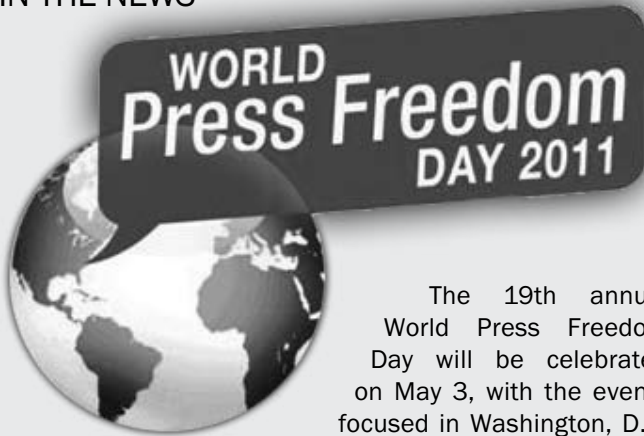


# learning from the headlines

## IN THE NEWS



The 19th annual World Press Freedom Day will be celebrated on May 3, with the events focused in Washington, D.C. World Press Freedom Day was declared by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1993, to call attention to the difficulties that journalists around the world face in trying to gather and report the news.

The nonprofit organization Reporters Without Borders reports that 57 journalists were killed in the line of duty during 2010 and 51 more were kidnapped. The most dangerous country was Iraq, with seven fatalities. Many of the deaths were in combat zones, where reporters may be accidentally hit by fire that was meant for enemy troops. But some reporters are specifically singled out for attack because they are journalists, including American television journalists Laura Ling and Euna Lee, who were held captive for 141 days in North Korea in 2009. They were accused of plotting to publish false information about the North Korean government, a charge that can bring prison time in that Communist-run country.

This year, the theme of World Press Freedom Day will be “21st Century Media: New Frontiers, New Barriers.” The delegates who come to the United States from around the world will meet May 1 through May 3 to discuss the importance of the Internet as a method of sharing information. Social media such as Facebook and Twitter have been an important tool for citizen activists seeking to remove oppressive leaders in Egypt, Libya and around the globe. These tools also are important to “citizen journalists” – including students – who may lack access to traditional forms of media.

## think about

Why are social-networking sites so influential as a method of communicating, especially in organizing anti-government protests? Are Facebook and Twitter posts “journalism?” What would make them “journalistic?”

How did people communicate news and organize themselves before the Internet? What are some of the advantages and drawbacks of these “low tech” options? Are there times when “off-line” rather than “online” methods are more effective, even today?

How do the press freedoms that students have in your school compare with the freedoms that professional journalists have in the adult world? What is the proper level of freedom? When should the government be allowed to exercise control in a publication that is staffed by students as part of a learning experience?

## press freedom landmarks

*Near v. Minnesota* (1931): A state law allowing courts to restrain “malicious” or “scandalous” newspapers is unconstitutional. This case clarified that the First Amendment’s guarantee of freedom of the press applies to acts of state legislatures – through the Fourteenth Amendment – as well as to the U.S. Congress.

*New York Times v. Sullivan* (1964): An ad in the Times placed by civil-rights leaders criticizing the Montgomery, Ala., police was not libelous because there was no evidence that the statements were made with “malice,” meaning reason to believe the statements are false. This ruling made it much easier for the media to defend itself when sued for defamation.

*New York Times v. United States* (1971): Refused the federal government’s request for a court order preventing The New York Times from publishing the “Pentagon Papers,” secret documents about the Vietnam War leaked by a Defense Department analyst. The Court said a “prior restraint” against publishing would be unconstitutional except in very extreme cases.

*Hazelwood School District v. Kuhlmeier* (1988): The only student media case ever heard by the U.S. Supreme Court. The Court held that public schools can censor “curricular” student publications that function as the official voice of the school, if the censorship is justified by a legitimate educational basis.

The First Amendment to the U.S. Constitution guarantees, among other things, that the government may not restrain freedom of speech or of the press. These freedoms are a fundamental part of a democratic society.

The United States is one of the very few countries with a constitution that restricts how much the government can interfere with free expression. Many cultures place less importance on individual rights, and in those societies, commentators who criticize government policies or expose government wrongdoing can be jailed and their publications can be shut down.

UNESCO believes that freedom of expression has two components. The first is the safety of journalists. Journalists must be free to decide the content of their own publications, broadcasts and websites without government interference and without the threat of violence or punishment. The second is access to essential

information, which is sometimes called “transparency.” Like a transparent window, a transparent government is a government that allows the public to see what is going on inside.

Reporters Without Borders rates the United States as the 20th most free country in the world for journalists. While the United States earns very high ratings, there are some shortcomings. The biggest – which Reporters Without Borders calls a “judicial absurdity” – is the lack of a federal “reporter’s privilege” allowing journalists to protect their confidential sources. Almost every state has a reporter’s privilege law (also known as a reporter shield), which lets journalists refuse to testify or turn over information in court if it would give away confidential news-gathering secrets. These state privilege laws work in the state courts but not in the federal courts. Journalists who are called as witnesses in federal court have been jailed for refusing to give up their confidential sources.

## why it matters

Thomas Jefferson is famously quoted as saying, “[W]ere it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.” This quote illustrates the importance of an independent news media – which is now much more than just “newspapers” – as an essential part of a free society.

It is not a coincidence that the lowest-rated countries on the 2010 Reporters Without Borders freedom index are among the worst in the world when it comes to respect for human rights and for the ability of individuals to participate in self-government. The bottom five include Burma, Iran, Turkmenistan, North Korea and Eritrea. These countries are known for imprisoning political dissenters, for oppressing members of religious minorities, and for justice systems that fail to protect the rights of the innocent.

The mistreatment of journalists in these countries is a symptom of a larger cultural problem of disrespect for individual liberties.

Journalists in the United States are largely free from the worst of these abuses. But the climate for student journalists – who generally do not enjoy the full benefit of First Amendment freedoms – is less hospitable. Although students do not face nearly the same perils as professionals working in third-world danger zones, it is not uncommon for schools and colleges to shut down newspapers, fire journalism advisers, and otherwise use their authority to stamp out independent journalistic voices that are seen as too critical of government policies.

On April 15, the Student Press Law Center, joined by 39 of America’s leading journalism and free-speech groups, placed an ad in the Washington Post calling President Obama’s attention to the lack of press freedoms in American schools and colleges. The ad was intended to show the irony that the United States, which considers itself a world leader in freedom of speech and condemns censorship by foreign leaders, allows heavy government censorship of the student media.

### for further reference

The Student Press Law Center’s World Press Freedom Day 2011 site (click the link labeled “Our Letter to Pres. Obama” to read the *Washington Post* ad): <http://www.splc.org/wpfd/>

**The Student Press Law Center is a non-profit legal assistance organization dedicated to educating high school and college journalists about their legal rights and responsibilities.**

**For information, resources or assistance, please contact us.**

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