



# OPINION: THE LAST STAND FOR FREE SPEECH - GREGORY HOOD

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Photo: Martin Sellner

Those who think the tide is about to turn on censorship may have to learn a hard lesson.

“[The Supreme Court can dismantle the censorship-industrial complex](#)” read an editorial in *The Hill* this week. Author Harmeet Dhillon warned of a “disturbing and increasingly systematic trend of government actors forcing social media companies to censor constitutionally protected speech in the name of combating ‘misinformation.’” Yet in oral arguments in *Murthy v. Missouri*, the justices seemed wary of imposing new limits on the government’s right to free speech. Yes: the *government’s* right. You may recall that it was this supposed right of *government* free speech that justified destroying the Robert E. Lee statue in Richmond, Virginia, [despite laws protecting it](#).

[The transcript](#) suggests the Biden administration will win. Principal Deputy Solicitor General Brian Fletcher [said](#) that those opposed to the government’s policy are trying to “audit all of the executive branch’s communications with and about social media platforms.” Private citizens face government regulations and audits all the time, but our rulers must be above such petty concerns. The right of the government to talk to tech companies must not be considered coercion, he says. Such communication is innocent, with no threats or compulsion. Mr. Fletcher says that to “flag false information” for tech companies is part of the “legitimate and productive interactions between the government and the public.” The Supreme Court should not “chill” this. He wants the government to be able to tell Big Tech which viewpoints it wants stifled.

Justice Clarence Thomas asked where the constitutional basis for “government speech comes from.” Mr. Fletcher [advanced](#) the novel theory that “it’s not a right that comes from the First Amendment,” but rather “a feature of our constitutional democracy,” and just “part of democratic governance.” In other words, the government “has” to do certain things that are not granted by law or the Constitution. The right to bully the media is inherent to “democracy.”

The dangers of deplatforming and censorship hardly came up in the arguments. The only real issue was communication between government and tech companies, and whether regulating it violates the First Amendment. Justice Ketanji Brown Jackson seemed eager to expand state power and saw no danger in doing so. She pressed the lawyer who wanted to control the government:

*What would you have the government do? I’ve heard you say a couple times that the government can post its own speech. But, in my hypothetical, you know, kids, this is not safe, don’t do it, is not going to get it done. And so I guess some might say that the government actually has a duty to take steps to protect the citizens of this country, and you seem to be*

*suggesting that that duty cannot manifest itself in the government encouraging or even pressuring platforms to take down harmful information.*



*. . . I'm really worried about that because you've got the First Amendment operating in an environment of threatening circumstances from the government's perspective, and you're saying that the government can't interact with the source of those problems.*

[Some](#) have argued that the purpose of the First Amendment is to limit federal power, but that view is foreign to those in power today. They think government's job is to solve problems with the help of "experts," and this includes changing media content. Mr. Fletcher repeatedly said government officials must have the right to talk to platforms hosting "anti-Semitic hate speech" or "Islamophobic content." No one mentioned anti-white speech. In American law, there is no such thing as "[hate speech](#)," but it is already a major worry in elite circles. The Supreme Court will probably come around and recognize it, since no one challenged Mr. Fletcher's assertion or asked what he meant by "hate speech." While the government relied heavily on the claim that censorship was justified given the "once-in-a-lifetime" pandemic and the supposed need to silence vaccine-skeptics, no justice asked about ideological censorship.

Justice Clarence Thomas, who did seem skeptical of government power, asked Mr. Fletcher if he really could not see the difference between platforms deciding to ban certain viewpoints and the government working with them to do it. Mr. Fletcher said he couldn't. It is all just "persuasion" — a harmless discussion between friends. Justice Samuel Alito made the obvious point that federal government officials were berating tech company employees for not doing what they wanted, occasionally with expletives. He also noted that the government has powerful tools to regulate tech companies, meaning there is an obvious implied threat. He said he could not imagine the government treating the editors of newspapers this way, though he said he might be "naïve" and that perhaps it does. Mr. Fletcher was all innocence and said that the White House was just telling platforms that "we have information that you might find helpful."

There was no mention of requiring free speech on social media. That is not what this case is about, but the consensus that there must be censorship is beginning to grow. No one suggested the tech companies themselves might be too heavy-handed. The sole question was whether the government should be pushing censorship.

This process is continuing, with the government recently "helpfully" [giving](#) a list of "hate groups" to banks to encourage debanking. The Biden Administration is also "helpfully" [warning](#) banks that they must not discriminate against illegal immigrants. The ruling in this case will affect none of this.

For us, there can probably be no satisfactory solution unless the Court decides to [treat](#) social media companies as common carriers. However, Justice Jackson's comments suggest that the government could find a way to censor content even under those circumstances.

Even so, we should not overlook what we still have. The First Amendment may be a paper shield, but it is better than nothing. In most of the "free world," there is no free speech. Controlling speech through tyrannical means is now widespread. We are already familiar with the case of [Dries Van Langenhove](#), threatened with prison because of an investigation in which state media, NGOs, and prosecutors all worked together to reveal private communications and then complain about them. Though Elon Musk noticed the case and seemed sympathetic, most media [suggest](#) Mr. Van Langenhove had it coming for looking at impolite memes seven years ago and thus "spreading hate." Of course, even if we accept the silly idea that edgy jokes are "hate," it was state media that spread it to the public.

*Dries Van Langenhove (Credit Image: © Nicolas Maeterlinck/Belga via ZUMA Press)*

The similarly triumphant tone from media outlets can be heard again in the latest injustice imposed on Martin Sellner. Mr. Sellner, an Austrian, was recently banned from entering Germany for three years. Mr. Sellner will [appeal](#).

- [“Martin Sellner Banned From Germany for Neo-Nazi Event, Escalating Far Right Tensions,”](#) *MSN*, March 19, 2024 (The article said he had been “linked to neo-Nazi ideologies,” without elaborating.)
- [“Martin Sellner: Far-right Austrian banned from Germany,”](#) *DW*, March 20, 2024 (The article said he expressed “racist and antisemitic beliefs,” without elaborating.)
- [“Far-right Austrian nationalist banned from Germany after neo-Nazi meeting,”](#) *The Guardian* (The AfD, the second most popular party in Germany, attended the meeting, along with unnamed “neo-Nazis.”)

Mr. Sellner was also interrupted during a speech on remigration and then [expelled from the Aargau Canton](#) of Switzerland. The police statement [suggests](#) this was to enforce a heckler’s veto: “To ensure public safety and prevent confrontations with people from the opposing side, the speaker at the event was stopped and ordered to leave the cantonal territory.” However, footage of the arrest [shows](#) that Mr. Sellner’s speech had already begun without interruption.

The police argument should be familiar to campus conservatives who try to invite controversial speakers and find themselves charged thousands of dollars for “security” against antifa. Hotels also cancel conservative and pro-white events after threats, an obstacle American Renaissance is familiar with. The United States has also been unkind to Mr. Sellner. The government that is unwilling to enforce border security or deport violent criminals prevented Mr. Sellner from [attending](#) his own wedding to an American.

There was good news for Mr. Sellner; he got his X account back. *The Guardian* reported it this way: [“Elon Musk replies to post by far-right Austrian linked to Christchurch terrorist after X account restored.”](#) The article had a heavy focus on quotes from “an expert in extremism at Deakin University” named Josh Roose. After *The Guardian* mused about Australia banning X “for failing to tackle extremism on the platform,” Dr. Roose said we need “leadership and an understanding of the basics and citizenship because you cannot get away in real life what we are getting away with online and that is what’s corrosive to democracy.”

If democracy does not allow the most fundamental right of all — free speech — it is a bad system. Democracy is meaningless if there is no way to cast an informed vote. If people cannot discuss issues, including fundamental issues of race and immigration, elections are illegitimate. It would be simpler and more honest for tech companies and censorship NGOs just to choose our politicians for us.

Censorship NGOs are growing. [Mike Benz](#), who researches what he calls the “Censorship-Industrial Complex,” argues that many of the NGOs that try to justify censorship are funded by the US government. There was a major [shift](#) following the shock of the 2016 election, with government and allied NGOs increasing their control over what people can say online. The Cybersecurity and Infrastructure Security Agency (CISA) [plays](#) a key role in directing these operations, convening and coordinating meetings between agencies and social media. CISA’s budget exceeds \$3 billion, and it has increased by 44 percent over the last three years.

The Department of Homeland Security was pushing tech companies to censor pro-white advocates [even under the Trump Administration](#). The attempt to establish a [Disinformation Governance Board](#) in the DHS failed only after Republicans noticed. That probably was just a delay. Congressman Jim Jordan (R-OH) [argues](#) that CISA is once again working with third parties to censor Americans in the run-up to the 2024 election. Even the Supreme Court case has not slowed it.

Other countries are not even bothering to outsource censorship. In Britain, a judge [sentenced](#) a man to two years in prison for stickers that said such things as “we will be a minority in our homeland by 2066” and “it’s okay to be white.” Evidently, it’s not. Judge Tom Bayliss justified the sentence because there were “far-right” materials in defendant Sam Melia’s house. “I am quite sure that your mindset is that of a racist and a white supremacist,” the judge said. “You hold Nazi sympathies and you are an antisemite.” Perhaps, but that has nothing to do with the supposed crime.

The judge [added](#): “For the first time since the 1930s, a real risk of gross, potentially violent, antisemitism is becoming normalized on our streets.” “It has been used before to tear at the heart of Western democracy. It must not be allowed to do so again.” If Western

democracy sends people to jail for thoughtcrimes, what is so great about it? Judge Bayliss is far more lenient in other cases. He gave a suspended sentence to a [man who had 17 other convictions and had retracted a police officer](#). He also let a man who had downloaded child pornography, including the rape of young children, [avoid jail time](#). Such actions and images are apparently less threatening to “Western democracy” than warning Britons they are being replaced.

On April 1, Scotland’s new “hate crimes” law will come into effect. Police recently said they [cannot investigate every ordinary crime anymore](#), much less a whole new crime category. The Scottish Police Federation [said](#) the bill would paralyze freedom of speech and prompt people who think their feelings are hurt to file constant complaints. However, First Minister Humza Yousaf, [who doesn’t seem to like actual Scots very much](#), shepherded the bill through the Scottish Parliament. It [claims](#) Scotland’s “diversity is its strength” but hate crimes have a “corrosive impact on Scotland’s communities as well as broader security.” It includes the usual idiotic claim that freedom of expression will be protected, unless it threatens “tolerance, social peace, and nondiscrimination.”

The law says videos and public performances can be hateful, though police [say](#) they won’t punish performers. Why not, if the law says they must? Among those who may be charged is author J.K. Rowling, who is [accused](#) of committing a crime by saying India Willoughby, a journalist, is a man. He is a man who pretends to be a “trans” woman, and he is legally a woman. He [expects](#) the law to punish anyone who disagrees. “The law is absolutely on my side,” he said. He’s right. “[Reporting centers](#)” for “hate” have been set up in various locations (notably, in a sex-toy shop).

In Canada, the [Online Harms Act, C-63](#), goes further and [lets](#) a judge sentence you *before* you commit a crime, if he thinks you are likely to. Such pre-crimes include speech. Advocating genocide online could get you life in prison. One journalist [noted](#) that Canada and other Western countries are torn apart, accusing both Israel and Palestine of genocide. Should the losing side in the debate go to prison for life? Can we send anyone who says that we should “end whiteness” to jail for life?

There would be a [new process](#) for people to complain to the “Canadian Human Rights Commission,” which could order penalties of \$50,000 for “discriminatory” online speech. The complainer would get a reward of \$20,000, so there would be a lot of complaints. The Digital Safety Commission [responsible](#) for enforcing the new law would be, by the exact language of the bill, “not bound by any legal or technical rules of evidence.” That such a law could even be proposed and get government support portends tyranny.

Simply joining a nationalist organization can also send you to prison. In France, police [arrested](#) 12 members of the nationalist group [Argos](#). It is accused former Génération Identitaire members of reconstituting the group, which was banned in 2021. *The Guardian* said that it was “linked” to the Christchurch shooting, but the “link” was simply that it [received](#) a donation from Brenton Tarrant, though they would have had no idea who he was. The police are reportedly [hunting](#) other members of the group. Activists may [face](#) up to five years in prison and a fine of 75,000 euros. Identitarian activists in Copenhagen [protested](#) the arrest.

*Argos members at their “summer university.”*

Many whites still believe we are not *really* under a totalitarian system. In the “free world,” “they” can’t silence people, jail people, or loot people without due process. However, if C-63 passes, Canada will be an oppressive regime. We should offer asylum to political refugees, except that the Biden Administration’s preferred “refugees” are Third-Worlders who will support the Democrats and live on welfare.

In the United States, it is not yet a crime for me to write this article. However, here too, we are just a few Supreme Court justices away from a creative ruling that carves out “hate speech” from First Amendment protection. We should not be under any illusions about our opponents. They are would-be dictators and “democracy” will not restrain them.