

The *New York Times* attacks the First Amendment and embraces censorship of “disinformation”

Kevin Reed
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In a lengthy essay published on October 18, the *New York Times* has come out against free speech rights guaranteed by the First Amendment to the US Constitution and called for government censorship to stop the spread of “disinformation.”

The cover story, which appeared in the online edition of the *New York Times Magazine* under the headline, “The Problem with Free Speech in an Age of Disinformation,” was written by Emily Bazelon, a staff writer, who has also contributed to the *Atlantic*, *Vogue* and the *Washington Post*.

Bazelon states that the “problem with free speech” is that the “US is in the midst of an information crisis caused by the spread of viral disinformation.” She defines viral disinformation as “falsehoods aimed at achieving a political goal,” as opposed to misinformation that “refers more generally to falsehoods.”

While Bazelon never gets around to explaining precisely what the “political goal” of disinformation is, she presents the primary concern as being “the *overwhelming amount of information, the anger encoded in it — these all serve to create chaos and confusion and make people, even nonpartisans, exhausted, skeptical and cynical about politics.*” [Emphasis added].

In other words, Bazelon and the *New York Times* fear that the information available online today—especially on social media platforms—makes it possible for millions of people who are angry and politically alienated from the capitalist two-party system to seek a left-wing and socialist alternative to the Democrats and Republicans.

In a significant passage, Bazelon explains, “It’s an article of faith in the United States that more speech is better and that the government should regulate it as little as possible. But increasingly, scholars of constitutional law, as well as social scientists, are beginning to question the way we have come to think about the First Amendment’s guarantee of free speech. They think our formulations are simplistic—and especially inadequate for our era.”

Although they are hiding behind “scholars of constitutional law” and “social scientists,” Bazelon and the *Times*’ assault on the guarantee in the Bill of Rights that the government “shall make no law ... abridging the freedom of speech, or of the press” could not be clearer. They are stating that the free speech protections in the First Amendment are too “simplistic.” They are “inadequate” for the present day, and some speech must be censored.

In particular, Bazelon argues for suppressing speech “which may be doing more damage to the discourse about politics, news and science.” She continues: “It encompasses the mass distortion of truth and *overwhelming waves of speech from extremists* that smear and distract.” [Emphasis added].

Since her essay has been published by the Democratic Party-connected *Times*, readers may erroneously conclude that Bazelon is writing about the “extremists” among the far-right and fascistic supporters of Donald Trump and the Republican Party, who spread falsehoods about the deadly coronavirus pandemic and lies about mail balloting in the 2020 presidential election. However, while Bazelon is calling for censorship of the right wing, this is not her primary target.

In a veiled reference to left-wing criticism of the Democrats, Bazelon says that concerns about “overwhelming waves of speech from extremists” actually “spans the ideological spectrum.” Attempting to tie the growing popular support for socialism to ongoing and unsubstantiated claims of Russian interference in US elections, she writes that the problem of “troll armies,” including “a flood of commenters often propelled by bots,” are “grimly effective at muting critical voices.”

Who are these “critical voices” being “grimly” muted? They are none other than the corporate media establishment—including the *New York Times*—seeking to keep mass opposition to the fascistic Trump administration within the confines of the two-party system. For Bazelon and the *Times*, commenters who criticize the Democratic Party from the left must be labeled as “troll armies” and “bots,” who do not qualify for constitutionally protected free speech rights.

Attempting to justify her attack on these basic democratic rights, Bazelon quotes constitutional scholar Tim Wu of Columbia University, who recently wrote that “use of speech as a tool to suppress speech is, by its nature, something very challenging for the First Amendment to deal with.” Citing Wu, Bazelon writes that “perhaps our way of thinking about free speech is not the best way.”

She then goes on to argue that the previous democratic conception of “good ideas” winning out in the “marketplace of ideas” has been made obsolete by “unfettered speech.” The First Amendment was adequate as long as the distribution of news and information was controlled by a handful of newspaper publishers

and radio and television broadcasting companies within a government-regulated environment—but not anymore, she says.

The expansion of the internet “weakened media regulation” and enabled “a few American tech companies to become the new gatekeepers.” The US government gave “platforms like Google, Facebook and Twitter” too much freedom to do whatever they wanted. Rather than millions or billions of people participating in online political discussion in a “virtual public square,” Bazelon writes that the social media platforms have enabled an environment where “Lies go viral more quickly than true statements.”

In reality, the problem for Bazelon is not the promotion of lies and disinformation—something that the *New York Times* has specialized in for decades—but the promotion of the “wrong” information. This is a newspaper that has, for example, relentlessly promoted the massive lie of Russian interference in US elections going back to 2016 without ever presenting factual evidence to prove the allegation.

The *Times* was also a prime perpetrator of the lie of “weapons of mass destruction” that preceded the US invasion of Iraq in 2003. The newspaper has also supported the persecution and locking up of journalists who have exposed the lies and crimes of US imperialism, most notably Julian Assange.

One can assume that such falsehoods are considered by Bazelon to be “good ideas,” but woe to the “extremists” who expose these media lies and publish the truth online and on Twitter or Facebook.

The embrace of censorship by the *Times* comes as no surprise given the now infamous statement by the paper’s executive editor Bill Keller regarding First Amendment rights exactly one decade ago. On November 29, 2010, Keller wrote, “Freedom of the press includes freedom not to publish, and that is a freedom we exercise with some regularity.”

The fact is that the *New York Times* has emerged over the past four decades as the public relations arm of the CIA and the US military-intelligence state. Long gone are the days when the *Times* published the Pentagon Papers in 1971 and exposed the crimes of US imperialism in Southeast Asia and the unconstitutional actions of several US Presidents based on the principle that the press had a First Amendment right—and an obligation—to publish information that is significant to the public’s understanding of government policy.

Now, nearly fifty years later, with a few words changed here and there, the *Times*’ essay on the First Amendment is indistinguishable from a screed from a tsarist censor or the official pronouncement of the Inquisition. The fundamental position put forward is that the state, with the collaboration of online and social media tech companies through “banning” and “third party fact checking,” must determine what information is “true” or “false.”

This is the complete opposite of the meaning of the First Amendment, which holds that the people must decide what is “true information” and what is “disinformation” and the state must not interfere in this democratic process.

In wrapping up their brief for political censorship arising from “America’s information crisis,” the *Times* and Bazelon conclude by calling on federal, state and local government to fund corporate-

controlled newspapers and radio and TV stations. She also endorses various government actions being taken to censor online content.

These actions include the Trump administration’s effort to abolish Section 230 immunity, which protects online service providers from being prosecuted for content posted on their platforms by users, the House Judiciary Committee investigation into the antitrust practices of Amazon, Apple, Facebook and Google, and the anti-Chinese campaign for the divestiture of the short-form video-sharing platform TikTok from its Beijing-based owner ByteDance.

The open attack on free speech rights by the *New York Times* is consistent with its position last week when Facebook and Twitter both censored posts linked to an article in the *New York Post* about Democratic Party US presidential candidate Joseph Biden and his son. In an unprecedented act, Twitter shut down the *Post* account as well as that of White House Press Secretary Kayleigh McEnany and blocked all sharing of links to the *Post* article.

Although Twitter was forced to reverse itself, the *New York Times* refused to refer to the actions by the social media companies as censorship and argued that the accuracy of the *Post* article had not yet been established by “third party fact checkers.”

The fundamentally reactionary and undemocratic argument advanced by the *Times* and Bazelon is that the government and social media platforms must intervene online and establish for the public what are “good” and what are “bad” ideas. They claim that when “good ideas” of the ruling establishment are rejected as false as a result of online debate and commentary, the opposition views should be identified as harmful “unfettered speech” and blocked.

As we have maintained on the *World Socialist Web Site*, all censorship initiatives by the US government and social media platforms are ultimately directed against the development of socialist politics and organization within the working class. All factions of the ruling political establishment and the corporate media defend the capitalist system and have no problem spreading lies about history, war and the struggles of the international working class.

The attack by the *New York Times* on the First Amendment demonstrates that, should Joseph Biden succeed in defeating Donald Trump in the 2020 elections—and successfully remove him from the White House—a Democratic Party administration will extend the assault on democratic rights in the US that has been deepening over the past 25 years.



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