

ESSAY: UNDERSTANDING FIRST AMENDMENT FREEDOMS THROUGH THE REMARKABLE LIFE OF “THE GREATEST” – MUHAMMAD ALI

DAVID L. HUDSON, JR. AND GENE POLICINSKI†

Muhammad Ali may have been the most recognizable person in the world during his time on the planet.¹ The former Olympic gold medalist and three-time world heavyweight boxing champion became a cultural icon on a global scale, transcending racial and other barriers. Award-winning author David Maraniss wrote, “his popularity transcends politics, race, country and religion. He [was] universally accepted as a man who stood up for what he believed in and paid the price and prevailed.”² Former Atlanta mayor and U.S. Ambassador to the United Nations Andrew Young said that Ali “forced us to think internationally.”³

President George W. Bush said of Ali when awarding him a Presidential Medal of Freedom in 2005: “Across the world, billions of people know Muhammad Ali as a brave, compassionate and charming man, and the American people are proud to call Muhammad Ali one of our own.”⁴ President Barack Obama and his wife Michelle perhaps said it best upon Ali’s death in 2016: “Muhammad Ali shook up the world. And the world is better for it. We are all better for it.”⁵

† David L. Hudson, Jr. is a First Amendment Fellow for the Freedom Forum Institute and a Justice Robert H. Jackson Fellow for the Foundation for Individual Rights in Education. He also serves as an assistant professor of law at Belmont University College of Law. He also is a licensed boxing judge who has judged more than a dozen world championship bouts. Gene Policinski is the president and chief operating officer of the Freedom Forum Institute. He also is the former sports editor of *USA Today* and a former friend of the incomparable one – Muhammad Ali.

1. Robert Lipsyte, *Muhammed Ali Dies at 74: Titan of Boxing and the 20th Century*, N.Y. TIMES (June 4, 2016), <https://www.nytimes.com/2016/06/04/sports/muhammad-ali-dies.html>. “Loved or hated, he [became] one of the most recognizable persons on the planet.” *Id.*

2. David Maraniss, *Ali’s Amazing Grace: Still Preaching, Teaching, Now He Contemplates His ‘House in Heaven’*, in THE MUHAMMAD ALI READER 287, 293 (Gerald Early ed., 1998).

3. HOWARD L. BINGHAM & MAX WALLACE, MUHAMMAD ALI’S GREATEST FIGHT: CASIUS CLAY V. THE UNITED STATES OF AMERICA 7 (1st ed. 2000).

4. *President Honors Recipients of the Presidential Medal of Freedom*, THE WHITE HOUSE (Nov. 9, 2005), <https://georgewbush-whitehouse.archives.gov/news/releases/2005/11/20051109-2.html>.

5. *Barack Obama Says Muhammad Ali ‘Fought for Us,’* BBC NEWS (June 4, 2016), <https://www.bbc.com/news/world-us-canada-36452639>.

But, we all know the hero worship of Ali was not always there. Instead, for years, many considered him the divisive symbol of evil – or a traitor for his stand against military service during the Vietnam War. When his conversion to Islam under the tutelage of Elijah Muhammad – the oft-criticized leader of the Black Muslims – became publicly known in early 1964, Ali was public enemy number one, a subject of mass vilification. “Ali was a radical, even in the most radical of times. A loud, and proud, and unabashedly black voice in a Jim Crow world,” wrote President Obama.⁶ “His jabs knocked some sense into us, pushing us to expand our imagination.”⁷

Named after the famous Kentucky legislator and abolitionist, a young Cassius Marcellus Clay, Jr. first entered world consciousness at the 1960 Rome Olympics, capturing gold in the light heavyweight division. He proudly placed the gold medal around his neck and recited the following poem when he returned to his hometown of Louisville:

*To make America the greatest is my goal,
So I beat the Russian, and I beat the Pole,
And for the USA won the Medal of Gold.
Italians said, “You’re greater than the Cassius of old.”*⁸

A young, some would say naïve Clay, embraced patriotism and expressed his undaunted support for his country. When asked by a reporter from the Soviet Union about the second-class treatment of African-Americans, a patriotic Clay responded: “To me, the USA is still the best country in the world, counting yours.”⁹

Nearly four years later, Clay entered world consciousness on a much higher level when he defeated the formidable heavyweight champion Charles “Sonny” Liston as a brash 8-to-1 underdog.¹⁰ Liston arguably was the most feared heavyweight in history, crushing former champion Floyd Patterson in two consecutive fights via first-round stoppages. Sportswriter Reg Gutteridge called him a “muscular mass of menace.”¹¹ The great former champion Joe Louis said of Liston: “Nobody going to beat Liston except old age.”¹²

6. Jim Dwyer, *A Stirring Farewell to Muhammad Ali, Just as He Scripted It*, N.Y. TIMES (June 10, 2016), <https://www.nytimes.com/2016/06/11/sports/muhammad-ali-funeral.html?module=promotron®ion=body&action=click&pgtype=article>.

7. *Id.*

8. JONATHAN EIG, *ALI: A LIFE* 71 (2017).

9. MIKE MARQUSEE, *REDEMPTION SONG: MUHAMMAD ALI AND THE SPIRIT OF THE SIXTIES* 47 (Verso, 1999).

10. Robert Lipsyte, *Cassius Clay Defeats Sonny Liston: ‘Eat Your Wordsi,’* N.Y. TIMES (Feb. 26, 1964), <https://www.nytimes.com/2016/06/11/sports/cassius-clay-defeats-sonny-liston-eat-your-words.html>.

11. BOB MEE, *ALI AND LISTON: THE BOY WHO WOULD BE KING AND THE UGLY BEAR* 122 (2011).

12. *Id.* at 149.

The young champion loudly proclaimed “I shook up the world” in the ring after Liston refused to come out of his corner for the eighth round. The new heavyweight champion certainly “shook up the world” of the sport of boxing. But, soon he rattled even more cages by announcing his conversion to the Muslim religion under Elijah Muhammad. As scholar Gerald Early writes, “[b]eing a Muslim athlete made him a new kind of being, a reinvention, something fresh and different on the scene.”¹³ At this time, the Nation of Islam were “the most vilified black organization in America.”¹⁴ The California legislature officially declared the separationist group “un-American.”¹⁵

The bold action made him the bulls-eye for barbs from those who viewed him as a dangerous radical. He experienced federal prosecution, conviction, and ostracism from the sport that he reigned over for years. The World Boxing Association stripped away his crown.¹⁶ The prince had become a pariah in the sports world.

We all know the story of redemption – how Ali returned to the ring and years later regained his title in 1974 in Kinshasa, Zaire, against a younger, stronger version of Liston named George Foreman. He employed “the rope-a-dope” strategy and once again shocked the world in a match that famed writer Norman Mailer later called “the Fight.”¹⁷ He lost the title and regained it again in his late 30s, in 1978 against a young Leon Spinks. He retired and returned only to lose to his former sparring partner Larry Holmes, a great champion in his own right, and against Trevor Berbick who also later became the world champion. The beatings he took in the ring and in countless sparring sessions took their toll and Ali suffered tangible damage. Many believe it was the punches in the ring that killed him, though his official cause of death was sepsis.¹⁸

But a unique thing happened along this remarkable journey – he became an even greater hero, a world icon. Ali represents much more than a great sports figure and one of the greatest fighters of all time. He is also the epitome of the citizen protected by the First Amendment – a man who paid dearly for his religious convictions and provocative speech, but found a defense in the amendment’s forty-five words. An

13. Gerald Early, *Muhammad Ali: The King of the Inauthentic*, THE BLACK SCHOLAR (June 21, 2016), <https://www.theblackscholar.org/muhammad-ali-king-inauthentic-gerald-early/>.

14. Marqusee, *supra* note 11, at 53.

15. *Id.* at 61.

16. Robert Lipsyte, *Clay Refuses Army Oath: Stripped of Boxing Crown*, N.Y. TIMES (Apr. 29, 1967), https://archive.nytimes.com/www.nytimes.com/books/98/10/25/specials/ali-army.html?_r=1.

17. NORMAN MAILER, THE FIGHT (1975).

18. Ben Tinker, *What Killed Muhammad Ali?*, CNN (June 9, 2016), <https://www.cnn.com/2016/06/09/health/muhammad-ali-parkinsons-sepsis/index.html>.

examination of First Amendment freedoms through the prism of Ali can teach us much about the fragility of the amendment but also the strength that we all can find in it.

The First Amendment provides: “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.”¹⁹ Muhammad Ali’s remarkable career and life placed him at the vortex of these First Amendment freedoms.

I. FREEDOM OF RELIGION

“What is all the commotion about?
 Nobody asks other boxers about their religion.
 But now that I’m the champion,
 I am the king, so it seems the world is all
 Shook up about what I believe.
 You call it the Black Muslims, I don’t.
 This is the name that has Been given to us by the press.
 The real name is Islam.
 That means peace.”

— Muhammad Ali²⁰

The first sixteen words of the First Amendment contain the religious liberty clauses of the First Amendment – the Establishment Clause and the Free Exercise Clause. The Establishment Clause provides a degree of separation between church and state, while the Free Exercise Clause protects individuals’ right to freely exercise religious beliefs. The Free Exercise Clause provides absolute protection for freedom of belief but not for religiously-inspired conduct.²¹ As the Supreme Court of the United States declared: “Thus, the [Free Exercise Clause] embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society.”²²

Muhammad Ali certainly exercised his religious beliefs to his own financial detriment when, in April 1967, he refused induction at the Armed Forces Induction Center in Houston, Texas. One of his lawyers, Chauncey Eskridge, said Ali could easily have gone into a state

19. U.S. CONST. amend. I.

20. ALI RAP: MUHAMMAD ALI THE FIRST HEAVYWEIGHT CHAMPION OF RAP 93 (George Lois ed., 2013).

21. See *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

22. *Cantwell*, 310 U.S. at 303-04.

national guard and avoided the front lines, but that his sincere religious beliefs compelled him to take his stance.²³

His greatest victory may not have been winning the title from Liston in 1964, defeating George Foreman to regain the title in 1974 in “the Rumble in the Jungle,” or winning the third bout against Joe Frazier in the epic “Thrilla in Manila.” His greatest victory occurred in the Supreme Court of the United States against the United States government.²⁴

Ali stood up for his beliefs, refusing induction into the Armed Forces in Houston, Texas, in 1967. That action led to subsequent prosecution and conviction under federal law for not reporting. “If necessary, I’ll have to die for what I believe. I’m fighting for the freedom of my people,” he proclaimed in March 1967.²⁵ His conviction called for a five-year imprisonment and a \$10,000 fine. Skeptics questioned how a man who made his living punching other people in the face could object to war, but Ali remained steadfast. He replied that “in the boxing ring we have a referee to stop the fight if it gets too brutal. The intention is not to kill, as it is in war. We don’t use machinery, artillery, guns.”²⁶

His exile from boxing at the peak of his fistic prowess and subsequent conviction for refusing induction into the Armed Forces certainly implicated the Free Exercise Clause of the First Amendment. It was his religious conversion to the Nation of Islam that enraged many Americans – even more so perhaps than his draft evasion.²⁷

The Supreme Court in *Clay v. United States*²⁸ eventually reversed his conviction, writing: “the Department [of Justice] was simply wrong as a matter of law in advising that the petitioner’s beliefs were not religiously based and were not sincerely held.”²⁹ Even though Ali prevailed 8-0 before the Court, Bob Woodward and Scott Armstrong later reported in *The Brethren* that the Justices initially voted against Ali in conference, finding that he was not really a conscientious objector and that he should go to jail.³⁰ Author Leigh

23. Nicholas Von Hoffman, *Clay Refuses Induction, Stripped of World Title*, WASH. POST, Apr. 29, 1967, at A1.

24. See generally Bingham and Wallace, *supra* note 5.

25. Dave Anderson, *Clay Prefers Jail to Army*, N.Y. TIMES, Mar. 17, 1967, at 50.

26. *Id.*

27. Steve Cady, *Winner by Decision, Muhammad Ali*, N.Y. TIMES, June 28, 1971, at 24.

28. 403 U.S. 698 (1971).

29. *Clay v. United States*, 403 U.S. 698, 704 (1971).

30. Bob Woodward & Scott Armstrong, *Ali and Draft: He Nearly Went to Jail*, CHI. TRIBUNE, Dec. 4, 1979, at 1; see also LEIGH MONTVILLE, *STING LIKE A BEE: MUHAMMAD ALI V. THE UNITED STATES OF AMERICA 1966-1971* 314 (2017).

Montville writes that the Court's initial vote was 5-3 against Ali.³¹ Justice John Marshall Harlan's 26-year-old law clerk, Tom Krattenmaker, believed that something was wrong with the decision. He loaned the justice a copy of Alex Haley's book, *The Autobiography of Malcolm X*. Harlan read the work and changed his views on Black Muslims.³²

In other words, Muhammad Ali – and the sport of boxing – lost one of its greatest champions in his fistic prime because he refused to violate basic tenets of his sincerely held religious beliefs. During that time, many feared that Ali would never return to the ring. Peter Wood wrote in *The New York Times* that “the dim prospect for Ali's ever returning to the prize ring, of course, is inextricably related to his Muslimism and his draft case.”³³

But, Ali's public adoption of his new name emboldened him upon a personal quest for freedom that enabled him to “declare himself free of every mold and expectation.”³⁴ Ali was, in the very spirit of freedom of religion as said by President Bill Clinton, “a free man of faith.”³⁵

II. FREEDOM OF SPEECH

“They're all afraid of me because
I speak the truth that can set men free.”

—Muhammad Ali³⁶

When most Americans think of the First Amendment, they think of freedom of speech. In the First Amendment Center's annual “State of the First Amendment” survey, participants are asked to name the different freedoms in the First Amendment. In the 2019 survey, 64% of those surveyed correctly identified freedom of speech as contained in the First Amendment.³⁷

Former United States Supreme Court Justice Thurgood Marshall eloquently captured the spirit of the First Amendment when he wrote in 1972: “But, above all else, the First Amendment means that government has no power to restrict expression because of its message, its

31. Montville, *supra* note 32.

32. *Id.* at 315-16.

33. Peter Wood, *Return of Muhammad Ali, a/k/a Cassius Marcellus Clay Jr.*, N.Y. TIMES, Nov. 30, 1969, at SM32.

34. DAVID REMNICK, *KING OF THE WORLD 23* (Vintage Books 1999).

35. *In Their Own Words: Eulogies of Muhammad Ali*, N.Y. TIMES (June 10, 2016), <https://www.nytimes.com/2016/06/11/sports/lonnie-billy-crystal-bill-clinton-eulogies-for-muhammad-ali.html>.

36. Lois, *supra* note 22, at 157.

37. Fors Marsh Group, *The 2019 State of the First Amendment*, FREEDOM F. INST. (2019), <https://www.freedomforuminstitute.org/wp-content/uploads/2019/06/SOFA-report2019.pdf>.

ideas, its subject matter, or its content.”³⁸ Another fundamental First Amendment principle is that the government may not restrict speech based on viewpoint, as viewpoint discrimination is anathema to the First Amendment.³⁹

Unfortunately, Muhammad Ali faced abject content and viewpoint discrimination at the hands of the federal government for his anti-war speech. Here was a young African-American man unafraid to take an unpopular stance and make controversial statements. “He stood up to the U.S. government’s war machine and spoke for thousands in 1967 when he said, ‘Hell, no, I won’t go.’”⁴⁰ How many people would forego millions of dollars as the king of the heavyweight division to stand up for their beliefs?

Ali faced the scorn of a nation and prosecution by the federal government because he dared to speak his mind, seemingly not fearful of the consequences. He epitomized the essence of the unpopular speaker punished for his dissident political views. He boldly proclaimed to the world: “I don’t have to be what you want me to be. I’m free to be who I want to be.”⁴¹ The audacity of this young African-American confounded many in the United States and perhaps abroad as well. As author Mike Marqusee eloquently explained: “No boxing champion, and no black sports star, had ever issued such a ringing declaration of independence.”⁴²

Ali offered a viewpoint on matters of politics and religion that differed from the power structure. Some civil liberties groups, such as the Americans for Democratic Action, offered their support for those who dissented from U.S. policy on Vietnam.⁴³

His controversial stances offended much of White America and others. But, the First Amendment protects a great deal of even offensive, obnoxious, and repugnant expression. Justice William Brennan expressed this concept quite well when he wrote: “If there is a bedrock principle underlying the First Amendment, it is that the government

38. *Police Dep’t. v. Mosley*, 408 U.S. 92, 95 (1972).

39. See *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995). “Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger*, 515 U.S. at 829.

40. William C. Rhoden, *In 1975, Harvard Got a Glimpse of Muhammad Ali’s True Greatness*, THE UNDEFEATED (June 3, 2018), <https://theundefeated.com/features/in-1975-harvard-got-a-glimpse-of-muhammad-alis-true-greatness/>.

41. Robert Lipsyte, *Clay Discusses His Future, Liston and Black Muslims*, N.Y. TIMES (Feb. 27, 1964), at 34. <http://movies2.nytimes.com/books/98/10/25/specials/ali-future.html>.

42. Marqusee, *supra* note 9, at 8.

43. United Press Int’l, *ADA Comes to Defense of Clay*, CHI. DAILY DEF. (Apr. 25, 1966), at 3.

may not prohibit the expression of an idea simply because society finds it offensive or disagreeable.”⁴⁴

Chief Justice John G. Roberts, Jr. may have expressed it even better when he wrote:

Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and – as it did here – inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course – to protect even hurtful speech on public issues to ensure that we do not stifle public debate.⁴⁵

The United States of America did not live up to this credo. Instead, it attacked a proud, young black man who had the temerity to stand up for his beliefs and speak his mind. He paid for it by losing his heavyweight crown at the height of his pugilistic career.⁴⁶ But, his example of speaking his mind empowered other African-Americans to exercise their rights to freedom of speech.⁴⁷

III. FREEDOM OF THE PRESS

*“Well, number one, it’s not Black Muslim, it’s Muslim. ‘Black’ is a name given to it by the press. It’s not Black Muslim. It’s Muslim.” – Muhammad Ali at a press conference in New York City, 1965.*⁴⁸

The First Amendment also contains a separate clause – “or of the press” – protecting the freedom of the press. Scholars have identified freedom of the press as the freedom that arose from the concern over English licensing laws, when people could not publish or print material without specific approval of the Crown.⁴⁹ Freedom of the press ensured that the government – except in the most extreme of circumstances – could not institute prior restraints on expression. That is, the government cannot prevent someone from publishing material.

But, freedom of press also means that reporters can write all sorts of things about public figures like Ali – adoring praise, vicious criticism, blatant lies and insightful truths. A free press was unrestrained by government controls, was free – at first, to excoriate Ali for his

44. *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

45. *Snyder v. Phelps*, 562 U.S. 443, 460-61 (2011).

46. RICHARD HOFFER, *SOMETHING IN THE AIR: AMERICAN PASSION AND DEFIANCE IN THE 1968 MEXICO CITY OLYMPICS* 17 (2009).

47. *Id.*

48. David L. Hudson, Jr., *Muhammad Ali and the First Amendment*, FREEDOM F. INST. (Feb. 21, 2013), <https://www.freedomforuminstitute.org/2013/02/21/muhammad-ali-and-the-first-amendment/>.

49. Philip Hamburger, *The Development of the Law of Seditious Libel and the Control of the Press*, 37 STAN. L. REV. 661, 664-66 (1985); William T. Mayton, *Seditious Libel and the Lost Guarantee of a Freedom of Expression*, 84 COLUM. L. REV. 91, 98-99 (1984).

views on the Vietnam War and religion, and later to offer up a positive view of his fight against Parkinson's disease and his work for racial and civil justice.

The U.S. Supreme Court provided a healthy dose of protection from libel suits in *New York Times Co. v. Sullivan*⁵⁰ and subsequent cases, writing that libel law must be tempered with the First Amendment principle of a “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open”⁵¹

Ali's former trainer Angelo Dundee wrote in his autobiography, *I Only Talk Winning*, “I couldn't help feeling that if the media hadn't hyped up the ‘Black Muslim’ issue, the authorities might have treated the whole affair differently.”⁵²

For much of his early career, many in the established press excoriated Ali, viewing him as unpatriotic, vitriolic, arrogant, and even evil. Consider the following from famed sportswriters Jim Murray, Shirley Povich, Sid Ziff, and Red Smith, respectively:

- “I have prepared a handy intelligence test which I think even a world leader of his eminence (Africa and Asia are looking to him for guidance, he says) can pass.’ [in reference to Ali failing the intelligence test given to him by the military].”⁵³
- “Everywhere where were the crowds he revels in. They provide the cocaine that feeds the narcissism of this benighted fellow who mistakes crowds and headlines as approval of himself. But the day of reckoning will not go away and inexorably in his future is jail as a draft dodger What he knows is that he is an attraction, wherever he goes, even more so since he festooned his heavyweight title with the label of No. 1 draft evader.”⁵⁴
- “Cassius Clay has become a member of the Black Muslims and his closest pal is the nauseous Malcolm X.”⁵⁵
- “Squealing over the possibility that the military may call him up, Cassius makes as sorry a spectacle as those unwashed punks who picket and demonstrate against the war. Yet in this country they are free to speak their al-

50. 376 U.S. 254 (1964).

51. *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

52. ANGELO DUNDEE & MIKE WINTERS, *I ONLY TALK WINNING* 204 (1985).

53. Hudson, *supra* note 50 (quoting Jim Murray, *Abdul the Bull Bull*, L.A. TIMES, Mar. 26, 1964, at B1).

54. *Id.* (quoting Shirley Povich, *This Morning*, WASH. POST, May 2, 1967, at D1).

55. *Id.* (quoting Sid Ziff, *The Kooks are Kings*, L.A. TIMES, Mar. 12, 1964, at B3).

leged minds, and so is he . . . Clay needs no help from the headlines to look bad.”⁵⁶

In particular, the leading sports columnists of the day, Red Smith and Jimmy Cannon of the *New York Journal-American* (and later, the *New York Post*), were offended by Ali and set the tone for negative coverage. They were resentful of his sharp contrast to a black athlete idolized by both, former boxing champion Joe Louis; by Ali’s religious belief, and by his rejection of U.S. involvement in the Vietnam War. Smith once wrote “Cassius makes himself as sorry a spectacle as those unwashed punks who picket and demonstrate against the war.”⁵⁷

Other members of the press, including famed sports broadcaster Howard Cosell, often defended Ali, extolling him as a man of principle and a patriot of the highest order.⁵⁸ It was the free press clause of the First Amendment that ensured this “robust debate” on the most public of public figures. Eventually, some members of the press began to change their views on Ali. David Remnick, in his book, *King of the World* explains that many sportswriters, including Red Smith, changed their tone on Ali and began to see him in a much different light.⁵⁹

For sportswriters, Ali posed a challenge – and an opportunity to write and opine about a younger generation of boxer, willing to tackle controversial subjects as well as forbidding opponents. The nature of news coverage about Ali also exposed a generational divide in the press corps.

“Clay upset the natural order of things at two levels,” Remnick wrote.⁶⁰ “The idea that he was a loud braggart brought disrespect to this noble sport. Or so the Cannon people said. Never mind that Rocky Marciano was a slob who would show up at events in a t-shirt so that the locals would buy him good clothes. They said that Clay ‘lacked dignity.’ Clay combined Little Richard and Gorgeous George. He was not the sort of sweet dumb pet that writers were accustomed to.”⁶¹

As Ali was being debated and often dissected in the mainstream press, one black-owned newspaper took the champ to heart – as did no other in such a degree – as both a symbol for black manhood and of the

56. *Id.* (quoting Red Smith, *Kerner Request Is Not Justified*, WASH. POST, Feb. 23, 1966, at D2.

57. *Id.*

58. Richard Sandomir, *Muhammad Ali and Howard Cosell: Foils and Friends Bound by Mutual Respect*, N.Y. TIMES (June 4, 2016), <https://www.nytimes.com/2016/06/05/sports/muhammad-ali-and-howard-cosell-foils-and-friends-bound-by-mutual-respect.html>.

59. REMNICK, *supra* note 36, at 305.

60. *Id.* at 316.

61. *Id.*

Islamic faith: “Muhammad Speaks,” published by Elijah Muhammad’s Nation of Islam.

Ali first appeared on the cover of “Muhammad Speaks” in April 10, 1964, with a bold print headline that read, “Walk the Way of Free Men!” The publication praised Ali for his devotion to his religious faith and to the The Honorable Elijah Muhammad.⁶² The publication later defended Ali as a proud black man who inspired the wrath of White America.

“This theme of Ali as a target of discrimination by [W]hite America was consistent over the next five years, with much of it serving to fuel the aims of the Nation of Islam,” writes scholar Colleen Smith, noting that Elijah Muhammad recognized the symbolic importance of Ali as a Muslim heavyweight champion, and his subsequent orchestration of “a public relations campaign that transformed Ali into the movement’s leading example of black pride.”⁶³

Ali’s support of press freedom extended to journalists jailed in foreign prison cells. Perhaps most notably, in 2015, Ali called on the government of Iran to release *Washington Post* correspondent Jason Rezaian from captivity, stating: “It is my great hope that the government and judiciary of Iran will end the prolonged detention of journalist Jason Rezaian and provide him with access to all of his legal options.”⁶⁴

The First Amendment protection of a free press ensured that various reporters could take a variety of positions on this most public of figures, contributing much dialogue (even if much of it was one-sided) to the marketplace of ideas.

IV. FREEDOM OF ASSEMBLY

The First Amendment also protects individuals’ rights to gather together and peacefully protest. In American history, a variety of individuals – be they striking workers or civil rights advocates to anti-war demonstrators to hatemongers – have utilized this First Amendment freedom to advocate their causes. “Sometimes these efforts have galvanized public support or changed public perceptions. Imagine a civil rights movement without the March on Washington or the women’s suffrage movement without ranks of long-skirted, placard-car-

62. Colleen Smith, *Muhammad Speaks and Muhammad Ali: Intersection of the Nation of Islam and Sport in the 1960s*, 22 INT’L SPORTS J. 54, 57 (2000).

63. *Id.*

64. J. Freedom du Lac, *Muhammad Ali Urges Iran to Free Jailed Post Reporter Jason Rezaian*, WASH. POST (Mar. 12, 2015, 1:26 PM), https://www.washingtonpost.com/news/world/wp/2015/03/12/muhammad-ali-urges-iran-to-free-jailed-post-reporter-jason-rezaian/?utm_term=.1d741f054a2a.

rying suffragists filling city streets.”⁶⁵ Indeed, freedom of assembly has been essential to many social movements, including the women’s suffrage movement of the 1910s and the civil rights movement of the 1950s and 1960s.⁶⁶

Muhammad Ali participated and spoke at numerous rallies during his exile from boxing. He spoke at a June 1967 war protest in Los Angeles, pulling up in a Brown Rolls Royce and speaking on top of a garbage can to a crowd that reached a reported 10,000 strong: “Anything designed for peace and to stop the killing of people I’m for 1,000%. I’m not a leader. I’m not here to advise you. But I encourage you to express yourselves.”⁶⁷ A few months later, Ali led a three-hour march through Watts to commemorate the 1965 riots and the rebuilding that had taken place.⁶⁸

Others praised his opposition to the war at peace rallies. For example, thousands assembled on the grounds of the Washington Monument in July 1967 for an anti-war protest and praised his refusal to go to war. “He is one of the great heroes of our time,” said Dagmar Wilson of Women Strike for Peace.⁶⁹ So-called black militants protested outside Madison Square Garden in March 1968 when Joe Frazier fought Buster Mathis for the heavyweight championship. They assembled to protest the unfair lifting of Ali’s title. “We feel that [W]hite America cannot tell a black person who deserves to be the world’s champion and decide for black people who the world’s champion is,” said John Wilson of the National Black Anti-War, Anti-Draft Union.⁷⁰

Ali later exercised his freedom of assembly rights, leading a march of 1,600 at a rally in Trenton, New Jersey, in 1975 to support jailed former middleweight contender Rubin “Hurricane” Carter, who was finally released from jail after a federal habeas corpus appeal a decade later.⁷¹

65. David L. Hudson, Jr. *Freedom of Assembly Overview*, FREEDOM F. INST. (Oct. 29, 2002), <http://www.firstamendmentcenter.org/assembly/overview.aspx>.

66. David L. Hudson, Jr. *Civil Rights and Freedom of Assembly*, FREEDOM F. INST. (Sept. 16, 2002), <https://www.freedomforuminstitute.org/first-amendment-center/topics/freedom-of-assembly/civil-rights-first-amendment/>.

67. Paul Houston, *10,000 in Melee: War Protest Mars LBJ Visit*, L.A. TIMES, June 24, 1967, at 1.

68. Robert Windeler, *Watts Fete Led by Cassius Clay; Parade Is Highlight of Coast Commemoration of '65 Riot*, N.Y. TIMES, Aug. 14, 1967, at 22.

69. Hudson, *supra* note 50 (quoting Willard Clopton, Jr., *Ali Still a Champ at Rally*, WASH. POST, July 16, 1967, at A11).

70. *See id.* (quoting C. Gerald Fraser, *Fight at Garden Will Be Picketed*, N.Y. TIMES, Mar. 1, 1968, at 44).

71. Donald Janson, *Ali Leads 1,600 at a Rally in Trenton For Release of Carter From Prison*, N.Y. TIMES, Oct. 18, 1975, at 63.

V. FREEDOM OF PETITION

The last freedom mentioned in the First Amendment says that people can “petition the Government for a redress of grievances.”⁷² This individual freedom has deep historical roots, considering that the Magna Carta of 1215 and Declaration of Independence in 1776 were both petitions to English kings. Despite its glorious and venerated history, most people fail to appreciate that this freedom exists in the text of the First Amendment. The 2018 State of the First Amendment survey reveals that only 2% of the public know that it is found within those 45 words.⁷³ The 2019 State of the First Amendment survey showed some improvement – up to a whopping 4% had heard of the freedom of petition.⁷⁴

People exercised their free-petition rights in support of Ali when he faced exile from boxing and criminal prosecution. Those petitioners included an illiterate young man from England named Paddy Monaghan, an ardent fan of Ali who frequently spoke at Speaker’s Corner in Hyde Park and picketed the U.S. embassy. Monaghan gathered 22,000 signatures and letters in support of Ali and delivered them to the American embassy in London. The two later became life-long friends.⁷⁵

Ali regularly exercised his freedom of petition rights. In 2005, he signed a petition that asked President George W. Bush to grant a posthumous pardon to Jack Johnson, the first African-American heavyweight champion.⁷⁶ In October 2006, Ali and his wife Lonnie signed an online petition asking the Michigan legislature to ease restrictions on stem-cell research.⁷⁷

Years later, thousands of individuals exercised their freedom of petition rights in support of Ali. More than 14,000 people signed a petition calling on political leaders in Kentucky to rename the Louis-

72. U.S. CONST. amend. I.

73. Fors Marsh Group, *The 2018 State of the First Amendment*, FREEDOM F. INST. (2019), https://www.freedomforuminstitute.org/wp-content/uploads/2018/06/2018_FFI_SOFA_Report.pdf.

74. Fors Marsh Group, *supra* note 39.

75. Paul Rowan, *My Friend the Greatest*, SUNDAY TIMES (LONDON), July 15, 2007, at 21.

76. Tyson, *Ali Join Johnson Pardon Fight*, JACKSONVILLE FREE PRESS, Mar. 31, 2005, at 11.

77. *Muhammad and Lonnie Ali Sign Online Petition, Encourage Legislature to Ease Restrictions on Stem Cell Research*, MICHIGAN.GOV (Oct. 3, 2006), <http://www.michigan.gov/gov/0,1607,7-168-23442-152749--,00.html>.

ville airport after the former champion.⁷⁸ More than 12,000 people signed a petition in Great Britain seeking knighthood for Ali.⁷⁹

VI. CONCLUSION

Muhammad Ali epitomized the essence of the First Amendment. He lived his life in such a manner that he exercised those freedoms in a way that provided the country with a test case for determining whether America could live up to the language in the Bill of Rights. Reaction to Ali's unpopular and controversial speeches and beliefs showed an alarming disconnect between the First Amendment ideal and reality. Persecuted and prosecuted for his religious beliefs and unflinching assertion of his independence, he proclaimed loudly to the world: "I am free to be who I want."

He freely exercised his religious faith under the Free Exercise Clause. He regularly spoke provocatively under the Free Speech Clause. Others in society wrote a dizzying array of opinions about his public figure under the Free Press Clause. Thousands upon thousands assembled in support of Ali, including the champion himself who regularly participated in rallies, parades, and marches exercising his free-assembly rights. Many petitioned the government to redress the injustice of exiling a man from the boxing ring for his beliefs and statements, showing the vitality of the Petition Clause.

Examining the life and career of Muhammad Ali provides fertile ground for understanding the fragility and importance of First Amendment freedoms. Ali himself once stated: "He who is not courageous enough to take risks will accomplish nothing in life."⁸⁰

The bravery to risk speaking out on matters of public interest, the courage to seek change by a government deemed to be on the wrong path, to find inspiration in religious faith despite critics, and the lifelong moxie to challenge others to join in those efforts embodies not only the essence of this extraordinary man, but also the very spirit of our First Amendment freedoms.

At its core, the First Amendment is our blueprint for personal liberty, what Justice Benjamin Cardozo once called "the matrix, the in-

78. Billy Kobin, *Louisville Is Renaming Its Airport After Muhammad Ali*, LOUISVILLE COURIER J. (Jan. 16, 2019, 2:42 PM), <https://www.courier-journal.com/story/news/2019/01/16/louisville-airport-sdf-getting-new-name/2594657002/>.

79. Joseph Watts et al., *Honour the Greatest: Thousands Sign Petition to Give Muhammad Ali a Knighthood*, EVENING STANDARD (Feb. 26, 2016, 12:18 PM), <https://www.standard.co.uk/news/uk/thousands-sign-petition-to-give-muhammad-ali-a-knighthood-a3189921.html>.

80. Thomas Novelty, *Rewind: Remembering Ali Two Years After His Death*, LOUISVILLE COURIER J. (June 3, 2018, 2:41 PM), <https://www.courier-journal.com/story/news/2018/06/03/remembering-muhammad-ali-death-anniversary/667442002/>.

dispensable condition, of nearly every other freedom.”⁸¹ Muhammad Ali lived his life in the vortex of that “matrix.” Cast in the public eye as a teenager in the Olympics, on a world stage as one of the greatest boxers of all time, a man both revered and vilified, he became a global ambassador and icon.

Muhammad Ali and his life were the essence of freedom and the First Amendment.

81. *Palko v. Connecticut*, 302 U.S. 319, 327 (1939).