

King Ron's colonial-era assault on free expression | Commentary

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When the Florida Legislature gavel in the 2023 Session today, Gov. Ron DeSantis' continuing assault on the First Amendment will loom large on lawmakers' agenda. The issue is not merely political. It's historical. In fact, if successful, the legislation being considered in Tallahassee will turn back the history of American free speech to the pre-Revolutionary Era.

King Ron, meet King George III.

A pair of DeSantis-backed bills ([SB 1220](#)/ [SB 1316](#)) in the Florida House and Senate propose revisions to state law that threaten the freedoms won in 60 years of court protection under the First Amendment to the U.S. Constitution. The court battles began with a wave of litigation in the South brought against Dr. Martin Luther King, Jr., the Rev. Ralph Abernathy, and other brave agents of change. The government officials who sued these civil rights heroes sought nothing less than to bankrupt all freedom-seekers into silence.

In 1964, the Supreme Court, recognizing the importance of "uninhibited, robust, and wide-open" debate in this country, decided that the First Amendment requires a high bar for lawsuits challenging speech on public affairs.

Make no mistake, the DeSantis bills aim to overturn this colossally important, [quintessentially American, protection](#). They propose to lower the bar to successfully suing anyone in Florida if they speak out about, for example, misdeeds by public officials, misbehavior by celebrities, or even the mishandling of your car by the local mechanic. If the bills become law, the Sunshine State will have the weakest protections for speech anywhere. Florida will quickly add "libel tourism" to the many attractions that draw people to it.

Of the numerous disturbing, retro provisions, the Florida Senate bill, submitted by Republican state Sen. Jason Brodeur from Seminole and Orange counties, would require a blogger who writes about elected state officers, and gets paid for it, to register with the government and reveal the terms of their compensation. The legislation essentially attempts to treat paid blog posts as a form of lobbying.

The bill therefore would impact untold numbers of citizens engaging in their First Amendment right to comment on public issues. Along with initial registration, bloggers would be required to file monthly reports each time they post another article. Bloggers who violate the law would be subject to stiff fines.

This attempt to regulate political speech – the most highly protected form of First Amendment expression – is one of the reasons the colonists took up arms against the British monarchy. For generations, Parliament required licenses for publishers, stirring some of the earliest dissent from English literary giant John Milton. In protest, he wrote his 1664 classic *Areopagitica* – a passionate call for autonomy of expression that the U.S. Supreme Court has continued to cite in major First Amendment cases.

That spirit of protest took hold in the Colonial period, when officials appointed by the king, such as the governor of New York in 1685, received orders from London that “no one keep any press for printing” unless they received “special leave or license” from the government.

And because paid bloggers will need to identify themselves to register, Florida’s law would also overrule generations of First Amendment rights for people who publish their criticisms anonymously. In a 1995 Supreme Court ruling – upholding a anti-tax pamphleteer’s right to distribute her anonymous views on an upcoming school board referendum – Justice Clarence Thomas’ opinion noted that the nation’s long tradition of anonymous political speech helped spark the American Revolution. Citing the *Federalist Papers*, written under a pseudonym by James Madison, Alexander Hamilton, and John Jay, Justice Thomas wrote: “The Framers’ universal practice of publishing anonymous articles and pamphlets . . . indicates that the Framers shared the belief that such activity was firmly part of the freedom of the press.”

The DeSantis bills not only echo the British monarchy’s subjugation of the colonists. They are also eerily similar to a blogger registration law that Russian President Vladimir Putin established in 2014. That law requires

bloggers to register with a media oversight agency, which can force them to remove “inaccurate” information from their posts. Such authoritarian measures are classic techniques of government speech suppression.

Gov. DeSantis should not use politics to return us to a time where the government attacked the freedoms to think, petition government, and attempt to persuade fellow citizens. The Florida Legislature should reject this effort to turn back the clock on our cherished freedoms.

Besides, watching the Royals in silent obedience is just not our American tradition.

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