



2017

2017 Constitution Day Essay Contest Honorable Mention--Liberty and Responsibility

Callum Case

University of Kentucky, cmca282@uky.edu

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Recommended Citation

Case, Callum, "2017 Constitution Day Essay Contest Honorable Mention--Liberty and Responsibility" (2017). *Constitution Day Essay Contest*. 15.

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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?

Callum Case – Honorable Mention

Liberty and Responsibility

There is a heritage in the United States of preserving the right to a free press. No doubt, the Founding Fathers knew the importance of a free press, as it is listed at the outset of the Bill of Rights. But why was a free press of such importance to the Founding Fathers? The Second Continental Congress in the Appeal to the Inhabitants of Quebec said that the purpose of the press consists of “its diffusion of liberal sentiments on the administration of Government...whereby oppressive officers are shamed or intimidated into more honorable and just modes of conducting affairs.” Using the press as a check on the conduct of government can help to assure the ethical administration of government, and the continuity of a republic. After all, the proper execution of laws goes a long way in assuring what John Adams referred to as a “government of laws, not of men.” But is it healthy for the press to be criticized by the President, or does it jeopardize the independence and freedom of the media to report fairly and completely? In America today, the press has more freedom and independence than ever, and is able to report on issues with little to no fear of censorship or punishment. For that reason, the President’s criticisms of the press do not jeopardize the independence and liberty of the press, and more likely contributes to the check and balance system between the press and the public.

Since the dawn of the 20th century, law has constantly been evolving to further protect the press from censorship and increase its access to information. With expansions in the legal protections and privileges of the press, and a curtailing of the rights of public figures to take legal action against the press, the response of the scrutinized comes as no surprise. Although the method of publicly scrutinizing the press lacks the grace of a legal action, there are practically no other ways for a public figure to respond to what they see as false reporting. In Supreme Court cases such as *New York Times Company v. Sullivan* and *Hustler v. Falwell* the courts have reinforced the press’s protection from being held liable for spreading false information about a public figure, unless “actual malice” was intended. Although a proper journalist would never purposefully report false information, it could be possible that a public figure would be unable to take legal action against reporting which in actuality is unfair towards them. Although the President may not respond to perceived false reporting with as much dignity and tact as some would hope, his criticism does not actually damage the press or its ability to report.

With every right comes a responsibility. The Founding Fathers knew this, as they developed a system where one branch of government’s powers are limited and checked by another, and vice versa. The same goes for non-governmental institutions, such as the press. The press serves as a check on the government, which compels public officials to behave in more ethical ways. Although there are few legal limitations on this right, the one check on the press which remains intact is the right of citizens to criticize and question the media. When the only ramification faced by the press is criticism by individuals, it highlights the legal and political independence of the press. By constantly criticizing the press, the President inadvertently reinforces the idea that there is no legal authority with which he can

punish or influence them. If anything, his criticism shows how powerless his political position is in influencing them.

The press serves an important role in American society, and should be protected to the greatest degree possible. The more liberty and independence the press is afforded, the more ethically and efficiently the government will operate. But this liberty does not extend to limiting the rights of individuals in favor of the press. Although the actions of President Trump may be deemed as inappropriate, it is his constitutional right to exercise free speech against the press, even if it could be perceived as unbecoming of his office. No matter how much he disagrees with their reporting, however, he will still be subject to it. Each party, the press and the public have a right to disagree with each other freely. As George Orwell once said, "If liberty means anything at all, it means the right to tell people what they do not want to hear."

