

11. Zenger Case (1735)

JP and Cosby are walking through a convenience store after school.

JP: *(picking up a tabloid magazine)* Did you see the latest gossip about the band's lead singer? I can't believe it!

Cosby: How can you read that garbage? Who cares about the personal lives of the rich and famous? They should shut all those magazines down!

JP: Well, you may not like them, but thanks to the case of John Peter Zenger, these magazines aren't going anywhere.

Cosby: Who is John Peter Zenger? Is he dating that actress in ... *(interrupted)*

JP: Nope, he was a New York City newspaper editor back in the 1730s, in the colonial time period.

Cosby: What the heck does some dead guy have to do with tabloids?

JP: Well, his trial back in 1735 was a landmark case that established the American principle of freedom of press.

Cosby: Are you speaking in Old English? You are going to have to explain.

JP: Well, back in 1735 many of the thirteen colonies were ruled by colonial governors that were given their jobs directly from the king. As a result, many colonists disliked their leaders and their policies, since the governors didn't always represent their view.

Cosby: Yeah that sounds like it would be annoying. So where does Zenger come into this story?

JP: Zenger was an editor in New York, and he really didn't like the colonial governor, a guy named William Cosby.

Cosby: Wait, the pudding guy?

JP: *(rolling eyes)* No, a different Bill Cosby. Cosby fired a judge in the colony and replaced him with one of his supporters so that he could obtain a raise. This really made Zenger upset, and he began publishing a series of articles in his newspaper under a pen name that were critical of the governor and his policies.

Cosby: So what's the big deal? People write mean stuff about political leaders all the time?



JP: Well, the Governor Cosby did not like this trash talking about him and had Zenger arrested for seditious libel.

Cosby: Huh?

JP: Libel is when you try to defame or hurt someone's reputation by writing or saying bad things about them. Cosby was angry because he believed these attacks were meant to undermine his leadership and hurt his ability to govern the colony. So he had Zenger thrown in jail, awaiting a trial for his crime.

Cosby: Wow, that is harsh. I guess I understand where Cosby is coming from though. If people don't trust or respect him, he can't lead effectively. That makes the entire colony weaker if the governor can't do his job.

JP: That was exactly what the government argued in the trial. However, Zenger's lawyer, Andrew Hamilton, had a different argument. He admitted the words were insulting to the governor, and hurt his reputation. But, Hamilton said that since what was written was true, that it could not be considered libel.

Cosby: So in other words, as long as the article can be proven, and is based on facts, Zenger had every right to publish it.

JP: Exactly. The result of this case was a crucial moment in American history, because it established the idea of freedom of press. Zenger and everyone else that followed him had the right to publish their opinions and news, even if it is unpopular or controversial.

Cosby: And that includes the tabloids?

JP: Including the tabloids.

Cosby: I thought freedom of press was from the Bill of Rights in the Constitution.

JP: Yeah, it is definitely in the First Amendment, but it is this case over fifty years before the Constitution was drafted that led to this idea being so widely accepted in America. Crazy stuff. Speaking of crazy stuff, did you hear that our favorite actor just got placed into rehab?

Cosby: (*shaking head*) I don't think this is what Zenger had in mind . . .