

## **News Literacy Lecturer's Background Pack**

(The so-called "Back Packs" are supplied for lectures that presume extensive prior knowledge on the part of the lecturer.)

Lecture Title: Mission of the American Press

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### **Bin Laden Satellite Phone**

President Bush asserted this week that the news media published a U.S. government leak in 1998 about Osama bin Laden's use of a satellite phone, alerting the al Qaeda leader to government monitoring and prompting him to abandon the device. The story of the vicious leak that destroyed a valuable intelligence operation was first reported by a best-selling book, validated by the Sept. 11 commission and then repeated by the president. But it appears to be an urban myth. The al Qaeda leader's communication to aides via satellite phone had already been reported in 1996 -- and the source of the information was another government, the Taliban, which ruled Afghanistan at the time. The second time a news organization reported on the satellite phone, the source was bin Laden himself.

<http://www.washingtonpost.com/wp-dyn/content/article/2005/12/21/AR2005122101994.html>

[http://news.bbc.co.uk/2/hi/uk\\_news/1862579.stm](http://news.bbc.co.uk/2/hi/uk_news/1862579.stm)

### **Wiki Leaks: Red Cell**

The memo, classified Secret, asks, "[What if Foreigners See the United States as an 'Exporter of Terrorism?'](#)" Dated February 2, 2010, it was produced by the CIA's "Red Cell," a brainstorming team established in the wake of the Sept. 11 attacks to provide an "alternative viewpoint" in the intelligence community. The release is the second CIA Red Cell document published by WikiLeaks. In March, the site published [another Secret memo](#) analyzing possible PR strategies to shore up public support in Europe for the war in Afghanistan.

<http://www.wired.com/threatlevel/2010/08/wikileaks-red-cell/>

### **The Right to Know v. National Security (Secret Joint Raid Captures Taliban Top Commander)**

<http://www.nytimes.com/2010/02/16/world/asia/16intel.html>

### **Alien and Sedition Acts 1798**

Signed into law by President John Adams in 1798, the Alien and Sedition Acts consisted of four laws passed by the Federalist-controlled Congress as America prepared for war with France. These acts increased the residency requirement for American citizenship from five to fourteen years, authorized the president to imprison or deport aliens

considered "dangerous to the peace and safety of the United States" and restricted speech critical of the government. These laws were designed to silence and weaken the Democratic-Republican Party. Negative reaction to the Alien and Sedition Acts helped contribute to the Democratic-Republican victory in the 1800 elections. Congress repealed the Naturalization Act in 1802, while the other acts were allowed to expire.

<http://www.loc.gov/rr/program/bib/ourdocs/Alien.html>

John Morton Blum, *V was for Victory: Politics and American Culture During World War II* (1977) discusses how journalists embedded with U.S. forces during the war wrote their reports in such a way that portrayed individual American soldiers as heroes, even though most soldiers rejected this label, felt little patriotic sentiment, and wanted to go home. The OWI told journalists that the American public wanted to read about the heroic deeds of its soldiers, even if the truth had to be fudged a bit. Journalists largely complied, even though their subjects went along only grudgingly.

I am including the following information (which is found in the earlier section) in the Backpack as well since it contains information and links that you may or may not use depending on whether you think this is a good idea:

### **Trace history of relationship between press and government during wartime, Civil War – present:**

- Civil War battle photographs: manipulated, but still available for the public to view while the war was going on:  
<http://www.archives.gov/education/lessons/brady-photos/>
- The Spanish-American War (War of 1898), in motion pictures:  
<http://memory.loc.gov/ammem/sawhtml/sawhome.html>
- World War I: The U.S. government established the Committee on Public Information, headed by George Creel, to create and distribute propaganda promoting American involvement in the First World War. Part of the Committee's mandate was to feed stories and information to the press that would create a positive impression in the public mind of what the U.S. was doing in the war: [http://en.wikipedia.org/wiki/Committee\\_on\\_Public\\_Information](http://en.wikipedia.org/wiki/Committee_on_Public_Information)
- World War II: As in World War I, during World War II the U.S. government established an official agency designed to promote American involvement in the war. The OWI operated from 1942 to 1945 and produced propaganda posters, photographs, stories, and radio broadcasts designed to heighten public awareness and understanding of the American war effort and to maintain a high level of public morale: [http://en.wikipedia.org/wiki/Office\\_of\\_War\\_Information](http://en.wikipedia.org/wiki/Office_of_War_Information)
- Vietnam: A short essay on the relationship between the federal government and the press during the Vietnam War:  
[http://www.associatedcontent.com/article/454065/how\\_media\\_coverage\\_of\\_the\\_vietnam\\_war.html](http://www.associatedcontent.com/article/454065/how_media_coverage_of_the_vietnam_war.html) And a longer piece (from Wikipedia) on this issue:  
[http://en.wikipedia.org/wiki/U.S.\\_news\\_media\\_and\\_the\\_Vietnam\\_War](http://en.wikipedia.org/wiki/U.S._news_media_and_the_Vietnam_War)

- I wonder if we could find the video/image/quotation from Walter Cronkite after the Tet Offensive where he blurted out “What the hell is going on here? I thought we were winning the war.”
- Gulf War I: A nice essay on the ways in which the U.S. military and government attempted to influence news reporting by American news organizations during the crisis in the Gulf from 1990-1991: <http://www.prwatch.org/books/tsigfy10.html>  
This essay might help as well:  
[http://www.associatedcontent.com/article/33253/media\\_coverage\\_of\\_the\\_persian\\_gulf.html?cat=37](http://www.associatedcontent.com/article/33253/media_coverage_of_the_persian_gulf.html?cat=37). And one more: <http://www.fair.org/index.php?page=1518>
- Gulf War II: A nice Wikipedia entry discussing press coverage of the war in Iraq (2003-present): [http://en.wikipedia.org/wiki/Media\\_coverage\\_of\\_the\\_Iraq\\_War](http://en.wikipedia.org/wiki/Media_coverage_of_the_Iraq_War)

#### Freedom of Information Act (1966)

[http://en.wikipedia.org/wiki/Freedom\\_of\\_Information\\_Act\\_%28United\\_States%29](http://en.wikipedia.org/wiki/Freedom_of_Information_Act_%28United_States%29)

- A federal law that allows for the full or partial disclosure of documents controlled by the United States government and / or state or local governments. The law has been amended numerous times, first with the Privacy Act of 1974, which put in place protections on the release of information concerning individual citizens.

#### Foreign Intelligence Surveillance Act (1978)

[http://en.wikipedia.org/wiki/Foreign\\_Intelligence\\_Surveillance\\_Act](http://en.wikipedia.org/wiki/Foreign_Intelligence_Surveillance_Act)

- Federal law enacted in 1978 governing procedures used for the collection of intelligence information between foreign powers and agents of foreign powers both outside and inside the U.S., which may include American citizens. The law created a special FISA court to which the government can apply for warrants to engage in intelligence gathering, though warrants are not required in all cases. FISA came to prominence most recently in 2005 when the *New York Times* revealed that the Bush administration had engaged in warrantless wiretapping of foreign and domestic targets in the “War on Terror.”

#### USA Patriot Act (2001)

[http://en.wikipedia.org/wiki/Patriot\\_act](http://en.wikipedia.org/wiki/Patriot_act)

- The law, enacted in October 2001, dramatically reduced restrictions on law enforcement agencies' ability to search telephone, e-mail communications, medical, financial, and other records; eased restrictions on foreign intelligence gathering within the United States; expanded the [Secretary of the Treasury's](#) authority to regulate financial transactions, particularly those involving foreign individuals and entities; and broadened the discretion of law enforcement and immigration authorities in detaining and deporting [immigrants](#) suspected of terrorism-related acts. The act also expanded the definition of terrorism to include [domestic terrorism](#), thus enlarging the number of activities to which the USA PATRIOT Act's expanded law enforcement powers can be applied.

John Peter Zenger

[http://en.wikipedia.org/wiki/Peter\\_Zenger](http://en.wikipedia.org/wiki/Peter_Zenger)

- In 1733, Lewis Morris founded *New York Weekly Journal*. Later, German-born printer John Peter Zenger, was hired to edit and publish the paper. He printed another man's document that criticized [William Cosby](#), the Governor of New York. Zenger was listed as the printer, but the editorial policy was in the hands of attorney [James Alexander](#), who anonymously printed his assaults on Governor Cosby every Monday. Cosby, angered by the criticism, first asked the Assembly's permission to have a public burning of the *New York Weekly Journal*. When they refused, Cosby had Zenger arrested on a charge of [seditious libel](#). Zenger claimed in his "apology" for missing an issue, that even though he was in jail without supplies, he could still publish by speaking through a hole in the door with the help of his wife and servants. It is unclear just how seriously Zenger personally took the material published in the *Weekly Journal*. It was almost certainly financed by one of the opposition factions in New York politics, possibly by Alexander, who along with [William Smith](#) was disbarred for objecting to the two-man court that Cosby hand-picked. Zenger was most likely a convenient target to use in an attempt to end criticism. His defense attorney, [Andrew Hamilton](#), was appointed after Zenger's disbarred ex-lawyers, James Alexander and William Smith, interested [Benjamin Franklin](#) in the case. Franklin was able to persuade Hamilton to accept the challenge. The judge in the case gave the jurors an order to ignore whatever slander Hamilton tried to throw at them and deal a guilty verdict no to Zenger based on his charge of printing false, scandalous, and malicious articles about the Governor. After much battling in the courtroom Hamilton said "The question before the court and you, ladies and gentlemen of the jury, is not of small nor private concern...No! It may in its consequences affect every free man that lives under a British government on the main of America. It is the best cause of liberty..."Hamilton was successful in convincing the jury that whether words are libelous depends on whether the reader considers them true. Zenger was guilty of [seditious libel](#) according to the law at the time of his arrest, yet Hamilton was able to persuade the jury to take part in [jury nullification](#). This essentially is a "jury's knowing and deliberate rejection of the evidence or refusal to apply the law either because the jury wants to send a message about some social issue that is larger than the case itself or because the result dictated by law is contrary to the jury's sense of justice, morality, or fairness." His success resulted in the addition of the expression "[Philadelphia lawyer](#)" to the language with its original denotation of competence. A notable aspect of the case is that Hamilton challenged the legality of the crimes for which his client was being prosecuted. It was one of the first times in American history in which a lawyer challenged the laws rather than claiming the innocence of his clients. The [jurors](#) were stunned and didn't know how to, or even if they were allowed to, address whether the law itself was "legal," a process called [jury nullification](#). At the end of the trial on August 5, 1735, the twelve New York jurors returned a verdict of "not guilty" on the charge of publishing "seditious libels," even though judges who were hand-picked by the governor were presiding. Hamilton had successfully argued that Zenger's articles were not libelous because even if they were

[slanderous](#) in use, all statements were based on [fact](#). Zenger published a verbatim account of the trial as *A Brief Narrative of the Case and Trial of John Peter Zenger* (1736). "No nation, ancient or modern, ever lost the liberty of speaking freely, writing, or publishing their sentiments, but forthwith lost their liberty in general and became slaves" stated Zenger. Hamilton had served for free. In gratitude for what he had done, the Common Council of New York City awarded him the [freedom of that city](#), and a group of prominent residents contributed to the production of a 5½-ounce gold box that was presented to him as a lasting mark of their gratitude. On the lid of the box the city's arms were engraved, encircled with the words "*Demersae leges — timefacta libertas — haec tandem emergunt*" (extracted from Cicero's "*Quamvis enim sint demersae leges alicuius opibus, quamvis timefacta libertas, emergunt tamen haec aliquando*," "For let the laws be never so much overborne by some one individual's power, let the spirit of freedom be never so intimidated, still sooner or later they assert themselves" [*De officiis* 2.24]); on the inside were the inscriptions "*Non nummis, virtute paratur*" ("Acquired not by money but by virtue") and "*Ita cuique eveniat ut de republica meruit*" ("Thus let each receive what he has deserved of the republic," an altered quote from Cicero's Second Philippic, where it reads "...ut de republica quisque mereatur"). The box was preserved as a family heirloom for many years, and it is now in the custody of the [Atwater Kent Museum](#) near [Independence Hall](#), [Philadelphia](#). Each year the Philadelphia Bar Association presents a replica of the box to the outgoing Chancellor of the Association.

*Schenck vs. United States* (1919)

[http://en.wikipedia.org/wiki/Schenck\\_v.\\_United\\_States](http://en.wikipedia.org/wiki/Schenck_v._United_States)

- A 1919 Supreme Court decision that upheld the Espionage Act of 1917. The case involved the secretary of the Socialist Party of the U.S.A., Charles Schenck, who had been arrested for distributing leaflets opposing the draft during World War I. He appealed his conviction, arguing that the Espionage Act violated his First Amendment right to freedom of speech. The high court disagreed, with Justice Oliver Wendell Holmes writing for a unanimous court that Schenck's actions were akin to shouting fire in a crowded theater, thus constituting a clear and present danger to national security during wartime.

Louis Brandeis & Samuel Warren, "The Right To Privacy" (1890)

[http://www.estig.ipbeja.pt/~ac\\_direito/privacy.pdf](http://www.estig.ipbeja.pt/~ac_direito/privacy.pdf)

*Griswold vs. Connecticut* (1965)

[http://en.wikipedia.org/wiki/Griswold\\_v.\\_Connecticut](http://en.wikipedia.org/wiki/Griswold_v._Connecticut)

- A 1965 Supreme Court case that established that the Constitution did include a right to privacy. The case involved a state law in Connecticut that banned the use of contraceptives. By a 7-2 vote, the Court ruled that that law violated the right to "marital privacy." Though the Constitution does not specifically mention the word "privacy," justices found the right embedded in the 9<sup>th</sup> and 14<sup>th</sup> Amendments.

*Roe vs. Wade* (1973)

[http://en.wikipedia.org/wiki/Roe\\_v.\\_Wade](http://en.wikipedia.org/wiki/Roe_v._Wade)

- A 1973 Supreme Court decision affirming the right to privacy that the Court had earlier found in *Griswold*. The Court ruled that the right to privacy existed under the due process clause of the 14<sup>th</sup> Amendment, and that this right extended to a woman's right to an abortion. However, that right, the Court argued, had to be balanced against the state's interest in the health of both the mother and the unborn child, and thus, tied state regulation of abortion to the current trimester of pregnancy.

### **Near v Minnesota**

The Saturday Press

In 1927, Guilford and Jay Near began publishing The Saturday Press. On September 26, 1927, the Monday after the first issue, Guilford was injured when he was shot in an ambush. Near continued running the paper.

Near and Guilford claimed that Jewish gangsters were running gambling, bootlegging and racketeering in Minneapolis and that the city government and the police force were doing nothing about it. Their editorial in the November 19, 1927, issue read:

There have been too many men in this city and especially those in official life, who HAVE been taking orders and suggestions from JEW GANGSTERS, therefore we HAVE Jew Gangsters, practically ruling Minneapolis.

A Complaint Filed

On November 21, 1927, County Attorney Floyd Olson (whom Guilford had branded a "Jew lover") filed a complaint against the paper under the Public Nuisance Law. Judge Mathias Baldwin issued a temporary restraining order, which was to last for more than a year.

<http://www.class.uh.edu/comm/classes/comm4303/section3/nearvsminnesota.html>

### **Louis Brandeis**

May want to mention that he was the first Jewish Supreme Court Representative (nominated by Woodrow Wilson, who ironically restricted the press during WWI-Sedition Act and Espionage Act). His appointment was highly contentious given the climate of anti-Semitism. Yet, as in this case, he sided with individual liberty even though Near was an anti-Semitic and racist.

<http://www.brandeis.edu/legacyfund/bio.html>

[http://www.pbs.org/wgbh/amex/wilson/filmmore/fm\\_act.html](http://www.pbs.org/wgbh/amex/wilson/filmmore/fm_act.html)

### **Libel v Slander (Jeff Green)**

A libel suit is a rare step for a political figure. While many candidates complain about

unfair news coverage, few go as far as making their complaints a legal case. But Mr. Greene, who has deep pockets and apparently the wherewithal to pursue the case all the way to trial, has proved he is no ordinary politician.

Dogged by rumors about wild parties aboard his 145-foot yacht and about fraudulent real estate deals, Mr. Greene will seek at least \$500 million in damages in part, he said, to teach the news media a lesson. “I want to send a message to every newspaper in the country: Do your homework,” he said Tuesday in a telephone interview. “I deserve to have the record corrected, and they deserve to be punished.”

<http://www.nytimes.com/2010/09/01/us/politics/01greene.html>

### **U of Illinois**

Exposing influence and admissions at the University of Illinois  
An ongoing Tribune investigation has revealed that subpar applicants gained admission to the U. of I. with the sway of lawmakers and university trustees, at times over the objections of admissions officers. See updates below.

<http://www.chicagotribune.com/news/watchdog/college/>

### **The Pentagon Papers**

The dramatic collision between the Nixon Administration and first the New York Times, then the Washington Post, raised in a new and spectacular form the unresolved constitutional questions about the Government's right to keep its planning papers secret and the conflicting right of a free press to inform the public how its Government has functioned (see story page 17). Yet, even more fundamental, the legal battle focused national attention on the records that the Government was fighting so fiercely to protect. Those records afforded a rare insight into how high officials make decisions affecting the lives of millions as well as the fate of nations. The view, however constricted or incomplete, was deeply disconcerting. The records revealed a dismaying degree of miscalculation, bureaucratic arrogance and deception. The revelations severely damaged the reputations of some officials, enhanced those of a few, and so angered Senate Majority Leader Mike Mansfield—a long-patient Democrat whose own party was hurt most—that he promised to conduct a Senate investigation of Government decision making.

<http://www.time.com/time/magazine/article/0,9171,905234,00.html>

### **CIA Holds Terror Suspects in Secret Prisons**

The CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe, according to U.S. and foreign officials familiar with the arrangement.

The secret facility is part of a covert prison system set up by the CIA nearly four years ago that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe, as well as a small center at the Guantanamo Bay prison in Cuba, according to current and former intelligence officials and diplomats from three continents.

The hidden global internment network is a central element in the CIA's unconventional war on terrorism. It depends on the cooperation of foreign intelligence services, and on keeping even basic information about the system secret from the public, foreign officials and nearly all members of Congress charged with overseeing the CIA's covert actions.

<http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644.html>

### **Joshua Bernard Photo**

NEW YORK — The Associated Press is distributing a photo of a Marine fatally wounded in battle, choosing after a period of reflection to make public an image that conveys the grimness of war and the sacrifice of young men and women fighting it.

Lance Cpl. Joshua M. Bernard, 21, of New Portland, Maine, was struck by a rocket-propelled grenade in a Taliban ambush Aug. 14 in Helmand province of southern Afghanistan.

The image shows fellow Marines helping Bernard after he suffered severe leg injuries. He was evacuated to a field hospital where he died on the operating table.

<http://www.tampabay.com/incoming/article1033549.ece>

### **Steve Wright**

<http://www.telegraph.co.uk/news/uknews/1575810/Ipswich-murders-DNA-link-to-Steve-Wright.html>

### **Hosty v Carter and Morse v. Frederick**

<http://www.studentpress.org/acp/trends/~law0705college.html>

<http://www.law.cornell.edu/supct/html/06-278.ZS.html>