

In a free society, nothing is more important than the right to express one's beliefs and opinion without fear of government reprisal. This core principle forms the basis of our government and is the foundation of most of the freedoms we enjoy today.

James Madison, the man most responsible for the Bill of Rights, realized that to have a government "of the people," the people needed to rule wisely, and that only a free flow of information, without fear of reprisal, could allow the people to effectively govern themselves. It was key, he argued in an editorial in the National Gazette in 1791, that a "general intercourse of sentiments" and "a free press, and particularly a circulation of newspapers through the entire body of the people" be fostered to allow people to communicate with one another.

In July of 1798, in the midst of a brewing dispute with France which bitterly divided our new nation and resulted in severe criticism of the Adams administration, Congress passed the Sedition Act, which made it a crime to speak or publish "any false, scandalous, or malicious" communications against the U.S. Government or Congress "with intent to defame, harm or bring them into disrepute."

What followed was years of newspaper editors and publishers being hauled into court, fined and imprisoned for simply expressing opinions. One editor spent 18 months behind bars for stating the government allowed the wealthy to succeed at the expense of the commoners. Even congressmen were not exempt. Matthew Lyon of Vermont spent four months in jail for criticizing President John Adams for his alleged "unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice." Lyon even won re-election from his jail cell in the election of 1798, earning the distinction of being the only U.S. Representative elected while in prison.

Even Alexander Hamilton supported the Sedition Act, pronouncing, "the sedition law, branded indeed with epithets the most odious,...will one day be pronounced a valuable feature in our national character."

By the time the Sedition Act expired at the end of Adams' presidency, dozens of the President's political opponents had been dragged into court, fined and imprisoned simply for publishing items critical of the government. (You can read more about this time in our nation's history in Ron Chernow's compelling biography of Alexander Hamilton and David McCullough's acclaimed history of John Adams.) The Sedition Act is now, thankfully, viewed by most as an abhorrent attack on free speech.

Fortunately, much in our country has changed since the expiration of the Sedition Act in 1801. Today we expect to be free to criticize public officials without fear of government reprisal or oppression. Modern technology has made it easier than ever to share information. However, with increased sharing of information comes the increased challenge, and responsibility, to sift through the noise and discover the truth. There are also growing voices that wish to stifle and even criminalize speech with which they don't agree. In the face of such challenges, we need to stand up more than ever and fight for the right for opinions to be expressed, even those we abhor. As Voltaire expressed, "I may disapprove of what you say, but I will defend to the death your right to say it." We should all feel equally protective of others' right of speech, even if we vehemently disagree with them.

Law Day 2019 gives us a chance to reflect upon the importance of free expression in our society. Freedom to express our opinions and beliefs, even if they are unpopular and offensive, ensure the freedom of our republic.