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Constitution Day Essay Contest

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## 2016 Constitution Day Essay Contest: 1st Place

Collin J. Laaker

University of Kentucky, [collin.laaker@uky.edu](mailto:collin.laaker@uky.edu)

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Constitution Day, created in 2004 by an act of Congress, mandates that all publicly funded schools provide educational programming on the history of the U.S. Constitution, which was adopted by delegates to the Constitutional Convention on Sept. 17, 1787. This year's Constitution Day at UK is Monday, September 19th (see <http://www.uky.edu/UGE/constitution-day-2016>). Under direction from the Office of the President and the Provost, the Division of Student and Academic Life will lead a cross-campus gathering of support for offering Constitution Day activities at the University of Kentucky. Staff and faculty work with many different student organizations and units on campus to develop a campus-wide approach to the celebration of our rights and responsibilities as citizens of the U.S. and to develop habits of citizenship in a new generation of Americans. The general thematic topic this year is focusing on "Freedom of Expression, Identity and the U.S. Constitution."

An essay contest for undergraduates is sponsored by the UK Scripps Howard First Amendment Center, the Office of the President and the Provost's Division of Student and Academic Life. The essays are blind-judged by former UK journalism students who are lawyers, UK professors and media law professors at other universities. The entries are scored on the following criteria: historical and legal accuracy of the content, the strength and logic of the argument, the original ideas presented, the organization of the argument, including the thesis, and the quality of the writing. The winners are announced the First Amendment Celebration, 7:00 p.m. Tuesday, Sept. 27, in the Kincaid Auditorium of the Gatton College of Business and Economics.

The essay, which cannot exceed 750 words, addressed this writing prompt:

During the Republican National Convention in Cleveland in July, protesters tried to burn a flag of the United States. Although such an act offends many people, the Supreme Court ruled in 1898 and again in 1990 that burning the flag is expressive conduct – an act of speech – and protected by the First Amendment. In another First Amendment decision, the Supreme Court ruled unconstitutional the attempt by Congress to regulate the spending of money during political campaigns. In the *Citizens United* decision in 2010, the majority said campaign contributions are also protected speech. That means businesses, unions, and organized groups can spend as much money as they choose for ads supporting or opposing candidates as long as they don't coordinate such spending with the candidates' campaigns.

*Essays must address this question:* Should Congress propose an amendment to the Constitution that would allow the federal government and states to make it a crime to burn the United States flag and another amendment to allow legislatures to place limits on the amount of money flowing into political campaigns?

## First Place – Collin J. Laaker

### [No Title]

No, I do not think there should be an amendment to the Constitution that limits free speech in any shape or form. It's unnecessary and it goes against the fundamentals of the American experiment.

In the hearts of many Americans, the US flag represents the values and the resolution of our nation. It is an acknowledgment of the sacrifices made by our soldiers and the integrity of our moral code. We salute these flags, we fold them in a precise way, and we even shelter them inside on rainy days. Most Americans would agree that these artifacts of our nation should be treated with respect and dignity. And it's natural to get emotional when we see a symbol of American democracy go up in flames.

But the American flag is just that, a symbol. When a flag burns our values are not in jeopardy. The sacrifices of our heroes are not forgotten. The Constitution does not become void. Our freedom does not wither away. Cloth is simply turned to ash. If we truly believe in the values that the flag represents then shouldn't these same values triumph in the face of a single fiery statement?

The United States is often referred to as "the American experiment"; we are a country forged from the principles of the Age of Enlightenment, an era where the scientific method and rationalism tore down seemingly invincible power structures. Like a scientific experiment our country was inherently designed to be subject to peer review and criticism. Having used it to establish the United States, the founders saw public discourse as an invaluable resource. Critique of our own government destroyed the institution of slavery, ended segregation, and gave women the right to vote. Having a government that is under the scrutiny of its own people is the American design and it's one of our core principles.

Like it or not, flag burning is a statement. It's a criticism and it communicates an idea. When done legally it hurts nobody. It infringes on no rights and in a free society statements from citizens should be able to enter the public consciousness with no obstruction. Then, in the marketplace of ideas, we as a society can determine the things we value and the things we critique. To prevent this natural process from occurring would go against who we are as nation.

Although the image of Old Glory going up in flames may cause us to shed a tear. The reality is, the threats to our democracy are not in a visible display of fiery flag destruction, but in complex and more elusive systematic issues. Money and its seemingly insidious influence on the political process is one of these hot topic issues.

Campaign finance is a multilayered issue that is often misrepresented by the media and public at large. It is a mess of individual spending limits, PACs, super PACs, Supreme Court rulings and name calling from both sides. One side cries legal bribery, while the other side clutches tightly to their constitutional interpretation. I'm here to argue that the reality is somewhere in the middle.

In terms of bribery, there are already well defined limits on how much any one person can donate to a political candidate. In addition, corporations are barred from donating directly to campaigns. Although

instances of misconduct occur, the money going directly to candidates is already greatly regulated (as it should be).

The true issue of disagreement occurs on the outskirts of the political process when corporations, organizations, and individuals begin to aggregate their money into separate politically motivated entities. Super PACs spew out extremely biased and often inflammatory rhetoric, but it is free speech. And while Super PACs may seem Orwellian at times, as long as there is no communication between candidate and Super PAC, it is protected under the Constitution.

With that said. Am I naïve to corruptive influence of money? Absolutely not. This is not a perfect system and we should remain diligent and be on the lookout for corruption and bribery. This is by no means a blank check for unlimited corporate influence and paid for candidates. But it doesn't matter if it's a burning flag or a billionaire burning through vast sums of money, we should never let the method used to achieve free speech, dictate laws to prevent it. This is the American experiment and we should never shy away from opposing ideas. After all, that would be bad science, and that is not the American way.

