



The Taming of the Press: Cohen v. Cowles Media Company

Elliot Rothenberg

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Cohen v. Cowles Media Company changed the course of First Amendment media law. After a quarter century of decisions interpreting the First Amendment to give media organizations preferential treatment, the Supreme Court ruled in 1991 that the Constitution did not give the press immunity from the laws ordinary citizens must obey. The American Bar Association quarterly *Communications Lawyer* (Spring 1998) calls *Cohen* a media law hall of fame case. The author, who was the plaintiff's sole attorney in all phases of the case, provides detailed analysis of the complexities of constitutional litigation and the strategic and tactical considerations involved in formulating constitutional arguments in the Supreme Court and other courts.

This is a classic David v. Goliath story of a lone lawyer who worked out of his basement taking on media and legal giants and winning. Scores of attorneys from major law firms around the country represented the Minneapolis and St. Paul newspaper defendants and their allies in court in a case where experts were confident that the press could never lose. The *Cohen* decision has revolutionized the law regarding accountability for wrongdoing by media organizations, and many federal and state courts have relied upon the *Cohen* case in holding media organizations liable for their actions. This lively account will interest not only legal and media scholars, but all readers interested in correcting injustice.

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