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Independent Investigative Journalism and Political Review - Since 1995

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CN LIVE

Robert Parry 1949-2018

Volume 28, Number 189 — Friday, July 14, 2023

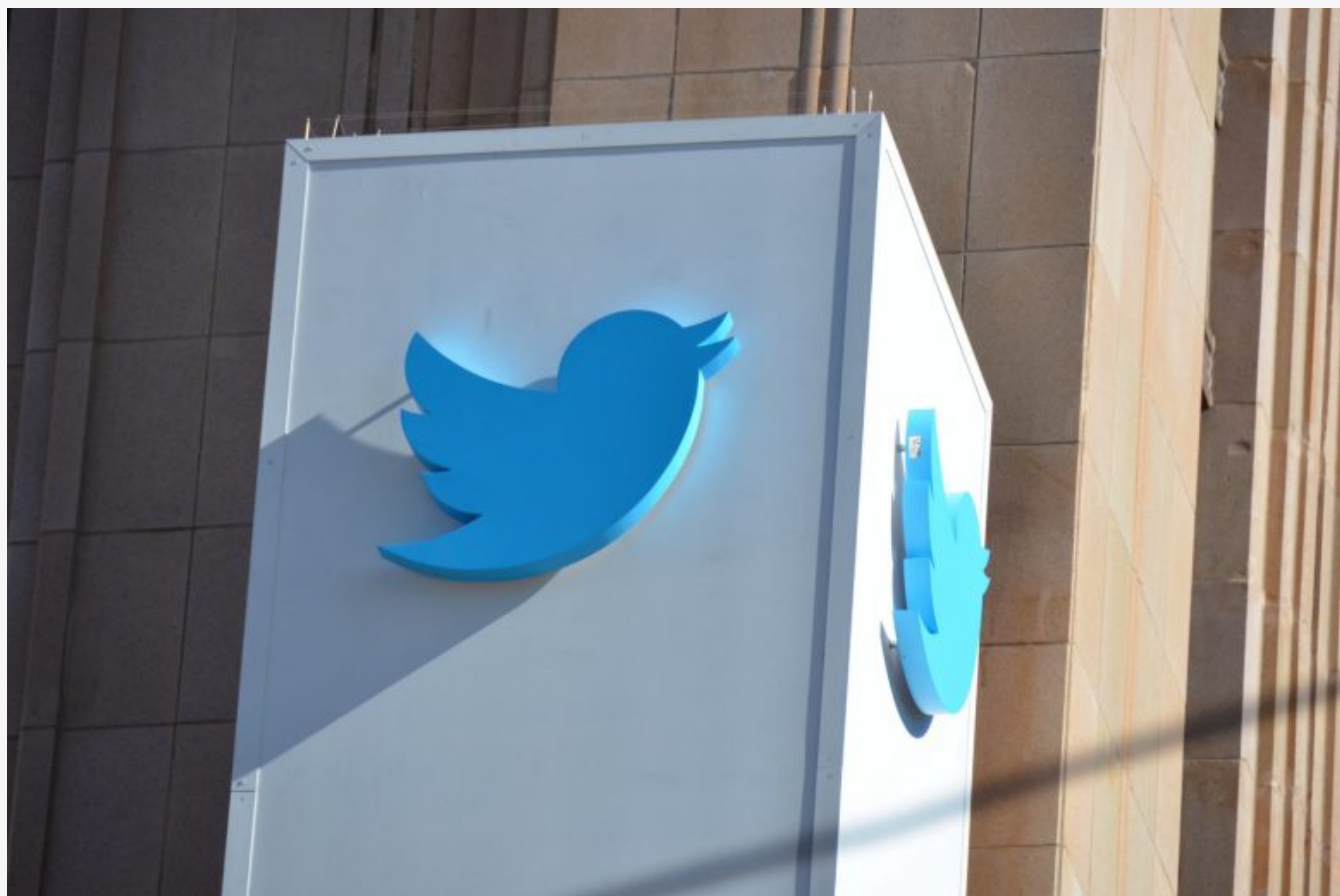
BIDEN ADMINISTRATION, CENSORSHIP, CIVIL RIGHTS, COMMENTARY, LEGAL, SOCIAL MEDIA, U.S., U.S. JUSTICE DEPT.

US 'Disinformation Industry' Lands in Court

July 14, 2023



It took years too long, writes Patrick Lawrence. But the law has at last been invoked against the creeping despotism of mainstream liberals as they attempt to control what we read, see, hear, and by way of all this, think.



Twitter HQ, 2013. (Steve Rhodes, via Flickr)

By **Patrick Lawrence**
Original to ScheerPost



What kind of a week was last week in the theater of war wherein battles rage over illegal censorship, illegal attacks on freedom of speech, illegal government infringements on our constitutional rights, and, amid it all, the complicity of our most powerful media in these illegalities?

For a brief while it looked as though it was a very fine week. On July 4, an excellent day for this, a district court in Louisiana ruled that the White House and a long list of other federal agencies are barred from all contacts with social media companies if the intent is to intimidate or otherwise coerce Twitter, Google, Facebook, and other such platforms into deleting, suppressing, or in any way obscuring content protected as free speech, to paraphrase a key passage in the ruling.

Wow. A federal judge brings to the surface, there on your morning page one, all the illegal interventions, years of them, in which the Biden regime and its Capitol Hill allies have indulged to quash dissent. What liberal authoritarians impudently dismissed as a kooky “conspiracy theory” on July 3 is in a judicial stroke written into the record as an ugly reality to be eliminated. What’s not to like?

[Related: *US Court Victory Against Online Censorship*]

Then came the insidious reaction to the Louisiana ruling among mainstream liberals and in our corporate media, which stand on the wrong side of every one of the illegalities just noted. \

These people, we are on notice, don’t give a tinker’s damn about the Constitution and the rights of all Americans thereunder, they are not going to start giving a damn now, and what happened in the Western District of Louisiana a week ago Monday is not going to stop their rampant trampling on the laws that make our troubled republic tick.

Suddenly the week looked like something other than very fine.

How shall we read these events?

Net positively I will say, risking a charge of undue optimism. Last week was one of sharpening contradictions. It gives us a new measure of clarity amid the fog in which our purported leaders and the media that serve them would have us confined.

It took years too long, but the law has at last been invoked against the creeping despotism of mainstream liberals as they attempt to control what we read, see, hear, and by way of all this think. Their hypocrisy and the extent to which corporate media will lie to obscure it are already more legible.

We are better off this week than we were at the start of the last, in other words. In all things — politics, war, painting, love, psychiatry, you name it — we never get anywhere without acknowledging where we are at the outset, our starting point.

To be perfectly clear about this assessment of an eventful week's developments, the war over the future of this country — we witness nothing less — is bound to get nastier, dirtier and bloodier before things get better.

If you like the gruesome war of attrition in Ukraine, you are going to love this one. But defenders of free speech and constitutional rights stand to win this very worthy fight.

At the horizon this seems to me the very likeliest outcome. It is a matter of stepping back to discern which of the forces at work in this confrontation is on the ascendant and which is on its back foot.

In his 155–page ruling, Judge Terry Doughty has made overt what was effectively a years' long covert operation to subvert free speech and freedom of the press. This has led to the corruption of the very institutions charged with protecting these freedoms.

A lot more people now stand to see that a bitter war in defense of their constitutional rights has to be fought. And it will be evident to a lot of these newly aware people that this nation's most powerful newspapers and broadcasters are complicit in a liberal authoritarian attack on the rights that reside in American law.

Last week's events — the court ruling and the liberal authoritarian reaction to it — together bear all sorts of implications. High among these are the consequences for a major transformation among American media that was already in train.

The mainstream press and broadcasters, while they have been declining for years, have just made it clear that their commitment to those tearing down this country is complete. I have been struck this past week to note that it is only, as in exclusively, by way of independent media that Americans are able to see these events clearly and make sense of what is at stake.

This imposes a considerable burden of responsibility on these media, and to this I say, “Pile it on.” In my read they are ready to assume it as they serve an ever-enlarging audience of readers and viewers who abandon as we speak the major media that have abandoned them.

Long List of Citations



Judge Terry Doughty in 2017. (U.S. Senate Judiciary Committee, Public domain, Wikimedia Commons)



Press Secretary Karine Jean-Pierre and President Joe Biden conferring in January in the Oval Office. (White House / Adam Schultz)

It was two state attorneys general straight from the heartland, Eric Schmitt of Missouri (who is now a senator) and Jeff Landry of Louisiana, who, with five private plaintiffs, filed the suit in May 2022 that led to Judge Doughty's ruling.

These people did their homework, let there be no question. They cited 67 people and institutions "for violations of the First Amendment, actions in excess of statutory authority, and violations of the Administrative Procedure Act," to quote the *Missouri v. Biden* opinion dated March 20.

The APA dates to 1946 and gives federal courts jurisdiction over the regulatory functions of government agencies.

The list of defendants gives a good idea of the plaintiffs' shared ire and ambition. To go by the names cited, these people are mad as hell and not going to take it anymore. Among the defendants are President Joe Biden, Press Secretary Karine Jean-Pierre and her predecessor, Jen Psaki, and a variety of other serving and former White House staff.

There is a small legion of fraudulent disinformation "experts" (a fav of mine is the ridiculous Nina Jankowicz, "the Mary Poppins of disinformation"), and a lengthy roster of functionaries you have never heard of.



Former White House Press Secretary Jen Psaki during a press briefing in June 2021. (White House, Cameron Smith)

Then the federal agencies. The F.B.I., the Justice, State, Homeland Security and Health and Human Services departments: They are all accused of First Amendment violations.

The Cybersecurity and Infrastructure Security Agency, an especially pernicious presence in the disinfo industry, as the Twitter Files make clear, of course gets named. Quoting the *Missouri v. Biden* opinion again, all 67 members of this unprincipled crew “are liable for their conduct relating to the alleged suppression of certain ideas and viewpoints on social-media platforms.”

I just love reading in published legalese a rundown of what all these sons of bitches have been doing all these years while hiding behind the law. And I love even more one of Doughty’s surmises in his ruling:

“If the allegations made by plaintiffs are true, the present case arguably involves the most massive attack against free speech in United States’ history. The plaintiffs are likely to succeed on the merits in establishing that the government has used its power to silence the opposition.”

Indulging my lifelong love of cliché, Doughty pretty much threw the book at the 67 people and agencies named in the ruling. He, too, seems to have done his homework, his due diligence, giving the impression he understands very well the gravity of the matter the Missouri and Louisiana AGs put before him.

When he bars the defendants from contacting those who run social media platforms for the purpose of coercing them to censor those they publish, he spells out in wall-to-wall fashion what he means:

No telephone calls, no email messages, no texting, no “engaging in any communication of any kind with social-media companies if the purpose is urging, encouraging, pressuring, or inducing in any manner removal, deletion, suppression, or reduction of content posted with social-media companies containing protected free speech.”

Prohibitions on Defendants

In a sign Doughty, drawing from the AGs’ suit, knows very well what has been going on for years between Washington and Silicon Valley, his ruling bars defendants from “following up” to see if orders to censor have been executed, “requesting content reports,” or — interesting inside knowledge here — “notifying social-media companies to Be on The Lookout (‘BOLO’) for postings containing protected free speech.”

This is a good one. Those named in the ruling are prohibited from

“collaborating, coordinating, partnering, switchboarding, and/or jointly working with the Election Integrity Partnership, the Virality Project, the Stanford Internet Observatory, or any like project or group for the purpose of urging, encouraging, pressuring, or inducing in any manner removal, deletion, suppression, or reduction of content posted with social-media companies containing protected free speech.”

Whack.

Some good spadework went into this feature of the Missouri–Louisiana suit such that Doughty wrote these clauses into his ruling.

Perhaps you have a general idea what these organizations are: They, and numerous others like them, are instrumental in the disinformation industry, more than occasionally serving as liaisons between the federal government and social media platforms.

Look at their websites. Look at their “who we are” pages. These are appendages of the Deep State.

Stanford is an especially disgusting case for its services to the imperium and the liberal authoritarians alike. I cannot be surprised: This is what institutions of higher learning have come to. You think corporate media have diseased relationships with power? Get a load of the leading universities sometime.



Stanford University. (Don McCullough, Flickr, CC-BY-NC-ND 2.0)

The full text of *State of Missouri et al. v. Joseph R. Biden Jr. et al.* is [here](#). By far the best extended analysis of this case comes from Glenn Greenwald — no surprise, as he is a constitutional lawyer by training. It is [available on his System Update program](#).

The Biden regime howled when Doughty issued his ruling — per usual in the cotton-wool language they use to disguise their unconstitutional doings. From a White House official as quoted in the July 4 editions of *The New York Times* and *The Washington Post*:

“This Administration has promoted responsible actions to protect public health, safety, and security when confronted by challenges like a deadly pandemic and foreign attacks on our elections. Our consistent view remains that social media platforms have a critical responsibility to take account of the effects their platforms are having on the American people, but make independent choices about the information they present.”

Orwell made the pertinent point here in his famous “Politics and the English Language,” published in 1946. “The greatest enemy of clear language is insincerity,” the English essayist wrote. “When there is a gap between one’s real and declared aims, one turns as it were to long words and exhausted idioms.”

“Insincerity” is too mild a term for the obfuscating rubbish we get now from Biden and his people in response to the Doughty ruling.

Know this, readers: The above-quoted official is describing a very grave transgression of the Constitution and long, long years of case law governing press freedom, free speech and

ensorship.

Know this, too: Mussolini described Fascism in its purest form as occurring when the state and the corporate sector act as one, no distinction between them. I leave the rest of this latter thought to readers.



U.S. Secretary of State Antony Blinken with Google representatives during a CEO gathering in Los Angeles in June 2022. (State Department/Freddie Everett. Public domain)

You're not going to get anything out of the mainstream press that strays far, if at all, from the White House line on this question. You know this as soon as you start reading it.

Landry and Schmitt are Republicans. Doughty was named to the bench during the Trump presidency. These are the first things corporate media mention as they report this case. Doughty's ruling is "a victory for Republicans," the *Times* reported last week. Elsewhere in the same piece:

"The issue of the government's influence over social media has become increasingly partisan."

And:

"The Republican majority in the House has taken up the cause, smothering universities and think tanks that have studied the issue with onerous requests for information and subpoenas."

Free speech is increasingly partisan? Do you see what is being said here, text and subtext?

I am in no hurry to invite either Eric Schmitt, Andrew Bailey, his successor as Missouri A–G, or Jeff Landry over for drinks, given various of their views, but at issue are constitutional rights, not Republican politics.

Perniciously enough, we are now invited to take free speech as some kind of right-wing Republican cause. This riles me beyond words, but I will manage a few more.

The Washington Post now puts “protected speech” in quotation marks, if you please. “Over the past five years, coordination and communication between government officials and the companies increased,” the *Post* wants you to know. From the *Times*’ second-day story last Wednesday:

“Government efforts to interact with social media platforms took a major hit on Tuesday when a federal judge restricted the Biden administration from communicating with tech companies about a broad array of online content.”

Interacting with social media? Communicating with tech companies? These are references to long-established, brazenly illegal censorship operations, as we know from The Twitter Files and numerous other documents published over the past several years.

Reporting and writing in this kind of language is profoundly irresponsible. It is one reason the problem the Doughty ruling addresses has got so far out of hand. It is why many Americans, if not most, are not aware of what is being done to their rights.

I am not going to say lying should be illegal, but the *Times* and the *Post* are damn lucky it isn’t.

Doughty’s ruling is an excellent step, in the best outcome the beginning of a needed corrective. In this judgment I am with Robert F. Kennedy, Jr., who tweeted after the July 4 court ruling was announced, “Happy Independence Day, everybody.”

Indeed. But Doughty issued a preliminary injunction, let us not forget, which is merely a precursor to a final ruling. That is to come.

Equally, there are numerous exceptions to the decision’s restrictions. Federal agencies and the named defendants are still licensed to “interact” with Silicon Valley if the intent is “notifying social-media companies of national security threats,” or “informing social-media companies of threats that threaten the public safety or security of the United States,” or “exercising permissible public government speech promoting government policies or views on matters of public concern,” and so on through eight such clauses.

This suggests there is a lot of courtroom time ahead before the Doughty ruling becomes law in whatever form it takes.

I begin to nurse a new worry. Silicon Valley media platforms have already hired hundreds — yes, hundreds — of former government officials, ex–FBI agents, and essentially seconded intelligence operatives to run their censoring operations.

Will it come to be that social media are so stacked with these antidemocratic people that the need to intervene directly, as we have seen it to date, will be obviated? Will the official censorship regime be made an in-house function such that rulings such as Doughty's are impotent to remedy our drift into unfreedom?

I have no answer to this now. Enough to say I would rather not have to pose the question.

It will be interesting to read about this process as it unfolds, the Biden regime having already signaled, via the DOJ, that it is likely to appeal the injunction. It will be interesting, I mean, to watch as mainstream media whitewash, to borrow from Doughty, "the most massive attack against free speech in United States' history."

This will be a spectacle of self-degradation that will cost corporate media dearly. And interesting, too, to see how well independent media shoulder the responsibility that falls to them as the only ones to play this immense story straight.

This shapes up as an important passage for them as they define journalism for a nation that would otherwise have none.

Patrick Lawrence, a correspondent abroad for many years, chiefly for the *International Herald Tribune*, is a columnist, essayist, lecturer and author, most recently of *Time No Longer: Americans After the American Century*. His new book *Journalists and Their Shadows*, is forthcoming from Clarity Press. His Twitter account, [@thefloutist](#), has been permanently censored. His web site is [Patrick Lawrence](#). Support his work via [his Patreon site](#). His web site is [Patrick Lawrence](#). Support his work via [his Patreon site](#).

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