

**JRN 101B/ 103G: News Literacy/ FALL 2010**  
**Recitation 4: The Mission of the American Press**

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**Purpose: Engage students in debate over the SWIFT banking story:  
Was it Treasonous or was it Protected by the 1<sup>st</sup> Amendment.**

I. ORGANIZATION

- Attendance
- Quiz
- **ASSIGNMENTS DUE:**
  1. **Talking Points (at end of class, after the debate)**
  2. **(Not due until next lecture is their 200 words of reflections on *Media Debates* chapter on “War, Terrorism, and National Security” which has been up on Blackboard for a week**

II. MY LIFE AS

- Encourage students to arrange their schedule to hear Ms. Cacho on Monday night, Oct. 4. Tickets (to guarantee a seat) will soon be available.
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III. RECAP LECTURE(s): MISSION OF THE PRESS

- Emphasize the doctrine the No Prior Restraint doctrine and historic examples cited in lecture. A little provocation is in order: testing the boundaries of students’ belief in free speech and then illustrating how even this conservative court has supported free speech.

IV. A CASE STUDY: IS THE *NEW YORK TIMES* GUILTY OF TREASON in publishing the Swift Banking Story?

THE *TIMES* ON TRIAL

- Frame the issues and the charge
- Discuss Espionage Act of 1917 (see background material emailed with this outline)
- Divide the class, hold a trial, however you want to do it: a robust debate: Was The Times justified in printing the material on the Swift Banking Operation? Note we have background articles by

Times” public editor on July 2, 2006 defending the decision to publish and then on August 13 being more critical

– Here are some points that can be made:

The Times was right:

A check on government

Public has right to know

Freedom of the press  
paramount

Public needs awareness of issues

People’s privacy violated

Showed illegal activities  
No subpoenas, etc

Administration’s history

The Times was wrong:

Helped the enemy

Exercised no restraint

National security

Overstepped / not  
elected

Eroded support for our  
president in wartime

Treason / espionage

Revealed classified  
information

Liberal / left-wing bias

USEFUL CONTEXT:

Times editors considered administration’s arguments multiple times.

Similar information about this program, though not as detailed, was released by administration years before to show that it was doing something UN had issued report on this program, available on its Web site.

Some in administration were troubled by this program.

Very politically charged, so objectivity in question:

NYT wrong to publish: Administration, GOP, Conservatives

NYT right to publish: Democrats

WSJ opposition:

An editorial, opinion of a conservative publication, generally pro-Bush.

It did not indicate how what news side feels or would have done, very possibly the opposite of the editorial board.

The administration's history:

Secret CIA prisons

Abu Ghraib

Torture

Weapons of mass destruction

Guantanamo

Supreme Court rebuffs

Eavesdropping

Patriot Act

The **Espionage Act of 1917** was a United States federal law passed on June 15, 1917, shortly after the U.S. entry into World War I, during the First Red Scare. It prohibited any attempt to interfere with military operations, support America's enemies during wartime, to promote insubordination in the military, or interfere with military recruitment. In 1919, the U.S. Supreme Court unanimously ruled in *Schenck v. United States* that the act did not violate the free speech rights of those convicted under its provisions. It made it a crime:

- To convey information with intent to interfere with the operation or success of the armed forces of the United States or to promote the success of its enemies. This was punishable by death or by imprisonment for not more than 30 years.
- To convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies when the United States is at war, to cause or attempt to cause insubordination, disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or to willfully obstruct the recruiting or enlistment service of the United States. This was punishable by a maximum fine of \$10,000 fine and up to 20 years in prison.

The Act also gave the Postmaster General authority to refuse to mail or to impound publications that he determined to be in violation of its prohibitions. The law was later extended on May 16, 1918 by the Sedition Act of 1918—actually a set of amendments to the Espionage Act—which prohibited many forms of speech, including "any disloyal, profane, scurrilous, or abusive language about the form of government of the United States...or the flag of the United States, or the uniform of the Army or Navy."

I. **Assignments:**

**1. Message Machine: Read the very long NYT piece on the Pentagon/Media analysts, mark it up with color pens, write a short paper that applies the three foundational journalistic values to the analysts' actions.**

**2. "War, Terrorism & National Emergencies"  
(Read ,think , write. Due next Lecture)**