



Unoriginal Misunderstanding - Press Freedom in Early America and Interpretation of the First Amendment

Kenneth Shear

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Unoriginal Misunderstanding revisits American traditions of press freedom that underlie the First Amendment. Author Kenneth Shear collects source material, overlooked in previous histories, demonstrating that Americans sought broad protection of press freedom in the late 1700's, culminating in adoption of the press freedom guarantee.

Shear's work connects today's broad First Amendment law with its roots in early America. It's especially timely, because in the legal arena leading "originalists" (including U.S. Supreme Court Justice Antonin Scalia) have argued for confining legal standards of press freedom to a narrower "original meaning". Shear shows how these "originalists" have misunderstood history and overlooked the actual origins of the First Amendment in deep American traditions of expansive press freedom.

"After reading the monograph, you will never look at the phrase "original understanding" the same way.... UNORIGINAL MISUNDERSTANDING will be an insightful companion to any intellectual debate about whether press freedom should be narrowed by judges and scholars who have misunderstood the origins of the First Amendment. Finally, this monograph will serve as a practical guide for anyone seeking to find support for an expansive interpretation for freedom of the press." - Law and Politics Book Review

"[E]very reader should come away impressed by the range of materials Shear has unearthed that support the notion that eighteenth-century Americans embraced expansive notions of freedom of the press." - Prof. Richard Buel, Jr. (author of *Securing the Revolution*)

"Shear ... arrays a formidable group of writings by lawyers, ministers, and journalists during and after the revolution concerning press freedoms." - Prof. Alfred W. Blumrosen (Author of *Slave Nation*)

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