



2017

2017 Constitution Day Essay Contest 2nd Place

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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?

Second Place – Kelsey Mattingly

[No Title]

Since the inception of the First Amendment, societal changes have drastically affected the freedom of the press. From an outsider's perspective, freedom of the press and freedom of speech both appear to be protected from government interference other than special circumstances. However, in the past, America's government has attempted to suppress the First Amendment rights of the free media. One would think history would not repeat itself – however, the current Trump Administration seems to not have learned from those same mistakes.

Perpetuating the idea that the media are a “fake news” industry, spreading falsehoods about the President, is dangerous to not only the media, but democracy itself. Without a free and independent press, America is no longer a democracy, but a dictatorship. Have there been previous U.S. Presidents who have criticized how the media covered their administrations? Absolutely. The difference is the current president is not making this call for change because of policy, but because of his lack of political maturity and ideology – aside from receiving applause.

President Trump is arguably one of the biggest threats to the media in the history of journalism, simply because he does not like the way the truth is presented. This, in and of itself, is what the First Amendment is all about. The amendment's protections safeguard the rights of everyone to share truth and serve as watchdogs over the government and its officials. Trump is threatening this by advocating the loosening of libel laws. This is illegal because it is a state matter, but nonetheless is something he “advocates” for at a federal level.

Essentially, the president claims that the press spreads lies or “fake news” about him, so he can open the option to file lawsuits against their organizations. Primary targets of his attacks have been CNN and the Washington Post, both news organizations with slight liberal leanings. However, the truth is an absolute defense to defamation, even where malice is involved. Seemingly, Trump would like to do away with that defense and create a gray area where he could still sue those who are reporting the truth about his words and actions. This is the definition of an attempt at weakening the validity of the name and freedom of the press.

Though Trump advocated on the campaign trail and to The Washington Post about his desire to loosen current libel laws, he also proved he did not actually know what he was talking about, saying, “I'd have to get my lawyers in to tell you, but I would loosen [libel laws] up.”¹ This proves further the point that his attacks on the media are unfounded: he believes that what the media says about him is either stated out of context, or to pick on him – neither of which refute that they are true. Fortunately, for the sake of the First Amendment, the precedent for such cases that was set in *New York Times Co. v. Sullivan* (1964)

¹ Washington Post Editorial Board. 2016. "A transcript of Donald Trump's meeting with The Washington Post editorial board." *Washington Post*, March 21.

cannot be overturned with an executive order. But that has not stopped him from shaking his finger because the media are “failing the American people.”

The overarching issue with all of Trump’s attacks and hopes for turning the media into what he wants it to be, is that the public is already skeptical about the news media’s honesty. Whether their feelings are unfounded or not, in a world where trust is a thin line people the public and the media, the last thing the nation’s leader should be doing is inciting falsehoods against news outlets. His insisting on loosening libel laws will not only create room for media criticism, but further distrust between the media and the people it serves to inform.

It will always be important for the American people to engage in conversation about the importance of the First Amendment and the freedoms it has given our nation that not many other nations enjoy. The idea, however, that Trump’s disparagement of the press brings up this important conversation by attacking the very people who seek to inform the American public is false. His words, if anything, deter citizens from trusting news organizations who were specifically given freedoms to keep their government in check. Without the public trust of these organizations, both the First Amendment and democracy will die in America, in the most legitimate sense of the phrase.

