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## **Courts Use Landmark Rulings to Restore Freedom to Act and Speak**

In the brief span of the two weeks the US court system has made four significant moves to restore freedom—economic and political. Three from the US Supreme Court and one from U.S. District Judge Terry Doughty of Louisiana. Together, they soundly reaffirm America's traditional founding principles of freedom, which had been seriously compromised.

The most significant from the Supreme Court dealt with placing limits on race and skin color as keys to preferential treatment. The ruling reaffirms the Declaration of Independence and the 14<sup>th</sup> Amendment.

In [\*Students for Fair Admissions v. Harvard\*](#) The Court reiterates the founding principle that all men are created equal under the law. The ruling clearly states:

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*Proposed by Congress and ratified by the States in the wake of the Civil War, the Fourteenth Amendment provides that no State shall “deny to any person . . . the equal protection of the laws.” Proponents of the Equal Protection Clause described its “foundation[al] principle” as “not permit[ing] any distinctions of law based on race or color.” Any “law which operates upon one man,” they maintained, should “operate equally upon all.” Accordingly, as this Court’s early decisions interpreting the Equal Protection Clause explained, the Fourteenth Amendment guaranteed “that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States.”*

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In [\*303 Creative v. Elenis\*](#) the Court ruled the law cannot compel a person to create something or express an opinion that is inconsistent with a person's beliefs. The ruling says:

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*The framers designed the Free Speech Clause of the First Amendment to protect the “freedom to think as you will and to speak as you think.” Boy Scouts of America v. Dale, 530 U. S. 640, 660–661 (internal quotation marks omitted). The freedom to speak is among our inalienable rights. The freedom of thought and speech is “indispensable to the discovery and spread of political truth.” Whitney v. California, 274 U. S. 357, 375 (Brandeis, J., concurring). For these reasons, “[i]f there is any fixed star in our constitutional constellation,” West Virginia Bd. of Ed. v. Barnette, 319 U. S. 624, 642, it is the principle that the government may not interfere with “an uninhibited marketplace of ideas,” McCullen v. Coakley, 573 U. S. 464, 476 (internal quotation marks omitted).*

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In [\*Biden v. Nebraska\*](#) the Court ruled the Administration had exceeded its power by significantly modifying the provisions of the student loan program. That power resides with Congress.

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Of all the recent rulings, perhaps the significant in terms of near-term implications is Judge Doughty's [judgment](#) preventing numerous White House officials and those at federal agencies from contacting social-media companies to suppress political views and other speech normally protected from government censorship.

The Judge's [preliminary injunction](#) in *Missouri v. Biden* condemns what Doughty refers to as a government Ministry of Truth, as depicted in the novel "1984" by George Orwell.. Court documents show just such a Ministry has been effectively operating under the Biden Administration. The injunction states:

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*This case is about the Free Speech Clause in the First Amendment to the United States Constitution. The explosion of social-media platforms has resulted in unique free speech issues— this is especially true in light of the COVID-19 pandemic. If the allegations made by Plaintiffs are true, the present case arguably involves the most massive attack against free speech in United States' history. In their attempts to suppress alleged disinformation, the Federal Government, and particularly the Defendants named here, are alleged to have blatantly ignored the First Amendment's right to free speech.*

*Although the censorship alleged in this case almost exclusively targeted conservative speech, the issues raised herein go beyond party lines. The right to free speech is not a member of any political party and does not hold any political ideology. It is the purpose of the Free Speech Clause of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of the market, whether it be by government itself or private licensee. Red Lion Broadcasting Co., v. F.C.C., 89 S. Ct. 1794, 1806 (1969).*

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*Plaintiffs allege that Defendants, through public pressure campaigns, private meetings, and other forms of direct communication, regarding what Defendants described as "disinformation," "misinformation," and "malinformation," have colluded with and/or coerced social-media platforms to suppress disfavored speakers, viewpoints, and content on social-media platforms. Plaintiffs also allege that the suppression constitutes government action, and that it is a violation Case 3:22-cv-01213-TAD-KDM Document 293 Filed 07/04/23 Page 2 of 155 PageID #: 26793 3 of Plaintiffs' freedom of speech under the First Amendment to the United States Constitution. The First Amendment states:*

*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof: or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (emphasis added),*

*The Plaintiffs are likely to succeed on the merits in establishing that the Government has used its power to silence the opposition. Opposition to COVID-19 vaccines; opposition to COVID-19 masking and lockdowns; opposition to the lab-leak theory of COVID-19; opposition to the validity of the 2020 election; opposition to President Biden's policies; statements that the Hunter Biden laptop story was true; and opposition to policies of the government officials in power. All were suppressed. It is quite telling that each example or category of suppressed speech was conservative in nature. This targeted suppression of conservative ideas is a perfect example of viewpoint discrimination of political speech. American citizens have the right to engage in free debate about the significant issues affecting the country.*

*Although this case is still relatively young, and at this stage the Court is only examining it in terms of Plaintiffs' likelihood of success on the merits, the evidence produced thus far depicts an almost dystopian scenario. During the COVID-19 pandemic, a period perhaps best characterized by widespread doubt and uncertainty, the United States Government seems to have assumed a role similar to an Orwellian "Ministry of Truth."<sup>721</sup>*

*The Plaintiffs have presented substantial evidence in support of their claims that they were the victims of a far-reaching and widespread censorship campaign. This court finds that they are likely to succeed on the merits of their First Amendment free speech claim against the Defendants. Therefore, a preliminary injunction should issue immediately against the Defendants as set out herein.*

*<sup>721</sup> An "Orwellian 'Ministry of Truth'" refers to the concept presented in George Orwell's dystopian novel, '1984.' In the novel, the Ministry of Truth is a governmental institution responsible for altering historical records and disseminating propaganda to manipulate and control public perception.*

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The US government will certainly appeal the decision in *Missouri v. Biden*. However, for now the *US Ministry of Truth* has been exposed, censored, and hopefully closed forever.

Is there hope for the nation? Yes!

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