

109TH CONGRESS
2^D SESSION

H. RES. 904

Commending the American press for its long history of keeping the American public informed of its government's actions both at home and abroad.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mr. DINGELL submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Commending the American press for its long history of keeping the American public informed of its government's actions both at home and abroad.

Whereas the British crown restricted the rights of a free press by forbidding the printing of dissenting opinions for centuries leading up to the American War of Independence;

Whereas Benjamin Franklin understood the importance of the free press because he purchased and ran the leading newspaper of the colonial era, the Pennsylvania Gazette;

Whereas Thomas Paine's Common Sense (1776) and Thomas Jefferson's Declaration of Independence (1776) are two well-known and influential examples of Revolutionary lit-

erature published in the colonies, which demonstrate the importance of a free press;

Whereas Thomas Jefferson said, “Were 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,” and “Our liberty depends on the freedom of the press, and that cannot be limited without being lost”;

Whereas a free press, the Founding Fathers believed, was an essential check against despotism, and integral to advancing human understanding of the sciences, arts, and humanities;

Whereas in an amendment offered in Congress by James Madison, he stated, “The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable;”;

Whereas James Madison articulated the view that, “The security of the freedom of the press requires that it should be exempt, not only from previous restraint of the executive, as in Great Britain; but from legislative restraint also; and this exemption, not only from the previous inspection of licensers, but from the subsequent penalty of laws;”;

Whereas penned by Madison and Jefferson, The Virginia Resolution of 1798 (a document which presupposes that states have the right to decide the constitutionality of laws passed by Congress) stated that, “The Liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States;”;

Whereas during the debates between the Federalist and the Ant-Federalists over the Bill of Rights, the press played a vital role in helping bring public awareness by publicly publishing the debates;

Whereas the Framers of the Constitution recognized the importance of a free press by enshrining it in the first amendment, “Congress shall make no law ... abridging the freedom of speech, or of the press;”;

Whereas Walter Lippman, the 20th Century columnist, wrote, “A free press is not a privilege, but an organic necessity in a great society;”;

Whereas President Herbert Hoover said “Absolute freedom of the press to discuss public questions is a foundation stone of American liberty;”;

Whereas President Harry S. Truman stated “We need not fear the expression of ideas—we do need to fear their suppression;”;

Whereas the Pentagon Papers led to the uncovering of illegal activity under the Nixon administration;

Whereas, after failing to get The New York Times to voluntarily stop publishing the Pentagon Papers in 1971, Attorney General John Mitchell and President Nixon requested and obtained a Federal court injunction that the Times cease the publication of excerpts;

Whereas the Assistant Attorney General in 1971, William Rehnquist, asked the Washington Post to stop publishing the documents relating to the Pentagon Papers, and when the Post refused, the Department of Justice sought another injunction;

Whereas the Supreme Court ruled in *New York Times vs. U.S.*, the 1971 Pentagon Papers case, that “any use of

the judiciary to order constraint makes a shambles out of the First Amendment;”;

Whereas Washington Post journalists Carl Bernstein and Bob Woodward’s investigations in the Watergate burglary helped to uncover the corruption under the Nixon Administration, which resulted in the President’s resignation in 1974;

Whereas the Lebanese magazine Ash-Shiraa exposed the arrangement between the Reagan Administration and the weapons-for-hostages deal in 1986, which resulted in Oliver North and John Poindexter being indicted on multiple charges on March 16, 1988;

Whereas the majority of the Congress learned of a warrantless NSA wiretapping program, directed by the Bush Administration, through the investigative reporting of The New York Times;

Whereas the Bush Administration requested that the Washington Post not publish their Pulitzer Prize winning story on the secret black prisons in Eastern Europe;

Whereas the torture conducted by American soldiers at Abu Ghraib was only publicly addressed by the Bush Administration following its published disclosure by Pulitzer Prize winner Seymour Hersh;

Whereas a report on the conditions in Guantanamo Bay “offended” the Vice President and was labeled “absurd” by the President;

Whereas the Washington Post helped uncover the Republican “culture of corruption”, exposed the illegal acts of Jack Abramoff, resulting in his guilty plea, and led to the conviction of David Safavian; and

Whereas the disclosure to the American public that their banking transactions are being secretly monitored by the government was met by the Bush Administration calling The New York Times “disgraceful” for their reporting: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) commends the American press for its long
3 history of keeping the American public informed of
4 its government’s actions both at home and abroad;

5 (2) repudiates censorship of the press and reaf-
6 firms that a vital characteristic of any democratic
7 society is a vibrant press, free of intimidation from
8 those in power, and that the news industry is indis-
9 pensable to the health of our democratic institutions;

10 (3) finds that the press, at its best, helps to
11 educate the American people and provides all Ameri-
12 cans a vital means of understanding the actions of
13 the Congress, the Administration, and the Supreme
14 Court, in addition to reporting the important actions
15 taken by State and local governments;

16 (4) condemns those regimes, Communist and
17 otherwise, who use all manner of intimidation to
18 weaken, silence, and censor the press for stories that
19 those regimes deem inappropriate;

20 (5) praises the government of Iraq for its com-
21 mitment to a free and unfettered press as well as

1 the brave Iraqi journalists who have put their lives
2 at risk to institutionalize a free press in Iraq; and
3 (6) expects that all elected representatives of
4 the American people hold true to their oath to pre-
5 serve, protect, and defend the Constitution of the
6 United States and not use the trust of their office
7 to weaken, in any way, the vital role of a free press
8 in our open and democratic society.

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