

Law Paper topic submission  
COM 416 | Carroll

**Tentative Title:** Gagging the press to civic death? When a judge can issue a prior restraint in a legal proceeding

**Key Case(s):** *People v. Bryant*, 2004 WL 1613774; *Denver Post v. State of Colorado* (2005) 376 U.S. 254

**Background:** The *Denver Post* sued the state of Colorado for withholding the transcripts of a closed hearing conducted during the Kobe Bryant rape trial. The judge in the case finally agreed to release the transcripts, on August 2, and the newspaper, which had been joined by several news media groups, dropped its suit, which objected on the grounds of prior restraint.

**Position Statement:** Had the *Denver Post* taken its case to the Supreme Court, claiming unconstitutional prior restraint violating the First Amendment provision of freedom of the press, the *Post* would have won, preserving the right to publish information even when government authorities want it withheld. This right trumps the personal privacy rights of the plaintiff in the Bryant rape case and the plaintiff's and defendant's rights to a fair trial.

*(From the Prof: Note that the key case(s) is/are clearly identified, that a few key facts are provided in order for me to evaluate whether it is a good topic or not, and that your basic argument is presented, one that identifies however superficially the tensions in the law represented by the case.)*