

Prior Restraint & Censorship Cases...

- *Near v. Minnesota* (1931)—SCOTUS strikes down advance government censorship by state law; 14th and 1st Amendments; Minnesota law subjected newspapers to official approval before publication. Jay Near brought the suit against the state; punishment after the fact only.
- *New York Times v. Sullivan* (1964)—Sullivan Rule; assessment of malice to determine libel of public officials.
- *Miller v. California* (1973)—FCC regulates obscenity; limits on indecent material in the media; Miller Test
- *New York Times Co. v. United States* (1971)—the Pentagon Papers Case; Nixon Administration attempts to prevent NYT and Washington Post from printing Department of Defense materials on Vietnam; question of liberty v. security; papers could print if it did not “immediately” “imperil” our safety.

Class Notes...

- ⇒ **Prior Restraint**—government attempts to prevent publication of potentially damaging information ahead of publication
- ⇒ **Sunshine Laws**—government proceedings and documents are publically available
- ⇒ **Freedom of Information Act (FOIA)**—citizens may make requests for documents from agencies; fee may be charged for copying

Questions to Consider...

How important are FOIA requests from the public and the press?

Should the media be required to present multiple viewpoints on policies, issues, & candidates?

James Madison to W. T. Barry, August 4, 1822

“A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.”

Library of Congress; Manuscripts/Mixed Material; James Madison to W. T. Barry, August 4, 1822 at <https://www.loc.gov/item/mjm018999/>

- ⇒ **fairness doctrine**—present information in a balanced manner; no longer in force
- ⇒ **equal time rule**—FCC monitors equal time for political candidates