



2015

## 2015 Constitution Day Essay Contest: 1st Place

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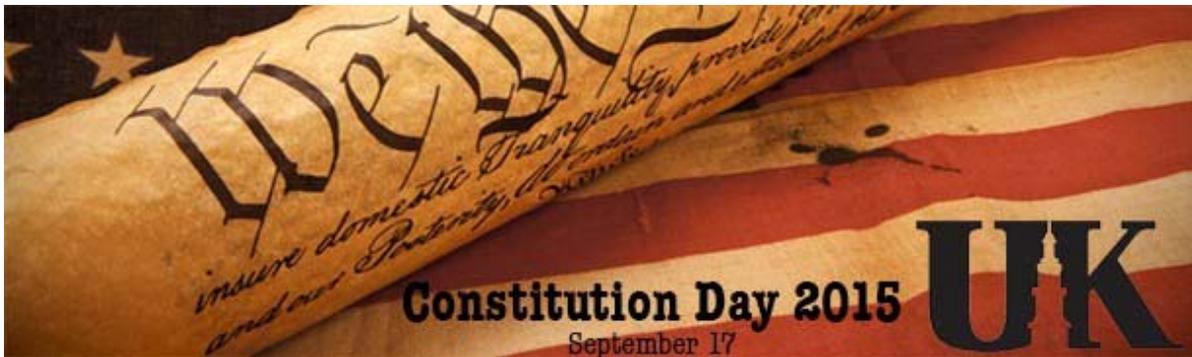
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Constitution Day, created in 2004 by an act of Congress, mandates that all publicly funded schools provide educational programming on the history of the U.S. Constitution, which was adopted by delegates to the Constitutional Convention on Sept. 17, 1787. This year's Constitution Day at UK is Thursday, September 17th (see more at the website: <http://www.uky.edu/UGE/constitution-day-2015>). Under direction of the Office of the President and the Office of the Provost, the Division of Undergraduate Education (UGE) has led the charge in organizing the many different events under the theme: *"Learning, Leadership and Civic Engagement."* UGE has teamed with various student and campus organizations to promote civic engagement and learning and to celebrate our rights and responsibilities as U.S. citizens.

An essay contest for undergraduates is sponsored by the UK Scripps Howard First Amendment Center, the Office of the President and the Division of Undergraduate Education. The essays are blind-judged by former UK journalism students who are lawyers, UK professors and media law professors at other universities. The winners are announced the First Amendment Celebration, 7:30 p.m. Tuesday, Sept. 29, in Alumni Auditorium of the William T. Young Library.

The essay, which cannot exceed 750 words, must address this issue:

The 2015 race for governor is well under way, and as was to be expected, the TV advertising offers a lot more heat than light. In other words, voters are learning less about the issues and witnessing more of the dirt the candidates are shoveling at each other. Address two questions:

1. Should the General Assembly pass a law before the 2019 state elections requiring candidates to abstain from using half-truths and lies in their advertising so that voters can be better informed on the important issues facing the state?
2. Would such a law survive a court test?

## First Place – Thomas Phillips III

[No Title]

Unfortunately, it appears that we may have painted ourselves into a political corner, folks. I state this simply because the very First Amendment of our Bill of Rights, guaranteeing every citizen of the United States of America the right to free speech under Constitutional law, is the same exact one that denies us truth in advertising from those who would seek our votes for public office.

Which is the very reason why the answers to both questions posed by this contest have to be a resounding *no*. Not only would a law holding those running for office responsible for misleading or blatantly lying to the public not hold up under the current version of the First Amendment (more on that in a moment), but one could also pose the argument that it couldn't be passed even if it *could* withstand the scrutiny.

To address the latter point in the above paragraph: So deeply intertwined in our politics are deception, half-truths and doublespeak that they have become an accepted part of American (and, to a larger degree, international) political culture. Politicians *will* lie to you in order to get your vote. It is a common theme. It is joked about and taken lightly by most. And, therefore, it is expected, understood, and condoned. To paraphrase comedian Chris Rock, when you first meet someone, you aren't necessarily meeting them, but their representative. So feel free to expect that the person seeking your vote to win an election will tell you what you want to hear because *it is what you want to hear*.

Meanwhile, the Constitution that gives us all the right to free speech bears no mention of that free speech being truthful. In fact, political speech *includes* advertising, and is protected under the First Amendment, which means that candidates are free to prevaricate at will. While there is room for libelous or slanderous speech to be held accountable, simple deceit or spreading disinformation are a lot harder to rid ourselves of in American politics. No level, from local to federal, is exempt from this.

In fact, Washington is the only of the 50 current states to ever attempt to rid itself of falsehoods in political advertising, circa 1984. An actual law on the books that would fine violators \$10,000 per offense and could result in the election outcome being invalidated? Where can we sign up for that? Short answer: you can't. The law was ruled unconstitutional 14 years later by the State Supreme Court, which cited the First Amendment as the reason for the ruling.<sup>1</sup> No state has been brave enough to attempt it since.

Is there a solution? Yes, but not a quick fix, by far: if we are to begin asking for honesty in political advertising, we must first acknowledge that honesty does not truly exist in the world of advertising. Ads

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<sup>1</sup> Sullivan, Amy. "Truth In Advertising? Not For Political Ads." *Time Magazine*, Sept. 23, 2008. <http://content.time.com/time/politics/article/0,8599,1843796,00.html>

are designed to sell us on a product using human emotion and playing off individual and collective group thoughts. Therefore, we cannot expect advertising to contain truth from individuals whose job security depends on persuading the highest number of people possible to cast their vote for them to keep them in office.

We must remind ourselves that everything that we see on television and consume in media is not necessarily true, and that we must seek out information for ourselves. We as a democratic society are wholly responsible for the choices that we make, and making informed decisions by informing ourselves is the best possible start to getting the results that we want out of our government. It would be a great day for all of us when questions like these no longer have to be the topic of essays, where it can be easy to use 4 different synonyms for *lie* in an essay centered around politics and the First Amendment.<sup>2</sup> It is far from probable. But it is possible. Perhaps it would better serve us to start there.



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<sup>2</sup> Actually just lied to you there. There are at least 6.