

First Amendment

The First Amendment guarantees, “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 peaceably to assemble, and to petition the Government for a redress of grievances.” What’s the biggest danger to public support for press protections in the First Amendment?

Alberto Ibargiuen

One of the things I’ve tried to do is always talk about this as freedom of speech as opposed to freedom of the press. It wasn’t a right of the press to examine those ballots after the election; it was the right of a citizen to examine those public documents after an election.



However much we may rail, we actually take the First Amendment for granted every day. I chair something called the Impunity Committee (which is an anti-impunity committee) of the Inter American Press Association. We deal with the murder of journalists.

We can’t prosecute somebody’s murder in Brazil or in Mexico or [catch the killers of] the 140 journalists that have been killed in the last 15 years in Colombia because they do what you or I do. ... What we can do is write the story about the murder on our independent investigative reporting.

When you’re close to it like that, as one is in Miami, you are less complacent.

Lou Boccardi

Through challenges of all kinds for a couple of hundred years and more, this system has worked. I think it’s worth a lot of energy by all of us that we don’t, first of all, do things that undermine this role and that we also make it clearer that there really is a benefit to this society in having a press that’s free from government control.

Arthur Sulzberger Jr.

I'm not sure we have to fear a lack of public support. I think the public does get it. They may say sometimes they're angry at the press and they're angry at individual newspapers or television stations or whatever it is, but I don't think that necessarily translates into a lack of support for the First Amendment.

I think the place we have to worry about is ... and will continue to be Washington. The Intelligence Authorization Act is the best example I can think of where we came within a hair's breadth [in 2000] of seeing an American version of Britain's Official Secrets Acts imposed on us for the first time in 200 years.

The bill got to the president's desk almost in complete secrecy, and it was only when a few folks intervened [that it was stopped].

But here is a solution in search of a problem: the thought that, if you will, somehow you criminalize the act of talking to the press in a Washington context, [problems will be solved]. Everything is stamped secret.

[In] the famous Pentagon Papers case, they had stamped something secret that actually was a story that had already run.

It certainly isn't going to mean that we don't have spies, because spies know that they're breaking the secrets. It's not going to solve anything except [impair] our ability to ensure that the folks who keep democracy alive, our voters, have the information they need to make rational decisions. So I think it's damaging.

I was a reporter in London for two years with The Associated Press, so I've actually operated under the Official Secrets Act. I remember as a young reporter calling a member of Britain's National Housing Agency, whatever it's called, asking for housing starts.

And I was told that that was information they could not give out because of the Official Secrets Act. So I know where it leads. The minute you can start down that road, every bureaucrat and every politician is going to ensure that everything is stamped secret — and the next thing you know, you won't be reporting housing starts in this country.

Karen Jurgensen

Pack journalism alienates people. When I am on the receiving end of it, it makes me mad. And it makes me think, can't somebody make this guy shut up? I can imagine how the general public feels at our mercy sometimes. If we alienate the public, they won't support our right — or their need — for us to do our jobs.

Jack Fuller

(What's the greatest danger to public support for press freedoms?) I'm almost tempted to say it's smart-ass questions — it's captious, look-at-me, adversarial, cross-examination questions, when they're totally inappropriate. There have been numerous occasions in the history of our republic when cross-examination is required. But we've sort of adopted that manner, particularly whenever the camera is on. And it erodes even my respect, when I watch it. ...

There probably are many other things that erode [public support]. When we hurt people and we're seemingly oblivious of the pain that we cause, that erodes it. I think we in newspapers are often tethered to the camera. We may behave decently, and yet if there's a throng of people, a huge phalanx of journalists and quasi-journalists mobbing some poor, helpless person, that rubs off on us, regardless of whether we've behaved ourselves.

Burl Osborne

The greatest risk is that people will somehow fail to understand that it is their First Amendment, not our First Amendment. And we have responsibility in that respect.

Tim McGuire

I found that as I talked to editors and as I look at my personal experience, that defending against the [incursions against the First Amendment] is becoming a far greater part of the job. I believe some of my biggest contributions to quality at the *Star Tribune* have come through that kind of activity.

That's not the kind of activity that staffers are going to celebrate — or even realize most of the time. It is terrifically important work.

Tom Johnson

The biggest worry I have currently are the proposals for tightened secrecy, both in terms of laws that are being proposed to Congress and regulations that are being proposed from the intelligence community.

We are a democracy. We are an open society. We need a free press so the public in a democracy can understand its government.

I was very troubled to read of the recent executive order that permitted the president or former presidents to keep all of their presidential library records closed. I think after a period of time, certainly no more than about 10 years, [we] need to be able to look at the records of the White House and president. To me it also serves a major public function.

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Executives in government as well as executives on the outside need to be able to ask themselves, how will my actions, taken in private, look when they are published either tomorrow or 10 years from now in *The Washington Post* or *The New York Times*? It is a self-regulating mechanism. Too much bad happens when secrecy cloaks the action of government officials or business leaders.

I think it would have been a very different world if all of those who were making decisions in the '60s knew that their recommendations would become public in a relatively short period of time. I also appreciate the need for secrecy in intelligence operations, methods and sources. But I just think that we are moving toward a more secret society, not a less secret society. It affects not only the First Amendment rights we've had in the past. But it really could spell a dangerous trend in our overall democracy. We need to fight that.

Lou Boccardi

It's alarming to see surveys that say that majorities think that government really ought to find some ways to control this or that about what the press does.

We (in the AP) work in every legal and press system across the world. There is none that can compare to the system we have here.

When you think of revolutions that occur around the world, you know that the pattern is just broadly so clear. First thing that happens is somebody takes over the seat of government. Next thing that almost always happens is the television station ... and/or the radio station and/or the newspaper (are taken over). There's a reason for that and it's self-evident.

Neal Shapiro

I actually think the biggest danger is that people start to view ... television news [as a] business of celebrity, anchored by celebrities, about celebrities, and [we lose] the notion that we are all journalists who report. In some ways, it is our own fault.

[Strong television] journalists are incredibly smart people. People you see on camera are smart, hard working. You cannot get to be anchor of anything without being those things today. And that is how they should be recognized. And I worry [that] in our kind of celebrity culture, do they become other things as well? It probably worries them sometimes, too.

Dick Wald

We live at the sufferance of the public.

Although the Supreme Court has broadened the idea [of what the First Amendment protects], the allowance we get is from the public. And if the public begins to feel that we are not independent and on their side and working essentially for them, but instead dependent and on the company's side and working at its behest, then I think we're going to have a lot of trouble.

Sandy Rowe

If we've reinforced the (incorrect) notion that the First Amendment is really for the media, not for the people, and then we're arrogant to boot, you can understand how people would ask why the media has special privileges.

Mark Whitaker

This is one area where I think we get further protection, not only from the Constitution, but also from technology and the proliferation of news sources. It used to be that if you could get to Walter Cronkite and *The New York Times* and *The Washington Post* and they would not do it — if in some kind of anti-free press fantasy, you could muzzle all of them — then the information probably would not get out. Now, the fact is, even though you could muzzle them — which you cannot — it is going to come out someplace.

William Hearst III

What is the picture in mind of the audience that you want to talk to? I mean, one of the gifts of the First Amendment is that you don't have to talk to everybody. You can have a pro-abortion press. You can have an anti-abortion press. Who are you trying to talk to? If you have a clear picture of that, then the taste question kind of works itself out, including leading taste forward from time to time.

Steve Isenberg

There is a sense of where we're obnoxious in the face of human tragedies. I think there are some times when we are spittle-driven, opinionated, noninforming; it just sets us back.

I think that there are these reconciliation moments between free press and a fair trial that I think people in the end see the majesty of the First Amendment.

Any business that has a constitutional protection has a constitutional obligation. In the deepest part of the country's sense of its democracy and freedom is a code that springs from its basic legal document. [It] shouldn't make you arrogant, it shouldn't make you stuffy, it shouldn't make you sanctimonious. It ought to make you responsible and it ought to make you brave.