

What does “freedom of the press” mean?

Here's an important question that should stay with us throughout this discussion: Was the First Amendment intended to protect journalists — or to protect the public's ability to receive information and challenge government power?

The First Amendment and the early American press

- **1787–1791: The Constitution and Bill of Rights**
- The original Constitution did **not** contain a Bill of Rights.
- Anti-Federalists and others worried about the concentration of federal power.
- James Madison subsequently proposed amendments protecting individual liberties.
- The First Amendment became part of the Bill of Rights in 1791.
- **But the protection was immediately tested**
- **1798 — Alien and Sedition Acts**
- Congress, under Federalist control, enacted laws restricting criticism of the federal government.
- The Sedition Act made certain criticism of the government and federal officials punishable.
- Newspaper editors and writers were prosecuted and imprisoned.
- Thomas Jefferson and James Madison opposed the measures.
- The controversy demonstrated something important: **constitutional protection does not automatically prevent government from attempting to restrict the press.**

The First Amendment was barely seven years old when the new government was already testing its boundaries.

The 19th century: From partisan pamphlets to mass journalism

1. Newspapers become cheaper and more accessible

Early newspapers were relatively expensive and had small audiences.

The emergence of the **penny press** in the 1830s dramatically changed the economics and audience of American journalism.

Newspapers increasingly sought mass audiences rather than primarily serving political elites.

Advertising became increasingly important to the business model.

The Library of Congress identifies the rise of the penny press as a major development in the expansion of American newspapers.

2. Technology accelerates journalism

Steam-powered presses

Improved printing technology

Railroads

Telegraph

Later, photography

The telegraph was particularly important because it dramatically shortened the time required to transmit information over long distances.

Technology changes not only how journalism is distributed — it changes what journalism is.

3. Newspapers remain highly partisan

Political newspapers did not disappear.

Partisanship remained a major feature of American journalism.

Newspapers played an important role in abolitionism, the Civil War, Reconstruction and debates over race, immigration, labor and industrialization.

African American newspapers became an important institution for communities that were often ignored or misrepresented by mainstream white newspapers.

By the late 19th century, the American press had become enormously more diverse in geography, audience and subject matter.

The Library of Congress's historical newspaper collections provide a particularly good way to show students this evolution because they span the early republic through the Civil War, Reconstruction, Gilded Age and Progressive Era.

The turn of the 20th century: Journalism becomes a profession

- Journalism didn't begin with a professional ethics code.
- For much of the 19th century, there was little standardized professional training.
- Newspapers competed aggressively for readers.
- Sensationalism, partisan journalism, rumor and exaggerated headlines were common.
- The boundaries between news, opinion and political advocacy were often considerably less defined than they are supposed to be today.
- Then journalism begins professionalizing
- Late 19th/early 20th century:
 - Journalism schools emerge.
 - Professional journalism organizations develop.
 - Newsrooms become more formalized.
 - Editors increasingly distinguish reporting from editorial opinion.
 - Accuracy, verification and sourcing become professional expectations.
- The Society of Professional Journalists traces its own origins to 1909 and notes that journalism ethics codes developed during the early 20th century.
- A crucial distinction
- The First Amendment doesn't require journalists to be ethical.
- That's important.
- The government generally cannot require journalists to pass a government licensing exam before publishing.
- There is no government-issued "journalist license."
- Ethical journalism therefore developed largely through professional norms and voluntary standards.
- Journalism's constitutional freedom creates a corresponding professional responsibility to earn public trust.
- SPJ explicitly describes its ethics code as voluntary rather than legally binding.

THE 20TH CENTURY: THE PRESS CONFRONTS GOVERNMENT POWER

- **World War I and the Espionage/Sedition Acts**
- The federal government again placed significant restrictions on speech during wartime.
- Journalists and publications faced government pressure.
- This raised the recurring question: **Does national security justify restrictions on press freedom?**
- **Watergate**
- Investigative journalism becomes particularly associated with holding government officials accountable.
- The Washington Post's reporting on Watergate became a defining example of journalism investigating presidential power.
- More broadly, the episode reinforced the idea of the press as a check on government.
- **Pentagon Papers — 1971**
- **New York Times Co. v. United States**
- The Nixon administration attempted to prevent newspapers from publishing the Pentagon Papers.
- The Supreme Court rejected the government's attempt at prior restraint.
- The case became a landmark in the doctrine against government censorship of publication before publication occurs.
- This is a great point to explain:
- **Prior restraint vs. punishment**
- **Prior restraint:**
- “You may not publish this.”
- **Punishment after publication:**
- “You published this, and now we are going to prosecute or sue you.”
- The constitutional barriers are not identical.

Late 20th century → digital journalism

1980s–1990s

Cable news

24-hour news cycle

Talk radio

Concentration of media ownership

CNN and the emergence of continuous television news

1990s–2000s

Internet publishing

Blogs

Digital-first news

Decline of print advertising

Newspapers begin losing their traditional economic model.

2000s–2010s

Social media

Smartphones

Citizen journalism

Video becomes ubiquitous

Anyone can publish instantly

Traditional gatekeepers lose much of their control over information distribution.

The fundamental constitutional question hasn't changed:

But the practical question has changed dramatically:



WHO GETS TO
SPEAK?



WHO GETS HEARD?



AND NOW ANOTHER
QUESTION:



HOW DOES THE
PUBLIC
DISTINGUISH
JOURNALISM FROM
EVERYTHING ELSE
THAT LOOKS LIKE
JOURNALISM?

The 21st-century challenge: Freedom of the press vs. information disorder

The problem today isn't simply **government censorship**.

- Journalists also operate in an environment of:
- misinformation
- disinformation
- propaganda
- algorithmic amplification
- deepfakes and generative AI
- declining trust in news organizations
- newsroom layoffs and financial pressures
- harassment of journalists
- threats against reporters
- partisan media ecosystems
- declining local-news coverage

And that creates an interesting paradox:

The First Amendment has made it extraordinarily easy for Americans to speak — but it has not guaranteed that Americans will know whom to trust.

The current Trump administration



The First Amendment gives journalists freedom

Journalism gives that freedom purpose

This is the foundation all Trinity Times student journalists practice in their work

CBS and Paramount: When corporate and political interests collide

Why the FCC matters

The Paramount-Skydance transaction required FCC approval because it involved the transfer of broadcast licenses.

The FCC ultimately approved the \$8.4 billion transaction in July 2025. Reuters reported that the approval came after Paramount's settlement with Trump and that the FCC's Republican chairman, Brendan Carr, said the incoming ownership had given assurances about unbiased journalism. The Democratic FCC commissioner who dissented characterized the conditions as unprecedented controls over newsroom decisions.



The *60 Minutes* controversy



President Donald Trump sued CBS and its parent company Paramount over a *60 Minutes* interview with then-presidential candidate Kamala Harris.



Trump alleged that CBS deceptively edited the interview.



CBS denied wrongdoing and argued that the editing was ordinary journalistic editing.



In July 2025, Paramount agreed to pay **\$16 million** to settle the lawsuit. The settlement came while Paramount was seeking regulatory approval for its merger with Skydance Media.

Then there's the owner himself: Jeff Bezos and The Washington Post



Jeff Bezos bought *The Washington Post* personally in 2013 for \$250 million.



For years, Bezos largely maintained a separation between ownership and newsroom decision-making.



But that relationship became much more visible in 2024–26.

The 2024 presidential endorsement

In October 2024, *The Washington Post* announced that it would **not endorse a presidential candidate**.

The decision generated significant internal and external controversy.

More than 200,000 digital subscribers reportedly canceled subscriptions afterward, according to Reuters. Several Post editorial employees also resigned.

Bezos defended the decision, arguing that newspaper endorsements create a perception of bias and that the Post should return to a more neutral role.

But critics inside and outside the organization questioned whether the decision represented interference by the owner.

Billionaire Owners

1. Who ultimately decides the editorial direction of a privately owned newspaper — the journalists or the owner?
2. Legally, the owner has considerable authority.
3. Journalistically, however, editorial independence has traditionally been treated as a core value.

The economics underneath all of this

Freedom of the press requires more than a constitutional right to publish.

It also requires the **economic ability to keep publishing.**

American newspapers have lost thousands of outlets since the beginning of the century. The traditional advertising-supported business model has deteriorated dramatically.

That creates several potential consequences:

newsroom layoffs

fewer reporters

less investigative journalism

greater reliance on wire services

increased dependence on wealthy owners

consolidation

hedge-fund ownership

nonprofit ownership

subscription dependence

philanthropic funding

The Baltimore Banner: A different ownership model

The Baltimore Banner: A different ownership model

The Baltimore Banner is an especially useful counterexample because it asks:

What if journalism were structured as a nonprofit rather than as a traditional commercial newspaper?

The Banner is published by the Venetoulis Institute for Local Journalism, a 501(c)(3) nonprofit organization.

The model combines:

subscriptions

advertising

events

philanthropy

rather than relying exclusively on advertising.

The Banner launched in 2022 and subsequently won a Pulitzer Prize for local reporting.

Its philosophy is essentially that local journalism is a civic institution rather than simply a commercial product.

AND NOW PITTSBURGH

- THIS HAS BECOME AN ESPECIALLY STRIKING DEVELOPMENT **THIS YEAR.**
- IN APRIL 2026, THE VENETOULIS INSTITUTE BOUGHT THE **PITTSBURGH POST-GAZETTE**, PREVENTING THE 240-YEAR-OLD NEWSPAPER FROM SHUTTING DOWN.
- THE ORGANIZATION HAD BEEN SCHEDULED TO CEASE PUBLICATION MAY 3. INSTEAD, THE BALTIMORE NONPROFIT PURCHASED THE PAPER'S ASSETS AND TOOK OWNERSHIP MAY 4.
- UNDER THE NEW NONPROFIT STRUCTURE:
- THE POST-GAZETTE CONTINUES ITS NEWS OPERATION.
- IT CONTINUES TO HAVE COLUMNISTS.
- BUT THE NONPROFIT **DOES NOT ENDORSE CANDIDATES OR TAKE INSTITUTIONAL POSITIONS ON POLICY.**
- AS A RESULT, THE TRADITIONAL OPINION SECTION IS BEING ELIMINATED.