

1735--Peter Zenger

In 1733, John Peter Zenger, a printer, began to publish the *New York Weekly Journal*. The *Journal* soon became openly critical of royal administration in New York. Zenger was charged with libel against the governor. Under existing law, the jury could give a verdict based solely on whether the accused had in fact published the articles; the libel did not have to be false for the accused to be guilty. This excerpt from the *New York Weekly Journal* discusses freedom of the press.

The liberty of the press is a subject of the greatest importance, and in which every individual is as much concerned as he is in any other part of liberty. . . .

There are two sorts of monarchies, an absolute and a limited one. In the first, the liberty of the press can never be maintained, it is inconsistent with it; for what absolute monarch would suffer any subject to animadvert on his actions, when it is in his power to declare the crime, and to nominate the punishment? This would make it very dangerous to exercise such a liberty. . . . Besides, in an absolute monarchy, the will of the prince being the law, a liberty of the press to complain against grievances would be complaining against the law, and the constitution, to

which they have submitted, or have been obliged to submit; and therefore, in one sense, may be said to deserve punishment. So that under an absolute monarchy, I say, such a liberty is inconsistent with the constitution, having no proper subject in politics, on which it would be exercised, and if exercised would incur a certain penalty.

But in a limited monarchy, as England is, our laws are known, fixed and established. They are the straight rule and sure guide to direct the king, the ministers, and other his subjects: and therefore an offense against the laws is such an offense against the constitution as ought to receive a proper adequate punishment. [*The New York Weekly Journal*, November 2, 1733]

— Questions —

1. Why do you think public criticism of the governor or legislature might be considered seditious libel?
2. Under the common law of the day, publishing criticism of the governor could be considered seditious libel. Andrew Hamilton acted as Zenger's defense lawyer. What do you think he said in Zenger's defense?
3. Zenger was acquitted. What effect did his acquittal have on American history?
4. What kind of newspaper article would be considered libelous today?

GLOSSARY animadvert—comment critically
grievance—complaint

nominate—name
seditious—stirring up revolt against authority

