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The First Amendment to the United States Constitution grounds in the belief that individuals have the right to decide for themselves what they read, write, or hear. The US Supreme Court protects freedom of expression. That court defined it as the nucleus of an indispensable matrix that ensures democracy. That means that state courts may not define speech outside federal case law.

Judge James A. Doerty obviously does not agree with either federal or state constitutions. In fact, he has handed down a draconian decision using disinformation to support it. Civilization has not seen the like since Britain's King George disliked Jonathan Swift's satire so much that he evicted him from his London home. Now Washington's King James behaves similarly. Things have evidently not changed much in three hundred years.

Ostensibly, Doerty endorses the actions of administrators who abuse their power by censoring the powerless. He has aided and abetted the despotic manager of a financially-assisted HUD building for senior citizens to manipulate the Washington State antiharassment statutes. Moreover, he has sanctioned a strategic lawsuit against public participation in government (SLAPP). That strategy essentially bankrupts respondents in capricious lawsuits. He then refused to reconsider his decision despite a well-written legal argument. The case now goes to the appellate court for review.

The First Amendment protects people who publish unpopular political ideas. It also protects journalists who expose corruption from government censorship and judicial misconduct. When judges make findings against journalists outside First Amendment precedents then they discriminate against them unconstitutionally.

Judges may not enter findings without due process of law and a thorough examination of evidence. Neither may they arbitrarily stipulate definitions - especially the term "obscenity" which Justice John Marshall Harlan defined as vague and subjective. In support he claimed: "one man's vulgarity is another's lyric."

Two fundamental principles govern courts when they decide freedom of expression cases. They must not:

1. Limit expression that individuals, or some people in a community, find contextually offensive. This means that individuals must tolerate works that they may find offensive from a personal perspective or prejudice.

2. Restrict expression that does not clearly cause direct and imminent harm to an important societal interest. Courts cannot lawfully silence or punish writers if no other way exists to avert harm.

Individuals remain free to object to forms of expression that they do not like. They must neither abuse the law to silence reporters nor punish them for exposing abuse and corruption. Justice Louis Brandeis opined that the remedy for messages that one does not like rests in “more speech, not enforced silence.” That remains as true today as when he said it in 1927.

Nmesis.

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