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Presentation Outline
Freedom of the Press

The First Amendment
-Guaranteed by the 1st amendment of the Constitution
  -“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.”
  -Protections apply to “every sort of publication which affords a vehicle of information and opinion”
    -2nd U.S. Circuit Court of Appeals

The Government Cannot…
  -Pass a law that requires newspapers to publish information against their will
  -Impose criminal penalties, or civil damages, on the publication of truthful information about a matter of public concern
  -Impose taxes on the press that it does not levy on other businesses
  -Compel journalists to reveal the identity of their sources
  -Prohibit press from attending judicial proceedings and informing the public about them

Historical Context
  -John Peter Zenger- A contributing factor to freedom of the press in America
    - printer, publisher, editor, & journalist
    -1734 arrested on sedition and libel charges for attack of the current government administration in his paper.
    -The trial established truth as a defense in cases of libel, this resulted in his acquittal….and helped to establish freedom of the press in America

  -Wartime situations=more restriction
    -Often occurs to prevent the release of information that might be advantageous to the enemy
    -During WW I-Hysteria over possibility of sabotage: 1917 Espionage Acts, 1918 Sedition Act which limited freedom of the press to such an extent that censorship was not only exercised against pro-German publications, but also against German-language publications and those advocating socialism or pacifism
    -1931 Supreme Court in Near v. Minnesota for the first time declared almost all forms of prior restraint to be unconstitutional
    -WW2 the Office of Censorship supervised the most comprehensive censorship in U.S. history
      -Compliance was voluntary
      -Based of suggestions to editors about topics to avoid
-Post WW2 many news organizations began campaigning against secrecy in government (they said the withholding of public records threatens freedom of the press).
-1960’s early ‘70s—charges between journalists & gov’t officials about withholding info. about the Vietnam War

**Supreme Court cases that shaped the meaning of “freedom of the press”**
-The way we consider freedom of the press today is in large part due to various Supreme Court rulings on the topic.
-An evolving concept—so much has changed since that statement was crafted.
-Both cases expand the reach of the first amendment
  ■ **Near v. Minnesota- 1931**
  -The court’s first decision to invoke the press clause
  -Says that once the press has information it deems to be newsworthy, the government can seldom, if ever, prevent information from being published
  -Court held that the first amendment protects the publication of all statements, even false ones, about the conduct of public officials except when statements are made with actual malice. (Calculated falsehood)

**Attacks on the Press reported in 2005**
  ■ **July 6, Judith Miller, The New York Times- Imprisoned**
  -Jailed immediately after refusing to reveal her confidential source to a grand jury investigating the leak of a CIA operative’s name.
  -85 day imprisonment
  ■ **Sept. 1, Lucas Oleniuk, Toronto Star-Harassed**
  -During Hurricane Katrina
  -Photographing clashes between police and looters
  -Police ripped the camera from his neck and removed his memory card with over 350 images on it
  ■ **Sept. 7, Brian Williams, NBC- Harassed**
  -He and his crew were ordered by police to stop filming when the national guard was securing a store.
  -"I have searched my mind for some justification for why I can't be reporting in a calm and heavily defended American city and cannot find one," Williams was quoted by the *Washington Post* as saying.
  ■ **Oct. 8, Rich Matthews, Associated Press- Harassed**
  -2 New Orleans police officers caught on film beating a man who was suspected of public intoxication. A third officer caught on film harassing an AP news producer who was filming the scene.
  -The officer ordered Rich Matthews to stop filming and then forcibly leaned him backward over a parked car and began jabbing him in the stomach
  -This came one month after Hurricane Katrina

*These instances show a connection with the type of restriction during war-time in the past.*
Worldwide Context

- **Reporters Without Borders**
  - Network of 130 correspondents
  - Non-government organization devoted to freedom of the press. They rank countries in terms of the amount of freedom they have concerning the press.

- **U.S. Dropped 20 places from ’04-'05**
  - (22nd to 44th) of 167 countries
  - Mainly due to Judith Miller imprisonment
  - Northern European nations dominated the top spots: first place was a tie of Denmark, Finland, Iceland, Ireland, Netherlands, Norway, and Switzerland.
  - North Korea falls at the end of the list

Controversial Restrictions of Press Freedom

Press has been restricted in 2 ways:

1. Censorship or mandatory licensing by the government in advance of publication
   - Typical feature of dictatorships, in U.S. it is less institutionalized
     - **Explicit**: Laws passed to prevent certain things from being published
     - **Implicit**: Intimidation by the government (people are afraid to express certain opinions for fear of losing their job, position in society, etc)
     - **Example**: “whitewashing” school textbooks. This is the selective removal of critical or damaging comments or facts. (like the Holocaust or theories of evolution).

2. Punishment for printed material, especially that considered by the government to be seditious libel, i.e., material that may “excite disaffection” against constituted authority.
Bibliography


