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2017 Constitution Day Essay Contest 1st Place-- Donald Trump: The Modern Day Killer of the First Amendment

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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 18th (see <http://www.uky.edu/studentacademicsupport/constitution-day>). Under direction from the Office of the President and the Provost, the Office of Academic Excellence partnered with the College of Arts & Sciences to 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 "I Am Kentucky: The Commonwealth and Our Common Future."

An essay contest for undergraduates is sponsored by the UK Scripps Howard First Amendment Center, the Office of the President and the Provost's Office of Academic Excellence. 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, 6:00 p.m. Thursday, Sept. 28, in the Auditorium of the W.T. Young Library.

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

Donald J. Trump is not the first U.S. president to confront the news media over its reporting on him, his policies, and his administration. (Jefferson, Jackson, Lincoln, Grant, Truman, Nixon, and George W. Bush, among others, were subjected to often harsh press coverage). While the First Amendment to the Constitution guarantees journalists the right to publish information without government interference -- except in special cases, particularly those involving national security -- it also ensures that the president and other government officials are free to criticize the news media.

Essays must address this question: When President Trump disparages the news media by talking about "fake news," "the failing @nytimes," the press as the "enemy of the American people," does he strengthen the First Amendment by engaging in a lively debate about an important subject, or does he weaken freedom of the press by attempting to persuade people that most journalists cannot be trusted?

First Place – RyAnn Schoenbaechler

Donald Trump: The Modern Day Killer of the First Amendment

In recent months, the press has published numerous reports about the actions of President Trump. Trump has confronted these reports by condemning journalists as “the enemy of the American people,” implying that the press has some malicious intent to incite the political annihilation of the United States (Donald Trump, 2017). The First Amendment gives the press the freedom to profess whatever they wish, truthful or untruthful. However, President Trump’s derogatory attacks effectively delegitimize journalists and the press as an institution by denouncing their credibility and painting them as corrupt liars with preconceived agendas. This weakens the First Amendment because it compares journalists to criminals, which implies that it is against the law to report facts with which the government -more specifically the executive branch- may disagree.

Federalists in the early days of America would no doubt agree with Trump's slander of what he believes to be fake news. Harrison Gray Otis, a venerable federalist from Massachusetts, stated that freedom of the press entails the liberty to publish one's thoughts, but does not protect the press from punishment for seditious expression (Lofton, 27). The Sedition Act of 1798 was an irrefutable breach of the Constitution because it removed the protection of the press for publishing libels. In essence, the entire character of the First Amendment was eradicated, because the Act limited the freedom of the press. Trump's comparisons of journalists with criminals almost directly correlates to the Sedition Act of 1798 because, while he has not officially made it illegal to produce false information, he has insinuated that it should be.

The American Civil Liberties Union takes an opposite stance on the subject, maintaining that the press not only provides public discourse on current events and local issues, but also serves as an ombudsman for government misconduct (American Civil Liberties Union). One example of such misconduct is President Trump's alleged collusion with Russia during the 2016 election. Evidence shows that Trump staffers have conspired with Russian officials in order to win the presidency (Applebaum, 2017). Trump denies these claims, and regards them as “fake news” that journalists have fabricated to remove him from office. In reality, most journalists are hard-working individuals who rely on investigative strategies and frequent fact-checking in their reports. Trump’s constant beratement of the press effectively convinces Americans of the media’s lack of credibility. This weakens the press’ freedom because without the trust of the American people, the press has no basis of legitimacy, which opens up opportunities for the government to impose restrictions.

Courtney Radsch, director for advocacy at the Committee to Protect Journalists, asserts that Trump's continuous statements about press dishonesty provide a cover of repression, which begs the question, to what extent do Trump's anti-press rhetoric promote censorship (Rutenberg, 2017)? Censorship took a new form in the Espionage Act of 1918. President Wilson signed this bill during World War I in order to combat spies, but the Obama and Trump administrations have recently used it to prosecute individuals who leak classified information (Myre, 2017). Again, we see the concept that journalists are criminals for publishing information with which the national government is dissatisfied. Trump provokes anger

towards these "crooked" journalists and ignites the passions of overly nationalistic Americans, claiming that the press is "trying to take away [...] our heritage," (Rutenberg, 2017). These anti-media rants call into question the physical safety of journalists. One example is when Republican candidate Gianforte assaulted a reporter during his campaign. Sadly, such anti-media attacks are not uncommon at Trump's rallies (Gibbs, 2017). Trump's rhetoric has affected the views of the Americans in that not only have people lost faith in the press, they are becoming violent towards these "perpetrators," demonstrating that First Amendment can no longer guarantee basic safety to the press.

Sedition, national security issues, and bastardized forms of censorship have all weakened the First Amendment to a point where it can no longer guarantee the press the right to publish reports on the issues of their choice. However, the latest abuse on the First Amendment- Trump's anti-media rhetoric- has incapacitated the First Amendment to an extent where it is both illegal and unsafe for the press to report on topics in certain situations. Our nation once boasted a "freedom of the press", promising the liberty to report on issues without the worry of danger or punishment. Today, our legendary First Amendment has been reduced to a point of extinction, thanks to one man and his infamous tweets.

