



When Anti-Government Speech Becomes Seditious

Description

As the blade cuts in both directions, so does Free Speech and the First Amendment. It is there for all sides of the political spectrum to ensure a free market of ideas where people can make up their own minds instead of being forced or deceived into a certain mold. Tyranny always fills the vacuum left by the absence of Free Speech. ? TN Editor

Anti-government speech has become a four-letter word.

In more and more cases, the government is declaring war on what should be protected political speech whenever it challenges the government's power, reveals the government's corruption, exposes the government's lies, and encourages the citizenry to push back against the government's many injustices.

Indeed, there is a long and growing list of the kinds of speech that the government considers dangerous enough to red flag and subject to censorship, surveillance, investigation and prosecution: hate speech, conspiratorial speech, treasonous speech, threatening speech, inflammatory speech, radical speech, anti-government speech, extremist speech, etc.

Things are about to get even dicier for those who believe in fully exercising their right to political expression.

Indeed, the government's seditious conspiracy charges against Stewart Rhodes, the founder of Oath Keepers, and several of his associates for their alleged involvement in the January 6 Capitol riots puts the entire concept of anti-government political expression on trial.

Enacted during the Civil War to prosecute secessionists, seditious conspiracy makes it a crime for two or more individuals to conspire to "“overthrow, put down, or to destroy by force’ the U.S. government, or to levy war against it, or to oppose by force and try to prevent the execution of any law.”

It's a hard charge to prove, and the government's track record hasn't been the greatest.

It's been almost a decade since the government tried to make a seditious conspiracy charge

stick—against a small Christian militia accused of plotting to kill a police officer and attack attendees at his funeral in order to start a civil war—and it lost the case.

Although the government was able to show that the Hutaree had strong anti-government views, the judge ruled in *U.S. v. Stone* that “[O]ffensive speech and a conspiracy to do something other than forcibly resist a positive show of authority by the Federal Government is not enough to sustain a charge of seditious conspiracy.”

Whether or not prosecutors are able to prove their case that Rhodes and his followers intended to actually overthrow the government, the blowback will be felt far and wide by anyone whose political views can be labeled “anti-government.”

All of us are in danger.

In recent years, the government has used the phrase “domestic terrorist” interchangeably with “anti-government,” “extremist” and “terrorist” to describe anyone who might fall somewhere on a very broad spectrum of viewpoints that could be considered “dangerous.”

The ramifications are so far-reaching as to render almost every American *with an opinion about the government or who knows someone with an opinion about the government* an extremist in word, deed, thought or by association.

You see, the government doesn’t care if you or someone you know has a legitimate grievance. It doesn’t care if your criticisms are well-founded. And it certainly doesn’t care if you have a First Amendment right to speak truth to power.

What the government cares about is whether what you’re thinking or speaking or sharing or consuming as information has the potential to challenge its stranglehold on power.

Why else would the FBI, CIA, NSA and other government agencies be investing in corporate surveillance technologies that can mine constitutionally protected speech on social media platforms such as Facebook, Twitter and Instagram?

Why else would the Biden Administration be likening those who share “false or misleading narratives and conspiracy theories, and other forms of mis- dis- and mal-information” to terrorists?

According to the Department of Homeland Security’s terrorism bulletin, “[T]hreat actors seek to exacerbate societal friction to sow *discord and undermine public trust in government institutions* to encourage unrest, which could potentially inspire acts of violence.”

By the government’s own definition, America’s founders would be considered domestic extremists for the heavily charged rhetoric they used to birth this nation.

Thomas Jefferson and Benjamin Franklin would certainly be placed on a terrorist watch list for suggesting that Americans should not only take up arms but be prepared to shed blood in order to protect their liberties.

“What country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance. Let them take arms,” declared Jefferson. He also concluded that “the

tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.”

Observed Franklin: “Democracy is two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote!”

Thomas Paine, Marquis De Lafayette, John Adams and Patrick Henry would certainly be labelled domestic extremists for exhorting Americans to defend themselves against the government if it violates their rights.

“It is the duty of the patriot to protect his country from its government,” insisted Paine.

“When the government violates the people’s rights,” Lafayette warned, “insurrection is, for the people and for each portion of the people, the most sacred of the rights and the most indispensable of duties.”

Adams cautioned, “A settled plan to deprive the people of all the benefits, blessings and ends of the contract, to subvert the fundamentals of the constitution, to deprive them of all share in making and executing laws, will justify a revolution.”

And who could forget Patrick Henry with his ultimatum: “Give me liberty or give me death!”

Conduct your own experiment into the government’s tolerance of speech that challenges its authority, and see for yourself: stand on a street corner—or in a courtroom, at a city council meeting or on a university campus— and try denouncing the government with some of the founders’ rhetoric.

My guess is that you won’t last long before you get thrown out, shut up, threatened with arrest or at the very least accused of being a radical, a troublemaker, a sovereign citizen, a conspiratoralist or an extremist.

Or maybe you’ll just be fined.

It’s happening all across the country.

In Punta Gorda, Florida, for instance, two political activists were fined \$3000 for displaying protest flags with political messages that violated the city’s ordinance banning signs, clothing and other graphic displays containing words that the city deems “indecent.”

During the first month of the new ordinance being enacted, Andrew Sheets was cited four times by police for violating the ordinance by displaying phrases which said “F@#k Policing 4 Profit,” “F@#k Trump,” and “F@#k Biden.” Richard Massey was cited for violating the ordinance by displaying a sign which proclaimed, “F@#k Punta Gorda, trying to illegally kill free speech.”

Coming to the defense of the two activists, The Rutherford Institute challenged the City of Punta Gorda’s ban on indecent speech as unconstitutionally vague and a violation of the First Amendment’s safeguards for political speech that may not be censored or punished by the government.

We won the first round, with the Charlotte County Circuit Court ruling against the City, noting that the ordinance was “designed to cause the preemptive self-silencing of speakers whose messages are entitled to constitutional protection.”

In other words, as the court recognized, the ordinance was clearly designed to chill political speech, which is protected under the First Amendment.

You see, the right of political free speech is the basis of all liberty.

No matter what one's political persuasion might be, every American has a First Amendment right to protest government programs or policies with which they might disagree.

The right to disagree with and speak out against the government is the quintessential freedom.

Every individual has a right to speak truth to power using every nonviolent means available.

This is why the First Amendment is so critical. It gives the citizenry the right to speak freely, protest peacefully, expose government wrongdoing, and criticize the government without fear of reprisal.

Americans of all stripes would do well to remember that those who question the motives of government provide a necessary counterpoint to those who would blindly follow where politicians choose to lead.

We don't have to agree with every criticism of the government, but we must defend the rights of *all* individuals to speak freely without fear of punishment or threat of banishment.

This is how freedom rises or falls.

As comedian Lenny Bruce, a lifelong champion of free speech, remarked, "If you can't say 'F@#k' you can't say, 'F@#k' the government."

Bruce, foul-mouthed, insightful, irreverent, and incredibly funny, was one of the First Amendment's greatest champions who dared to "speak the unspeakable" about race, religion, sexuality and politics. As *Village Voice* writer Nat Hentoff attests, Bruce was "not only a paladin of free speech but also a still-penetrating, woundingly hilarious speaker of truth to the powerful and the complacent."

Bruce died in 1966, but not before being convicted of alleged obscenity for challenging his audience's covert prejudices by brandishing unmentionable words that, if uttered today, would not only get you ostracized but could get you arrested and charged with a hate crime.

Hentoff, who testified in Bruce's defense at his trial, recounts that Lenny used to say, "What I wanted people to dig is the lie. Certain words were suppressed to keep the lie going. But if you *do* them, you should be able to say the words."

Not much has changed in the 50-plus years since Bruce died. In fact, it's gotten worse.

What we're dealing with today is a government that wants to suppress dangerous words—words about its warring empire, words about its land grabs, words about its militarized police, words about its killing, its poisoning and its corruption—in order to keep its lies going.

What we are witnessing is a nation undergoing a nervous breakdown over this growing tension between our increasingly untenable reality and the lies being perpetrated by a government that has grown too power-hungry, egotistical, militaristic and disconnected from its revolutionary birthright.

The only therapy is the truth and nothing but the truth.

If the government censors get their way, there will be no more First Amendment.

There will be no more Bill of Rights.

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