

Supreme Punt

Justices blink on gov't political censorship

ON the eve of the first presidential debate of 2024, the Supreme Court preemptively gave President Biden and his minions an implicit license to meddle in the election — by suppressing news and opinions they dislike.

Will the court's refusal to stop federal censorship be a wooden stake in the credibility of American democracy?

The ruling came in the case of *Murthy v. Missouri*, brought by individuals who were censored on social media thanks to federal machinations behind the scenes of companies like Facebook.

Last year, in decisions that vividly chronicled a byzantine litany of anti-free speech interventions by multiple federal agencies and the White House, a federal district judge and a federal appeals court imposed injunctions that prohibited those 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.”

On Wednesday, in a 6-to-3 decision, the Supreme Court gave the benefit of the doubt to Washington's browbeating, arm-twisting and jawboning of influential social-media companies — regardless of how many Americans are wrongfully muzzled.

The Biden censorship industrial complex triumphed, it appeared, because most of the justices could not be bothered to examine the massive evidence of its abuses.

The majority opinion, written by Justice Amy Coney Barrett, whined that “the record spans over 26,000 pages.”

Rather than grovel in the muck, the justices instead disposed of this landmark case on a quibble, putting their legal pinnacles in the air like white-wine drinkers at a cocktail party.

The court ruled that the plaintiffs — including two state governments and eminent scientists banned from social media — did not have “standing,” because they had not proven to the negligent justices (how many pages in the files did they actually read?) that all the federal intervention and string-pulling had injured them.

What? Justice Samuel Alito's fiery dissent clearly detailed how



Appalled: Justice Samuel Alito's fiery dissent slammed the majority's disgraceful dodge.

federal interventions resulted in Facebook's suppression of Jill Hines, co-director of Health Freedom Louisiana — that is, at least one plaintiff was provably injured.

Perhaps the outcome was a foregone conclusion. In oral arguments, Justice Ketanji Brown Jackson blathered that her “biggest concern” was “the First Amendment hamstringing the government in significant ways.”

To sanctify censorship, she repeatedly invoked the specter of legions of American teenagers jumping out of windows thanks to a social-media “challenge.” So to save the children, Jackson tossed the First Amendment out the window instead — and five other justices joined the defenestration.

As Team Biden framed the case, the government should have the freedom to intervene against misinformation — as if federal agencies are infallible Oracles of Delphi. But the issue was censorship, not some self-serving definition of “misinformation” to emerge from the Beltway, and portraying the issue a fight for “truth” grants a halo to federal censors.

After all, the biggest “misinformation” of the COVID pandemic was Biden's promise in July 2021: “You're not going to get COVID if you have these vaccinations.” Subsequent waves of Delta, Omicron and other variants ravaged the credibility of Biden and federal health policymakers.

Wednesday's decision lifted the preliminary injunction imposed

by the federal appeals court prohibiting the White House, CDC, FBI, Cybersecurity and Infrastructure Security Agency, and the Surgeon General's office from intervening — directly or indirectly — to censor Americans.

But “government officials may not coerce private entities to suppress speech,” Alito noted in his stinging dissent. As Alito lamented, “if a coercive campaign is carried out with enough sophistication,” it's “an attractive model for future officials who want to control what the people say, hear, and think.”

The district and appeals courts recognized that federal censorship is a clear and present danger to American democracy.

What if in the coming months the FBI browbeats social-media companies into suppressing new revelations of Biden family kickbacks — the way it helped suppress The Post's 2020 story of Hunter Biden's laptop? What if White House aides verbally bludgeoned outlets to silence comments on Biden's shuffling gait and cluelessness, as they suppressed jokes about COVID policy in 2021?

In lieu of constitutional rights and “government under the law,” the Supreme Court now tells Americans they only deserve plausible deniability for government crimes. If we later learn that federal censorship changed the outcome of the 2024 election, will the justices simply shrug and tell the citizens “Never mind”?

Unfortunately, there is no such thing as retroactive self-government.



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