved with the American Anti-Slavery Society before they start The Atlantic. That was essentially, in modern parlance, an interest group.

I think a very good interest group. They were on the side of what was right and just, but nevertheless, they were a group set up to influence public policy in a certain direction. And The Atlantic was founded, and needed to tell readers that it was going to be founded, not to advance a particular agenda and not to advance the narrow interests of a particular political party or faction within that party. But to try to do something different. So you do see publications, as the 19th century goes on, more and more of them, that are trying to find a different way. But that was not the early model and it's certainly not the kind of speech that the founders understood themselves.

Caroline: How did the relationship between the government and the press change during the Civil War?

Yoni: You know, the Civil War is another one of these flashpoints. In the decades up to the Civil War, you see, I think the greatest sustained campaign of violence against the press that we witnessed in American history. This was largely extralegal and extrajudicial. But I don't mean to suggest that it was a bunch of disreputable ruffians. At least 20 American publications are shut down or forced out of town by mob violence, by extrajudicial violence. To use one example, there's a paper in I think it's Newport, Kentucky, that is an abolitionist paper. That's a contentious thing to be in Kentucky. And they hold public meetings to decide what to do.

[Its opponents] go and they remonstrate with the printer and they tell him he's got to get out of town. They launch a boycott. They try to get all the staff to quit. He uses his kids and his wife to put out the paper. And then ultimately they march on the offices and tell him he has to shut down and he declines. They tell him they're going to take his equipment and ship it across the Ohio River to a free state. They make it as far as the river and then they just throw it all in the river. That was one of the less violent incidents.

Elijah Lovejoy, in 1837, is actually killed by a mob for daring to publish an abolitionist paper. There's a paper here in Washington, D.C., which is threatened with attack over this stuff and that leads to debates in Congress over what to do. And by and large, the position of slave state Congressmen is that these things are public nuisances. That they are deliberately provoking communities, they're offending the communities and the ones who will deplore the violence say essentially, that the solution to mob violence shutting down papers is to have legal processes that will shut down abolitionist papers for offending the communities in which they are publishing.

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So the mobs are not forced to, in their words, resort to extrajudicial violence. So we go through a period in this country where there are some things that are considered just too dangerous to sell out. And newspapers are harshly punished by the communities in which they're printed. By elements of those communities for daring to say them. And the culminates then in the Civil War, where you both get a new birth of press freedom, where in the Union-controlled states, these things can now be said aloud. It was in Northern states, Illinois, New York, as well as in Southern states where there was mob violence in establishing those papers.

But then, conversely, the government itself clamps down on certain kinds of speech during the Civil War. It's not a great chapter for American civil liberties in the North. Speech that was pushing back against the war effort. So it's a complicated time.

Karen: Yeah. When The Atlantic was founded, did it receive any threats or find itself in any conflicts with the community or its reader?

Yoni: We're proud of The Atlantic's history, but I think we should also acknowledge some of the ways in which we have not always lived up to our own ideals. The Atlantic was seen as particularly valuable because of its nonpartisan stance. And that left us open then and now, I suppose, to manipulation. There's this famous incident where Abraham Lincoln has sent somebody to try to negotiate with Confederates against his will and the Commissioner comes back and reports that the Confederates want terms that much of the Union would oppose. Lincoln thinks this is great for his re-election chances, if he can get the story out there, and encourages the guy to move it over to a newspaper relatively quickly to put it out into circulation. But then, also to get the report into The Atlantic, because if it came through a partisan newspaper, which would pick it up very quickly, it would be seen one way. But he thought if he could get it into a nonpartisan publication like The Atlantic, it would carry vastly more credibility. He says, 'that would be worth as much to us as winning six battles.'

And so, the nonpartisan stance is seen as valuable, but in fact, he gets the report into The Atlantic. He wants to manipulate the press and succeeds in doing so. And American Presidents have a penchant for doing that, replacing the stories where they think they will work to maximum political advantage.

Caroline: What about Pentagon Papers, obviously another flashpoint? How did that change the relationship between the press and the government immediately after it happened?

Yoni: You know there is in much of the 20th century, something of a symbiotic relationship between the big institutional press and the government. That flows through World War II, when there were censors' offices and the press is actively cooperating with them. And the government barrels along in a presumption that that kind of relationship is likely to stand untested. That they can tell the press when printing something will be damaging to American national security and the press will respect that.

The Pentagon Papers shows that privilege being abused. That the government knew full well that the war was not going as it was telling the public it was going. The Pentagon

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Papers demonstrated this. It was embarrassing for the government. It's hard to argue in retrospect that it actually posed a national security risk. And so, they moved to prevent the press from doing it and the Post and the Times are willing to go ahead and publish; well, the Times is blocked. The Post picks up the cause. But the papers won in court.

And we now see the enshrinement in judicial rulings of some of the privileges of the press that had not been articulated as explicitly. I think it's a moment with great legal significance, but maybe also great cultural significance. Where the press that comes out of the Vietnam and Watergate era views its role viz-a-viz the government a little bit differently. Not as a partisan opposition force, as it would have been, switching back and forth in the early republic, not fully as a muckraking force as in the Gilded Age. But it starts to see itself as a check on government in much more explicit terms.

As having the mission of ferreting out a truth that the government would like to keep concealed. It really takes that charge into the 21st century. And American presidents have never been happy with that. They have always preferred a press that was more compliant and more willing to defer to their understanding of what is in the public interest. But the press, I think, that comes of age during those eras, and for the reporters and the editors, the Watergate reporting are rather formative experiences. The things or the professional myths that drew all them to the calling? Those folks tend to be much more committed to holding government to account.

Karen: We've been talking about established newspapers. What are some forms of journalism that historically were perceived as "the press," so like niche papers or solo journalists, that were still afforded the freedom of the press, especially in the early day of the republic?

Yoni: So one way to think about this is pamphleteering. Where people are running off pamphlets. It's a capacious freedom. It's not that early on there's a bright line being drawn. If you have ten thousand subscribers, you qualify as the press or if you've registered with a guild. No, it's understood from very early on that pamphleteering is absolutely ... that there are ... the founders have gone through the Revolutionary Era in which it really is that the ... as the historian Bernard Bailyn shares, there's this fomenting of pamphlets and broadsides and letters and columns in newspapers that had created the revolutionary environment in which ideas really take root.

They understand it quite capaciously that somebody intervening in a public debate is entitled to the freedom of the press. But I think one important thing to note is the way that this freedom has often been most valuable to those groups in society which are most marginalize. That's where the fights over the freedom of the press have often located themselves, because of publications that are shut down for being obscene, perhaps, because they're serving the gay community. Or publications that are shut down as being seditious because they're pushing a kind of politics that neither of the two big parties like. This is where the fights tend to take place, and it's often where the press is most vibrant and vital. So it's not just a question of the Times or the Post or The Atlantic and the New Yorker; it's often been a question of alt-weeklies or their earlier analogs.

Or the institutional newspapers or newsletters of political movements at the margins of society. Or publications that are pushing for the rights of various groups, the rights of LGBT Americans or the civil rights of black Americans. These are publications that have fought press battles that have often been suppressed or lost those battles. But have sometimes more often than we would like to remember have been subject to extra judicial violence and other sanctions as a means of shutting them down. And which generally have persisted. Usually for those communities, the press is, as the founders understood it would be, the critical glue that holds them together.

There's some wonderful work now being done on the early press, for example, which shows this bubbling communal consciousness and organizing activity that takes place within the gay community, largely not reported. They are only now sort of serious archival efforts getting underway to collect these papers and record them and work with them. We know this is true of the civil-rights movement as well. You can look back through American history. It's true of the suffrage movement. The ability to publish something is how you get everybody literally on the same page. They're reading the same thing. They're responding to the same thing and it's how you create a community of interest. And that's been really critical throughout the American past.

I think one of the most interesting things about what President Trump is doing with the America press is that he's attempting to cast it as both a coherent entity, as one thing, the media, or sometimes the fake news as distinguished from a handful of outlets that have been supportive of his agenda, and also to cast it as an institution as somehow separate and apart from the American people.

There is the irony that they may have substantiated an element of his critique, but mostly what they were saying is, we are not apart from the American people. We are a part of the American people. That the freedom of the press is not this peculiar privilege of journalists, of people who have been to graduate school and gotten a masters in journalism or of people who happened to hold a press credential from some sort of credentialing agency or body, but that freedom of the press is ultimately an American liberty. And it has been that throughout our history.

And to the extent that a President or a government succeeds in limiting it, in vilifying it, shutting it down, the loss is not primarily to journalists themselves. The loss is to the people who are reading the stuff in newspapers and magazines and on the internet. It's the people who are writing it. It's your ability to write a letter to the editor or submit an op-ed. And even if you never exercise that, people who agree with you about things will do that and you will find your views represented in the public debate. To the extent that journalism itself is vilified and shut down, if we lose that ability to get on the same page with each other, then we lose something really big. It's big enough that Madison was willing to jam it back into his Constitution and it became a critical part of the First Amendment.

Caroline: The outlets that did this, the outlets that publish editorials, do they really span the gamut in terms of going from extreme conservative to extreme liberal?

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Yoni: The distribution is different than the range. There are newspapers that endorsed Donald Trump that nevertheless spoke out in support of the freedom of the press this week. The overwhelming majority of newspapers in America oppose Donald Trump, including many which never in their history endorsed against their own President or seldom have done so. So, the preponderance of newspapers opposed Donald Trump's election and continue to oppose his treatment of the press. That would be the way that the distribution falls.

But, yeah, they were all over the map, but more importantly, most of the newspapers that spoke out and most of the media that spoke out, didn't do so in a partisan fashion. What they said is, look, we're staying up 'til the end of the local zoning hearing and we report on crime in your neighborhoods even that's dangerous to do and we're out there every day, working for you and providing a service to you and giving you an outlet for your views and opinions and giving you the chance to understand and connect with your community. And this kind of language makes our jobs more difficult and dangerous, and by extension, it threatens and jeopardizes your rights. The overwhelming majority of the titles of this list, were not national outlets.

And that's actually really striking. Comparatively few national outlets like The Atlantic actually participated in this. For the most part, this was local journalists, and I think that those national outlets which do participated, largely participated in solidarity with those local outlets where the impact of this kind of rhetoric is felt most acutely. And where the dangers are greatest and so, I think it's sort of really interesting to focus on the fact that most journalists in America don't work for national outlets. They're out there in local communities, they're working on behalf of local communities, and it was those papers which seemed to raise this most enthusiastically.