

COMMENTARY

To speak



*Off the record.
You can't quote me.
It's wrong, but I don't want to say anything.*

Here's what I think — but don't use my name.

In the land of the free and the home of the brave, the first two guarantees amended to the Constitution are the right to speak freely and the right to bear arms, in that order.

But it's startling how many people surrender their greatest right the second they have a chance to use it. If a reporter asks, they jerk their knees and say no.

Or they speak and then unspeak: "But you can't use that, I don't want to be quoted."

Here's the equivalent (before you dismiss it as hyperbole, recognize that this might have happened to your parents or grandparents): You're very hungry. You have to feed other people who are also very hungry. You have a rifle, which is your right, guaranteed by the Second Amendment. A deer walks by, but you lay the gun down and say, "No. I don't use guns."

Surrendering your First Amendment rights is just like that. *No, I don't use free speech.*

You can remain mute, of course. But why would you?

In a Publix plaza in Naples is a cute little real estate shop. Inside sit three or four well-coiffed women — women who go to bed every night with full bellies and an absolute guarantee: that the First and Second Amendments will serve them faithfully, every single minute of every single day, all their lives (which is probably more than their children, their parents, their spouses, their bodies, their Botox injections, their corporate bosses, their politicians or the economy will do).

They smile widely at visitors, as if all the world were sunshine and shopping malls and effortless financing.

I went in a few weeks ago and asked to interview one of them, any one of them, about their workday reality: How's life in this struggling market? Do you have a theory about how the market can get stronger? What are you doing on this particular day behind that desk?

They looked at me like zoo tourists locked in the cage with a tiger.

These women had a chance to contribute something, something that might prove valuable to a fellow citizen — and inevitably to plug their own struggling operation (they are, after all, in sales).

But no. "I don't talk to newspapers," sniffed the woman at the reception desk, as if called to some higher moral virtue. Ditto the others. They don't talk to newspapers. Any particular newspaper? No, just any newspapers.

People in our class don't talk to newspapers.

What if an alarm should be sounded at a moment of American crisis?

Don't count on us to sound it, pal. We do our nails; we don't do the First Amendment.

Their attitude suggests a breathtaking lack of generosity, for one thing. But more than that, it reveals the rube's ignorance.

Is there cowardice there? Yes, that too. Let other people say what they think, *I'll just hunker down here in the foxhole and wait until it's all over.*

Arrogance and stupidity? Yep. They probably buy into the notion that there's something wrong with free speech, with expressing an opinion, with telling a story, with using words to fashion an opinion of the world and to offer it with all the honesty and clarity one can muster.

Maybe they think it's "the media's fault" — whatever "it" is.

Or maybe that's not it. Could it be that such people truly and honestly exhibit a hermit's sensibility, a simple desire to avoid the natural communion of a community?

No. There are such people, of course, but they number few in our society. Reporters respect them and protect them.

And those women were not working at Hermit Real Estate Co., Inc.

Whatever their reasoning might have been — those grinning paragons of false virtue — they didn't have to talk. It was their right to surrender the First Amendment.

There's another class of person, though, who doesn't have that right, not typically: a public official.

I watched a colleague taking copious notes last week in a phone conversation with a spokeswoman for the U.S.

State Department — a woman who gets paid (by you and me) to speak.

After about 15 minutes, suddenly she told the reporter, "That's all off the record." She managed to question him, as well, about who else had said what else, and from which other agencies.

For reporters, here's the traditional rule of the road: Once you've identified yourself as a reporter at the beginning of a conversation, everything a person says afterward is on the record.

But when you're speaking to private citizens inexperienced with the press, you don't usually insist. If they make a statement and then ask you not to print it, you don't.

For public officials, however, that rule doesn't apply. When they talk to reporters, they're on the record unless two conditions are met: One, they say upfront they want to be off the record. And two, a reporter agrees, and says so.

If the reporter doesn't agree, then they're on the record. They don't get to dictate the rules of the road because they work for all of us citizens. When we ask, they have an obligation to answer.

"No comment" is on the record, too. So is silence, the unreturned phone call.

For all Americans public or private, silence is golden only in those rare instances when honor or duty calls for silence.

On all other occasions the great and gentle dignity of the First Amendment — an American grace note in a world of bigots, bullies, tyrants and free-speech haters — relies on you and me and the rest of us.

To speak. ■

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