

THE CONSTITUTIONAL RIGHT TO A PRESS PASS

I get asked about press passes a lot—I guess because I once had one. And the more I think about it, the more I'm raring for a constitutional challenge to the way many press passes are assigned in this country.

You see, historically, just about the only meaning of Freedom of the Press that would have made sense to our founders was freedom from having the government choose official reporters by licensing or fees or some other means. The whole reason we have Freedom of the Press is because stodgy countries in Europe were ensuring a tame press by either picking official printers, only giving licenses to their favorites, or charging a lot of money for the kind of press they didn't like. And when those Dirty Fucking Hippy colonists rebelled against the Stamp Tax, they determined never to see something like it or the more onerous licensing on their watch.

Currently, many government agencies are discriminating against citizen-bloggers like me—or even plain old online reporters—because they don't kill trees to circulate their work. This is changing (one of MI's bloggers has a legislative press pass, apparently some DFH bloggers have been allowed into Federal courthouses). But not everywhere. For example, given my current circumstances, I cannot get a press pass to Congress. So far, nice Committee staffers have been willing to set aside a seat for me. And they're good seats, too, right behind the witnesses. But they're far away from the power sources, and journalists who don't know me get really crabby when I go to the wall to use them so I can keep my laptop running.

Anyway, a blogger-reporter in NY is going to challenge the constitutionality of all this.

█ New York journalist Rafael Martinez-

Alequin and his lawyer Norm Siegel are challenging the New York City police department's policies for issuing press credentials. (For somewhat arcane reasons having to do with access to crime scenes, the NYPD issues all City media credentials.)

[snip]

Martinez-Alequin was a credentialed member of New York's working press for since the early '90s. He published the **New York City Free Press** on newsprint until the end of 2005, and shifted the paper online in 2006. He also started blogging at **Your Free Press**.

In 2006, the department downgraded Martinez-Alequin's status from "working press" to "press identification pass"—without explanation. The journalist didn't realize there was any difference. He kept on doing what he'd always been doing.

In 2007, he jumped through the familiar hoops to get his pass renewed, but his application was denied.

[snip]

Siegel and his client are prepared to challenge the constitutionality of the City's whole press credentialing policy. The NYPD may be discriminating against reporters for web-based publications. Or, it may be singling out Martinez-Alequin for some other reason. Either way, the reporter and his lawyer say they're prepared to go to court if the pass isn't reinstated.

I've been waiting for a really good person to challenge this system, because contrary to what many journalists understand, it goes to the heart of what our founders intended press freedom to be all about. You could make a really

compelling argument that many current press pass schemes amount to privileging those who work for large corporations—who, after all, have certain conflicts of interest with some kinds of reporting. So if they're choosing the corporate reporters and not us DFHs, they're effectively choosing to license primarily staid, cautious reporting—with a strong bent toward corporate coddling.

May the DFHs win freedom of the press!