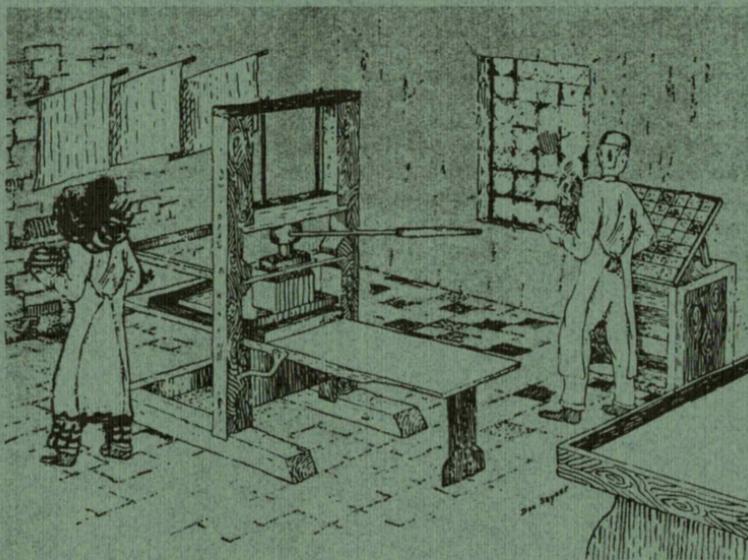


The John Peter & Anna Catherine Zenger Award

For Freedom of the Press
And the People's Right to Know

2001

Louis D. Boccardi
and
The Associated Press



Tucson, Arizona
March 29, 2001

Zenger Award Winners

2001	Louis D. Boccardi	President and Chief Executive Officer, <i>The Associated Press</i>
1999	Paul McMasters	First Amendment Ombudsman, The Freedom Forum
1998	Patrick Leahy	U.S. Senator, D-Vt.
1997	Mark Goodman	Executive Director, Student Press Law Center
1996	Nat Hentoff	Columnist, <i>The Washington Post</i>
1995	Ben H. Bagdikian	Reporter, editor and media critic
1994	Investigative Reporters & Editors	
1993	Jane E. Kirtley	Reporters Committee for Freedom of the Press
1992	Helen Thomas	<i>United Press International</i>
1991	Peter Arnett	<i>Cable News Network</i>
1990	Terry A. Anderson	<i>The Associated Press</i>
1989	Robert C. Maynard	<i>The Oakland Tribune</i>
1988	Jean H. Otto	Editorial Page Editor, <i>The Rocky Mountain News</i>
1987	Eugene L. Roberts Jr.	Executive Editor, <i>The Philadelphia Inquirer</i>
1986	John R. Finnegan	Editor, <i>Pioneer Press and Dispatch</i>
1985	Thomas Winship	<i>The Boston Globe</i>
1984	Tom Wicker	Associate Editor, <i>The New York Times</i>
1982	Fred W. Friendly	Professor Emeritus, Edward R. Murrow Graduate School of Journalism, Columbia University
1981	Paul S. Cousley	Publisher, <i>Alton Telegraph</i>
1980	Walter Cronkite	<i>CBS News</i>
1979	Jack C. Landau	Reporters Committee for Freedom of the Press
1978	Robert H. Estabrook	<i>Lakeville Journal</i>
1977	Robert W. Greene	<i>Newsday</i>
1976	Donald F. Bolles	<i>The Arizona Republic</i>
1975	Seymour M. Hersh	<i>The New York Times</i>
1974	Thomas E. Gish	Editor and Publisher, <i>The Mountain Eagle</i>
1973	Katharine Graham	Publisher, <i>The Washington Post</i>
1972	Dan Hicks Jr.	Editor, <i>Monroe County Democrat</i>
1971	The New York Times	
1970	Erwin D. Canham	Editor-in-Chief, <i>The Christian Science Monitor</i>
1969	J. Edward Murray	Managing Editor, <i>The Arizona Republic</i>
1968	Wes Gallagher	General Manager, <i>The Associated Press</i>
1967	John S. Knight	Knight Newspapers Inc.
1966	Arthur Krock	<i>The New York Times</i>
1965	Eugene C. Pulliam	Publisher, <i>The Arizona Republic</i> and <i>Phoenix Gazette</i>
1964	John Netherland Heiskell	Publisher, <i>Arkansas Gazette</i>
1963	James B. Reston	Washington Bureau Chief, <i>The New York Times</i>
1962	John H. Colburn	Managing Editor, <i>Richmond Times-Dispatch</i>
1961	Clark R. Mollenhoff	Cowles Publications
1960	Virgil M. Newton Jr.	Managing Editor, <i>Tampa Tribune</i>
1959	Herbert Brucker	Editor, <i>Hartford Courant</i>
1958	John E. Moss	Chairman of the U.S. House Governmental Information Subcommittee http://www.johnemossfoundation.org
1957	James R. Wiggins	Vice President, Executive Editor, <i>Post and Times Herald</i>
1956	James S. Pope	Executive Editor, <i>Louisville Courier Journal</i>
1955	Basil L. Walters	Executive Editor, <i>Chicago Daily News</i> and Knight Newspapers
1954	E. Palmer Hoyt	Editor and Publisher, <i>The Denver Post</i>

Zenger award winners and speeches on line: <http://journalism.arizona.edu/zenger>

Zenger Award Acceptance Remarks

by Louis D. Boccardi

Recipient of the John Peter &
Anna Catherine Zenger Award

Department of Journalism, University of Arizona
Tucson, Arizona

March 29, 2001

Thank you very much.

In the ramp-up to the Academy Awards show the other night, the producers promised a new HDTV set to the recipient who made the briefest acceptance remarks.

Since no such offer was made to me, relax. We're going to be together for a while.

You humble me tonight with your tribute to me and my colleagues at The Associated Press.

For all of us, thank you for this very special honor and for recognizing the work that AP does on behalf of free speech and open government.

Perhaps I should start by returning the salute. The names of John Peter and Anna Catherine Zenger are familiar symbols of the headwaters of free speech in America, more than half a century before the First Amendment was written.

The Zenger trial is described every year in thousands of classrooms as the story of the birth moment of one of our country's most cherished values. It is a tale whose significance schoolchildren can easily grasp.

And even after we're grown-ups, the Zenger name retains its power to evoke the recognition that the right to speak out against the powerful is at the core of our national heritage, one of the things the Founding Fathers got absolutely and perpetually right.

So your granting an award each year in the names of these pioneer defenders of free expression is a valuable reminder to all Americans that the liberty they enjoy was hard won, by people who wanted it enough to risk everything for it.

I salute the University of Arizona and the Arizona Newspapers Association Foundation for sponsoring these awards and drawing public attention each year to the cause. It is a troubling fact that such reminders are necessary. The need for a constant watch on government and for vigorous defense of the legal rights that make that watch effective doesn't seem to be widely understood.

The good news in this is that most Americans don't feel personally threatened by government in the same way our colonial forebears of the 18th Century did... although with two weeks to go before income taxes are due, I suppose I've picked a bad time to say so. (Taxation without representation was intolerable, but at this time of year, taxation *with* representation may not look so good, either. But I digress.)

Today, it appears from studies in recent years that when it comes to abuse of power, Americans are at least as likely to be wary of the news media as they are of the people and institutions we cover.

Polls indicate that many of our readers, viewers and listeners think we need to be taken down a peg. A Harris poll several years ago found that some Americans wouldn't mind seeing licenses for reporters, fines for inaccurate or unfair coverage, more plaintiff-friendly libel laws and a freer hand for government in keeping official information secret.

There's clearly a disconnect between the public service we think we're performing when we fight for access to government proceedings and documents, and the view of some of our critics that we're serving nobody but ourselves, that we're in it to boost circulation and profits, and then pat ourselves on the back with awards and prizes.

I will say again how grateful I am for this opportunity to point out how badly mistaken this view is, and to point out how great an injustice it does to people and organizations who go to work every day and every night determined to shine a light into places that the powerful would prefer to keep secret.

It is hard work, and often it's dangerous. Before addressing some issues we face here at home, a few words about what our staff at The Associated Press faces around the world in the name of all the readers and viewers and listeners we serve here under the protection, and I might say, the inspiration of the First Amendment.

Two dozen journalists were killed in the line of duty in 2000, according to the Committee to Protect Journalists - many of them simply assassinated in retaliation for their work.

One of those was a gifted AP television news cameraman shot dead while covering civil strife in Sierra Leone. He was the second AP journalist in two years to lose his life on that lethal story in that dangerous land, in eerily similar circumstances.

And while here today, I learned of yet another tragic AP loss - the killing of APTN producer Kerem Lawton at the border of Kosovo and Macedonia. He was widely admired, professionally and personally. His death is our ninth in the line of duty in the last decade - a terrible toll that saddens us indescribably.

We have suffered elsewhere as well, although not with the ultimate price of life itself.

The danger to reporters is global. Riot police in Jakarta beat one of our photographers who was taking pictures of anti-government protests last year.

Another AP cameraman was shot in the leg during sectarian violence in another part of Indonesia.

In the Middle East, an AP reporter covering a local election runoff just outside Cairo was slapped and kicked by a police officer.

A photo stringer covering a confrontation between Palestinians and Israelis in Bethlehem was shot and seriously wounded by an Israeli soldier.

During rebel violence in Fiji last year, an AP video producer was shot in the arm. AP reporters covering the Falun Gong movement in China have been repeatedly detained and harassed, and have seen their film stolen.

In Chechnya last September, one of our reporters was seized, beaten and then held overnight in a covered pit by Russian troops. Just a few weeks ago, police in Seoul, South Korea, clubbed another AP video producer with their riot shields as he was filming a labor demonstration.

One of those who has endured such dangers is here tonight - your alumnus Mort Rosenblum, of our international staff.

I won't go on. You get the point. These are not risks anyone takes for the sake of a chance at a prize or a promotion.

To make sure our staff is as well prepared as they can be to deal with these risks, we've put scores of our people through an intensive five-day course on how to handle themselves in danger zones. More will get the training this year.

Fortunately, here at home, reporters are far, far less likely to encounter even threats of violent injury. But official determination to control the flow of information can be just as fierce as it is abroad.

Over the past two years, AP bureaus in nearly a dozen states have led or helped coordinate county-by-county freedom of information audits to see how well local government and police agencies comply with sunshine laws.

The findings vary widely, but even in the best areas, there is plenty of room for improvement, and improvement generally follows publication of our findings. I am aware of at least four more such statewide checkups planned for this year. Either on our own or in partnership with other news organizations, AP has repeatedly opposed specific official efforts to control or silence the news.

We fought a recent decision by Michigan corrections officials to restrict reporter access to prisoners. We're fighting similar efforts by their counterparts in Illinois to conceal evidence of wasteful or fraudulent spending.

We joined other news organizations in Arizona to open up what would have been secret meetings to discuss financing for a proposed new sports arena in Phoenix. In Utah, we're among media plaintiffs in a fight to keep the state Board of Regents from conducting public business behind closed doors.

When Montana officials tried to seal the terms of a deal they made to settle a wrongful death suit, we were among news organizations who sued successfully to open the record.

AP fought with some success in Australia last year alongside other international news agencies for wider media access to Olympic athletes and spectators in the areas next to the arenas and other venues.

Closer to home, in Florida, AP has been part of the nearly continuous tussle with officials over access to the disputed presidential ballots still being counted and recounted there.

Just recently, we stood up successfully against the longtime practice in the Baltimore police force of fingerprinting anybody who asked for press credentials.

AP campaigns regularly to open courtrooms to still and video cameras, as we're doing now in a case involving the massacre of five people and the wounding of two others in a fast food shop in New York.

The courts are frankly a mixed blessing to us in the F-O-I arena. On the one hand, they often help us vindicate our rights under the law. On the other hand, the courts themselves often stand between us and the news we seek to report.

In the Firestone and Goodyear tire cases... in the civil suit by a former Olympic official over athlete drug testing... in the spy proceedings against nuclear scientist Wen Ho Lee... and in dozens of other cases, AP has sought to persuade or force judges to unseal evidence or open proceedings that either they or the parties in the case wanted to keep hidden.

There is nothing the least bit self-aggrandizing about this work. It is difficult; it is often invisible; it is sometimes unsuccessful; it is expensive. And however much of it you do, there is more where that came from.

There are easier ways to boost circulation. Low-hanging fruit is everywhere in this business, stories that can be plucked and published without any help from a First Amendment attorney. There is only one reason for commitment to this perpetual guerrilla warfare – because it helps keep government power in check and keeps the people’s business in the public eye.

AP and our fellow news organizations have prevailed in a majority of the cases I’ve cited. That’s been possible because we’re on the side not only of the angels, as we see it, but of the law of the land. That includes not only the First Amendment, but also the federal Freedom of Information Act, which, by the way, just turned 35 years old.

Former White House Chief of Staff John Podesta said in an address just a few weeks ago on F-O-I Day that this law in its brief lifetime has done democracy a service of immeasurable value - it has shifted the burden to government to justify withholding information. The law helps keep the people in power honest.

“Power may be justly compared to a great river, which, while kept with its due bounds, is both beautiful and useful; but when it overflows its banks, it bears down all before it.”

Not my words, though I would be proud if they were. They were uttered in a courtroom in 1735 by Andrew Hamilton, John Peter Zenger’s attorney. He went on to say this:

“Let us at least do our duty, and like wise men use our utmost care to support liberty, the only bulwark against lawless power.”

There’s a crucial lesson for us today in noticing exactly to whom Hamilton was addressing this call to action. It wasn’t to the reporters and editors of his day.

Hamilton was doing something unheard of in the courtrooms of that time. He had turned his back on the judge and was making his argument directly to the jury of common citizens who would decide the case.

“The question before the Court and you gentlemen of the Jury is not of small or private concern,” he told them. “It is not the cause of a poor Printer of New York alone, which you are now trying; No! It may in its consequence affect every Freeman that lives under a British Government on the main of America.”

John Peter Zenger didn’t walk out of the courthouse because the jury thought a publisher should be able to talk back to the government. Zenger walked because ordinary citizens were persuaded that their own liberty was at stake along with his.

Many ordinary citizens need persuading now that what we do is not just for us, but for them.

When we report on our efforts to obtain government documents or open proceedings... when we editorialize about them... when we speak about them to community groups or in public schools... we need to make it clear that we’re not just exercising a news media right. We’re performing the service that the people of the United States said they expected of us when they ratified the First Amendment.

It’s not an abstract service to abstract principle. It’s real service with measurable benefit. As Podesta put it in his recent address:

“The successes of the Freedom of Information Act can be counted in the foreign policy mistakes uncovered so as not to be repeated, the unsafe consumer products recalled and the potentially wasted federal dollars that have been saved.”

Freedom of information is as vital to good government and individual liberty today as it was in the days of John Peter Zenger. It matters to everyone, and we must never cease reminding everyone how much.

Thank you for encouraging us with this wonderful award to keep the faith.