

# THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

## Newton's first law of constitutional economics?

By **ROBERT L. BRENNA JR.**  
Daily Record Columnist

So we all know that every action has an equal and opposite reaction.

How can this columnist possibly tie this fact into a discussion of economics and constitutional ramifications? In any event, who said challenges can't be fun?

The fundamental rights guaranteed by the Constitution also come with an equal and opposite responsibility to act within the parameters of social justice, tempered by our own need for income, ownership of property and the ability to lead our lives peacefully without interruption from the government.

There are those who would rather exploit the economic motivation in any part of their lives, without regard to the ramifications for other members of our society. That means that we must look to our own peaceful and inherent methods by which we can counteract any unwanted actions by using our own lawful and opposite reactions.

Perhaps at this point you're willing to give me a chance to try to make sense of all this, right?

The fact is, there are people who will sell out their soul and, for that matter, their mother's soul for the almighty dollar. There are also those will sell out anything within reach for pure unbridled power as well as greed.

Just because we have rights under the Bill of Rights, or any other portion of our Constitution, does not mean we should not be aware constantly of the concomitant responsibilities to our social contract with other members of this great nation.

In fact, it winds up being that the very mechanism by which most of the reprehensible behavior in our society is committed, also is subject to a balancing — perhaps even negation — by the proper use of the equal and opposite force.

I understand that mixing Newton's first law (the principles of economics) and the Constitution is an unlikely topic for any column. Nonetheless, I feel compelled to say that when we have the right of free speech, we still must be aware of the fact that we can do incredible damage to others by abusing that right. We have a responsibility to uphold our societal functions, and the ability of our fellow citizens to live with as little harm as possible, within the framework of the freedom we all hold so dear.

What this means, simply, is that when someone says something offensive, they may well have the right to do so but we also have the right to react in whatever way we deem fit. Looking back to the almighty dollar, we have a capitalistic society that allows us to take drastic measures to defend our rights, but also economically punish those with whom we disagree by withholding from those who com-

mit offensive conduct under the guise of freedom. We may not realize that we hold such power in our grasp.

In essence, the market drives those offensive venomous talk shows onto the airwaves, movies glorifying violence into our theaters or the television shows we either tolerate or, in many instances, despise altogether. Those who wish to sound like they are weeping for the injustices suffered by children who've been abused or victims of kidnapping or violence, are absolutely and unequivocally aware of the fact that they are driving their own ratings up, thereby increasing their own wealth without any regard to the consequences of those they profess to care about. Their claims are bogus.

We are not helpless. The same drive for profit in the marketplace can be used to minimize offending media exploitation for profit. The capitalistic reward of advertising dollars, ticket sales, sales of offensive objects, while perhaps constitutionally protected, must not be positively reinforced by our own economic clout. If we act on this, we can lead ourselves out of the intolerable immoral morass we face on a daily basis. And those who depend on our spending for their daily living, ratings, success and, ultimately, their need to have their ego worshiped, ultimately will be without a power base. With any luck, they

may wind up without a job, as long as we keep in mind that our behavior ultimately reinforces or negates their offensive behavior.

The answer to these problems is not to limit Americans' freedom, but instead to use the freedom of the basic power we all hold through control of how we spend, what we listen to and how we speak out against those who otherwise would be unable to maintain an exorbitant lifestyle at the expense of innocent people who deserve much better from our society.

I urge you all to be very cautious when someone is willing to have children exposed to meaningless violence, crude references that demean the human spirit and the dignity of the soul itself. Do not reinforce them. Speak out against them by using your own First Amendment rights to do so, and make certain they never profit from \$1 from your wallet. Don't allow us to have our essential liberties eroded because of the misuse of a few people who would sell out our liberty for their own greed.

What's in your wallet? Power!

*Robert L. Brenna Jr. is a partner in the Rochester law firm of Brenna, Brenna & Boyce PLLC, which his father founded. He is president of the New York State Academy of Trial Lawyers and concentrates his practice in the areas of estates and trusts and catastrophic personal injury. Brenna also hosts a popular Sunday morning radio program entitled "The Brenna & Brenna Law Forum," on WHAM*

