



**Patterson v. Colorado (1907) - Justice Holmes - 7/2.**

**Issue:** A publisher was held in contempt for publishing material about a case still pending before the Supreme Court of Colorado and critical of that Court, accusing it of corruption. Did the Colorado Court violate Mr. Patterson's 1<sup>st</sup> Amendment rights to freedom of speech and freedom of the press?

**Held:** Because the Court ruled there was no jurisdiction to hear the case and the 14<sup>th</sup> Amendment had not yet been held to incorporate the 1<sup>st</sup> Amendment to apply to state action, the issue was not decided.

**Reasoning:** The main purpose of the 1<sup>st</sup> Amendment is to prevent previous restraints upon publications. They do not prevent the subsequent punishment of speech as may be deemed contrary to the public welfare. The preliminary freedom extends as well to the false as to the true; the subsequent punishment may extend as well to the true as to the false. For example, a publication likely to reach the eyes of a jury declaring a witness in a pending case a perjurer would be a contempt even if true. It would obstruct the administration of justice. Conclusions to be reached in a case should be determined by evidence and arguments in open court, not by an outside influence.

**When a case is finished, courts are subject to the same criticism as other people.**

**Dissents:** Harlan & Brewer...Not provided.

**This was the 1<sup>st</sup> “free press” case to reach the Supreme Court.**

**We know that today the media criticizes judges and comments on the credibility of witnesses “during a trial” all the time. Could they be held in contempt? If so, why aren’t courts holding them in contempt? Perhaps our further study will answer this question. At any rate, right away we see the clash of the importance of an untainted trial with the freedom of speech and press. The remainder of our 1<sup>st</sup> Amendment journey should be enlightening.**

