

James Madison's face isn't carved in stone, but he is the face of a free press

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James Madison, one of the Founding Fathers and the fourth president of the United States. Public domain

When you think about the Founding Fathers, you probably think of George Washington, Thomas Jefferson, or these days, Alexander Hamilton.

There is another Founding Father whose contributions were just as important: James Madison, the fourth president of the United States.

Madison doesn't have a monument or a Broadway musical. But there is an easy way to revisit his life and career. All you have to do is read the Bill of Rights.

Protections For The People

Madison wrote the 10 amendments of the Bill of Rights to add protections for U.S. citizens to the Constitution. The First Amendment spells out one of our most important principles: the freedom of the press.

Let's take a closer look at how Madison became a champion for a free press. We will try to answer the question: Why did Madison decide to make it a guarantee in the Bill of Rights?

According to British law, it was a crime in the 1700s for newspapers to criticize the king's government. This was called seditious libel, and in England, it didn't matter whether the criticism that the newspaper printed was true.

"That was the baseline that the American colonists were working with," said Lata Nott, executive director of the First Amendment Center at the Newseum Institute in Washington.

However, the American legal system started to gradually give the press more freedom. In 1735, a New York newspaper publisher had been found not guilty of libel because what he had printed about that colony's governor was true.

"That's probably where the idea of a free press was born," Nott said. "If you say something true, you shouldn't be charged with any sort of a crime."

In Support Of A Free Press

As the colonies were separating from Great Britain, there was a lot of talk about freedoms. Just before Jefferson wrote the Declaration of Independence in 1776, fellow Virginian George Mason championed a free press in that colony's Declaration of Rights. He said it was something that "can never be restrained but by despotic governments." In a "despotic government," one or a few leaders have all the power.

Madison did not see the need to protect individual freedom with a bill of rights when he and others wrote the U.S. Constitution in 1787.

"Madison's feeling was the checks and balances would keep authority in check," Nott said. She was referring to the division of government into three branches – the president or executive, the courts, and Congress – that keep each other from abusing power.

Some lawmakers, however, including Mason and Jefferson, strongly supported the idea of guaranteeing freedom of the press. In 1789, Jefferson wrote to a fellow lawmaker: "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."

Amendments Address Concerns

In response to these concerns, Madison agreed to come up with amendments to add to the Constitution to protect citizens' rights. He included this:

"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."

Congress approved this amendment, and by December 15, 1791, three-fourths of the states agreed to it, along with Madison's other nine amendments. The Bill of Rights was officially added to the U.S. Constitution.

Beware The Sedition Act

It didn't take long for some lawmakers to decide they did not like a free press. In 1798, Congress passed the Sedition Act, which made it a crime to publish "any false, scandalous, and malicious writing" against the government and President John Adams.

More than a dozen newspaper editors were fined or jailed, and even a member of Congress, Representative Matthew Lyon, was arrested for writing that Adams had "an unbounded thirst for ridiculous pomp."

"People were being thrown in jail for expressing opinions," Nott said.

The law expired when Adams left office in 1801, but that challenge to the First Amendment intensified Madison's support for an independent press, according to Hilarie Hicks. She is a researcher at Montpelier, Madison's home in Virginia, which is now a museum.

"I would definitely say that the freedom of the press was always important to him, but he didn't see it challenged until the ... Sedition Act," she said.

Armed With Knowledge, Power

Presidents before and after Madison were not totally supportive of the press.

"As for what is not true, you will always find abundance in the newspapers," Jefferson wrote while in office.

There is nothing in Madison's papers, however, to suggest that he changed his opinion about a free press, Hicks said. "I don't think things got under his skin."

Even after two terms as president, Madison did not change his mind about the rights of journalists to write what they wanted. As he wrote to a former senator from Kentucky: "A people who mean to be their own governors must arm themselves with power, which knowledge gives."

For Madison, a free press meant open access to knowledge and information.

Thanks to the First Amendment, that access is the right of all Americans.