

**Freedom of the Press in an Age of Misinformation:  
Cognitive Problems, Legal Solutions**

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**October 18, 2022  
Salem Center**

Outline:

1. Introduction
2. Digital Is Different
3. A Difference that Matters? Legal Implications of Contemporary Communications
  - Knowledge Acquisition
  - Government Knows Best
  - Problems: a – Implementation
  - b – Silence Impedes Discovery
4. Separation of Press and State
5. Conclusion

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**The First Amendment**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

**Thomas Jefferson:**

“The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg.”

[*Notes on the State of Virginia* – Query XVII, “Religion”]

**Justice Robert Jackson:**

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”

[Majority opinion in *West Va. Bd of Ed. v. Barnette*, 1943, case striking down mandatory flag salutes and pledges of allegiance]