

The u.s. news media too: much freedom? or not enough?

[Law](#), [Constitution](#)



The U. S. News Media Too: Much Freedom? Or Not Enough? What is freedom of the press? * Encapsulated in the bill of rights (first amendment). * “ Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freed of speech, or of the press, or the rights of people to peaceably assemble, and to petition the government for a redress of grievances. “ * You have responsibility for your speech and your publication; individuals have the right in the face of the collective, as unpopular as the words are. * Benjamin Franklin = printers know that if both sides of the story are told its good * James Madison = some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press * Under the magna carta, sovereignty was reserved to the parliament, under the constitution that power comes from the people * Alien and Sedition Acts * John edams signs them into law in 1798 * Aimed at trying to prevent immigrants from rising up against US government, when their home nation gets into a war with the US * Espionage act (1917) * Sets new penalties including death, for anyone who violates government secrecy * A person is guilty if “ obtaining or delivering information" you're not supposed to have * Near v. Minnesota (1931) * Near prints story about Minnesota officials having links with illicit business * They shut him down, and Near challenges the injunction, but loses case, and is not permitted to print ANYTHING * Near goes to the state supreme court and he is allowed to print, so long as it does not damage the welfare of the city * He goes to the US supreme court, and wins * “ Every man has a right to publish what he wishes and if it be defamatory and libelous, suffer the consequences later". — Justice Louis Brandeis * “ the fact that the liberty of the press may

be abused... by purveyors of scandal does not make any less necessary the immunity of the press from prior restraint in dealing with official misconduct"- Chief Justice Charles Evans Hughes * No prior restraint * Government cannot stop something from being published, except in rare instances, but the author or organization can be punished later * Two exceptions to the No prior restraint rule * Obscenity * National Security — Direct immediate and irreparable damage to the nation and it's people * Pentagon Papers case (NY Times vs USA) * Daniel Ellsberg leaks secret defense documents * Court rules " you can only stop publication in advance when immediate and irreparable damage to the country can be done" * Libel vs. Slander * " Slander is spoken. In print, it's libel. " * Defenses to libel * Truth * Privilege — Even if something about you is untrue, if I got that information from a court document, a government document where somebody makes that allegation its not Libel, simply a report * Fair comment — So long as you are commenting on something that's in the public interest, or publication, and there is no intent to damage * No prior restraint — " Freedom of the Press is the right of the press to be wrong"- Attorney Alan * The fourth Estate — People * The press as a " watchdog" * The watchdog as its own censor * (Bay of Pigs Invasion) * Columnist from the New York Times knew about the Bay of Pigs invasion, but did not report about it because it may put troops in danger * Documented Mistreatment CBS * The Role of the Press in War * Other Conflicts * The right to know * 854, 000 people have access to top secret documents * The right to know vs. Privacy * There is no right to privacy in the constitution. * Not expressly written like the right to free speech * A free press vs. A fair trial * " in all criminal prosecutions, the

accused shall enjoy the right to a speedy and .. " — 6th amendment * Judges
have remedies: * Change of venue * Gag orders * Voir dire- Closely question
the Jury * Sequestering the Jury