Written by **Jack Kenny** on July 27, 2010

Times Still Fumes Over Free Speech

The whine still flows at the New York Times, where the death of the republic is being observed over the carcass of federal campaign finance laws that restricted independent campaign expenditure ads (those "sham issue ads" that the good gray Times regards with utter disdain) from hitting the airwaves within 60 days of a primary or 90 days of a general election — in other words, when the electorate is paying attention.

"The starter's gun went off last week in the squalid new race for unlimited campaign cash," sniffed the *Times*. "The Federal Election Commission approved the creation of two 'independent' campaign committees, one each from the left and right, expressly designed to take advantage of the new world of no rules."

In other words, they can speak as freely as the *New York Times* and other publications do, since the freedom of the press has never been subject to the kind of restrictions piled on the freedom of speech when the speech is exercised over the airwaves.

Oh, but the airwaves belong to the public, *i.e.* the people, goes the timeworn argument. Okay, so what? The highways and air lanes over which the *Times* and other newspapers are delivered also belong to the public. (Whether they should or not is an argument I leave to the hardcore libertarians.) Yet newspapers are not restricted by campaign finance laws, either in their editorials or in the ads they carry. So the *New York Times* is not a disinterested party in this debate.

But the spending by independent committees like the Club for Growth, which favors the Republicans, and Commonsense Ten, with what the *Times* calls "close ties" to the Democratic Party, is "squalid" according to the lofty highbrows who write editorials for America's "newspaper of record." The *Times*, setting no records for commentary by a good loser, is still publicly fuming over the U.S. Supreme Court's ruling in *Citizens United v. Federal Elections Commission*. The high court ruled earlier this year that the government did not have a compelling public interest to justify its ruling against the airing of a controversial movie about Hillary Clinton by an organization called Citizens United. We may wonder, if that is still constitutionally permitted, if the *Times* would have been just as upset if the film in question had been one produced by the American Civil Liberties Union to protest restrictions on, say, abortion "rights."

Let the people's tribune, the *New York Times* decide what issues are worth debating and who should be permitted to debate them. That's the spirit of robust public debate. The *Times* may, of course, be counted on to criticize and point out the flaws of President Obama's and Speaker Pelosi's and Senate Majority Leader Reid's big government agenda, even as Charlie McCarthy was free to criticize Edgar

Bergen's agenda.

Why should we allow corporations like the *New York Times* and other media outlets enjoy a privilege in electioneering commentary denied to citizens who donate to the National Rifle Association or the American Civil Liberties Union, Planned Parenthood or the National Right to Life Committee? It's a free country, we used to say. But the Oracle at 42nd Street believes that people in corporations that own newspapers should be freer than the rest of us. Fortunately, we may still buy airtime to tell the publishers of the *New York Times* and their favored candidates to take a running jump and flying leap into the middle of a lake of fire.