

THE ZENGER TRIAL AND FREEDOM OF THE PRESS

John Peter Zenger had reason to be afraid as his case was called. Opposing him was the great power of Governor William Cosby, the prosecutor, and the judges. Even with public opinion on his side, it seemed he was sure to lose. But then a famous lawyer came to his rescue, and the trivial case of the *Crown vs. Zenger* became a page in the history of freedom of the press.



Andrew Hamilton

Peter Zenger was 13 when his family came to America from Germany in 1710. His mother apprenticed him to a printer so he might have a trade. In 1725, he became a partner in the *New York Weekly Journal*.

There were very few newspapers in the colonies, and those that existed seldom criticized the government. People did not know if there was corruption, because newspapers did not want to offend the persons who paid for the printing of public notices. Although colonial governors were chosen by the king or the colonial proprietor, some colonies did have good governors. However, New York had Governor William Cosby, a corrupt man who used his power to get rich. Most people feared him, but Zenger did not.

The *Journal* criticized the governor, and referred to him as a rogue, who "has nothing human but the shape." It attacked those officials who evaded the law, restricted freedom, and ruled without control. Many in New York agreed, and the newspaper's circulation rose. The governor angrily ordered four issues of the *Journal* to be publicly burned, but the only "public" who showed up were the sheriff and his slave. The governor then ordered that Zenger be charged with seditious libel. When Zenger appeared for his bail hearing, the judge asked him how much he was worth. Zenger told him that he had no more than £40; the judge set bail at £800. His two lawyers protested, and they were disbarred. A new lawyer was appointed, but he offered little hope.

Then suddenly, Andrew Hamilton, the most famous lawyer of his time, offered to defend Zenger. Under British law, newspapers could not print seditious libel, which was defined as articles endangering the security and peace of the state. Hamilton admitted that the *Journal* had published such articles, but if the statements were true, then the governor had not been libelled. The jury met quickly, and came back with a verdict of "Not guilty." A great cheer went up in the courtroom. Zenger was a free man.

Name: _____

Class: _____

RESULTS: Cosby remained in office, but lost all public support. The two lawyers who originally defended Zenger were allowed to practice law again. Zenger continued in his profession and became an official printer for the colony. Hamilton's defense was published and often praised for its defense of the public's right to be informed and to criticize bad decisions. It was a warning to royal officials that the American public was watching their performance, and even though the law was on their side, they were answerable to the public.

Freedom of the press would later be protected by the First Amendment and by the public, which still sits in judgment of its governors.

Activities:

1. Look at a newspaper and find how many articles have been written that would have put the editor in danger in Zenger's time.
2. Discuss the responsibility of newspapers, magazines, and television to get the facts right and not defame people.

Essay:

1. Imagine that you have a corrupt mayor in your town, but you do not have a free press. How would the public know about what he was doing?
2. Today, movie stars get much attention from the press, some of it unfavorable. Do you think newspapers should print personal, embarrassing things about them?
3. As a juror in the Zenger trial, explain how you decided that Zenger did not violate the law.

1. _____

2. _____

3. _____

Name: _____

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CHALLENGES

1. Look up the words "libel" and "slander" in the dictionary. What is the difference between them? _____

2. What language did Zenger speak before he came to America? _____

3. Why were newspapers careful not to offend royal officials? _____

4. Why did lawyers have good reason to be afraid of colonial judges? _____

5. What is "bail"? Why did the judge set bail so high for Zenger? _____

6. What did the public think about Cosby and Zenger? _____

7. Today, we elect governors and can remove them by voting them out of office. But who chose governors then? _____

8. What risks did Hamilton run in taking this case? Why could he succeed where the other lawyers had not? _____

9. What was the jury really saying when they ruled that Zenger was "not guilty"? _____

10. Did the fact that Zenger had been in jail ruin his career? What gives you a clue? _____

