

Freedom of the Press, the New Age of Journalism and Role of the Press in a Democracy

Excerpts from Thomas Jefferson, letter to Edward Carrington, January 16, 1787

I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves. The people are the only censors of their governors. . . . [W]ere it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them.

Jefferson goes on to explain his belief that the nations of Europe had divided their population into two classes, wolves and sheep. He feared that the same thing could happen in the United States.

Cherish, therefore the spirit of our people, and keep alive their attention. Do not be too severe upon their errors, but reclaim them by enlightening them. If once they become inattentive to the public affairs, you and I, and Congress, and Assemblies, judges and governors shall all become wolves.

Full text: http://press-pubs.uchicago.edu/founders/documents/amendI_speechs8.html.

Excerpt from Thomas Jefferson, letter to Joseph C. Cabell, January 13, 1823

The quotation below points out the uselessness a free press but an uneducated public.

Were it necessary to give up either the Primaries or the University, I would rather abandon the last, because it is safer to have a whole people respectably enlightened, than a few in a high state of science and the many in ignorance. This last is the most dangerous state in which a nation can be.

<http://tjrs.monticello.org/letter/412>

Excerpts from Justice Hugo Black's concurring opinion in New York Times, Co. v. United States. This is the case in which Nixon tried to prevent the publication of The Pentagon Papers (the Pentagon's previously classified account of the war in Vietnam). The New York Times won the case and the Papers were published, leading to increased public disillusionment over the progress of the war in Vietnam.

. . . . I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment. . . .

Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years

since the founding of the Republic, the federal courts are asked to hold that the First Amendment does not mean what it says, but rather means that the Government can halt the publication of current news of vital importance to the people of this country.

In seeking injunctions against these newspapers, and in its presentation to the Court, the Executive Branch seems to have forgotten the essential purpose and history of the First Amendment. When the Constitution was adopted, many people strongly opposed it because the document contained no Bill of Rights to safeguard certain basic freedoms. They especially feared that the new powers granted to a central government might be interpreted to permit the government to curtail freedom of religion, press, assembly, and speech. In response to an overwhelming public clamor, James Madison offered a series of amendments to satisfy citizens that these great liberties would remain safe and beyond the power of government to abridge. . . .

The amendments were offered to curtail and restrict the general powers granted to the Executive, Legislative, and Judicial Branch. . . . The Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech, religion, and assembly. . . . Madison and the other Framers of the First Amendment, able men that they were, wrote in language they earnestly believed could never be misunderstood: "Congress shall make no law . . . abridging the freedom . . . of the press. . . ." Both the history and language of the First Amendment support the view that the press must be left free to publish news, whatever the source, without censorship, injunctions, or prior restraints.

In the First Amendment, the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In my view, far from deserving condemnation for their courageous reporting, the New York Times, the Washington Post, and other newspapers should be commended for serving the purpose that the Founding Fathers saw so clearly. In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely that which the Founders hoped and trusted they would do.

Full text: <mailto:http://www.law.cornell.edu/supremecourt/text/403/713>

From *The New Republic*, Paul Starr, "Goodbye to the Age of Newspapers (Hello to a New Era of Corruption)," March 4, 2009.

[W]hile the new digital environment is more open to "citizen journalism" and the free expression of opinions, it is also more open to bias, and to journalism for hire. Online there are few clear markers to distinguish blogs and other sites that are being financed to promote a viewpoint from news sites operated independently on the basis of professional rules of reporting. So the danger is not just more corruption of government and business--it is also more corruption of journalism itself.

These developments raise practical questions for anyone concerned about the future of American democracy.

News coverage is not all that newspapers have given us. They have lent the public a powerful means of leverage over the state, and this leverage is now at risk. If we take seriously the notion of newspapers as a fourth estate or a fourth branch of government, the end of the age of newspapers implies a change in our political system itself. Newspapers have helped to control corrupt tendencies in both government and business. If we are to avoid a new era of corruption, we are going to have to summon that power in other ways. Our new technologies do not retire our old responsibilities.

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full text:

<http://www.newrepublic.com/article/goodbye-the-age-newspapers-hello-new-era-corruption>