

The Side Bar

Newsletter of the Martin County Bar Association

IN THIS ISSUE

President's Message (Pg. 1)
CLE Luncheon Meeting (Pg. 3, 44)
4th DCA Live (Pg. 4)
Annual Membership Renewal (Pg. 5)
Annual Fall Reception (Pg. 6)
TD Bank "Free \$" (Pg. 9)
Cheers (Pg. 22)
Camping/Kayak Trip (Pg. 25)
Member Benefit Program (Pg. 33)
Softball Challenge (Pg. 37)
Online Resources (Pg. 39)
Creative Writing Contest (Pg. 39)
Links, Jobs & Legislation (Pg. 42)
Calendar of Events (Pg. 43)

Law/Bar Related Committee Reports:

Admiralty (Pg. 8)
Appellate (Pg. 21)
Bankruptcy (Pg. 20)
Community Association (Pg. 7)
Criminal (Pg. 28)
Diversity (Pg. 12)
Employment & Labor (Pg. 27)
FAWL (Pg. 26)
Florida BOG (Pg. 31)
Foreclosure (Pg. 38)
Immigration (Pg. 16)
Judicial Relations (Pg. 10)
Justice Teaching (Pg. 5)
Legal Resources (Pg. 30)
Legal Aid (Pg. 32)
Miller's Minutae (Pg. 40)
Professionalism (Pg. 9)
Real Property (Pg. 34)
Social Committee (Pg. 15)
Trial (Pg. 19)
Wills, Trusts & Estates (Pg. 36)
Young Lawyers Division (Pg. 24)
5K (Pg. 11)

THE SIDE BAR NEWSLETTER

Published monthly, excluding June & July, by the Martin County Bar Association as a service to its membership.

If you have an article, opinion, news or other information for publication in the *SideBar*, please call (772) 220-8018 or email information to: martincountybarassociation@msn.com

The due date for all advertisements, articles and announcements is the 1st of the month preceding publication.

MESSAGE FROM THE PRESIDENT

THE ROLE OF THE PRESS IN A DEMOCRACY



Barbara Kreitz Cook
2018-19 President

In 1970, the New York Times and the Washington Post published portions of classified purloined documents which showed that the U.S. was clearly losing the war in Vietnam, contrary to what the various governmental officials had been telling the public for three administrations. The Nixon administration sought to enjoin the press from further publication of the contents of the then-classified study entitled "A History of U.S. Decision Making Process on Vietnam Policy", known as the Pentagon Papers. President Nixon claimed executive authority to force the newspapers to suspend publication of the classified information in their possession. In the landmark U.S. Supreme Court decision proscribing prior restraint of the press on constitutional grounds, *United States v. The Washington Post Company*, 403 U.S. 713 (1971), the majority of the justices of that Court agreed the press must be left free to publish news, whatever the source, without censorship, injunctions, or prior restraints. In addition, in their concurring opinions the justices expounded on the purpose of the First Amendment by the founding fathers and on the role of the press in a democracy: to serve and enlighten the governed so they may make informed decisions.



Continued On Next Page . . .

MCBA 2018 - 2019 Executive Board:

President:
Barbara Kreitz Cook

Treasurer:
Adam G. Schwartz

Immediate Past President:
Elizabeth R. Hunter

Vice President:
Jason D. Berger

Secretary:
Barbara Kibbey Wagner

Executive Director:
Robyn O'Heron

Voice Mail Line: (772) 220-8018 Email: martincountybarassociation@msn.com Website: www.martincountybar.com

Continued From Previous Page . . .

Following are excerpts from Justice Black's opinion and from concurring opinions by his fellow Justices Douglas, Brennan, Stewart, White, and Marshall, revealing their views on the important role of the press, for emphasis during this time of unprecedented attacks on the press.

The essential role of the press in a democracy is to serve the governed, not the governor. It is to inform the people, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government.

"As stated by Chief Justice Hughes in *Near v. Minnesota ex rel. Olson*, 283 U.S. 697, 719 720 (1921), ... the administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied, crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and official neglect, emphasizes the primary need of a vigilant and courageous press ..."

"The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information. It is common knowledge that the First Amendment was adopted against the widespread use of the common law of seditious libel to punish the dissemination of material that is embarrassing to the powers that be."

"Secrecy in government is fundamentally anti democratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health. On public questions there should be 'uninhibited, robust, and wide open' debate. *New York Times Co. v. Sullivan*, 376 U.S. 254, 269 270 ..." (1964).

"The only effective restraint upon ... [governmental power] may lie in an enlightened citizenry in an informed and critical public opinion which alone can here protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people."

Of course, the role of the press is the same in a totalitarian society, but the ramifications are more likely to be deadly to those who criticize the government.

Sincerely,



Barbara A. Kreitz Cook
President

