

Dean
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ALTERNATIVE CONSTITUTIONAL EXPRESSIONS OF
THE RIGHT TO COMMUNICATE

Premise

The right to communicate is a survival necessity to a free, just, humane and self-governing society, as well as to every human being's right to equal opportunity to learn, grow, and fulfill his and her potentials. Freedom to communicate includes the right to speak and to listen; to associate and assemble; to collaborate with others; to sell one's own communications services and to buy those of others; to employ any technical facility that is public or supplied by others to the public at non-discriminatory terms, such as broadcasting time, newspaper space, or meeting facilities.

The right of everyone to equal opportunity to employ technical facilities supplied to the public for purposes of communication therefore supersedes the privilege of private facility proprietors of shopping plazas, meeting halls, newspapers, broadcast stations and other advertising services to discriminate between customers, lessees, or buyers on grounds other than the legality of arrangements or of the communications content.

These premises are embodied in the following two alternative drafts of an expanded First Amendment to the U.S. Constitution.

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THE RIGHT TO COMMUNICATE

Amendment I. as ratified in 1791

(language governing the establishment of religion and right to petition is omitted)

"Congress shall make no law..abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble..."

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(Alternative, expressed negatively)

"Congress shall make no law which abridges freedoms of communications in speech, assembly, press or in any other medium or which discriminates between the rights of persons to use any technical communications facility or service which is available to any other member of the public.

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(Alternative expressed affirmatively)

Every person has the right to communicate with any other person in any medium and to use any technical facility made available by government or by private suppliers to any other person, on terms of equality of opportunity in entry, use and freedom from content abridgment.