

THE

Fourth Estate

AND THE

Constitution

*Freedom of the Press
in America*

Lucas A. Powe, Jr.

The Fourth Estate And The Constitution Freedom Of The Press In America

Lucas A. Powe



The Fourth Estate And The Constitution Freedom Of The Press In America:

The Fourth Estate and the Constitution Lucas A. Powe, 1992-10-02 In 1964 the Supreme Court handed down a landmark decision in *New York Times v. Sullivan* guaranteeing constitutional protection for caustic criticism of public officials thus forging the modern law of freedom of the press Since then the Court has decided case after case affecting the rights and restrictions of the press yet little has been written about these developments as they pertain to the Fourth Estate Lucas Powe's essential book now fills this gap Lucas A. Powe Jr a legal scholar specializing in media and the law goes back to the framing of the First Amendment and chronicles the two main traditions of interpreting freedom of the press to illuminate the issues that today ignite controversy How can a balance be achieved among reputation uninhibited discussion and media power Under what circumstance can the government seek to protect national security by enjoining the press rather than attempting the difficult task of convincing a jury that publication was a criminal offense What rights can the press properly claim to protect confidential sources or to demand access to information otherwise barred to the public And as the media grow larger and larger can the government attempt to limit their power by limiting their size Writing for the concerned layperson and student of both journalism and jurisprudence Powe synthesizes law history and theory to explain and justify full protection of the editorial choices of the press *The Fourth Estate and the Constitution* not only captures the sweep of history of Supreme Court decisions on the press but also provides a timely restatement of the traditional view of freedom of the press at a time when liberty is increasingly called into question *The Fourth Estate and the Constitution* L. A. Scot Powe, 1991 Contents

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celebration of this great document seven distinguished scholars combine their expertise to explore the history and contemporary meaning of these first ten amendments to the Constitution *Top Secret* Geoffrey R. Stone, 2007-08-24 Since September 11 2001 the United States has investigated and prosecuted public employees journalists and the press for the dissemination of classified information relating to the national security What is the cause of the recent tension between the government and the press Perhaps the media are pressing more aggressively to pierce the government's shield of secrecy Perhaps the government is pressing more aggressively to expand its shield of secrecy Perhaps both factors are at work *Top Secret* explores not why this is happening but whether the measures taken and suggested by the executive branch to prevent and punish the public disclosure of classified information are consistent with the First Amendment This book the first in the *Free Expression in America* series addresses four critical issues a public employee's right to disclose classified information to a journalist the government's right to punish the press for publishing classified information the government's right to punish a journalist for soliciting such information and a journalist's right to keep his sources anonymous

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