



City Hall, where Zenger was jailed and tried, was on the site where Federal Hall National Memorial now stands

“The Case of Zenger of New York was a popular cause. The liberty of the press depended on it.”

– Benjamin Franklin’s
Pennsylvania Gazette for
December 1, 1737

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SHOULD THERE BE LIMITS ON A FREE PRESS?

The trial of John Peter Zenger assisted the media in its quest to speak freely in the criticism of government officials. Zenger's trial argued for truthful expression opposing corruption and tyranny, not the limits media should have on society.

Current debates concern the limits of the media in society. Some argue that a free press should have no limits while others support limits concerning half-truths, vulgarity and violence.

Now we also debate the methods the media uses in portraying events. What should or should not be allowed varies with different points of view. Some feel that a media with no limits might cause the downfall of civilization. Others feel that the right to know is their constitutional right. Where do you stand on this issue?

National Park Service
U.S. Department of the Interior
Manhattan Sites
Federal Hall National Memorial



The Trial of John Peter Zenger



Zenger's lawyer, Andrew Hamilton, defending freedom of the press

On the site of Federal Hall National Memorial, an important trial took place on August 4, 1735. A printer named John Peter Zenger stood accused of seditious libel. Zenger, printer of *The New-York Weekly Journal*, published articles criticizing the British Royal Governor, William Cosby. Although Zenger was just the printer and wrote none of the articles, the law held him liable. The law of seditious libel was supposedly a method of protecting the government and the people from chaos, bloodshed and rebellion. Telling the truth was not a suitable defense due to the possibility of an end result being exactly what the law was meant to prevent.

A struggle for power existed within the local New York government. Although the Royal Governor, the King's representative, was clearly the leading official, the wealthy Dutch landowners, decedents of the early settlers, were the most

prominent citizens and held many powerful government positions and offices. Corrupt Governor Cosby changed the administration to suit his own needs. He used illegal methods to try to rig an election on the Eastchester town green and sold government jobs for a personal profit.

Opponents of Cosby's corrupt methods wrote truthful articles about the governor and submitted them to Zenger for publication. Although a Grand Jury previously failed to indict him, Cosby ordered Zenger's arrest after he printed lyrics mocking the governor. Cosby ordered the burning of *The New-York Weekly Journal* on Wall Street and conspired with the Supreme Court to secure a conviction. Bail was set at 800 shillings although Zenger's worth was no more than 40 shillings. Zenger's lawyers were disbarred for political reasons and a process of preselecting the jury was undertaken, calling the governor's personal servants.

Family, friends and supporters of freedom of the press published *The New-York Weekly Journal* every week except one during Zenger's nine-month imprisonment in the City Hall jail. The services of Philadelphia attorney Andrew Hamilton were secretly secured and very few people knew of his arrival in New York one day before the trial. Hamilton's reputation as a lawyer was well known and he was allowed to speak on behalf of Zenger. His opening statement acknowledged that Zenger had printed the papers, which admitted his guilt according to the law, but he argued that the truth was not seditious libel and everyone has the right to speak out against a corrupt government. Although the jury was instructed to find guilt in this case, Zenger was found not guilty, laying a foundation towards a free press in America.