


ASTRONAUTS FOR AMERICA


CONSTITUTIONAL PRINCIPLE: FREEDOM OF THE PRESS

“Democracy dies in darkness”

Washington Post Motto 2017

BACKGROUND

In this seventh briefing in our series, “America, We Have a Problem,” we look at the constitutional principle, Freedom of the Press. The 1st Amendment explicitly prohibits Congress from making any law “abridging the freedom of ... the press”, making the press the only private institution specifically named and protected in the Constitution. The founders understood from hard lessons under British rule that a free and independent press was indispensable to liberty: it was the colonial pamphlets and newspapers that galvanized public opinion, exposed the abuses of the Crown, and made the case for independence. In practice, this freedom serves a structural function in a democratic republic that no other government or civil institution can fulfill. The press acts as an independent check on all three branches of government, federal, state and local, surfacing corruption, waste and abuses of power. When press freedom is eroded through intimidation, threats of federal licensing actions, or suppression of access, the public's ability to make informed decisions, and hold power accountable, is gravely diminished.

SELECTED HISTORICAL THREATS

- **1798:** The Sedition Act of criminalized “false, scandalous, and malicious” writing against the government, leading to the arrest and jailing of numerous newspaper editors and printers who criticized the Adams administration. Severe public backlash over the Act contributed to Jefferson's victory in 1800 and the law was allowed to expire.
- **1835:** Southern states banned anti-slavery newspapers, including prohibiting them from being delivered from out-of-state by U. S. Mail. The definitive end to these censorship laws came with ratification of the 13th Amendment in 1865 and the 14th Amendment in 1868.
- **1971:** In the Pentagon Papers case, the Nixon administration tried to prevent the New York Times and Washington Post from publishing classified documents about the Vietnam War, but the Supreme Court in *New York Times Co. v. United States* (1971) ruled government's efforts unconstitutional.
- **2001-present:** In the post-9/11 era, increased government surveillance and secrecy concerning national security raised concerns about press freedom, influencing reporting on the Iraq War and [NSA surveillance](#).

SELECTED RECENT THREATS

- The [White House Correspondents' Association ceded control of the press pool](#) to the administration, allowing them to choose which journalists could attend briefings.
- The Attorney General [rescinded a policy protecting journalists' records from seizure](#) for “leak investigations”. Seizure of a Washington Post reporter's work and personal laptops, phone, and watch followed.
- September 2026: the White House pulled the [press credentials](#) of CNN, MS NOW and Politico over “cumulative stories over the past few years” the President characterized as “fake news.” He warned that “there may be others to join them, however he suggested he might drop the ban if the outlets “straighten themselves out” and publish more favorable coverage. Under *Sherrill v. Knight*, (D.C. Cir.) (1977), once the White House opens its press facilities to credentialed reporters, that access may not be denied “arbitrarily or for less than compelling reasons,” and a journalist who is denied is owed notice, a chance to respond, and written reasons.
- [The Department of Justice subpoenaed four New York Times reporters](#), delivered subpoenas to some at their homes, over their reporting that the Secret Service had urged the President to avoid flying on the Qatari-gifted Air Force One due to unresolved security gaps. Investigators also sought the reporters' phone records, and those of some relatives, to unmask their confidential sources.

Astronauts For America Focus: As NASA astronauts, we saw journalists as the people's eyes and ears into our operations, thus critical to our very existence as a government agency dependent upon popular support. We at Astronauts For America are not constitutional scholars, but we know how to defer to subject matter experts when analyzing complex sociotechnical failures. We draw from reliable sources: court decisions, congressional records, peer-reviewed scholarship, and news reporting rather than commentary or opinion. We will publish our findings and recommendations for selected current threats in a series of briefings we call, “Failure Is Not an Option,” calling on accountable officials and citizens to “course correct,” and ensure that the ‘Freedom of the Press continues as a critical component of our constitutional principles.

“Freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by a despotic government.”

Virginia Declaration of Rights, 1776

Appeal to Our Crewmates: We need your help. Please use the “Contact Us” feature on our website to make suggestions about what we can do to help our democracy strengthen its commitment to the critical constitutional principle, **Freedom of the Press**.