

A STUDY OF PRESS LAW
IN HIGH SCHOOL JOURNALISM

by

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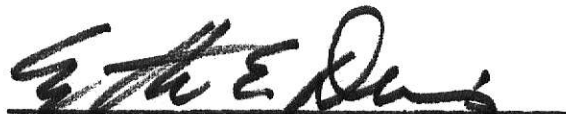
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CHAPTER I

INTRODUCTION

The First Amendment to the Constitution states that the United States of America has a free press. "Congress shall make no law . . . abridging the freedom of speech, or of the press." Some have argued that this is a provision for an utterly unrestrained press. Supreme Court Justice Hugo Black has said of the First Amendment, "It is my belief that there are absolutes in our Bill of Rights, and that they were put there on purpose by men who knew what words meant and meant their prohibitions to be absolutes."¹ Others, such as Justice Felix Frankfurter, have argued that freedom of the press is mitigated by responsibility.

A free press is vital to a democratic society because its freedom gives it power. Power in a democracy implies responsibility in its exercise. No institution in a democracy, either governmental or private, can have absolute power. Nor can the limits of power which enforce responsibility be finally determined by the limited power itself. In plain English, freedom carries with it responsibility even for the press; freedom of the press is not a freedom from responsibility for its exercise. Most state constitutions expressly provide for liability for abuse of the press's freedom. That there was such legal liability was taken for granted by the framers of the First Amendment that it was not spelled out. Responsibility for its abuse was imbedded in the law. The First Amendment safeguarded the right. . . . The public function which belongs to the press makes it an obligation of honor to exercise this function only with the fullest sense of responsibility. Without such a lively sense of responsibility

¹Harold L. Nelson and Dwight L. Teeter, Jr., Law of Mass Communications (5th ed. of Legal Control of the Press by Frank Thayer) (Mineola, New York: The Foundation Press, 1969), pp. 9-10.