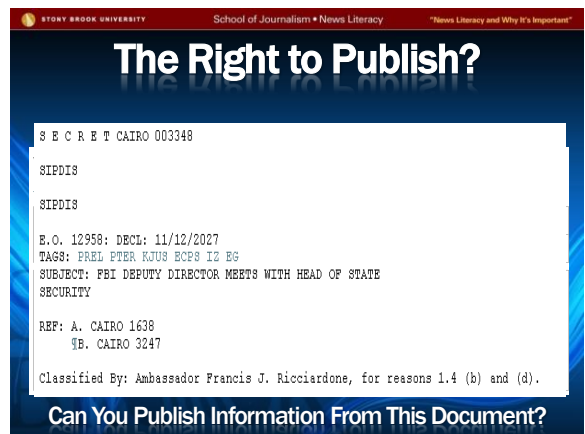
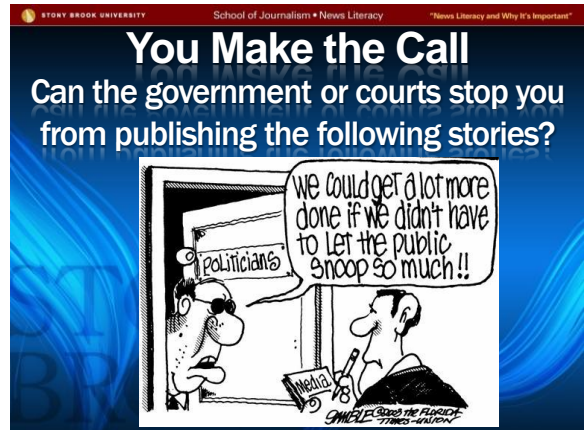
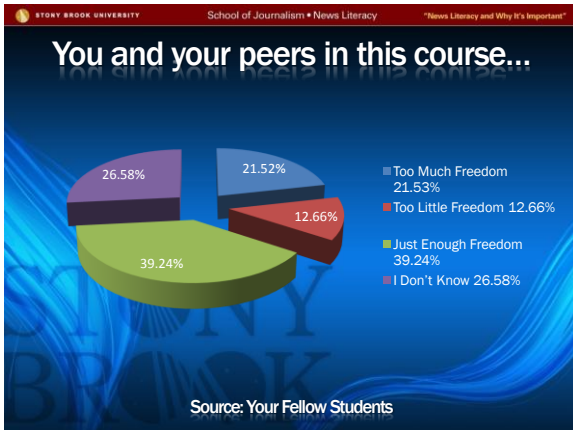
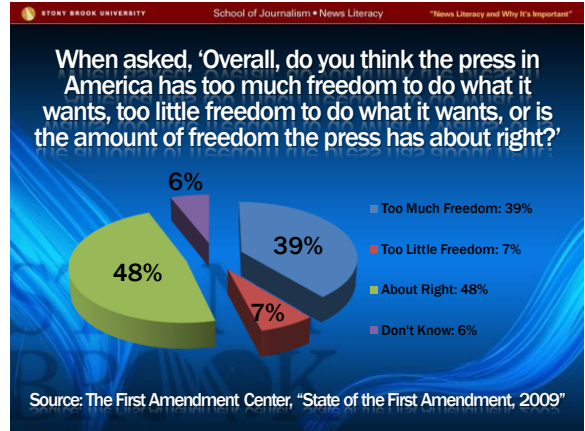


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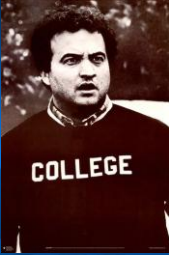
The U.S. News Media

Too Much Freedom? Or Not Enough?



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You Make the Call



Can You Publish a Murder Confession?

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You Make the Call



Can You Name the Victims?

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You Make the Call



Can Grad Students Publish a Porn Magazine?

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Just back from Tahrir Square Foreign Correspondent Iason Athanasiadis




Wednesday, March 2, 7 p.m.
SAC Auditorium, Tickets at SAC Box Office
Two Points Extra Credit for Attendance

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Will you be next?



Aleksandar Gilbert Petrovic
Winner, Fall 2010
News Literacy Essay Competition
One semester's in-state tuition
Paid by New York Community Bank Foundation



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News Matters...it's your turn

newslit.news.matters@gmail.com

See Blackboard for directions:
"Course Information" link
"Extra Credit" folder

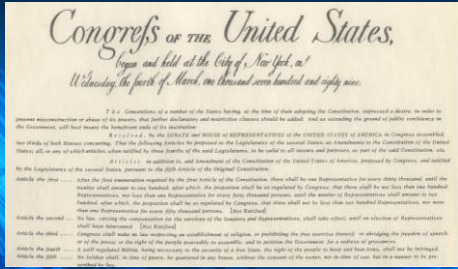
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What Is Freedom of the Press?



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The Bill of Rights



Ratified in 1791


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The First Amendment

"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 to peaceably assemble, and to petition the Government for a redress of grievances."
(Mnemonic: "P'RAPS")

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Ben Franklin's Apology for Printers



"Printers are educated in the belief, that when men differ in opinion, both sides ought equally to have the advantage of being heard by the public; and when truth and error have fair play, the former is always an overmatch for the latter."

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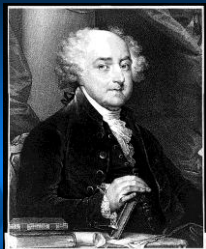
James Madison



English Common Law allowed suppression of the press, but in America, "the people, not the government possess the absolute sovereignty."
"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."

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The Alien and Sedition Acts



President John Adams Signs Them Into Law in 1798

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Libel vs. Slander



"Slander is spoken. In print, it's libel."

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Defenses:

- Fair Comment

State of Wisconsin Circuit Court Jackson County
STATE OF WISCONSIN DA Case No.: 2011JA000077



any person who publishes, prints, issues, circulates, distributes, or transmits, or causes to be disseminated, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

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The Supreme Court's 'First Great Press Case'




The Saturday Press
A Direct Challenge to Police Chief Brunskill

1931: Near v. Minnesota

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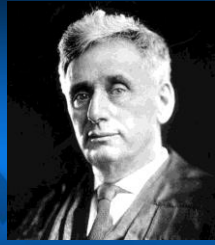
Justice Pierce Butler



"Permitting a scandal sheet such as Near's to destroy the reputation, peace of mind, and even personal safety of other citizens, society is not only encouraging malice and revenge but could inflict distressing punishments upon the weak, timid, and innocent."

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Justice Louis Brandeis



"Every man has a right to publish what he wishes, and if it be defamatory or libelous suffer the consequences later."

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Chief Justice Charles Evans Hughes Breaks the Tie



"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."

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No Prior Restraint


The Worst Part of Censorship is ~~XXXXXX~~

Government cannot stop something from being published or broadcast or posted on the Internet, except in rare instances.

But, the author or organization can be punished later.

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No Prior Restraint



'Freedom of the Press is the Right of the Press to be Wrong'
– First Amendment Attorney Alan Dershowitz

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The Fourth Estate



Who is the "Watchdog"? You are.

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The Press As 'Watchdog'



Saved From Death Row

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The Watchdog As Its Own Censor





The Bay of Pigs Invasion

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The Press As 'Watchdog'



CBS' Revealing Abu Ghraib Coverage

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There Are Two Exceptions to the No Prior Restraint Rule

National Security

S E C R E T MONTERREY 000472

SEFOIS
SENSITIVE
SEFOIS

DEPARTMENT FOR INL; DS/IS/ITA; DS/IS/WMA; DS/IC/CR

E.O. 12958; DECL: 4/27/2017

TAGS: HMA BODY ASS: RE

SUBJECT: DRUG CARTEL PRODUCED VIDEOS/PAPE ALLEGES CORRUPTION AT HIGHEST LEVELS OF MEXICAN GOVERNMENT

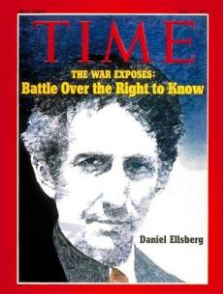
CLASSIFIED BY: Luis Moreno, GS, Monterrey, Department of State.
REASON: 1.4 (B), (d)

11. (SBU) During a private meeting on April 23, the Consul General asked [redacted] about recent public statements made by the State Assistant Attorney General [redacted] Without being solicited, [redacted] told reporters on April 24 that photographic or video evidence may surface linking State and Federal Governments to organized crime, and that the public [redacted] Public discussion ensued and focused on the question of why Fasci would make such a statement unless he already knew that the evidence existed. On April 25, State Attorney General Luis Carlos Trevino publicly recanted Fasci's statement and said that the Assistant Attorney General had not been speaking on behalf of the Nuevo Leon State Government.

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The Pentagon Papers Case

Daniel Ellsberg
Leaks Secret Defense Documents



TIME
THE WAR EXPOSES:
Battle Over the Right to Know
Daniel Ellsberg

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The Washington Post Exposes Secret CIA Prisons

CIA Holds Terror Suspects in Secret Prisons

Debate Is Growing Within Agency About Legality and Morality of Overseas System Set Up After 9/11

By Dana Priest
Washington Post Staff Writer
Wednesday, November 2, 2005; Page A01



What Was the Impact of These Stories?

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The Role of the Press in National Security



60 MINUTES

Secret Documents Made Public

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The Role of the Press in National Security

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Secret Documents Made Public

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The Role of the Press in War

Bank Data Is Sifted by U.S. in Secret to Block Terror

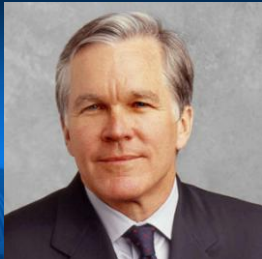



Samantha So/Ageco France/Press - Getty Images

Stuart Levey, an undersecretary at the Treasury Department, in a file photo. He said the program "has provided us with a unique and powerful window into the operations of terrorist networks."

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The Role of the Press in War



Keller Explains His Decision

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Keller.wmv

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The Role of the Press in War



Lawmaker Wants Times Prosecuted

By Devin Barrett
Associated Press
Monday, June 26, 2006; Page A02

The chairman of the House Homeland Security Committee urged the Bush administration yesterday to seek criminal charges against newspapers that reported on a secret financial-monitoring program used to trace terrorists.

Rep. Peter T. King (R-N.Y.) cited the New York Times in

Long Island Congressman Peter King Wants Reporters Jailed

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Other Conflicts

- The Right to Know
- The Right to Know vs. Privacy
- A Free Press vs. A Fair Trial

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Limitations on Press Freedom


The Right to Gather the News?



Under arrest: ITN reporter John Ray is dragged off by police after attempting to report a Free Tibet protest

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The Right to Gather the News?



1995: 3.5 Million Documents Classified
2009: 54.7 Million Documents Classified

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13 13 Mocking Bird Lane
631-632-6000
Feb. 14, 2011

FOIA/Privacy Act Office
The FBI
Washington

FOIA/Privacy Act Request
Dear FOIA/PA Officer:

Pursuant to both the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a, I seek access to and copies of all records about me which you have in your possession.

Cont
- You
- Ove
- Sub
- Rep
- Mer
- Quit

Learn
- Quit

To assist with your search for these records, I am providing the following additional information about myself: full name, Social Security number, date and place of birth. (Here also list whatever additional personal data you don't mind revealing to the agency, such as other names used, former places of residence, foreign travel, government and other employment, political activities, etc.)

If you determine that any portions of these documents are exempt under either of these statutes, I will expect you to release the non-exempt portions to me as the law requires. I reserve the right to appeal any decision to withhold information.

I agree to pay reasonable fees incurred in the copying of these documents up to the amount of \$(amount). If the estimated fees will be greater than that amount, please contact me by telephone before such expenses are incurred.

If you have any questions regarding this request, please contact me by telephone. Thank you for your assistance. I will look forward to receiving your prompt reply.

Very truly yours,
Stewart Dint

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The Right to Know vs. Privacy



A controversial decision to publish a photo of war

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A Free Press vs. A Fair Trial

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed . . ."

The Sixth Amendment

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A Free Press vs. A Fair Trial



TMZ
CELEBRITY JUSTICE
Lindsay Lohan: Bad Jewelry = Good Defense to Felony

EXCLUSIVE

\$900
\$1000
\$2500
\$800

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A Free Press vs. A Fair Trial

Judges have other remedies :

- Change of venue
- Gag orders
- Voir Dire
- Sequestering the Jury

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You Make the Call

Can the government or courts stop you from publishing the following stories?

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The Right to Publish?



News Group Publishes Story About Osama Bin Laden's Satellite Phone

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The Right to Publish?



Popular Student Charged With Murder Confesses

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The Right to Publish?



Do You Name the Victims?

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The Right to Publish?



Can You Publish Information From This Document?

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The Right to Publish?



Grad Students Publish a Porn Magazine

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The New York Times on Trial for Treason



The New York Times
Innocent or Guilty?

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Assignments:

1. Read S.W.I.F.T. articles and chapter three of *"The Elements of Journalism."* Write talking points for a debate in recitation, citing chapter and articles.
2. Watch assigned videos (expect questions in News Quiz).
3. "War, Terrorism & National Emergencies" (In digital textbook)
(Read, think, write. Due next Lecture)