



Nancy Pelosi's Attack on the First Amendment

House Minority Leader Nancy Pelosi (shown, D-Calif.) and Maryland Congressman John Sarbanes (D-Md.) signed on to the national leftist movement to amend the U.S. Constitution to repeal the Supreme Court's *Citizens United* decision, a move that puts national Democratic Party leadership in favor of repealing the First Amendment to the U.S. Constitution. The two wrote in an [op-ed](#) for the *Washington Post*:



Citizens United shook the foundation of our democracy: the principle that, in the United States of America, it is the voices of the people, not the bank accounts of the privileged few, that determine the outcome of our elections and the policies of our government. Our Founders established a government of the many, not a government of the money.

That last part of the February 4 column was a clever line but misleading in several ways. It incorrectly assumes that freedom of the press never had anything to do with having the money to buy and own a press and that it never had anything to do with the money to buy the paper and ink to print. Pelosi and Sarbanes likewise falsely assume that before *Citizens United* corporations didn't have any political speech, as if media corporations never engage in political speech. (Indeed, their column was a political opinion in a corporate media organ.) The *Citizens United* decision actually democratized political speech by allowing more than just media corporations to engage in political speech.

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Pelosi's attack against a "government of the money" rather than a "government of the many" also assumes that money has played a dominant role in deciding elections in the wake of *Citizens United*. But the reality is that the very groups Pelosi and Sarbanes referred to in their op-ed — organizations such as Karl Rove's American Crossroads and other organizations that were given tens of millions by Las Vegas casino magnate Sheldon Adelson — performed abysmally in 2012. Karl Rove's American Crossroads lost every race in which the organization committed more than \$500,000, with the exception of a Nebraska race, the reddest of red states where every other state-wide elected official is a Republican.

Likewise, Sheldon Adelson [committed tens of millions to the nomination of Newt Gingrich](#) in the Republican presidential primaries. After Gingrich lost anyway, Adelson committed more tens of millions toward Mitt Romney's losing race against President Obama. By way of contrast, new organizations such as the libertarian-oriented Liberty-For-All SuperPAC won nearly all of the races in which they committed their less than \$2 million in 2012. Clearly, money does not overcome a weak candidate with a poor message.

But it's this new type of political speech that has leftists screaming for censorship. It makes a kind of perverse sense from the Democratic Party perspective to try to shut off independent expenditures because the Left also overwhelmingly controls direct contributions to political campaigns and the mass media. Consider that the six largest media companies are overwhelmingly Democratic-oriented in political donations (even NewsCorp's Fox Network):



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- Time-Warner — Individual political donations favor Democrats more than 20-1
- Disney/ABC — Individual political donations favor Democrats more than 40-1
- CBS Corporation — Individual political donations favor Democrats 100 percent (no Republican donations)
- NewsCorp/Fox — Individual political donations favor Democrats 3-1
- Comcast/NBC Universal — Individual political donations favor Democrats slightly (\$204,000-\$151,000)
- National Amusements/Viacom — Individual political donations favor Democrats 13-1
- Total average individual political donations favor Democrats more than 10-1.

Additionally, direct donors to individual campaign committees and leadership PACs are [overwhelmingly dominated by leftist organizations such as unions, according to OpenSecrets.org](#).

In short, the Democratic Left is trying to censor what remains of a proportionately small effort by conservatives, Republicans, libertarians, and constitutionalists in order to restore their near-monopoly on political information.

Even this overwhelming bias in mass media information toward the Left is not enough for the Obama administration, whose Federal Communications Commission has commissioned a [“Study of Critical Information Needs \(CINs\)”](#) to monitor American newsrooms for proper attention to what Washington thinks are the correct stories, the so-called “critical information needs,” that mass media should be covering.

The core goal of the media market census is to determine whether and how FCC-regulated and related media construct news and public affairs to provide for CINs across different communities. This includes a thorough study of local media ecologies, with special emphasis on performance and access/barriers to CINs.

The goal of the proposed study was to “establish a dialogue between the findings of the content analysis of media sources and what is actually reported by news providers.” The proposal also explained:

The purpose of these interviews is to ascertain the process by which stories are selected, station priorities (for content, production quality, and populations served), perceived station bias, perceived percent of news dedicated to each of the eight CINs, and perceived responsiveness to underserved populations.

The CIN study went forward, and FCC member Ajit Pai warned in a February 10 *Wall Street Journal* [column](#) that the president’s bureaucrats have “plans to ask station managers, news directors, journalists, television anchors and on-air reporters to tell the government about their ‘news philosophy’ and how the station ensures that the community gets critical information.” Pai warned that while the study claimed to be informational only, he notes that “the demise of the Fairness Doctrine has not deterred proponents of newsroom policing, and the CIN study is a first step down the same dangerous path.”

In this blatant censorship effort, the Left is seeking to enact a new Sedition Act, like the one Congress passed in 1798 to criminalize criticism of the president. They want the media policed by an executive branch empowered to audit, fine, and imprison any press organ that dares to criticize it. They want just what Congressman Albert Gallatin [criticized](#) back in 1798:



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Do they not avow that the true object of the law is to enable one party to oppress the other; that they mean to have the power to punish printers who may publish against them, whilst their opponents will remain alone, and without redress, exposed to the abuse of Ministerial prints? Is it not their object to frighten and suppress all presses which they consider as contrary to their views; to prevent a free circulation of opinion; to suffer the people at large to hear only partial accounts, and but one side of the question; to delude and deceive them by partial information, and, through those means, to perpetuate themselves in power?

The Pelosi/Sarbanes op-ed also opens the possibility that the [“Move to Amend”](#) leftists and their [allies](#) will seek this amendment by constitutional convention, a convention where delegates could also consider repeal of the Second Amendment, as well as the First. There are many leftist sources that have called for the repeal of the Second Amendment, and [some that have campaigned for doing so through a constitutional convention](#).

Pelosi and Sarbanes also [claimed](#) that in addition to regulating the amount of political speech that can be published and aired, they also demand disclosure of the finances behind the organizations engaging in the political speech. “We must disclose the sources of the money in our campaigns, amend the Constitution to reverse the grievous error of the *Citizens United* decision, reform our broken campaign finance system and empower citizens everywhere to exercise their right to vote.”

Of course, if all political speech required the disclosure of donors, the Pelosi position would essentially require that donors to the NAACP disclose their donor database — including amounts, names, addresses and employers — to every member of the Ku Klux Klan. It’s balderdash to claim that disclosure does not chill free speech. Anonymous political communication is as American as the *Federalist Papers*, which were anonymous political communications. Americans would not have a nation without Samuel Adams’ ability to write and publicize political opinions anonymously as “Vindex,” and other pen-names. Americans would not have their current Constitution without the ability of Alexander Hamilton, James Madison, and John Jay to write the *Federalist Papers* anonymously as “Publius.” And even after adoption of the First Amendment, Founding Fathers such as Alexander Hamilton and James Madison continued to write political letters anonymously under pen names such as Helvidius, Americanus and Pacificus.

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