

# The First Amendment has new allies

**Jim Fisher/Lewiston Tribune**

As a longtime proponent of the freedom of speech for which this nation is justly revered - one who even made a career of exercising that right in daily publications - I am absolutely tickled to welcome so many newfound friends of the First Amendment.

And what do I care that they are at the other end of the political spectrum from mine? Freedom always needs as many defenders as it can get.

What invited the spasm of devotion to free speech I refer to is reaction to recent declarations from Phil Robertson, member of the Duck Dynasty featured in the television program of the same name. In one mere interview, Robertson proved himself as capable of attracting human critics as he is of luring mallards, mergansers and wigeons with his bird calls.

Speaking to GQ - whose initials stand for Gentlemen's Quarterly (where else?) - Robertson not only assailed homosexuality, which he likened to such other "sins" as sex with animals, but he assured readers who did not grow up with him in the Jim Crow South that black people there were "singing and happy."

Singing happy songs too, apparently.

"No one was singing the blues," he said.

How about that? Muddy Waters and B.B. King must have picked up that great American musical form after leaving slavery's former home and arriving in Chicago.

After the contents of Robertson's interview hit the fan, many were incensed, and the network on which "Duck Dynasty" appears suspended him indefinitely. A&E - whose initials (believe it or not) originally stood for "Arts and Entertainment" - said the show would go on, but without someone who rejects the network's appreciation of a diverse society.

"Foul!" the cry went up from people claiming Robertson had been treated not only badly, but unconstitutionally. "Whatever happened to the Constitution's First Amendment?" they asked.

"Free speech is an endangered species," declared former Alaska governor, 2008 vice presidential candidate and University of Idaho graduate Sarah Palin. "Those 'intolerants' hatin' and taking on the Duck Dynasty patriarch for voicing his personal opinion are taking on all of us."

Bobby Jindal, current governor of Robertson's home state of Louisiana, agreed.

"I remember when TV networks believed in the First Amendment," Jindal said.

And a current candidate for elective office, Illinois congressional hopeful Ian Bayne, outdid even Palin and Jindal. Bayne, a talk radio host hoping to challenge Democratic Rep. Bill Foster, compared Robertson to civil rights pioneer Rosa Parks. Parks, who must have been having a rare day when she wasn't singing and happy, refused to surrender her seat on a city bus to a white man.

"In December 1955, Rosa Parks took a stand against an unjust societal persecution of black people, and in December 2013, Robertson took a stand against persecution of Christians," Bayne said.

Hallelujah. Remember when all these people rallying behind Phil Robertson did the same for another Christian, the Rev. Jeremiah Wright?

Oh, you don't remember that? Well, that was before their commitment to free speech was as robust as it is today.

Wright, Barack Obama's onetime preacher in Chicago, became notorious during the 2008 presidential campaign for having said we should be singing "God Damn America" instead of "God Bless America." Obama distanced himself from Wright before going on to election.

And what for? Is our current president no friend to free speech?

Actually, he is. But here's the rub.

As a former teacher of constitutional law, Obama no doubt recognizes something that Palin, Jindal and Bayne have overlooked. Although we Americans are all given the right to say what we like, no constitutional guarantee protects us from criticism for what we do say. That criticism is just as protected as the speech being targeted.

Similarly, nothing immunizes a person who says something offensive from other repercussions of what he says. He might not be subject to government prosecution, but nothing stops a friend, an employer or even a TV network from ending a relationship with him.

Just ask Earl Butz. Butz, the onetime agriculture secretary under Presidents Richard Nixon and Gerald Ford, told some fellow Republicans a joke about black people that no one could deny was racist, and it cost him his job.

The reaction to Ford's decision to can him? Near universal relief.

No outrage from the right.

No assertions that Butz should be free from penalty because he was exercising his constitutional right to free speech.

No comparisons to Rosa Parks.

But that was a different time, maybe one in which people in public life better understood the U.S. Constitution.

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