

New study IDs threats the 'death of newspapers' may have on open government

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New research brings to light some of the previously unrecognized risks that may jeopardize government openness and accountability as a result of the predicted “death of newspapers.”

In a forthcoming study in the Washington & Lee Law Review, Brigham Young University law professor Ronnell Andersen Jones undertakes a large-scale historical investigation of the role that traditional newspapers have played in litigating and legislating open-government issues. She concludes that the predicted death of newspapers can be expected to have severe effects on the development of the law in this area.

“Scholars and commentators have been talking for some time about how the death of newspapers could have serious consequences for the quality of newsgathering,” said Jones, a former clerk for Sandra Day O’Connor. “My research demonstrates a second, largely ignored ramification. The death of newspapers seriously threatens to put an end to some of the most important legal efforts in our democracy.”

Jones says that although these legal efforts have been largely unnoticed by the American public, the citizenry has been a major beneficiary of them.

“For generations, newspapers and [newspaper](#) organizations have expended substantial resources to litigate major cases to the U.S. Supreme Court to ensure that trials are open to the public. They have funded the drafting of virtually every piece of open-government

legislation on both a federal and a state level. They have then gone on to fund litigation efforts to ensure that these statutes, once passed, are obeyed by government officials. The death of newspapers can be expected to pose a serious constitutional crisis.”

Although a number of new-media entities are emerging to fulfill the newsgathering role once served by newspapers, Jones’ research demonstrates that “few, if any, have demonstrated either the commitment or the resources to take on the critical legal role that newspapers have more quietly served from behind the scenes.”

More information: Jones’ full study, titled *Litigation, Legislation & Democracy in a Post-Newspaper America*, is available for download at papers.ssrn.com/sol3/papers.cfm?abstract_id=1710910

Provided by Brigham Young University

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