First Amendment freedoms not just ‘office hours’ or when convenient

By Gene Policinski

Our First Amendment freedoms don’t keep office hours.

There’s nothing in the 45 words that start the Bill of Rights that says our freedom of speech only applies when it’s convenient for others, or polite or gains official permission to be heard.

There’s no provision for our right to petition the government for redress of grievances — in plainer terms, to ask our elected and appointed officials to fix something, to correct an error or simply to do a better job — to be shunted aside in favor of convenience.

And nowhere in that First Amendment is a priority given to creating a positive public image or deference provided to some amorphous, bureaucratic search for “order” or efficiency.

In truth, our First Amendment freedoms are inextricably intertwined with a deliberately messy, sometimes inconvenient or tedious, often inefficient, occasionally confrontational and impolitic system of self-governance called democracy.

Yet, time and again, we see public officials in high and low office ignore that truth — some with good intentions, but others with more venal goals: Shutting down vocal opposition, a quiet path to pre-determined action, avoiding contentious discussion, or creating a roundabout way to silence critics.

In state legislatures, the American Civil Liberties Union (ACLU) reportedin 2017, lawmakers “in nearly 20 states proposed bills in 2017 that would restrict people’s right to protest.” In North Dakota, Kentucky, Tennessee, Rhode Island and Florida, proposals were introduced to protect drivers from liability if they ran their cars over demonstrators standing in streets as long as it was “accidental.” Other states would place new limits on where the public might freely protest — from campuses to locations near oil and gas pipelines or other “critical infrastructure” — which, of course, might well be the very reasons for the protests.

On the local level, it can mean a recent ordinance adopted in Paducah, Ky., that bans the public from speaking during public meetings of the city commission on anything not on that meeting’s agenda. Supporters — including the four of five commissioners who voted for it — cite efficiency as their reason to end the practice of allowing citizens to speak at the end of each session. One was more blunt: The new law aims to silence what he said are groups that attend and make the same speeches each time.

A recent report on the new law by WPSD-TV in Paducah quoted one commissioner as saying if the public doesn’t like the way the commission does its work, they can vote members out at the next election — a clear, if unintended, view that freedoms of speech and petition apply in this case one day every four years. In an earlier WPSD report, City Commissioner Richard Abraham said members of the public would still be able to talk to city council members about concerns that are not on the agenda, just not at public meetings: "You can email your commissioner. You can call city hall for the number. We'll get back to you.”

Yes, public demonstrations and public comments by ordinary citizens at public meetings can and do disrupt, delay, extend, confuse, confound, irritate and even at times bore those elected or employed to do the public’s business. Frankly, all of that simply goes with the job — and the public salary.

Yes, some restrictions on demonstrations and speaking at public meetings can pass constitutional muster — for example, setting reasonable time limits on individual remarks to allow more people to speak during any given meeting.

But the First Amendment protects our basic right to speak directly to public officials in public about matters of public interest — and, if nowhere else, that should apply most at the government level that is closest to us.

Providing email addresses or promises to “get back” to us just don’t measure up.