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Abridging Speech vs. Abridging Lives

The first Amendment of the United States Constitution forbids Congress to make laws that abridge freedom of speech, press, and assembly. Historically, it is understandable that such a right would be vehemently defended and protected – censorship is often a tool that large federal governments and dictators use to oppress, control, and manipulate citizens. Therefore, people can go to extremes to prevent and discourage the infringement of these freedoms of expression. Merely whispering the word “censorship” can often be enough to threaten the sensibilities of many people in the United States. But has making censorship almost completely taboo proved to be counterproductive to the comprehensive purpose of the first Amendment rights and the Constitution as a whole? The Preamble of the Constitution establishes that providing for the common defense and promoting the general welfare of the people were the focus and desire of its authors. Protecting the freedom of expression is certainly an effective means of achieving these goals set in the Preamble, but allowing the preservation of these freedoms to take precedence over the preservation of people's lives is surely not what the Founding Fathers had in mind! In certain situations unquestionably protecting freedom of expression and avoiding censorship is needlessly destructive and directly results in the loss of innocent lives. One such case is the mock trial of Terry Jones and the Dove World Outreach Center.

In July 2010 Terry Jones, pastor of Dove World Outreach Center in Gainesville, Florida, announced that he would host an “International Burn a Quran Day”^{*} on September 11th to protest and expose what he described as the brutality of Islamic law. As the anniversary of the 2001 terrorist attacks drew near, Jones and his church were criticized and discouraged from following through with their threats to burn the Islamic holy book. Eventually even President Barack Obama and U.S. Defense Secretary Robert Gates publicly entreated him to cancel the event. Mere days before the burning was scheduled to take place, Jones called it off and promised NBC on the day of the canceled event “We will definitely not burn the Quran. Not today, not ever” (Escobedo).

Six months later after media attention died down considerably, Jones announced that he would hold an “International Judge the Quran Day” on March 20th, 2011. This time he did not call off his event. A copy of the Quran was put on trial in the Dove World Outreach center and accused of causing murder, rape, and terrorism. The mock trial was complete with prosecuting and defense lawyers, a judge, a jury, and even witnesses. The Quran was found guilty and “executed” in a fire bowl inside the church. The entire trial (minus the execution) was streamed live in Arabic on a Satellite channel and video of the trial can be viewed on the church website. In April protests began breaking out in Mazar-e Sharif, Afghanistan in response to the mock trial. An attack on a U.N. building resulted in the deaths of 12 people and further protests ended the lives of 9 more people and left 81 injured (Escobedo). Radical groups in Muslim countries are outraged, and threatening more violent attacks on not only the pastor, but the citizens of the United States. Protestors in Kabul, Afghanistan were shouting “Death to America, death to Obama” on April 7th.

^{*} This essay was written in the Spring of 2011. President Barack Obama's recent apology to the Afghan President in February 2012 for the burning of Qurans at an American military base that sparked violent reactions in Afghanistan serves as evidence that this topic has remained a salient issue in the United States.

The protest organizer told CNN that they blame Terry Jones for his action, but they also think that the American government supported the burning of the Quran (“Protestors”).

Many who consider this situation remark that while it is extremely unfortunate that so much destruction came from this particular exercise of first Amendment rights, Jones was still technically well within his rights to express himself and they immediately (but regretfully) dismiss the situation as “constitutionally protected.” But try explaining this rationale to a child, wife, or friend of one of the murdered U.N. workers. Is Jones' right to express himself more protected or important than the lives that were ended and disrupted as a direct result of his actions? How many more people have to die because of people like Jones with “unfortunate opinions” choosing to express them *in this fashion*? As an isolated event there is little legally or even ethically wrong with allowing someone to burn a book on their own property. While his is clearly an unpopular opinion in America, (considering the Dove World Outreach Center's attendance has plummeted over the last 10 months) it is not a crime to merely express it. However, that is not the context of this situation. Incitement to crime and breaching the peace are both constitutional exceptions to the freedom of speech – and one could certainly argue that Terry Jones was guilty of both. He made it a point to gain as much attention from Muslims as possible and announced publicly that he would be engaging in activities punishable by death in Muslim countries, not only fully aware of the potential consequences – but with the intention of bringing them about.

During an interview Jones claimed that though he was saddened by the deaths, he did not regret his actions and would repeat them all over again if given the chance. He was quoted as saying “It was intended to stir the pot; if you don't shake the boat, everyone will stay in their

complacency” (Alvarez). He wanted the Muslims to react violently to “expose” the violence of the religion and encourage America to take action against it. His right to make these claims is fully protected in the Constitution – but does he really have a right to compromise the safety of others to try to validate these claims? The minute Jones decided to make this public in order to incite a violent reaction, he involved the lives of others. Now some Muslims even believe that the government supports his actions. Every United States citizen within reach of radical Muslim groups became a potential target and ultimately a sacrifice for Jones' personal purposes. In his plea to Jones to refrain from burning the Quran, the U.S. Secretary of Defense reminded him of the U.S. soldiers in Iraq and Afghanistan, stating that his actions would put them all in danger (Delargy). If the potential/hypothetical threat present for U.N. Workers and U.S. citizens was not enough to cause intervention, surely the very real threat to the soldiers and ultimately to national security should have been if this is simply a matter of appeasing legal and constitutional technicalities.

But for many the defense of Terry Jones' actions are not over mere technicalities. To Doug Bandow, senior fellow at the Cato Institute, the potential implications and consequences of censoring Jones and people like Jones extend beyond matters of expression. According to Bandow, “If this most basic liberty is not protected, then no freedom is likely to be secure. The power to curb expression must be put beyond transient political majorities...We cannot let freedom of expression become another casualty of the War on Terror, along with privacy in almost all of its forms. We must not surrender our liberties out of fear” (“Defending”). He believes that interfering with one person's freedoms of expression in one situation could compromise the individual freedoms of every American. Flemming Rose, the editor of a Danish

newspaper that published offensive cartoons of the Islamic prophet Muhammad, said in defense of the controversial pictures, “The idea wasn't to provoke gratuitously... Our goal was simply to push back self-imposed limits on expression that seemed to be closing in tighter... The cartoonists treated Islam the same way they treat Christianity, Buddhism, Hinduism and other religions” (“Why I Published”). Many countries are feeling the pressure to avoid all negative commentary on Islam. But, as Rose points out, other religions have had to put up with public scrutiny. How far does one go to appease one religious group without having to appease all the others? How much responsibility do people like Jones really hold if similar criticism has been expressed against other religions, without the violent reactions? People are worried that these pains taken to avoid offending radical Muslims will soon spiral out of control – and other liberties will be endangered, as Bandow suggests.

These concerns are completely valid, and certainly make coming to a balanced conclusion (let alone a perfect solution) on this matter more difficult. However, when one narrows the issue down to its most basic elements, it is impossible to ignore the folly of allowing these objections to prevent intervention and censorship of people like Terry Jones. Ultimately, whether or not they are liberties of multitudes in every country or one liberty protected in the Constitution of one country - we are still comparing freedoms in life with human life itself. People who are murdered because of actions like Jones' are completely stripped of *all* their freedoms!

My suggestion is not to outright ban Quran burning or anything else that might be offensive to radical Muslim groups. But we should not allow our reflexive distaste for censorship to cloud our judgment either; otherwise we will be unable to recognize instances like this one of

clear and present danger. The fact that any group would react violently at the slightest offense is a problem that needs to be dealt with, and completely unconstitutional submission is not an effective way to deal with it. But allowing excessive provocation intended to produce violence and harm is not productive or constitutional, either. Sometimes we must act, not based off of how things *should* be, but how they *are*. No, radical Muslims should not murder innocent people for criticizing Islam. But the fact that some will means that “stirring the pot” the way Terry Jones did was an irresponsible and selfish abuse of his rights. As long as people are allowed to intentionally provoke Muslim extremists to violence, everyone is in danger of losing much more than just their freedoms of expression.

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