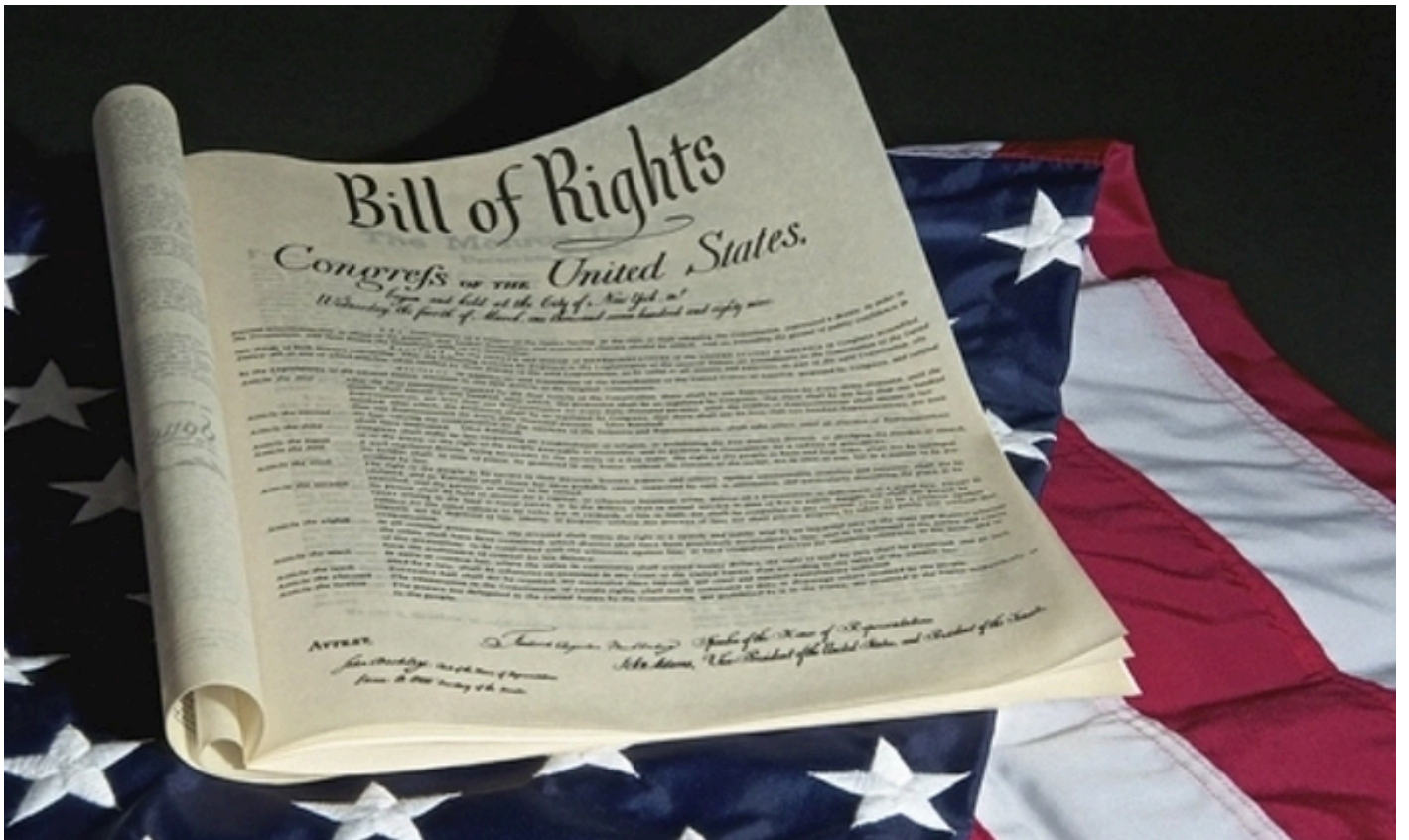


# Can Free Speech Be Saved?

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By Jeffrey A. Tucker

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## Commentary

Take a moment to reflect on the wisdom of the Founding generation of the United States. They gave us a Bill of Rights that included a guarantee of free speech in the First Amendment. They did this

because they knew from experience that it was the guarantor of all other freedoms.

Without it, the regime could always grab hold of the public mind and twist outcomes however they wanted. With a guarantee of free speech, there would always be a mechanism in place to stop despotism.

The circumstances under which the Bill of Rights came to be are fascinating in themselves. The initial draft of the U.S. Constitution

contained no such thing. The group that put it together called themselves the Federalists. Their papers still make fascinating reading. The ambition of the new government was to improve on the Articles of Confederation that came into being after U.S. independence from Britain.

The Constitution was designed for stability and to guarantee the rights of the states. It had every mechanism to keep the new government in check but fully eschewed monarchy in favor of rule by the people under law.

In the 18th century, that was quite the stretch, exhibiting utmost confidence in a central idea in Enlightenment thinking. The Founders reached back through British common law all the way back to forms drawn from the best days of the Roman Republic.

Even then, there were plenty of skeptics. Dubbed the “Anti-Federalists,” a group of dissidents rallied against the Constitution on grounds that it was too centralized and too easily corrupted by money and power. They worried that it contained not enough guarantees against tyranny. The Bill of Rights was proposed as a compromise, a mechanism to assuage the critics of the Constitution itself. By the time the whole package came up for ratification in 1789, the Bill of Rights was a central feature.

And the inclusion of this list of “do nots” was the whole reason the Constitution was ratified.



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Looking back, it was clearly an essential part. The so-called Anti-Federalists were correct that the limits on government power had to be made hard core and explicit. Here we are nearly 250 years later and the entire planet earth feels a sense of jealousy that we have something that they do not.

We have a First Amendment. That fact alone has made life very difficult for the censors, who have been hard at work for years trying to find some workarounds to make it possible for them to control speech.

The censorship regime has enjoyed far more success in Europe, the UK, Latin America, China, and all Commonwealth countries than it has in the United States. This is for one reason: the Bill of Rights. Just think, it almost did not happen. But here we are. The wisdom of that Founding generation has saved the country, once again, and become a light unto the nations of the world.

It is also fascinating to look back at the ways in which the First Amendment has been tested. Right out of the gate, not even 10 years after passage, Congress passed an edict called the Sedition Act that criminalized criticisms of the U.S. president. Newspaper editors were investigated and some jailed.

Americans knew something was very wrong.

The result was dramatic public outrage. The act was clearly intended to be punitive toward the vice president who was Thomas Jefferson. The legislation did not criminalize criticizing him! He ran for president and won in a sweeping rebuke to the centralists and censors.

The year was 1800. The ideals of the American Revolution had been saved. The author of the Declaration of Independence itself was now president.

That said, free speech was challenged a few decades later as abolitionist propaganda was banned throughout slave states, and then again as anti-draft propaganda was banned after 1860. During the

Great War, peace activists and editors were shut down and jailed. The same happened in World War II and again in the early years of the Cold War.

All that time, the U.S. Supreme Court has been fairly consistent: the First Amendment is real and must be enforced.

In the last several years, the censors have found ways around the guarantee of free speech through various third-party mechanisms such as fact-checkers, university cut-outs, surreptitious takedown orders from agencies and the White House, and so on. There is no question that they want: an internet controlled not by users but by stakeholders in government, industry, and nonprofits.

A person who gets all of this is Brendan Carr, who has served as a powerless Commissioner for the Federal Communications Commission (FCC). He has now been tapped to head the FCC under a Trump administration, and has said openly that protecting free speech is his top priority. That could also involve revisiting the allocations of spectrum property, which has long been given away for free to leading networks. Those could be placed on the market for other buyers.

There is every reason to be optimistic that the cause of free speech will soon get a major reboot in the United States, thanks to these political changes. I promise you this: Europeans are aching for this change. They hope that this fire for true liberty burns so brightly that the Eurocrat censors are sufficiently shamed and will make it possible for their citizens to speak again and learn the truth. For now, they feel they are in the dark on too many subjects. Even the platform X is censored for them.

The Bible says “the truth will make you free,” but if the censors are blocking the truth, then freedom becomes ever more elusive. This is why free speech is so foundational to all other freedoms. I’ve never felt more despair for our country when, over five years, I’ve watched as the censorship industrial complex gathered strength and power. At the same time, nothing has lifted my heart in years as the great efforts

currently taking place to secure our communication channels for the cause of freedom.

Once again, the wisdom of the Founders is on display. “Our liberty depends on the freedom of the press,” Jefferson wrote, “and that cannot be limited without being lost.” It’s frightening to think just how close we came to shutting it down. May this generation secure the right for all future ones.

*Views expressed in this article are opinions of the author and do not necessarily reflect the views of The Epoch Times.*

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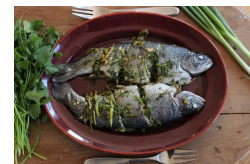
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