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No constitutional right to free knowledge

SEPTEMBER 27, 2023

EDITOR:

As a new resident to [East] Tennessee, I was sitting in Bud’s Coffee Shop in Oak Ridge, waiting for my order, as I stumbled across the Sept. 13 issue of The Courier News.

Flipping to the Opinion page, I began reading Mr. Kevin Powers’ polemic against library book selection processes.

I was rather astounded by three facets of this piece.

First, as a self-proclaimed educator, Mr. Powers wrote unprofessionally, both in style and content, lambasting and deriding parents concerned about the books available to their children and chiding that “intellectual freedom” is a “scary phrase for our friends on the right.”

Regardless of one’s opinion, dialogue should be kept respectful, especially if you are in the business of public service.

How one can insinuate that his opposition is stupid, while in the same article claiming “to stand up against ugliness,” and expect to convince any open-minded person, is a question to seriously ponder.

Second, Mr. Powers conflated “library overseers” with “right-wing extremist hate groups.” In reality, the desire to censor is a bipartisan trait, as I expect most non-partisans would readily admit.

The Twitter Files demonstrate that both the Biden and Trump administrations illegally influenced a private company to censor political opponents. In the recent court case Missouri v. Joseph R. Biden (Case No. 3:22-CV-01213), Judge Terry Doughty ordered the HHS, NIAID, CDC, FBI, DOJ, DHS, and many individuals in Biden’s administration to stop illegally contacting social media companies.

While some conservatives seek to ban liberal books, New York University houses a list of books banned for alleged racism, such as Huckleberry Finn, Beloved, Gone With the Wind, and The Words of César Chávez.

I highly doubt “right-wing extremist hate groups” were the ones beckoning to ban Mark Twain.

Finally, and most importantly, Mr. Powers preached a flawed interpretation of the First Amendment. Mr. Powers stated, “Americans decided that the intellectual freedoms enshrined in the First Amendment were indeed guaranteed.

“As a society, ‘We the People’ said that the public shall always have the latest books made available to them, by them, for free, no matter who they are or what they believe.”

This distorted rendering of the First Amendment appears to represent a philosophy of “freedom to speech” instead of the protected “freedom of speech.” No where in the Constitution is there a right to freely access intellectual property, and never was it decided that libraries “shall always have the latest books made available to them, by them, for free.”

One can understand Mr. Powers’ reasoning: If the government decides to carry one book and not another, it is effectively promoting certain types of speech.

However, this isn’t unconstitutional, even at the federal level. The principle of neutrality in the First Amendment is clearly found in the Establishment Clause, which concerns “respecting an establishment of religion”; it is unrelated to free speech.

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Latex Paint should be dried solid and disposed of in the garbage - leave lids off cans when disposing of them.

If the neutrality clause applied to political ideologies, the president would not be able to give partisan speeches to the press, or Congress; but clearly he does, and he has a right to.

At a more basic level, consider the implications of what neutrality towards speech, at every level of the government, would imply. If the library offers one book, then [it] should be required to offer every book in existence, lest [it] restrict access to free knowledge.

By this logic, our local library should be forced to house books denying the Holocaust and promoting slavery.

We should see Mein Kempf on every shelf.

We should see rows and rows of books written in Greek, Hebrew, Hindi, and Old Norse. This isn't just impractical, it's physically impossible, and completely undesirable.

If a parent, in their own home, wanted to raise their children with traditional values, they should not be forced to read their child homosexual children's books.

I have not yet personally met someone who disagrees with this. Why then should that parent be forced to pay to house books contrary to their worldview, and accessible to their child?

The community library, by necessity having to restrict resources in a world constrained by physical limitations, should be tuned to the desire of the community.

That is how democracy works. Likewise, if a community wanted to house books that promote homosexual behavior, or modern values, that is the prerogative and right of said community, but they have no right to force that upon ours.

Anthony Rosa

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