

State of Michigan LAW DAY 2009 Essay Contest
"A Legacy of Liberty: Celebrating Lincoln's Bicentennial"

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Should our representatives be elected through a process of free and open debate?

Yes, our representatives should be elected through a process of free and open debate. Our country was founded on freedom of speech, religion, and choice. If we could not voice our opinion, these representatives would only say what they wanted to, without opposition.

The issue of free and open debate was contemplated in the Supreme Court case F.E.C. v. Wisconsin Right to Life, 551 U.S. (2007). The Supreme Court ruled that it was unconstitutional to limit free speech concerning the positions taken by political candidates. F.E.C. v. Wisconsin RTL upheld the idea of political free speech. The political advertisements in this case were about issues. The Supreme Court agreed that people need to know where the candidates stand on important issues. The Supreme Court also decided discussing these issues was a protection guaranteed by the First Amendment.

The Court ruled that placing limitations on political advertising was unconstitutional. Chief Justice John Roberts's majority opinion held that the ads were "genuine issue ads, not express political advocacy or its functional equivalent (which Congress can concededly regulate)."

Without free and open debate, we would not know the issues for which the candidates stand. It is critical in a democracy that the people know how a candidate will govern the country. The people need to know what a candidate will do to represent the people when elected. The only way the people can know this is by allowing free and open debate.

Popular sovereignty is an important core democratic value that relates to this situation. This means that the government's power comes from the people; the people have the ultimate authority over the government. If we cannot debate freely, then we cannot select the people who will represent the will of the citizens.

Liberty is a fundamental belief upon which this country was founded. Liberty ensures our right to our own beliefs or opinions, and permits us to speak them out publicly. Political freedom gives citizens the right to participate in the political process. The United States is a representative government. That means that the people have the right to elect others to represent them in government. The inability to debate freely would remove the representative will of the people.

In 1858 Abraham Lincoln debated Stephen Douglas on the slavery issue and made people aware of the complicated factors involved in the political divide. The openness displayed in the Lincoln-Douglas debates established a precedent that benefits all of us. The debates allowed people to hear their policies and understand the current issues of importance. That is how Lincoln eventually got elected. The people voted for him because they understood his position on important, contemporary issues.

In order to preserve our democracy, it is important that we continue to allow our political representatives to be elected through a process of free and open debate.