

Constitutional Corner - The Left's War on Speech

The Progressive Left is engaged in a war on free speech. Don't take my word for it, the headlines are ubiquitous: "Attack on conservative speaker stuns Middlebury College," from the Boston Globe; "Commencement speakers: Conservatives need not apply" from the LA Times; "Protesters disrupt town-hall healthcare talks," from Reuters.

If these articles don't convince you, read a couple of books on the topic, one by a liberal herself. Kirsten Powers, whose liberal credentials are impeccable even if she does appear on Fox News, has written *"The Silencing: How the Left is Killing Free Speech."* Another recommendation is *"The Intimidation Game: How the Left Is Silencing Free Speech,"* by Kimberley Strassel. Another is "Shut up, America – The End of Free Speech" by Brad O'Leary. I've not read Powers' or O'Leary's books, I only glanced at them on Amazon, but I have read Strassel's, and it's a real eye-opener.

If these books don't convince you, check out British commentator Jonathan Pie on YouTube. The segment is called "How and Why" and I warn you right now that Pie's language is not for the faint of heart. Through his profanity he reveals "how and why" Donald Trump got elected, in his view of course, and he minces no words.

Here are a few of Pie's G-rated quotes: "We have made people unable to articulate their positions for fear of being shut down." "Every time someone on the Left says 'You mustn't say that' they are contributing to this culture [of being shut down]." "It's time to stop silencing your opponents... Engage in the debate; talk to people who think differently to you and persuade them of your argument." Even with 3.3 Million views, it is obvious that most on the Left have either not listened to Pie's YouTube rant, or have, and have dismissed it out of hand and gone back to business as usual.

I'm certainly not the first to use the "War on Speech" phrase, and I doubt I'll be the last. The war takes place on many fronts and involves many tactics but the most common tactic is intimidation. Intimidate public speakers into silence, intimidate people and businesses into abstaining from making political contributions. In short, intimidate everyone who believes differently than you. Force them to shut up, lock their doors and stay out of politics.

Brendan Eich worked for years as Mozilla's Chief Technology Officer. In 2008, he gave \$1,000 in support of California's Proposition 8. Proposition 8, you may recall, amended the California Constitution to affirm marriage to be between a man and woman. This was in response to passage of Proposition 22, which made the same affirmation through a simple resolution, but which the California's Supreme Court had struck down. Prop 8 passed with 52% of the vote and California's Constitution was amended.

Six years later, Brendan Eich was appointed Mozilla's CEO. Immediately, an online "shaming" began over his then six-year old contribution to the Prop 8 campaign. Eich lasted 11 days as CEO before being forced to step down.

Eich was fortunate all he lost was his job. Other Californians were less fortunate once the Prop 8 contributors list was made public. Leftists could now use Google Maps to search for neighbors who had contributed, and then the "fun" began:

- A restaurant manager made a modest \$100 donation in support of the proposition. Bad move. The restaurant suffered a boycott, trash-talking reviews on the internet, and mobs who blocked their doors and shouted "Shame on you" to arriving customers. Restaurant owners were forced to cut hours and lay off employees, some of them, ironically, homosexuals.
- Activist groups launched boycotts of the Sundance Film Festival, based in Utah, solely because some Prop 8 donations had come from that state.
- The owner of a chain of small grocery stores noticed flyers appeared under the windshield wipers of customers, maligning him for his donation. Three different Facebook pages sprang up urging a boycott of the store. Protestors occupied the entrance to the store, handed out flyers and demanded people not shop there. Customers were harangued to sign boycott petitions. One activist loaded up a shopping cart full of groceries and, once it was rung up at the register, refused to pay. The owner of the stores had to install security cameras over fear of product tampering.
- Lawyers who had worked on the Prop 8 campaign naturally received hate emails and phone calls, including recommendations to "Burn in hell."
- A New York artist who donated and who, ironically, made her living by painting drag queens and gay parades suddenly found two reporters waiting outside her house asking why she contributed. Reviews of her art took on a new tone.
- A teacher who supported Prop 8 was told by activists that they would call all the parents of students in her school and inform them of her "despicable" action.
- Flyers appeared on trees in the neighborhoods of contributors telling neighbors of their support. A flyer was wrapped around a brick and thrown through the window of a Lutheran church.
- A statue of Mary was defaced on the eve of the election. Car windows were smashed, cars keyed, tires deflated, all because people had the audacity to "speak" through their political contributions.

Realize that these were not donations to a candidate or his campaign; there was no possibility of encouraging corruption or gaining a quid-pro-quo; this intimidation sent a simple message: don't donate to, i.e., don't speak politically about causes with which we disagree.

Of course, the homosexual lobby got their ultimate revenge when the Supreme Court struck down all constitutional restrictions over same-sex marriage in the Obergefell v Hodges decision.

But lest you think this is all about Prop 8, it certainly is not.

Conservative and even some liberal speakers are routinely dis-invited to College campuses when some "offended" group complains. Those that are allowed to speak encounter infantile disruptions by groups and individuals who attempt to shout them down. Even the Chancellor of Berkeley, Nicholas Dirks, whose liberal credentials we can assume are also impeccable, was prevented from holding a campus forum on Civility. "Civility? We don't need no stinking civility, we be college students." Unfortunately, this group of babies will one day be in leadership positions.

Riots in Berkeley over a scheduled talk by homosexual conservative Milo Yiannopoulos caused hundreds of thousands worth of damage and the same was promised if Ann Coulter was allowed to speak. She was given the opportunity to speak when few students would be available. She declined.

TV host and transgender-rights activist Janet Mock, conservative writer Ben Shapiro, Illinois state attorney Anita Alvarez, writer Charles Murray, Palestinian activist Bassem Eid, rapper Action Bronson, Massachusetts General Hospital physician Emily Wong, then CIA Director John Brennan, black conservative Jason Riley, and many, many others have all been uninvited to speak or disrupted when they tried.

One of the complaints of these children-in-adult-bodies is that they are only trying to stop "speech that hurts." The problem here is that, much to these people's chagrin, there is no constitutional right to not be hurt or offended by something. If you think you'll be offended by what someone has to say, don't go to hear them. As author Salman Rushdie points out, people who declare they were offended after reading a 600-page book "have done a lot of work to be offended."

We've all seen videos of the Townhall meetings disrupted by boos and catcalls when a Congressman says something the Left dislikes. If these people think their behavior is going to win them converts and grow their base, I think they have misjudged. As near as I can tell, such thuggish behavior only serves to further polarize a community.

Then there is the growing movement to shut down those who entertain reservations about climate-change and/or whether it is man-caused. Some state Attorneys General as well as the US Justice Department under Obama were talking about charging Exxon Corporation and individuals under the Racketeer Influenced and Corrupt Organizations Act, otherwise known as RICO. Their crime? Exercising their collective right to speak.

In the 1970s, scientists told us to fear global cooling and warned about the coming ice age. In 1970 alone, *The New York Times*, *The Washington Post*, *The Boston Globe* and the *Los Angeles Times* all published stories with headlines like [“Scientists See Ice Age in the Future.”](#) *Time* magazine’s cover story on [January 31, 1973](#) (still posted on the magazine’s [website](#)) was entitled: “The Big Freeze.” In the last two decades it was “global warming.” When that was disproven it became undefined “climate change.” What will “science” claim in 2030?

Next to feel the heat are those who choose to speak out about the risks of mandatory vaccinations.

[“Anti-Vaxxers... please die in a fire”](#) read one headline. A recent outbreak of measles among guests who had attended Disneyland created a stir. Of the 34 Disneyland guests who contracted measles and who reported their vaccination history, six said they had already been vaccinated against measles. Obviously measles vaccinations don’t always protect. Conversely, from 2004-2015, there were 108 deaths reportedly due to the vaccination itself.¹

Of course, we all remember the attempt by the Obama administration to keep the Tea Party movement from speaking out, or at least slow it down until after the 2012 election by delaying their tax-exempt applications at the IRS. The President blamed it on some overzealous Cincinnati staffers, which proved to be a bald-face lie after IRS emails were released. Lois Lerner remains uncharged.

Corporations that contribute to Republican politicians or conservative causes also become the target of intimidation. Here’s how it works:

The American Legislative Exchange Council provided Florida with model “Stand Your Ground” legislation, which Florida’s legislature passed. Trayvon Martin was killed accosting George Zimmerman and, due to Florida’s new “Stand your Ground” law, Zimmerman was not prosecuted. Thanks to Florida’s contribution disclosure laws, the leftist group *Color of Change* discovered that credit card company, Visa, Inc. contributed to ALEC. *Color of Change* then demanded that Visa stop contributing to ALEC or risk derogatory radio ads in the hometown of every Visa board member, holding each of them accountable for Martin’s death. Similar threat

¹ <http://healthimpactnews.com/2015/zero-u-s-measles-deaths-in-10-years-but-over-100-measles-vaccine-deaths-reported/>

letters were received at McDonald's, John Deere, Coca-Cola, Pepsi, Amazon, Wendy's and Proctor & Gamble -- ALEC contributors all. What message did this send?

Where disclosure laws exist, all this is completely legal -- unethical perhaps² -- but legal. Where such laws are lacking, the Left is usually successful in getting contributor lists leaked. Shutting down corporate "political speech" by reversing or nullifying *Citizens United* is a long-shot, so the Left intends to get all the mileage they can from intimidation. And since the high Court sustained the requirement for disclosure in the Bipartisan Campaign Reform Act of 2002, law at question in the case, the Left has all the information they need to inflict their favorite weapon. For more on the issue of the Court and anonymous "speech," my friend Rob Natelson has written [this great article](#).

Perhaps the most despicable action to suppress individual speech, actually just to punish those who hold different views and have the audacity to express them, has been the action taken against the Benham brothers whose TV show "Flip It Forward," was set to premiere on HGTV last October. The noble focus of the show was to help families purchase homes they otherwise could not afford. To punish David Benham for leading a 2012 prayer rally outside the Democratic National Convention and speaking his views on homosexuality, their show was cancelled when the homosexual lobby started calling.

Chip and Joanna Gaines, hosts of HGTV's popular "Fixer Upper" show, are under similar fire because their pastor preached that homosexuality is a sin, the implication being that if the Gaines attend that church they must feel the same way. And if they do they can't be allowed to succeed in cable TV. Of course, some on the Right pointed to a similar connection between Barack Obama and Reverend Jeremiah Wright; the Left saw no problem: Wright had it right.

Finally, the Left's war on "speech they find offensive" has been extended to individual *words*. Seattle police can no longer call suspects, "suspects" in their written reports, they must now be called: "community members." That is going to make for some absolutely hilarious police reports. In utopian Washington State, prisons are told to phase out the word "offender" and replace it with terms like "individual," "student," or "patient." In several states, most recently Pennsylvania, the word "sex" is being quietly and administratively redefined in the statutes to include "gender expression."

"When I use a word," Humpty Dumpty said in rather a scornful tone, 'it means just what I choose it to mean — neither more nor less.' 'The question is,' said Alice, 'whether you can make words mean so many different things.' 'The question is,' said Humpty Dumpty, 'which is to be master — that's all.'

² Got to be careful, the Right likes to pressure Leftist-cause contributors as well.

Some of this would be funny if it weren't so sad. Even sadder is the typical American who says nothing in the face of this blatant intimidation. The typical American doesn't speak out about much of anything, but some still feel strongly enough about an issue to support it financially. That is unlikely to continue once their cars are keyed or rocks thrown through windows -- message received loud and clear.

George Washington once said: "If freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter." Benjamin Franklin added: "Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech."

Conclusion: We need to nip this "war" in the bud.

Justice Oliver Wendell Holmes famously said that "Free speech does not give you the right to shout fire in a crowded theater." That's fine, I understand that there is a safety risk accompanying some speech. The problem today is that our entire society has been turned into a crowded theater, and talking about any controversial topic is equivalent to shouting "Fire."

Here are my suggestions:

- Read the books mentioned above.
- Search out other essays on the topic.
- Read and understand the Citizens United opinion, particularly Justice Thomas' concurring opinion.
- Fight against disclosure laws wherever they are proposed. Transparency is a worthy goal, but intimidation will be the result.
- Defend those who bravely speak the truth.
- Show up at Town Hall meetings, the other side will.

Yes, I think we can all agree that there is too much money in politics, but, like it or not, the Courts have found political contributions to be "speech," so we must consider all the second-order effects of "regulating" it. The Left has found intimidation to work, it will continue.

The Left's "War on Speech" must be vigorously opposed or soon the government will be telling you what you may say and what you may not. Is this the America we want? If it is not, we have some work to do.

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