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What's Happening to U.S. Constitution's First Amendment?

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Amendment I

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;
or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble,
and to petition the Government for a redress of grievances."*



Photograph of original 1791 U. S. Constitution's Bill of Rights on permanent display in the **National Archives Building, Washington, D. C.**

August 19, 2004 Washington, D. C. - Yesterday in the nation's capitol, U. S. District Judge Thomas Penfield Jackson, held five reporters in contempt and fined each \$500 a day until they reveal their sources for stories about Los Alamos nuclear scientist, Wen Ho Lee. Lee has filed a lawsuit against the Departments of Energy and Justice, alleging that employees in those agencies were sources of private information about him and his possibly stealing classified information at the Los Alamos laboratory where he worked. Lee was indicted in December 1999 on 59 felony counts of mishandling nuclear weapons information. Subsequently, he was kept in solitary confinement for nine months until he agreed to plead guilty to one felony count. After Lee's release in September 2000, he received an apology from then-President Bill Clinton.

The five reporters found in contempt and fined by Judge Jackson are:

- 1) H. Josef Hebert, Associated Press reporter.
- 2) Pierre Thomas, now an ABC-TV reporter who worked for CNN during the Wen Ho Lee investigation.
- 3) Robert Drogin, *Los Angeles Times* reporter.
- 4) Jeff Gerth, *The New York Times* reporter.
- 5) James Risen, *The New York Times* reporter.

Treading Around Violation of Reporters' First Amendment Rights

Judge Jackson tried to avoid a head on confrontation with the reporters' First Amendment rights that there shall be no laws "abridging the freedom of speech, or of the press..." He did that by defining the reporters' contempt of court as not complying fully with his October 2003 order "to fully answer questions in depositions about their sources." That October 2003 order, the reporters argue, is a violation of their Constitutional First Amendment rights for freedom of the press.

The same issue is at stake in last week's ruling by U. S. District Judge Thomas Hogan in Washington, D. C. concerning the leaked identity of CIA officer, Valerie Plame. Conservative columnist Robert Novak first printed her name which set off the fire storm of inquiries about who in the Bush White House would have violated federal law and leaked her name to the press. Yet in Judge Hogan's ruling, strangely Novak was not found in contempt. It was *Time* magazine reporter, Matthew Cooper, who was found in contempt

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while prosecutors in the Plame case have subpoenaed four other reporters and may subpoena more. *Time* magazine and Matthew Cooper are appealing Judge Hogan's ruling.

Bill of Rights Versus Government That Wants to Keep Secrets

The Executive Director of the Reporters Committee for the Freedom of the Press said, "The threat to First Amendment rights that's going on this summer (2004) is unprecedented. We have reporters being subpoenaed. We have judges issuing illegal prior restraints on the media. All this has to do with secrecy. The government is trying to keep more and more secrets all the time, and journalists are working harder to uncover those secrets. Given the terrorism climate, all this has come to a head."

More Information:

From The National Archives, Washington, D. C.:

The Preamble to The Bill of Rights

Congress of the United States

begun and held at the City of New-York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

The Bill of Rights: A Transcription

Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put

in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Website:

National Archives Building, Washington, D. C.

Credits

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