

## Lecture Outline

### The Press and the U.S. Constitution

- A. Eighteenth Century notions of a free press
  - 1. The realities of the press in colonial America
  - 2. The impact of the American press on the war for independence
- B. The First Amendment and a free press
  - 1. The development of the Bill of Rights
  - 2. The meaning of the Bill of Rights during the constitutional period
  - 3. The constitutional debates surrounding the First Amendment
- C. The press in the early U.S.
  - 1. The economics of the press
  - 2. The accessibility of the press to public involvement
  - 3. The press's responsiveness to the public
  - 4. The political nature of the press
- D. An early test of the First Amendment
  - 1. The Alien and Sedition Act
- E. The historical development of the press during the 19<sup>th</sup> Century
  - 1. The move to corporatization and big business
  - 2. Urban America and the press
  - 3. The advent of yellow journalism
- F. The First Amendment begins to take shape
  - 1. Civil liberties in the World War I Era
  - 2. The early First Amendment cases

- G. The First Amendment during the Cold War
  - 1. Free speech and free press in a democracy threatened
  - 2. Supreme Court and the First Amendment: favoring national security over individual freedom
- H. The 1960s and a new view of liberty
  - 1. *New York Times v. Sullivan* and the value of the press in a democracy
  - 2. Setting the stage for the Fourth Estate view of the press
  - 3. The Court's reaction to the Fourth Estate view
- I. The 20<sup>th</sup> Century evolution of the media
  - 1. Continued conglomeration
  - 2. The entry of broadcast media
  - 3. The professionalization of journalism
  - 4. The press as an independent check on government
  - 5. The high point of journalism
  - 6. The traditional media reaches its peak in the 1970s
- J. Constitutional visions of the press in the latter half of the 20<sup>th</sup> Century
  - 1. Different models for different technologies
  - 2. No special privileges for the press
  - 3. No independent meaning to the press clause
  - 4. The skepticism of newsgathering
- K. The current state of the press
  - 1. The demise of truth and objectivity
  - 2. A return to 18<sup>th</sup> Century politics?
  - 3. The continued demise of professionalism

4. The media's own rejection of the Fourth Estate model: the press as apologist
- L. The Constitution and a biased press
1. Constitutional future
  2. Political future

**Reading List:**

Patrick Garry, *Limited Government and the Bill of Rights*, 2012, University of Missouri Press.

Patrick Garry, *Scrambling for Protection: The New Media and the First Amendment*, 1994, University of Pittsburgh Press.

Thomas Leonard, *The Power of the Press: The Birth of American Political Reporting*, 1986, Oxford University Press