

Putting frosting on free speech

Michael Costello/Lewiston Tribune

"An honest man can feel no pleasure in the exercise of power over his fellow citizens." - Thomas Jefferson.

Consider a scenario. Imagine me entering a cake shop and asking the proprietor to prepare a sheet cake with the text of the Second Amendment printed on a background of the U.S. flag. Put the National Rifle Association emblem in one corner for emphasis. If the cakemaker refused to make the cake on the basis that it offended his leftwing "morals," what should I do?

A civil man would take his order to another cake maker. That's what civility looks like. But too often, civility has been supplanted by incivility manifested as the brass knuckles of law. And when law relieves certain people of the responsibility of civility, many behave uncivilly.

Witness the experience of a cake maker in Colorado who declined to create a cake with a pro-gay marriage message requested by a gay couple preparing to take their vows. Rather than take their business in elsewhere, they sued and the courts forced the cakemaker to do the couple's bidding.

Arlene's, a floral shop in the Tri-Cities, declined to provide arrangements for a gay marriage. The couple could have ordered flowers elsewhere, but chose incivility. They filed a formal complaint and the state of Washington sued the florist.

What we have in both instances is not a protection of rights, but a redistribution of rights. Although the New York Times undoubtedly believes that cake decorators should be forced to inscribe whatever message currently enjoys favor with the left, it would not allow the American Nazi Party to purchase space on its own pages. The Times, and all the rest of the media, reserve the right to control their own content.

The NFL refused to allow a pro-Second Amendment commercial on its Super Bowl broadcast, for example.

But does the First Amendment only apply to certain media? The New York Times' medium is newsprint. The cake decorator's medium is frosting. Why should the cake decorator have to suffer an abridgement of his First Amendment rights because he doesn't use paper and ink?

This is clearly a First Amendment issue. Although the mainstream news media believe that cakemakers should be forced to create cakes promoting social causes it favors, they would never surrender control of the content of their own pages or pixels.

This came to a head recently when the Arizona Legislature sought to protect the First Amendment liberties of cakemakers, florists and others with a law ensuring that they had the same constitutional rights as the New York Times. That said, Arizona Gov. Jan Brewer was right to veto the bill. It was flawed in that it only protected liberties of the God-fearing. Considering

that God was booed at the 2012 Democratic National Convention, there exists a high probability that my apocryphal cake decorator is an atheist and I don't believe that his rights should be abridged either.

Government should not be in the business of selectively dispensing and redistributing liberties. When the government does, the party in power will grant those liberties to demographics that promise electoral loyalty, contribute generously to its political action committees, control the mainstream news media, or evince a credible threat of violence.

A good example of such distortions is the California school district's ban on American flag shirts on Cinco de Mayo, a celebration of drinking beer concocted by a U.S. brewery and almost unknown in Mexico. The justification for the ban was that the shirts might incite violence. The violence was threatened not by the wearers of the shirts, but by those who objected to the shirts.

So, what are the chances that school districts will ban Che Guevara T-shirts or Muslim hijabs because they might incite violence? You know the answer. It's zero. One category of Americans is deprived of its rights by threats of violence from another. The message is clear. Only those who threaten the violence will have their rights observed.

It's easy to tell that the cultural left is on a winning streak. When their opinion is in the minority during a debate on social issues, they plead for tolerance. But after they chalk up a few wins, liberals demand goose-stepping conformity.

I close with another quotation: "Almost any sect, cult, or religion will legislate its creed into law if it acquires the political power to do so." - Robert A. Heinlein

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