

Fourth U.S. President James Madison left a legacy of freedom of the press

By Washington Post, adapted by Newsela staff on 06.02.17

Word Count **657**

Level **750L**



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

James Madison was the fourth president of the United States. He helped to form the country after it won independence from England. He is remembered as one of the Founding Fathers.

Madison helped to write the U.S. Constitution. It sets out how the government works. The Constitution includes the Bill of Rights, which explains the rights of citizens.

The Bill of Rights included a rule protecting the freedom of the press. Freedom of the press means that television, newspapers, magazines and now websites can publish what they want. They are supposed to make sure that what they write is truthful.

By taking a closer look at the freedom of the press, we can see why Madison included it in the Bill of Rights.

Colonies Give The Press More Freedoms

The American colonies were controlled by the king of England. British law said newspapers were not free to write anything they wanted. In fact, it was a crime in the 1700s for a newspaper to criticize the king's government.

That crime was called libel. A newspaper could be punished for libel even if what it printed was true.

American laws came from the British system. Still, the colonies began to give the press more freedom during the 1700s. In 1735, a New York newspaper publisher was taken to court. He had printed something that criticized the colony's governor. A judge said the publisher was not guilty. The publisher was not punished because what he had printed was true.

It was a victory for the freedom of the press.

Debating A Bill Of Rights

After the colonies gained independence, Madison helped to write the U.S. Constitution. There was a debate about whether it should include a list of rights. At first, Madison did not see the need for one. When the Constitution was written in 1787, a bill of rights was left out.

But some lawmakers continued to ask for a bill of rights. The freedom of the press was one of the rights being talked about.

In 1789, Jefferson wrote to another 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 [newspapers without government]," he wrote.

Eventually, Madison agreed to write some additions to the Constitution. The First Amendment laid out the freedom of religion, speech and the press. It includes this rule:

"Congress shall make no law ... abridging the freedom of speech, or of the press..."

In other words, lawmakers cannot pass laws limiting what people say or write.

Free Press Is Finally Protected

The Bill of Rights was approved in 1791. The freedom of the press was then protected by the Constitution.

Soon, some lawmakers decided they did not like a free press. They did not like having bad things written about them.

In 1798, lawmakers passed the Sedition Act. It limited what could be printed about the government. As a result, more than a dozen newspaper editors were put in jail or had to pay a fine.

The law ended in 1801. It made Madison even more sure that the freedom of the press needed to be protected.

"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," said Hilarie Hicks, who studies Madison.

They Don't Have To Like It To Respect It

Madison never changed his opinion about a free press, Hicks said. When he was president, he continued to respect it, even when he was criticized in newspapers. “I don’t think things got under his skin,” she said.

“A people who mean to be their own governors must arm themselves with power, which knowledge gives,” Madison once wrote. In his view, a free press meant that people needed knowledge and information.

Thanks to James Madison, that right is written into the Constitution.