

Blacklist Biden

Will censorship be the pandemic's big legacy?

WILL a federal entitlement to censor be the most shocking legacy of the COVID-19 pandemic? This grim prospect arises from a Supreme Court hearing Monday at which some justices seemed to view the First Amendment as a weapon of mass destruction.

A 1919 Supreme Court opinion tacitly sanctified endless restrictions on free speech when it equated criticizing conscription with falsely shouting "Fire!" in a crowded theater. The court repudiated that dictum in 1969. But will the current court unleash a new generation of censors by proclaiming, "There is no right to shout 'BS' during a pandemic"?

The justices spent two hours wrangling over *Murthy v. Missouri*, a lawsuit brought by individuals censored on social media thanks to federal intervention. Federal Judge Terry Doughty uncorked a ruling July 4 with 155 pages of damning details of federal browbeating, jaw-boning and coercion of social-media firms, perhaps

"the most massive attack against free speech in United States history." Two months later, a federal appeals court ratified part of an injunction he imposed, prohibiting federal officials from acting "to coerce or significantly encourage social-media companies to remove, delete, suppress, or reduce . . . posted social-media content containing protected free speech."

But miraculously, the federal iron fist vividly described in lower federal-court rulings vanished when the case arrived this week at the Supreme Court. While lower-court rulings had reflected traditional American values, the justices loftily overlooked all the sordid threats and profanities officialdom used.

Justice Ketanji Brown Jackson exemplified the verdict of the Beltway establishment: "My biggest concern" is "the First Amendment hamstringing the government in significant ways in the most important time periods."

Washingtonians presume the First Amendment is archaic because Americans have become village idiots who must be constantly rescued by federal officials. Jackson warned that without censorship, vast numbers of American teenagers could perish by jumping



The feds' brave new world: Putting tape over your mouth instead of a mask.

out of high windows in a social-media "challenge." She repeatedly invoked the peril of an epidemic of crazed window-jumpers to canonize preemptive federal censorship of online media.

Monday's wrangling focused on the peril of disinformation and misinformation — as defined by Uncle Sam. There was no recognition that government censorship

was to blame for some of the biggest follies of the COVID pandemic. Schools would not

have been shut down for so long if the government hadn't suppressed experts and others who *correctly* explained that COVID posed scant risk to young children and padlocking schools would not keep kids immune from infection.

Some of the justices sounded like they learned all they knew about this controversy from recent overheated pieces on the perils of disinformation in *The Washington Post* and *New York Times*. Some of those articles could have been written by the most voracious censors in the land.

A front-page, above-the-fold Sunday *New York Times* piece rewrote history to vindicate federal perfidy. When the *New York Post* broke the story on the Hunter Biden laptop just before the 2020 election, federal officials browbeat Twitter and Facebook into suppressing the story, falsely claiming it was a Russian-disinformation operation. But the *Times* now cites the laptop-story suppression as a prime example of benevolent federal censorship.

It gets worse. The *Times* enthusiastically quoted a wacky warning by Jen Easterly, chief of the Cybersecurity and Infrastructure Security Agency, one censor in the suit: She declared "the most critical in-

frastructure is our cognitive infrastructure" and proclaimed a federal mission to build "resilience to misinformation and disinformation."

Does the *Times* favor permitting federal officials to secretly rewire Americans' brains or what? How servile must someone be to feel comforted by a poohbah promising to fix "our cognitive infrastructure"? The same class of DC experts who miserably fail to fix the Washington subway should be trusted to covertly intervene to control Americans' thoughts and perceptions?

Murthy v. Missouri could determine the winner of the 2024 presidential election. It wasn't just the Hunter-laptop story suppression. Federal agencies tampered with the 2020 election by censoring millions of comments by Americans who raised doubts about the trustworthiness of mail-in ballots and other election procedures; "virtually all of the free speech suppressed was 'conservative' free speech," Judge Doughty noted.

The injunctions from the lower courts aimed to prohibit federal agencies from again massively suppressing Americans' online comments on the election. The Supreme Court temporarily suspended that injunction as it considered the case. Unless the justices revive that injunction or otherwise prohibit federal agencies from subverting free speech, the nation's highest court will share the blame if another censorship tsunami taints another national election.

Two years ago, The Post helped make Biden's Ministry of Truth — the Disinformation Governance Board — a national laughingstock. But is the joke now on anyone expecting the Supreme Court to uphold the First Amendment? If censorship is the new salvation, is the defense of freedom utterly damned?

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