



From the President's desk...# 16

May 17th, 2019

Dear Homeowners,

On Monday, May 27th, we will celebrate Memorial Day. Memorial Day honors the men and women who died while serving in the U.S. military. It originated in the years following the Civil War and became an official federal holiday in 1971.

Our Fallen soldiers: Civil War, 498,332; WWI, 116,516; WWII, 405,399; Korean War, 54,246; Vietnam War, 90,220; Persian Gulf War, 1,565; Global War on Terror, 6,852. On this Memorial Day we remember all 1,173,130 and counting, brave men and women who gave their lives protecting the freedom and rights that all of us cherish and have the privilege to live under. We pause to give thanks for their unselfish and ultimate sacrifice, their lives, and we ask our loving God to continue to embrace each and every one of them and their families.



Sometimes it's easy to forget or to take for granted the rights and freedoms we enjoy because of the sacrifice of these brave soldiers. When we abuse our rights or freedom, I believe, we do a disservice to these fallen soldiers and their sacrifice.

I wish to take a few moments to reflect with you on one of those rights, the First Amendment found in the United States Constitution. It reads: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Within this amendment, I wish to look specifically at the second clause, the Freedom of Speech clause. The Freedom of Speech clause is one of the most valuable rights guaranteed to us and at the same time it is one of the most misunderstood and abused rights by Americans.

A brief history. Americans after the Revolutionary War decided that they did not want the government restricting their speech. So, at the time of the writing of the Constitution, the concern about protecting free speech was regarding protecting political speech. It was Thomas Jefferson who persuaded James Madison to propose the Bill of Rights and the Freedom of Speech idea (First Amendment) to Congress in a speech in 1789.

Through the years the Freedom of Speech clause has been interpreted in many ways and the Supreme Court has had to intervene with limits and bring clarity. The Supreme Court has ruled on the types of speech and other forms of expression that are and are not protected by the First Amendment. For example, the government cannot censor what Americans read in the newspaper or other forms of media and the government cannot arrest citizens for speaking about ideas and opinions even if they differ from those of the government.

However, this does not mean that Americans are free to say whatever they want at any time that they want to say it. There are situations where some types of speech are illegal. For example, several types of speech are not protected by the First Amendment. Freedom of Speech does not permit someone to make a false statement about another person that could damage his or her reputation. This is known as defamation (meaning slander and libel). Other types of speech not protected include: threatening or fighting words, treason, obscenity, lying in court (perjury), profanity, speech containing copyright infringements, sedition, trade secrets, words that promote lawless activity and words that cause contempt of court.*

Americans are also not free to make false statements that could cause panic or place others in danger. In 1919 Justice Oliver Wendell Holmes wrote “a man falsely shouting fire in a theatre and causing panic” is not protected by the First Amendment.

Beyond one’s protected right to say or not say certain words, we sometimes forget that words are powerful, and words matter. Our words can be used to criticize or affirm, to lift up or tear down one another. I’m reminded of the Buddha saying, “If you propose to speak, always ask yourself, is it true, is it necessary, is it kind?”

On this Memorial Day, we pray for those who courageously laid down their lives for the cause of freedom, freedom that we enjoy every day. May we seek to also honor their sacrifice by our words. Bless the families of our fallen troops and fill their homes and their lives with Your strength, love and peace.

Carpe Diem,

Larry Weidner, President

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*American Beginnings Newsletter Freedom of Speech Clause Interpretation 2008-2019 Dan & Jax Bubis

