

# BREAKING: THE FIRST AMENDMENT IS PART OF SOMETHING CALLED THE CONSTITUTION



There's been a weird phenomenon during the Trump presidency, where journalists and media organizations loudly defend one small part of the Constitution – the one that benefits them personally, the First Amendment – but seem to believe it would be partisan to defend the Constitution and rule of law more generally.

That's been evident for some time, as news outlets treat the White House arbitrarily revoking credentials as a major news story but treat Trump's flouting of *other limits* built into the Constitution as a big old partisan game.

That, to me, is the real problem with this widely panned Jonathan Allen piece deeming yesterday's impeachment hearing boring. It wasn't quite so bad as this Reuters piece in the same vein; unlike Reuters, NBC eventually did get around to telling readers about the most shocking news from the hearing, that Gordon Sondland got on an unsecure line to call the President the day after the July 25 call and learned that the only thing Trump cared about was the investigations into his political opponents.

NBC included that news, but placed it in paragraph 17, then dismissed it as a "footnote," without explaining that this means Sondland got caught, for the second time, lying in his sworn

statement to Congress.

Taylor did create a stir when he told the committee one of his aides overheard an ambassador at the center of the story, Gordon Sondland, talking to the president about Ukraine on the phone. Afterward, Sondland told the staffer that Trump cared more about getting Ukraine to open investigations into Biden, a 2020 Democratic presidential candidate, and his son Hunter than about any issues that mattered to the Ukrainians.

But that served as more of a footnote than a headline.

Thirteen paragraphs before he buried the lead, however, Allen pitched yesterday's events this way, as a measure of whether Democrats had achieved their goal of ousting the president.

But at a time when Democrats are simultaneously eager to influence public opinion in favor of ousting the president and quietly apprehensive that their hearings could stall or backfire, the first round felt more like the dress rehearsal for a serious one-act play than opening night for a hit Broadway musical.

Allen did that in a piece where he emphasized that witnesses Bill Taylor and George Kent spoke from their "nonpartisan roles in government," and judged that "Republicans poked no real holes in witness testimony."

In other words, he did that in a piece where he conceded that nonpartisan experts had presented evidence that Trump had improperly tried to extort political benefits from Ukraine by withholding duly appropriated funds. Allen deemed this hearing to be a battle between Democrats and Republicans in a piece where *he conceded* that the evidence presented showed that

President Trump committed a crime, bribery, that the Constitution explicitly says merits impeachment.

Yes, it is the case that not one Republican took a stand for the Constitution yesterday. Even more embarrassing, not a single Republican took a stand to defend their own Constitutional authority, the power of the purse, which Trump also violated when he withheld funding without explaining to Congress why he did so, a violation of the Impoundment Act that Mick Mulvaney has already confessed was a crime.

That seems newsworthy to me, for any journalist whose ability to be one relies on the limits on authority enshrined in the Constitution.

Don't get me wrong, Allen is not alone in treating support for the Constitution – except, of course, the part journalists have a vested interest in, the First Amendment – as a partisan spat. It's a general feature of reporting during the Trump Administration that the press picks and chooses which parts of rule of law they will both-sides, and which they will fiercely defend as an unquestioned value.

Just 15 minutes into this hearing, well before poor Jonathan Allen got bored and tuned out, Adam Schiff reminded of when,

Benjamin Franklin was asked what kind of country America was to become. 'A Republic,' he answered, 'if you can keep it.' The fundamental issue raised by the impeachment inquiry into Donald J. Trump is, can we keep it?

That's what Adam Schiff said this hearing was about. Not ousting the President. But keeping our Constitutional government.

If the facts were in dispute, this might be fairly deemed by jaded journalists like Allen a partisan attack.

But the facts are not in dispute, as he himself agrees. Which means he utterly mistook the two

sides in this matter, in pitching it as a fight between Democratic and Republican strategists. It's not. It's a fight between those defending the Constitution and the Republican party.