TALK OF THE NATION

BY MICHAEL McCUSKER

"Freedom of speech is a principle pillar in a free government: when this support is taken away, the Constitution is dissolved and tyranny is erected on its ruins."

~JAMES ALEXANDER (1737)

"I do not write about 'the little people'. They are as big as you are, whoever you are."

~JOSEPH MITCHELL

The first newspaper published in the English/American colonies hit the streets on September 25, 1690, but was soon suppressed because of unkind remarks about the British Crown. Forty-five years later, in 1735, John Peter Zenger was put on trial and acquitted for defamation against the English King in his newspaper *The New York Weekly Journal*, which raised issues of a free press that contributed directly to the First Amendment of the U.S. Constitution.

Two years after the Bastille was stormed in Paris to set the stage for the French Revolution, the 'Bill of Rights', the first ten amendments tacked onto the Constitution of the new United States as almost an afterthought (but its mainframe inspiration for James Madison and Thomas Mason who fomented them), were adopted in 1791 as the most basic rights of the common citizenry — the ten commandments of American civilization.

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:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(Article 1, Section 8 of the Oregon State Constitution is even stronger than the 1st Amendment in regard to freedom of speech and press: *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.)*

The 1st Amendment guarantees the 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 or uncomfortable. 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. "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."

A workable definition of information and the purposes it serves is necessary, whether it is a source of public dialogue and free exchange of ideas crucial to an open society or if it should be privately controlled to reflect only certain ideas and points of view. A corollary question is if the use and dissemination of information should be treated as a business regulated by a relative few who seek profit from it. The renegade journalist A. J. Leibling, who was generally dyspeptic about subordination of information, caustically claimed that a free press was available to anyone wealthy enough to own it.

Controversy, that feared word, is the language of democracy — the robust dialectic of conflicting opinions. Without controversy there is no dialogue, only abject 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.

Everyone claims to love the idea of freedom of the press, radio, television, and more recently the internet, 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 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 incesting his mother in an outdoor toilet (which tread on several taboos), the 1st Amendment does not only protect the reasonable but also the outrageous.

The persistent attempts by government and groups of powerful elites to control public dialogue, particularly in matters

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of political and social behavior, has always been dangerous and usually the guise for authoritarian usurpation of the apparatus of communication.

Stripping 1st Amendment rights and freedoms is critical 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 and blatant repression of the McCarthy era ruined the lives and professions of many of the nation's best writers, artists and teachers. Censorship of the new Internet is disguised as protection of children. 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*.

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 is 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 faxtastic to meretricious, and reportage of events from births to wars to the latest corporate mergers, such as the increasing megopoly of the media that cheerfully reports its own confiscation) 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.

If anyone took stock of the contemporary use of press and speech freedoms, it should confirm the worst cynicisms about the content of information transmitted as news and entertainment; emphasis on trivial and scandalous stories rather than focusing on economic, chemical or environmental issues that affect millions — banal, violent and sexually exploitive spectacles blatantly conjured to distract the citizenry from the real business of a democratic society. Controversy, flirtation with original ideas as well as divergence from status quo journalism, is anathema to megamedia, which consolidates immense technologies to hype the salacious, mendacious and indigestible.

The nation and its citizens are plugging rapturously into an electronic superhighway of infotainment that proposes infinite possibilities and no few dark prophecies. The information highway is plastic, fluid and still unpredictable despite political and corporate invasion of its cyberspaces. But the pervasive ambitions of monopoly by government and the newly consolidated mediacrities reverberate through electronic and print networks. Power in the New World Corporate Capitalist Order is shifting to control and manipulation of the immense flow of information, up until recently a vital resource but now a post-Orwellian system of indoctrination, propaganda and sensationalism.

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 has dramatically changed radio/television programming and access and provides with fiberoptic cables, computer internets and worldwide webs, and the ubiquitous FAX, instantaneous information everywhere on the planet. The proliferation of special interest groups, citizens groups, political action committees, even library boards and soap opera fan clubs that publish newsletters, fanzines, micromedia videos, tapes and newspapers, engage in political, religious or business mass mailings and spammed e-mail (also advertising throwaways), own or syndicate programs on radio/television networks and commercial internets — all of this print and visual/babble saturates us with information, virtually all of it self-promotional, biased and of questionable veracity.

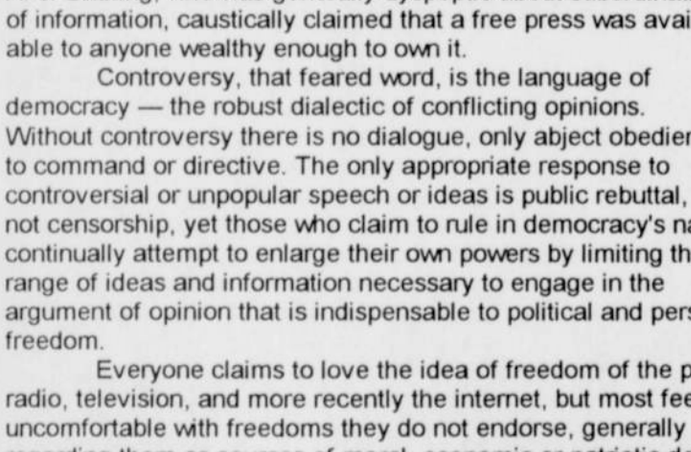
The growth of huge interlocking newspaper chains and entertainment networks nationally and worldwide has long made newsgathering and reporting hostage to advertising and profit, and concentration of ownership threatens the diversity of independent media through which the public is presented multiple views and perceptions.

Television of course changed everything. Without TV a person has little to talk about with anyone. The vision television projects has become the prevailing, not to say pervasive, vision of our culture. Even when it is criticized as a narrow, superficial and self-serving distortion, TV is yet the defining edge — it represents, reflects and is a cause of what we are and how we view ourselves through its one/way prism. More than any other medium or mode of communication, television has precipitated the question of who is in control of the information that assaults us through its flickering window night and day in an interminable stream of words and visions.

More people watch TV than read. Reading although antique is yet a relatively recent form of communication, a cumbersome abstract that beams its script directly to the brain (and requires forests to provide readable pulp). First radio, now TV, and of course film which has upstaged theater, (and VCRs), return information to its ancient forms of voice and performance. The spoken word is mesmerizing and its eloquence surpasses its content. What might be recognized as hogwash when read is often captivating when spoken or presented visually as melody and form rather than content or substance. (MTV and the infamous political/commercial sound-bite have telescoped the form even more.)

The greater part of a century of radio/TV advertising, during which a daily average of 70% or 80% of Americans have passively accommodated outrageous commercial falsehoods, has probably eroded our capacity to recognize or critically evaluate truth. At some point language is obscured, transposed from communication to promotion and transaction — from clarification to obsfucation and manipulation. Truth is not necessary, only the appearance of truth — or more pertinent, adhering to the principles of advertising, if a lie is told often enough it is accepted as truth; agreed upon fictions that masquerade as reality to distort and manipulate circumstances and are eventually recorded as historical certainty.

The trend is that megacorporations are increasingly in control of the information we receive and they influence political and legal decisions about its use and flow, such as a 1985 Oregon State Supreme Court ruling that corporations, which are classified as individuals under the law, cannot be investigated and reported about without great risk of libel suit. That ruling, which was against a Portland weekly newspaper and favored a major bank, said essentially that while celebrities of the moment can be inexhaustibly exhumed in the media, institutions that affect the lives of millions are virtually sealed off from public scrutiny. (Similar to that ruling is the U.S. Supreme Court — as



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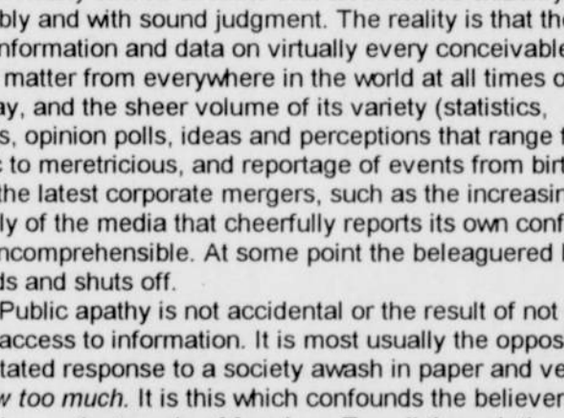

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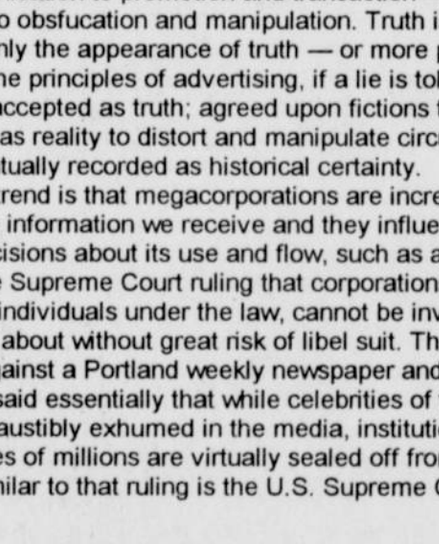

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