



THE VIEW

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THE GOOD OLD FIRST AMENDMENT

BY

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When I have occasion to teach American Government to an auditorium populated mostly by freshmen and sophomores I have made it my personal goal that, if nothing else sinks in during the entire semester, these students will carry forward with them a deep appreciation for the First Amendment of the United States Constitution. It is my opinion that even taking into account the surrounding powerful language in this document and others like the Declaration of Independence that launched this unique republican form of government, the First Amendment stands out as the most powerful and important guarantee made by any government before or since.

A brand new book by two-time Pulitzer Prize winning Anthony Lewis entitled *Freedom for the Thought That We Hate: A Biography of the First Amendment* makes this case far more eloquently than I. I will confess to a recent and growing fascination with the sheer volume of opinions that now daily reach the minds of millions of people who have access to the technology that make these ideas available. It is not only the amount, but the often vitriolic content of these communications that has gotten my attention. In his book, Lewis alludes to the fact that the America of today is free to be the most outspoken society on earth. In answering the question as to where this extraordinary freedom comes from, Lewis clearly makes a case for the First Amendment. This is a short, clearly written amendment, and Lewis draws on fourteen words from the amendment on which to base his discussion. "Congress shall make no law abridging the freedom of speech or of the press." are indeed some of the most important words under girding a governing structure anywhere.

As one ponders the contest of ideas currently underway in this Presidential campaign year it is hard to imagine where we might be had the First Amendment never been written or even if it had not evolved over the years. Remember, neither the First Amendment nor any of the other nine were a part of the original Constitution, but rather they were written as a counter balance to a perceived powerful central government as the price for ratification of the new blue print for government. What did the founding fathers know about the coming of blogs or 24 hour talk radio? Could they have envisioned the viciousness on the right from the likes of Matt Drudge, Michelle Malkin, or Ann Coulter? Would they have been astounded by the assertions from the loathsome left such as those made daily on Moveon.org or the Daily Kos. What about the personal attacks? I have been contacted several times and have received several e-mails wishing to make sure that I knew that, among other things, Barack Obama is a Muslim who took the oath of office with his hand placed on the Koran rather than the Bible, and that he will not recite the Pledge of Allegiance. That none of this is true is beside the point. What is important is that if he were to become President no one will be thrown in jail for making these accusations.

Anthony Lewis points out that the First Amendment was born out of repression not only from the European societies but in the early days of this country. Ironically, the bloggers of today had their counterparts in the earliest period of this country. In the days leading up to the establishment of a governing structure, in addition to prior restraint on the publishing industry, a more ominous form of repression in the form of laws of seditious libel proved to be the most intimidating for the colonists. This made it a crime to "say anything disrespectful of the state or the church or their officers." Furthermore, proving that such accusations were true was no defense for having cast a bad light on the government or the church. Enter the Constitution and the First Amendment. At the time of the founding, anyone who wished to express an opinion could publish a newspaper containing these ideas. He would simply go to a printer and pay him to print the desired number of copies. Wonder if any of these early versions of "bloggers" went by the name of Drudge or Huffington? One of these early journalists, Harry Crosswell, was prosecuted under the last remnants of these laws for printing in his paper "The Wasp" that Thomas Jefferson had paid a journalist to write savage assaults on President John Adams and George Washington. He called Washington "a traitor, a robber, and a perjurer." How's that for a string of insults aimed at the Father of the Country? From this point onward, the courts opened the door wider to freedoms of speech and press. Once past the major issues of personal libel press and speech freedoms were extended to coverage



of acts of governments themselves. Often the challenges that had to be overcome were extended in the name of "national security" and the need to usurp individual freedoms.

It is indeed ironic how similar the issues are now to those that were present at the founding. Thankfully the First Amendment has stood the test o time so that we can make use of it in this hyper information age.

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