

The Weakening of the First Amendment by Karen McCain

The First Amendment is important for the stability of our country and to the welfare of our people. If our country loses the freedoms protected by the First Amendment the voices of ordinary citizens will be silenced by those in power. The rights expressly protected by the First Amendment are in danger because of policies made by the federal government, because there is a slow decay in our freedom of the press, and because the average American citizen does not understand these rights or what life would be like if we lose them.

The weakening of the First Amendment is happening because of the choices and policies made by the federal government. There is a lack of Law & Order condoned by the governments. In some instances, is not only condoned by the government, it is perpetuated by the government as well. Ezra Taft Benson, who served as Secretary of Agriculture in the Eisenhower Administration explains "Through the process of supposedly 'interpreting' the Constitution the Supreme Court has twisted beyond recognition just about every conceivable clause to justify the transfer of all sovereignty from the states to the federal government to broaden the powers of the federal government beyond any definable limit, and then to make it possible for all such powers to fall into the hands of the executive branch of government." (266) Executive Director Keith Fournier of the American Center for Law and Justice (ACLJ) also spoke about how the Constitution's establishment clause has been 'mistakenly twisted'. The Establishment Clause is now being used in a way that the founders never intended. Instead of preventing the citizens from being forced into a certain religious sect the Supreme Court has

turned it around to be a 'prevention of the practice of religious faith...' (Schwalm 1996) These behaviors by the Supreme Court are leading our country down a path to destruction. If the power of the federal government is allowed to grow unchecked and continue to usurp the powers originally intended for the states then, the states will lose their sovereignty and the people will lose their power to speak out against it.

The United States of America is not as free as we think it is, especially our Press. There has been a slow decay in the freedom of the Press in this country. When Reporters Without Borders released its World Press Freedom Index in the last week of April 2017 it included 180 nations. The United States was ranked 43rd, down from the 41st slot only a year ago. It has been in steady decline for 15 years from its highest ranking at number 17. Journalists under surveillance by the government as well as threats to journalists are some of the criteria used to determine a country's ranking. The group, Reporters Without Borders said: "The overall trend is toward adoption of legislation and provisions that threaten the essential condition for a free press." Reporters have been arrested and faced threats of prosecution in a variety of cities around the country while covering recent current events such as protests by Black Lives Matter groups and protest of the Dakota Access Pipeline. (Farhi 2017) Another example of actions by our leaders that threaten our free press happened just a few years ago. During the Obama administration, phone records were monitored by the Justice Department and the FBI. In 2014 the Obama Administration proposed a move to monitor newsrooms nationwide. Understandably, this was concerning to the FCC commissioner. He

didn't want this to be a path to "pressuring media organizations into covering certain stories." Jay Sekulow, Chief Counsel of the ACLJ made the following statement.

"This is an extremely troubling and dangerous development that represents the latest in an ongoing assault on the Constitution by the Obama Administration. We have seen an imperial president bypass Congress and change the law with executive orders. Now we see the heavy hand of the Obama Administration poised to interfere with the First Amendment rights of journalists. It's clear that the Obama Administration is only interested in utilizing intimidation tactics - at the expense of Americans and the Constitution. The federal government has no place attempting to control the media, using the unconstitutional actions of repressive regimes to squelch free speech." (PR Newswire 2014)

Every American citizen should be disgusted at the level to which our freedom has crumbled as evidenced in the most recent World Press Freedom Index. Every American citizen should be appalled that a political leader in this country, not to mention the President, would employ such tactics to intimidate and control the media. This is the United States of America. This country was founded by people who wanted to escape an oppressive ruler. Here we are less than 250 years later with our freedom in peril and very few people seem to be paying attention.

We are experiencing a slow decay of our First Amendment rights. It is slow enough that it can be hard to perceive. So many people want to believe that a loss of our freedoms could never happen in America that they don't look closely at what is happening.

The average citizen does not understand the rights protected by the First Amendment or what life would be like if we lost them. Erwin Chemerinsky, a professor at the UC Irvine School of Law, along with Howard Gillman, Chancellor and a professor of History, political science, and law at UC Irvine found that a lack of Education was to blame for the waning support of free speech among college freshman in 2017. These students are not familiar with how censorship harms society. This generation has not had the same experiences as the preceding generations that made the need for free speech very clear. This younger generation is not aware of the punishment and censorship that certain groups suffered because officials in this country didn't like what they said. It is important to the future of our country that these college students understand the guarantees of free speech secured by the First Amendment. (Chemerinsky, Gillman 2017)

Lee So-Yeon served in the North Korean military for almost 10 years before attempting to defect. She and many others joined for the food rations during a famine in the 1990s. Her first attempt at defecting led to her torture in prison. She eventually made it to China in 2008. Lee So-Yeon was shocked at the feeling of freedom. She said "I didn't need permission to do anything. I couldn't believe there was hot water, hair dryers. I can vote for whomever I wanted and all the food." Lee So-Yeon explained that the state's TV was in her office and every army barracks. It was a tool used by the government to tell the citizens what they wanted them to know, think, and feel. She and the rest of the country were made to believe that their leaders were gods. Lee So-Yeon knows she was brainwashed. She said, "and that's what's scary." (All Things Considered (NPR) 2017) The average U.S. citizen is lacking education and appreciation of these rights. They don't understand how

oppressive and unchecked governments can become or what life would be like without the freedoms protected by the First Amendment.

The freedom to think and speak for oneself is a basic right we have sentient beings. This freedom extends to expressing our thoughts, using the written word, and sharing it with our fellow sentient beings. Our country's founders saw these as some of our unalienable rights afforded us by "the Laws of Nature and of Nature's God" as stated in the Declaration of Independence (US 1776). The founders knew they were not granted unto us by man and, therefore, were not intended to be revoked by man. The First Amendment was put in place with the intention of protecting these most basic rights. There are people in our country who feel that a free press and freedom of speech lack intrinsic value. They feel these freedoms are only valuable when they can be the means by which social good can be achieved. They believe that restricting these freedoms in the name of the good of society is legitimate. In his book "Essays in the Public Philosophy" written over 30 years ago Walter Lippmann said, "Divorced of its original purpose and justification as a process of criticism, freedom to think and speak are not self-evident necessities." (Canavan 1999) This statement shows that Mr. Lippmann did not see any intrinsic value in the freedom to think and speak for oneself. If society does not value these rights, then the government won't either. When a government is so oppressive that the freedom

to speak and think is restricted it means that our rights to life, liberty and the pursuit of happiness are not secure. When a government is in the position to destroy these basic rights, the people who are the ones that give the government its power, have the right and responsibility to change the government's makeup or abolish it altogether and set up a new one. According to the Laws of Nature and of Nature's God the freedom to think and speak for oneself are important enough to warrant taking such drastic measures.

Securing our unalienable rights to think for ourselves and express our thoughts with the written and spoken word ensures that we will have the power to speak out against a government that is growing oppressive. We need to help our fellow citizens recognize and understand the dangers of governmental policies that our First Amendment rights. They also need to see that the diversity that comes through free speech and a free Press makes us a stronger country. That means that we need to hear more voices, not less. When our citizens understand how different their lives would be without the freedoms protected by the First Amendment then they will fight to protect them. The First Amendment can be protected. When we do all that we can to defend the First Amendment the voices of the ordinary citizens will not be silenced by those in power.

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