



# THE LEGAL BRIEF



## *The First Amendment & The Simpsons*

by John D. Whitaker

A recent survey conducted by the McCormick Tribune Foundation discovered that only .1% of the people surveyed could name the five rights guaranteed by the First Amendment to the United States Constitution. The same survey found that 22% of the people surveyed could name all five members of the Simpson cartoon family. This study has caused intellectuals all over America to suffer severe apoplexy. This is just what we all need — a survey which indicates that we are all a bunch of cartoon watching boobs that know virtually nothing about the US Constitution.

Let's start with the First Amendment itself so that if the McCormick Tribune Foundation people start nosing around Casper, we will be ready for them.

The First Amendment to the United States Constitution provides as follows:

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."*

So, let's review: The five rights reserved by the First Amendment are freedom of religion, freedom of speech, freedom of the press, freedom to assemble, and freedom to petition the government for a redress of grievances.

Now, a word about the Simpsons. When I first heard about the McCormick study, I had never watched an episode of the Simpsons. I went down to the video store and rented a DVD collection. The Simpsons is an animated story about a family, but it is a lot more than just a cartoon. When I think of cartoons, I think of shows like Bugs Bunny or the Roadrunner. Some of the topics for the Simpsons show include trade unions, Alzheimer's disease, capitalism, the Irish Republican Army, homosexuality, TV violence, Disney World and alcoholism. This is not exactly Wyle E. Coyote strapping a rocket to his back. The truth is that it really helps to have some idea about current events to even understand the jokes in the show.

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Let's assume that the people who did the McCormick study are right. If only .1% of the people can name the five rights guaranteed by the First Amendment and only 22% of the people surveyed know the names of all of the Simpsons, then approximately 78% of the people surveyed flunked the memory test outright. I don't believe that this survey proves that Americans don't understand the Constitution.

One of the most interesting aspects of all this is that the First Amendment works beautifully for all of us, even if some of us can't spout the First Amendment from memory. Most people studied the Constitution in high school and for some of us that was quite a while ago. Since that time we have been raising kids, earning a living, paying mortgages, learning computers, paying taxes and dealing with all the other complicated stuff that has become our lives. It is not surprising that most of us don't go home every night and brush up on the Constitution while waiting for the Simpsons to start.

It would be nice to think that at the time the First Amendment was ratified the citizenry was composed primarily of Jeffersonian intellectuals who sat around lanterns reading the Federalist Papers. But that is not the way things were in those days. Most people at that time were farmers, teachers or trappers, and some were outright scoundrels. They worked hard every day, and they did the best they could. I would be surprised if 22% of the people that voted to ratify the First Amendment were capable of actually reading it. They did understand it though, just like most of us understand it. We all understand that we are free to worship, speak, read, gather together and gripe directly to our government. I see people in my practice every day who are mystified as to how the law works specifically, but at some level we all understand that it does work. In fact, it works beautifully. I think that the Constitution is about as close as you can get to a perfect document. If you don't believe me you should go read it when you get time.

For the record, when I first read about the McCormick study, I could only name two of the Simpsons, Bart and Homer. I have since learned that the others are Maggie, Lisa and Marge. All right McCormick boys, bring it on.