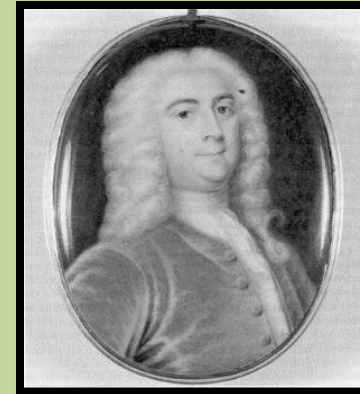


A Strike for Free Press

Americans cherish their “freedoms” — especially those made famous in the history books and in political debates—the freedom of speech, the right to bear arms and many other rights still evoke strong emotion today.

When John Peter Zenger came to New York in 1726, he was only the colony’s second printer. For six years he published laws and statements from the New York Provincial Council and religious broadsides. How he became a champion of free press involves the maturing of the American colonies, bitter politics, greed, the English system of law, and the bravery of his wife Anna. HIT THE SPACE BAR TO ADVANCE.

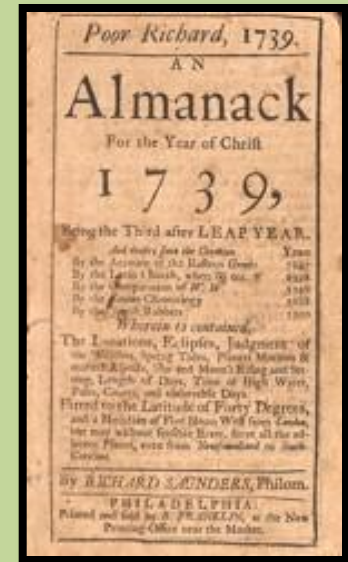


The new Governor of New York, William Cosby, was a controversial Crown appointee even before he arrived in New York. Linder, Douglas. “The Zenger Trial: An Account”. The University of Missouri-Kansas City, School of Law. 2005. May 2010.

<http://www.law.umkc.edu/faculty/projects/ftrials/zenger/cosby.jpg>

Printing & Early America

The availability of the printing press in the American colonies was a part of the Enlightenment; and it helped create new ideas, new colleges, and new institutions in much of the Western world. Spanish colonies used presses before Jamestown; and the first North American press came to the English colonies at Cambridge in 1638. Printers struggled for a while but, ironically, found steady work with the “government”. Their main work was printing government laws, announcements, and instructions. Printing advertisements, especially for the booming seacoast shipping industry, and religious printing created more work. In 1704 the Boston News-Letter became the first English colonial newspaper—mostly full of ads. Then came politicians, willing to befriend a printer in return for “favorable” press. It was this political news that involved James Alexander, founder of the *New York Weekly Journal* & John Peter Zenger and his wife.



This copy of “Poor Richard’s Almanac” is an excellent example of early American printing. Dated four years after the Zenger trial it can be found on the National Humanities Center: U.S. Primary Documents page—a great resource for students. <http://nationalhumanitiescenter.org/pds/beingamer/ideas/text5/text5read.htm>



A Greedy Governor!

William Cosby was born in England and was a gambler before he entered the British Army, becoming a Colonel and marrying a well connected woman on the way. He served in Ireland and became acting governor of Minorca where he illegally seized a Portuguese ship for personal gain.

In truth, the English Crown was having trouble filling governorships in the Americas. Their salaries were controlled by local assemblies for the most part. The station was far from the glitter of Court. And the constant threat of Indian wars dissuaded many. As a result, governors often accepted these appointments with an open eye to building a personal fortune and returning to England. In January 1732 George II appointed Crosby Governor of NY and two years later gave him a huge land grant. Crosby also won two promotions while Governor earning the rank of Brigadier General in 1735.



Crosby Intervenes...

When he arrived in New York, Crosby bluntly demanded one-half of the Interim Governor's (Rip Van Dam) salary between the time Crosby was appointed and the time he took office. Van Dam refused. Crosby was infuriated and took Van Dam to court—where it got really interesting.

Crosby demanded that Chief Justice Lewis Morris hear the case as “equity jurisdiction”—which basically meant an administrative hearing without a jury. American courts had grown to be sophisticated institutions by the late 1600s patterned after British laws. And local public opinion was solidly against equity hearings. Justice Morris knew of this public dislike and he voted against hearing Crosby's complaints as an equity jurisdiction.

All-the-angrier, Crosby took steps to remove Morris from the Justice system and also purged Van Dam from the New York Council. Crosby then angered the public more by appointing a loyalist, James Delancey, as Chief Justice. As a result the colony developed strong and divisive political factions.



Political Factions...

DeLaney and other wealthy land owners became associated with the newly formed Court Party, also known as the Tory Party. The Tory Party had support from the *New York Gazette* newspaper. They were opposed by the Country Party, also known as the Morrisites with former Justice Lewis Morris as their leader. The Morrisites were embraced by the *New York Weekly Journal*, with James Alexander as editor, and John Peter Zenger as printer (publisher). Other party factions splintered New York over other issues, but these two groups declared legal war.

Alexander, writing anonymously, began accusations that Crosby had rigged elections in 1734 (motivated by the chance to see his salary to grow); that Crosby had stolen taxes; and that Crosby that neglected the defense of the colony against the Indians.

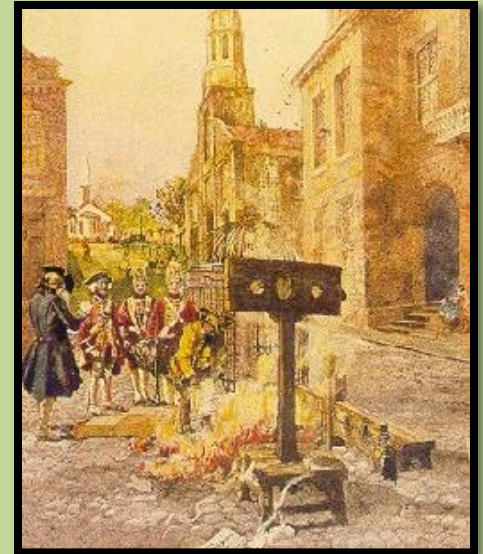


A Public Burning...

In early November 1734 Crosby issued a public order to burn four editions of the *New York Weekly Journal*.

On November 17, 1734, Crosby ordered Zenger arrested and charged with seditious libel. Since Alexander was writing anonymously, Crosby feared he would not have a case against him, but could easily convict the printer, John Peter Zenger.

Zenger sat in jail almost nine months at an abnormally high bond set by Crosby; and all the time the *New York Weekly Journal* was published weekly by Zenger's wife, Anna. Lewis Morris made a trip to England to present a list of abuses against Crosby, but failed to find help.



This image depicts the Burning of Zenger's *New York Weekly Journal*. 2005. May 2010.
<http://www.law.umkc.edu/faculty/projects/ftrials/zenger/zenger.html>

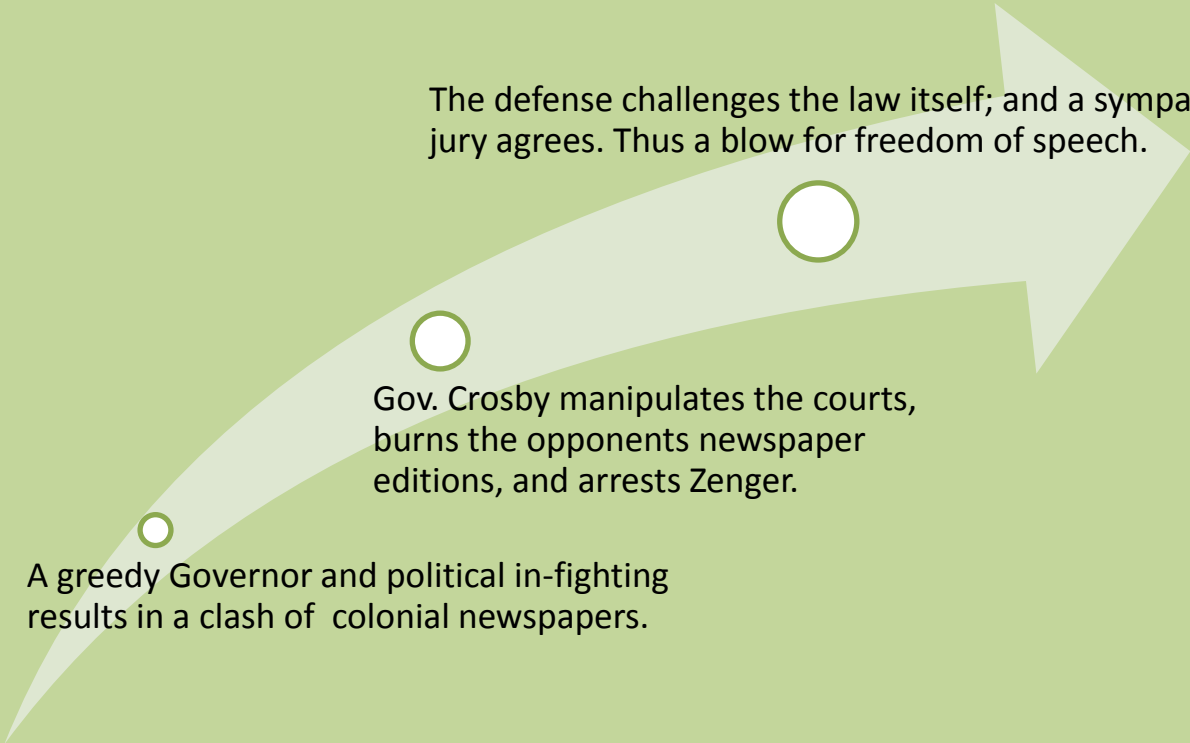


The Trial...

Finally the trial. This was high drama for the city of New York. The Morrisites hired the best known trial lawyer in the colonies, Andrew Hamilton of Philadelphia. According to the literal law of New York, speaking out against the Governor constituted seditious libel; so Hamilton knew he had to have a different defense. Crosby used his hand picked Chief Justice to throw roadblocks at nearly every argument—especially in jury selection. Hamilton argued that it was not libel to say the truth; therefore the Crosby attorneys would have to prove the *New York Weekly Journal* statements were false. Hamilton also knew that the jury openly believed Crosby to be a crook. The jury took little time in declaring Zenger not guilty. Today such legal ideals are still protected. Today we call it jury nullification which means that a jury's responsibility includes judgments about the law itself or its application.



Review



The defense challenges the law itself; and a sympathetic jury agrees. Thus a blow for freedom of speech.

Gov. Crosby manipulates the courts, burns the opponents newspaper editions, and arrests Zenger.

A greedy Governor and political in-fighting results in a clash of colonial newspapers.



What do we make of this?

By definition text books often give students only summary information . Now you know that Zenger's acquittal was rooted in greed, politics, and deeply cherished colonial-American ideals about juries and justice.

We see the maturing political and social fabric of America coming together in Zenger's trial. If we think ahead thirty plus years, the American colonists will still be involved in disputes over jury trials—but this time with England herself.

Remembering that this was America in the 1730s just take a moment to check off the list of sophisticated elements found in Zenger's case. An executive order to burn newspapers; the manipulation of Supreme Court Chief Justices; the formation of political factions around divergent ideals; and the power of local public opinion.

Hint: Approach your field trips and all of your assigned terms with a desire to dig a little-- it can be enlightening.

