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First Amendment Foundation hosts Floyd Abrams

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“The bases are loaded, it’s the last of the 8th, you’re the batter and there are nine guys out there,” he said. “All nine of them on the other side. Baseball is one against the world.”

He said justices throw curveballs, fastballs and interrupt each other.

“If you can keep your patience, and listen, and try to appear to be responding, you might survive it all,” he said.

Abrams shared the observation as part of a discussion Friday morning held by the Johnson County First Amendment Foundation at the University of Kansas Edwards Campus in Overland Park, Kansas.

Area high schoolers were invited to the event for Abrams’ talk with moderator Deanell R. Tacha, a retired 10th U.S. Circuit Court of Appeals judge and former law dean of Pepperdine University.

Gene Balloun of Shook, Hardy & Bacon in Kansas City, the founder of the foundation, introduced Abrams and Tacha.

He said Abrams has argued many of the country’s most influential First Amendment cases.

“Almost every significant First Amendment case argued in the last 40 years, Floyd Abrams has been part of that,” he said. “His accomplishments are legend.”

Abrams discussed the history of the First Amendment, and what makes it stand out internationally.

He said an interesting point is that the U.S. had few cases testing what it meant and how it applied until the 20th century. The lines began to be drawn around World War I, when those who opposed the war were jailed for their opposition.

What makes the U.S. different, Abrams said, is “the law that’s developed has made us much more protective of free speech.”

He pointed to the area of hate speech, which many fellow developed nations do not allow. He said President Donald Trump’s comments during the campaign about Mexicans and Muslims would have been seen differently in other countries.

“They would have been criminal throughout Western Europe,” he said, noting that as a politician, Trump could have been barred from running for office or fined for such speech.

Tacha probed Abrams on what exactly constitutes speech, giving Abrams an entry point to talk about recent NFL protests and the



Gene Balloun of Shook, Hardy & Bacon, at lectern, introduces Floyd Abrams, right, on Friday, Nov. 10 as the featured speaker of the Johnson County First Amendment Foundation. Abrams, a prominent First Amendment lawyer, spoke with moderator and retired Judge Deanell Tacha, center, about free speech issues. Photo by Scott Lauck



First Amendment lawyer Floyd Abrams, right, shakes hands with retired Judge Deanell Tacha, left, at the conclusion of an hourlong discussion on free speech issues presented on Friday, Nov. 10 by the Johnson County First Amendment Foundation. Photo by Scott Lauck

Masterpiece Cakeshop case before the Supreme Court this fall, involving a Colorado baker who refused to bake a cake for a same-sex couple’s wedding, which the state says is in violation of its anti-discrimination statute.

Abrams said it is a “wonderful case” for the court to decide, and added it’s also “an only-in-America case.”

He said the most rewarding part of his career has been to see the strengthening of the First Amendment across ideological lines.

“For me, the most rewarding part is the degree to which the Supreme Court as a whole

has coalesced in favor of very, very strong protection of the First Amendment,” he said.

He said initially, groups like liberals, socialists and anarchists engaged in fights over the First Amendment, as they were being prosecuted and jailed. In more recent times, conservatives have had cases tied to issues that they care about, as well.

“We’ve really come to a point now where we have, for the moment, at least, very broad protection, generally agreed to, by all wings,” he said. “It is becoming not so ideological.”