

How Important is Freedom of Speech?



By Paul Engel

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- Can we have public liberty without Freedom of Speech?
- New York State has passed a law coercing social media companies to act as censors for the state.
- Rumble Canada Inc., and Locals Technology Inc. have filed suit in federal court to defend Free Speech.

In 1722, under the name Silence Dogood, Benjamin Franklin wrote:

Without Freedom of Thought, there can be no such Thing as Wisdom; and no such Thing as publick Liberty, without Freedom of Speech;

[Silence Dogood, No. 8, 9 July 1722](#)

Why is freedom of speech so important? As Mr. Franklin stated, there is no such thing as public liberty without it, but what does that mean? Yes, without freedom of speech people cannot express themselves, but there's more. Without freedom of speech we would never be exposed to contradictory ideas, and we would never grow. The basis of the scientific method is the testing of contradictory ideas. So if freedom of speech is so important, why do people keep trying to shut it down? Take New York State's "Online Hate Speech Law". Why is the State of New York attempting to get social media networks to act as government censors for them?

There are plenty of misunderstandings around the First Amendment and the protections of Freedom of Speech. Have you ever taken the time to consider why this freedom is so important and what you would do to defend it?

As Benjamin Franklin said, there can be no public liberty without Freedom of Speech. Which is why all of the recent attacks on this right seems so egregious to me. In recent years, companies like Rumble and Locals Technology have emerged to provide a venue where free speech can thrive. When the State of New York decided to join the ever growing number of governments attempting to suppress this right, these two companies filed suit against the Attorney General of New York, Letitia James.

The State of New York has enacted a new law, slated to take effect

December 3, 2022, with one goal: to silence disfavored—but constitutionally protected—expression. New York General Business Law Section 394-ccc ostensibly targets “hateful conduct,” but in reality, regulates protected online speech that someone, somewhere perceives to “vilify, humiliate, or incite violence against a group or class of persons” based on race, color, religion, or other protected categories (the “Online Hate Speech Law”).

Rumble and Locals v. James – Complaint for Injunctive Relief

This law does not outlaw “hate speech”, but I believe there are other laws that do so. The Online Hate Speech Law is an attempt by the State of New York to conscript online platforms to suppress disfavored expression for them.

New York’s Online Hate Speech Law, titled “Social media networks; hateful conduct prohibited,” hangs like the Sword of Damocles over a broad swath of online services (such as websites and apps), threatening to drop if they do not properly address speech that expresses certain state-

disfavored viewpoints, as the state now mandates they must. In something of a First Amendment “double whammy,” the Online Hate Speech Law burdens the publication of disfavored but protected speech through unconstitutionally compelled speech—forcing online services to single out “hate speech” with a dedicated policy, a mandatory report & response mechanism, and obligatory direct replies to each report. If a service refuses, the law threatens New York Attorney General investigations, subpoenas, and daily fines of \$1,000 per violation.

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Most people detest certain ideas, but does that give them the right to prevent others from speaking? And just who decides what is “hate speech”? What is hateful and dangerous to you maybe quite acceptable to others. Do the people of New York really believe, after the last few years of COVID censorship, that the state will not use this law to their own political advantage?

There can be no reasonable doubt New York will enforce the Online Hate Speech Law to strong-arm online services into censoring protected speech. The Attorney General’s intentions, in fact, could not be clearer; as recited, for example, in an October press release, the Attorney General declared that “[o]nline platforms should be held accountable for allowing hateful and dangerous content to spread on their platforms” because an alleged “lack of oversight, transparency, and accountability of these platforms allows hateful and extremist views to proliferate online.”

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In the Attorney General’s own words, she expects online platforms to be held accountable not only for allowing speech she finds hateful, but for the spreading of information she finds dangerous. Can you think of a better example of the

suppression of freedom of speech, press, and even thought?

Freedom of Speech

Unlike the attorneys for Rumble and Locals, I recognize this is not a First Amendment issue. As I've pointed out repeatedly in this column, that amendment only protects you from federal abridgment of your free speech rights.

Congress shall make no law ... abridging the freedom of speech, or of the press;

U.S. Constitution, Amendment I

On the other hand, Article I, Section 8 of the constitution of the State of New York, is quite specific:

Every citizen may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Constitution of the State of New York – Article I, Section 8

If we had a functioning justice system, this case would have been decided almost immediately in any court within the State of New York. The Hate Speech Law's sole purpose is to restrain and abridge the liberty of both speech and press (since it expects online platforms to suppress both the spoken and written word). For that matter, if we had functioning constitutional governments, such legislation would never have seen the light of day.

New York cannot regulate disfavored online speech by compelling online services to "mouth support for views they find objectionable,"... in hopes of deterring or eliminating hate speech. Plaintiffs bring this lawsuit to vindicate their constitutional and statutory rights because the First Amendment does not tolerate efforts, like those of the State of New York, to "cleanse public debate."

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Because we don't have a functioning judicial system, neither do we have functional constitutional governments. Therefore, we must bow the knee and wait for the priests in black robes to offer their opinion, which most of the people will follow as if it were law. We can only hope the courts get it right this time.

Freedom of Thought

Since the 1960s, governments at all levels have been attempting to suppress ideas they find objectionable. Today, the thought of racially segregated restaurants is abhorrent to all but a tiny number of Americans. That is, it was until colleges and universities started offering segregated housing, activities, and even graduations. The problem with suppression of thought is, as Mr. Franklin pointed out, the lack of wisdom. Metaphorically sweeping aside ideas you don't like is equivalent to ignoring a bad tooth. You may not see it, but it's still there. The longer you ignore it, the greater the decay grows, the more pain it causes, while giving it an increased opportunity for infection to spread. Better to bring these ideas out into the sunlight, have an open debate about them, and show just how bad they are. In other words, the answer to "hate speech" is not less speech, but more. And as we are seeing not only in the education system, but in corporate America, pretending bad ideas aren't there gives these cancers an opportunity to metastasize in our society.

New York State is certainly not the first government to suppress ideas they do not like. I would have thought that the last three years of COVID censorship would have shown just how dangerous these thought police are. Now that the evidence is out that government health officials were wrong, the Ivermectin is an effective treatment for COVID-19 if used early, that the "vaccines" do not keep you from getting infected or spreading the virus, that locking down entire

communities when the people at serious risk were limited to a small demographic, was destructive not only to our economy, but to the education of the next generation. All of this information, including the evidence to back it up, was suppressed by government actors and their allies. How many people died because of lack of treatment? Or even worse, who died from the treatments used while the information about their dangers was also suppressed? How many family members died alone because government officials made decisions without all the available information? What will be the future impact of the suppression of the dangers of “vaccines” that were not legally vaccines, and were not properly tested for safety or efficacy, while people were illegally coerced into using them? We may never know the true cost of this suppression of public liberty.

Limits on Free Speech

Many people claim that Freedom of Speech is not absolute, and in a way, they are correct. Look again at Article I, Section 8 of the New York State Constitution:

Every citizen may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Constitution of the State of New York – Article I, Section 8

You are free to speak, write, or publish all you want, but you are responsible for the abuse of that right. This is where we get the oft misquoted “Fire in a crowded theater” opinion. The Supreme Court never said the First Amendment prohibited shouting fire in a crowded theater, only that it was not a defense for falsely doing so. The same holds true for perjury. You cannot claim Freedom of Speech as a defense for lying under oath. So what are the limits on Freedom of Speech? Let’s look at the rest of the quote from Mr. Franklin.

Without Freedom of Thought, there can be no such Thing as Wisdom; and no such Thing as publick Liberty, without Freedom of Speech; which is the Right of every Man, as far as by it, he does not hurt or controul the Right of another: And this is the only Check it ought to suffer, and the only Bounds it ought to know.

[Silence Dogood, No. 8, 9 July 1722](#)

Like any other right, the only limits we should put on Freedom of Speech is that it not be used to hurt or control another. This is the logic behind slander, defamation, and perjury laws; they actually hurt another. I'm sure someone will say, "But Paul, hate speech hurts other people." Does it really? Yes, it may hurt your feelings, but are you truly harmed by it? When I was a child, we had a saying about that. "Stick and stones may break my bones, but words will never hurt me." Calling someone an evil name may be unpleasant, but it doesn't stop you from getting a job or living your life. Using your freedom of speech to encourage others to suppress that freedom for others does control them, and should not be allowed.

Conclusion

To quote Noah Webster in his 1828 dictionary:

Civil liberty is the liberty of men in a state of society, or natural liberty so far only abridged and restrained, as is necessary and expedient for the safety and interest of the society, state or nation.

[Webster's 1828 Dictionary](#)

In other words, liberty is the state where you can live your life as you see fit without unnecessary external influence. If we all lived our lives at liberty, allowing others the liberty to do the same, then things would be messy, but the infections would be brought to light and could be dealt with. However, liberty is the exact opposite of what the State of New York is

doing with this Online Hate Speech Law. As Mr. Webster continued in his definition of civil liberty:

A restraint of natural liberty not necessary or expedient for the public, is tyranny or oppression.

[Webster's 1828 Dictionary](#)

You may think the forceful suppression of hate speech is necessary for the public. I beg to differ, and I believe history shows me to be correct. Have you thought about what would happen should your views be deemed "hate speech"? To paraphrase Jesus in the Gospel of Matthew, "He who lives by tyranny shall die by oppression."

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