

*Science, Technology, and the First
Amendment*

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**SCIENCE
TECHNOLOGY
AND THE
FIRST AMENDMENT**

SPECIAL REPORT



CONGRESS OF THE UNITED STATES OFFICE OF TECHNOLOGY ASSESSMENT

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Foreword

In honor of the Bicentennial of the United States Constitution, OTA is conducting a study of *Science, Technology, and the Constitution*. At the request of the Committee on the Judiciary of the House of Representatives, and its Subcommittee on Courts, Civil Liberties, and the Administration of Justice, we are examining ways in which continuing scientific advances and new technological developments may influence the scope and meaning of enduring constitutional principles and protections. A background paper, *Science, Technology, and the Constitution*, was released in September 1987.

Freedom of speech and press, embodied in the First Amendment, are among the most cherished of those protections. As the first of a series of special reports this document considers challenges to freedom of speech and press that come from the advance of science and technology.

Part I of the report discusses how the meaning of "the press" has expanded from printed material to include a wide range of broadcast and electronic media. Satellites, computers, electronic bulletin boards, teletex, videotext, and other new ways of gathering, editing, and delivering news are blurring legal and regulatory distinctions between common carriers and "the press," thus changing arguments about the constitutional rights that they have each enjoyed.

Part II addresses freedom of speech and press as they apply to scientific communications and technological know-how. As science and technology become ever more important to our economy and our military strength, the delicate balance between individual rights and the national interest becomes both more important and more difficult to maintain.



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