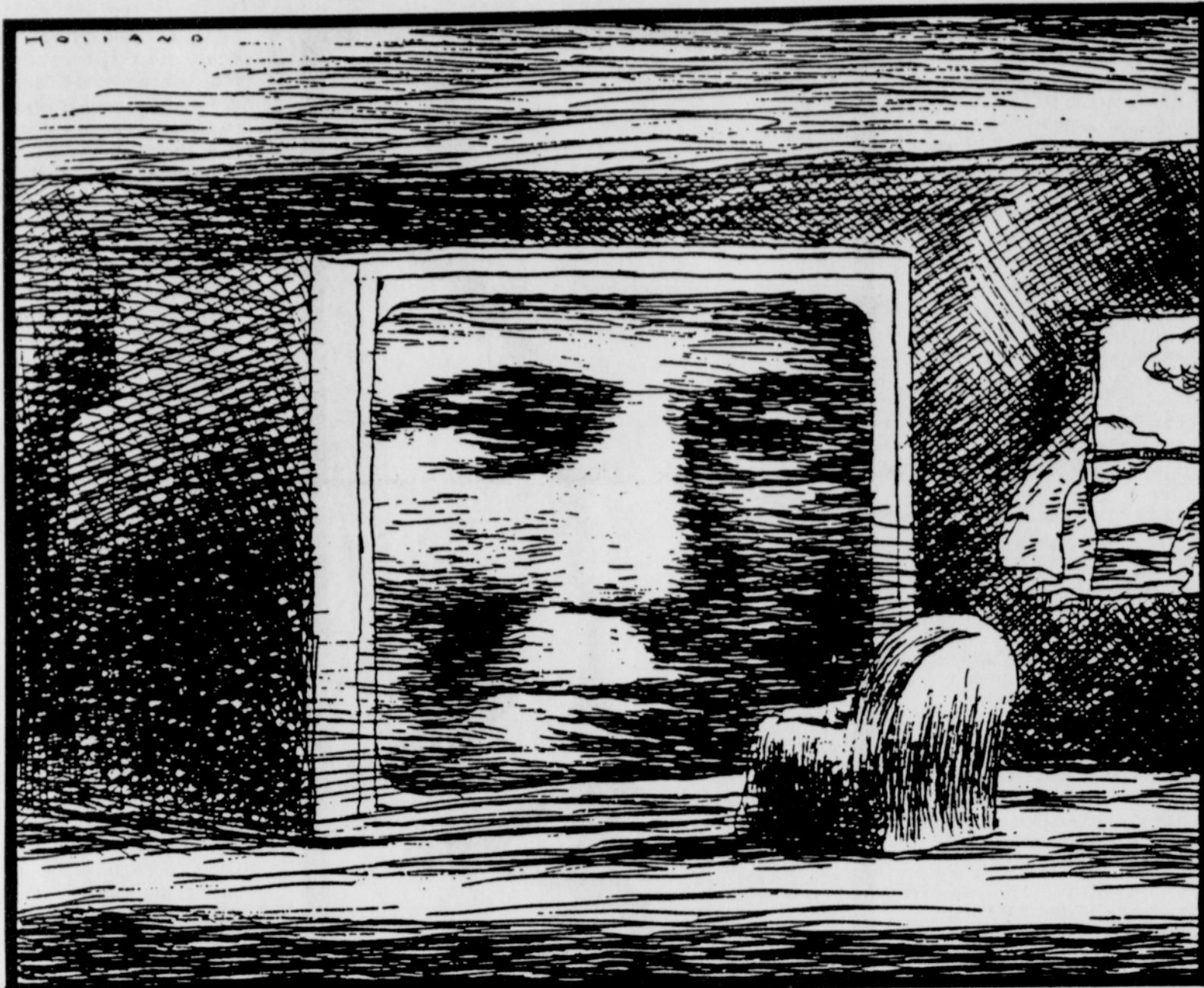




DRAWING BY BRAD HOLLAND

THINGS THAT TOUCH THE HEART

BY MICHAEL PAUL McCUSKER

"A free press is the foundation of liberty."
—NELSON MANDELA

Forgive me for this but I quote Thomas Jefferson: "The basis of our government's being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

He wrote that in a letter to a friend during the time the Constitution was being formed. It has of course been quoted to the point of being a cliché and I culled it from a popular Sunday magazine. A few years later he would disavow the statement if it was brought up.

I quoted Jefferson not only because I chanced onto his thought. It is a guiding principle of newspapers and broadcast journalism, the so-called *media* that evermore dominates our lives and society, and in particular small underfunded and poorly circulated 1st Amendment publications and limited range listener-sponsored radio stations that continue against all evidence to believe that human beings ought by right of birth be free.

Our freedoms seem to be only wishful lies, bedtime tales told by those we democratically select to alkaseltzer our minds of thought or responsibility. Reality is treated as event which translates into what entertains. Nobody gives a damn is what everybody says about everybody. Almost everyone seems afraid of the period we are trying to live through. No one seems to know what to do — or worse endorse apocalyptic visions. The law of parsimony is not helpful: the simplest answer is probably the wrong one. (If God is dead who is there but *Homo Jones* to believe in, the great 19th century idea that has made the 20th a maelstrom of hubris and horror?)

Everyone loves the idea of freedom of the press, radio and television, but most feel uncomfortable with freedoms they do not endorse, generally regarding them as sources of moral, economic or patriotic decline of the nation. The November elections were conducted in the usual acid bath of verbal and political civil war between those who would enlarge debate and those who would restrict it, for example the people who put Measure 19 on the Oregon state ballot. That measure, cloaked in a disguise of prohibiting child pornography, sought to allow each village, city or county in the state to freely interpret the 1st Amendment, which in practice would not be so freely interpreted, and would strangle Article 1, Section 8 of the Oregon Constitution, which is even stronger than the 1st Amendment: *No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. (Say that again: every person shall be responsible for the abuse of this right!)*

Stripping 1st Amendment rights and freedoms is indispensable to undermining democracy, especially its protections of thought and expression. The 1st Amendment has not prevented attempts to impose religious or political orthodoxy. The excessive repression of the McCarthy era ruined the lives and professions of many of the nation's best writers, artists and teachers. Christian fundamentalists in particular have been attempting to ban books from schools and public libraries for decades, and other censorious groups demand control over the contents of school textbooks and suppression of everything from pornography to *Mother Goose*.

The persistent attempts by government and groups of powerful elites to control public dialogue, particularly in matters of political and social behavior, has always been dangerous and

usually the guise for authoritarian usurpation of the apparatus of communication. Realization of this led directly to the 1st Amendment, which is only 205 years old. The 1st Amendment states simply and clearly that government has no right to interfere with freedoms of speech, press or religion or with public gatherings, which are indispensable to political and personal liberty and are necessary to abolish if liberty is to be thwarted.

The 1st Amendment guarantees freedom of speech and a free press in the assumption that liberty survives only in an atmosphere of free and open expression of thought and opinion, no matter how diverse, uncomfortable, obscene or absurd. "Freedom to differ is not limited to things that do not matter much," U.S. Supreme Court Justice Harry Blackmun wrote. "That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

The right to speak implies a responsibility to those who listen; a listener to free speech is free to tune out the speaker. But shutting up the speaker is quite a different matter. Then the listener is threatening the right of the speaker to speak, which it is not his/her right to do, no matter how uncomfortable, obscene or absurd. As U.S. Supreme Court Justice William Rhenquist wrote in a majority opinion regarding the defamation of religious evangelist Jerry Falwell, who was depicted in a *Hustler* magazine cartoon performing incest with his mother in an outdoor toilet (which tread on several taboos), the 1st Amendment does not only protect the reasonable but also the outrageous.

Controversy, that feared word, is the language of democracy — the robust dialectic of conflicting opinions. Without controversy there is no dialogue, only obedience to command or directive. The only appropriate response to controversial or unpopular speech or ideas is public rebuttal, not censorship, yet those who claim to rule in democracy's name continually attempt to enlarge their own powers by limiting the range of ideas and

information necessary to engage in the argument of opinion that is indispensable to political and personal freedom.

The assumption of freedom is that the average human being is intelligent and inspired by compassion and that most people will think and act reasonably most of the time. The usual assumption of government is the common citizenry is unintelligent, primitive and brutal and must be shielded from its own perfidious nature. The tendency of government is to rule and it is a parasite. Government must by the implication or force of its sovereignty feed upon and subtract the political liberties, rights and powers of those it rules. It is the responsibility of the people to always contain the power of their government, which without that restraint will relentlessly take away power from the people. In this century the U.S. government has usurped much power for itself, some of it for the betterment of the people such as civil rights laws, but also much of it against the people such as the rule of terror, secrecy and doubt that characterized the Cold War and nuclear arms race with the now defunct Soviet Union.

The idea of the authority of law is a recognition by most of us that a few of us will cheat, rob, murder and otherwise make life uncomfortable for the rest. A majority desires protection from the psychopathy of an avaricious minority. For exactly the same purpose, to protect us from predatory or cruel government, the political freedom and power of the common citizenry has been made the law of this nation. Yet a government of the people is assumed to also be a government for the people, so it is entrusted to act in the people's behalf to prevent or correct the excesses of monopolistic and unprincipled private interests, which is in contrast to the current era of virulent capitalism. Former President Reagan was wrong when he said that a free government must be free from government. The dismantling of government protections which has continued since his administration and will undoubtedly accelerate as a result of Republican control of Congress alters government's role from acting as benefactor and protector of civil rights and liberties to its more ominous nature of guardian and enforcer of the reigning status quo, which is increasingly articulated by the religious right.

To remain at liberty, or at least preserve what remains of our liberties and eventually venture into a more just and compassionate climate, the influx and dissemination of information, ideas and opinions are necessary. The problem is that it has been nearly sacred doctrine that an informed citizenry will act reasonably and with sound judgment. The reality seems that the vast bulk of information and data on virtually every conceivable and esoteric matter from everywhere in the world at all times of day every day, and the sheer volume of its variety (statistics, fact[oid]s, opinion polls, ideas and perceptions that range from factastic to meretricious, and reportage of events from births to wars) is incomprehensible. At some point the beleaguered brain overloads and shuts off.

Public apathy is not accidental or the result of not having enough access to information. It is most usually the opposite, a premeditated response to a society awash in paper and verbiage. *We know too much.*

It is this which confounds the believers of information as the temple of freedom. To cull through the immensities of twaddle and drivel to discern what is pertinent — or work through the purposely misleading, might finally be too much to require or expect of a citizen. Suppression after all fires the wronged spirit. Gluttony buries it.

There are currently as many forms of communication as there are groups of special interest using them. It would seem that half the stars at night are communications satellites orbiting earth within the Clarke Belt. Worldwide satellite transmission



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