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A Rush To Condemn

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A Rush To Condemn

Posted By [Timothy Zick](#) On October 4, 2007 @ 1:40 pm In [First Amendment](#) | [9 Comments](#)

Well, they're [at it again](#) ^[1]. Twenty House Democrats recently introduced a [Resolution](#) ^[2] that "condemns in the strongest possible terms the personal attacks made by the broadcaster Rush Limbaugh impugning the integrity and professionalism of Americans serving in the Armed Forces who have expressed opinions regarding military actions in Iraq." The resolution was prompted by Limbaugh's apparent insinuation that soldiers who oppose the Iraq war are "phony soldiers" (the [transcript](#) ^[3] of Limbaugh's remarks is here). Republicans have prepared their own [Resolution](#) ^[4] "Honoring all Americans serving in the Armed Forces of the United States and commending broadcaster Rush Limbaugh for his relentless efforts to build and maintain troop morale through worldwide radio broadcasts and personal visits to conflict regions." Democrats apparently see this as their "General Betray Us" moment. Republicans now have yet another opportunity to discuss and debate something other than the war policies of the nation. The House is, it seems, happily pre-occupied. It is little wonder that Congress's approval rating hovers [below 30%](#) ^[5].

As I said in an earlier [post](#) ^[6] concerning the controversy sparked by the "General Betray Us" ad placed in the New York Times by MoveOn.org, official condemnation of political expression conveyed by private citizens and organizations is simply not an appropriate function of the Congress. (For a similar perspective, see Geoff Stone's [comments](#) ^[7] regarding the Senate's condemnation of the MoveOn.org ad). In addition to being a waste of legislative resources, these condemnatory resolutions are an unwarranted interference with what ought to be a "robust" and "wide open" marketplace in political expression. In a new mangling of the First Amendment, the Democrats' resolution purports not only to condemn Limbaugh's expression but also to "defend" the First Amendment rights of soldiers who criticize the Iraq war. When the dust from this latest pseudo-controversy settles, perhaps Congress ought to spend some time reviewing the text of the First Amendment. It expressly condemns *governmental* laws abridging freedom of expression; and it offers no "protection" whatever to soldiers (or anyone else) against "personal attacks" by private citizens like Mr. Limbaugh or private organizations like MoveOn.org.

The real point of this rather silly exercise is to fire up base constituents and score (very) cheap political points. Sure, Congress is a political body — and yes, it can and does weigh in on matters of public concern. Still, I hope that a principled member of Congress will propose a "Joint Resolution Condemning All Condemnatory Resolutions of Political Expression."

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[1] at it again: http://www.nytimes.com/2007/10/03/washington/03memo.html?_r=1&oref=login

[2] Resolution: <http://www.freerepublic.com/focus/f-bloggers/1904971/posts>

[3] transcript:

http://www.rushlimbaugh.com/home/daily/site_092607/content/01125113.guest.html

[4] Resolution:

http://www.rushlimbaugh.com/home/daily/site_100107/content/01125113.guest.html

[5] below 30%: <http://www.pollingreport.com/CongJob.htm>

[6] post:

http://www.concurringopinions.com/archives/2007/09/the_politics_of_free_speech1.html

[7] comments: <http://uchicagolaw.typepad.com/faculty/2007/09/columbia-moveon.html>

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