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FREEDOM OF THE PRESS HOW FAR DOES IT GO?

When the Bill of Rights was adopted in 1791, the printed word was the only means of communication. That is why the First Amendment reads in part, "Congress shall make no law abridging the freedom...of the press." Today, television, radio, movies, and computer technology such as the Internet also are protected by the First Amendment and freedom of the press. All these methods convey ideas and information.

The First Amendment does not list any specific exceptions, but it does not protect all types of speech. For example, the U.S. government can limit freedom of the press when it comes to the use of obscenity. And advertising can be regulated to prevent false, misleading, or unfair ads. The First Amendment also does not prevent private citizens from suing publishers for libel. There are issues of national security, too. Printing secrets about U.S. troop strengths or stories that encourage U.S. soldiers to join the opposition during wartime are not always protected by the First Amendment.

On the other hand, the First Amendment strongly protects the publication of other types of speech. Political speech--written or otherwise --concerning the government is protected. But what about speech that may be found treasonous (disloyal) to the U.S. government? Fortunately, it is considered desirable in the United States to debate government policy openly. Prohibiting newspapers from publishing stories that criticize, for instance, our government's decision to declare war against another country would violate the First Amendment. In 1971, Supreme Court justice Hugo Black reminded Americans that "the press was protected by the First Amendment so that it could bare the secrets of government and inform the people."

As a matter of fact, during the 1960s, many newspapers and magazines printed stories opposing U.S. involvement in the Vietnam War. The articles frequently were not popular with many U.S. citizens. But the First Amendment defended the press's right to publish unpopular opinions.

Public discussion of issues is very important in the United States. This makes it difficult for the government to censor stories before they are published. The government can try to prevent a story from being reported or printed at all. Or it can try to enforce a "prior restraint." This places a restriction on further publication or distribution of something considered offensive. (See the article on page 26.)

The Supreme Court ruled that prior restraint is permitted only if the publication of a story would cause a "clear and present danger." This was established in the 1931 case of *Near v. Minnesota*. The Court maintained that the stories in question were harmful but did not pose a danger. Some news stories, however, do create a "clear and present danger." In 1979, a federal district court ruled in *United States v. Progressive, Inc.* that a magazine could be prevented from publishing instructions on the making of a hydrogen bomb.

As Justice Oliver Wendell Holmes once said, defending freedom of thought requires us to protect not just those who agree with us, but also those who express "thought(s) we hate." The First Amendment protects our right to communicate and discuss unpopular opinions.

Abridging means limiting or restricting.

Obscenity means indecency or offensiveness in words or pictures.

Libel is a false story that damages someone's reputation.

To censor means to examine material and remove what is considered objectionable.

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