

We Still Have a 14th Amendment, but Do We Have a First?



By Steven Yates

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The Strange Case of Douglass Mackey

Douglas Mackey, an ordinary guy with a degree from Middlebury College in his native Vermont, might be on his way to prison. His “crime”: making fun of Hillary Clinton and Clinton voters on Twitter back in 2016.

He was taken into custody by the FBI exactly seven days after Joe Biden’s inauguration in 2021 – almost five years later – and not told why.

Welcome to the New Normal, an era of events you couldn’t make up if you tried.

Tucker Carlson, ever the intrepid media counter-elite since his ousting from controlled opposition Fox News, [recently talked to Mackey](#) on *Tucker on X* (formerly Twitter).

Who is he? He’d been working as an economic researcher in New York. He was posting pro-Trump memes, links to articles, etc., under a Twitter screen name.

Mackey seems to exemplify the sort of guy I’ve talked about: someone for whom all the official ruling elite narratives had collapsed – lost all credibility – and to whom Donald Trump

therefore appealed as “a breath of fresh air.”

He simply assumed he had rights under the First Amendment, i.e., to criticize, or make fun of, a member of America’s ruling class. Or anyone still naïve enough to vote for them.

Hillary is as ruling class as it gets.

Mackey posted a meme addressed to Hillary votes stating that they could text their votes to a certain number.

The meme read, word-for-word: “Save time, avoid the line, vote from home; text ‘Hillary’ to 59925 and we’ll make history together.”

He didn’t create it but found it: one of several such memes then floating around online.

He told Tucker it was intended as a joke, an expression of a kind of dry humor too subtle for our ruling class and its foot soldiers.

On national television, Hillary called it “a very deliberate effort to mislead people about where and how to vote ... going from speech to action meant to subvert the election ...”

Algorithms, she said, sent the meme to thousands of people who, she assumes, doubtless unintentionally, were too stupid to get the joke. (Did she honestly think Mackey controlled algorithms on Twitter?)

This, from the person who supported the largest election subversion effort in U.S. history: the Russiagate hoax. British intel operative Christopher Steele – architect of the infamous Steele Dossier – turned out to be working for her, after all.

Given that he’d used a screenname, how did anyone find out his identity? He related to Tucker how he’d been doxed by a reporter at leftist HuffPo who had contacts inside the

Twitterverse, which at the time was still mostly a hard left echo chamber.

Mackey related how four FBI agents and six police officers awakened him banging on his door at 7 am one week after Biden's inauguration, without any prior warning. He was handcuffed and forcibly taken into custody, and not told what the charges against him were. Still pondering what he could possibly have done, he was put in leg irons in jail. Because of pandemic (covid) restrictions he interacted with a public defender on Zoom. Seems the public defender didn't know the charges, either.

He was in disbelief when he found out at his arraignment what they were.

That this had something to do with his posting a meme that made fun of Hillary voters had never occurred to him. Especially as four years had elapsed.

But Democrats were back in control of the Executive Branch. That meant the ruling class was back in power.

The political environment was *very* highly charged, moreover. January 6, which the ruling class and its controlled media were already branding an "insurrection," were fresh in everybody's minds. The Asylum on the Potomac had been turned into an armed camp, we were told, to protect the newly instilled regime from the thousands of "white nationalists" elite-controlled media said was out there ... somewhere.

Mackey relates how he was arraigned, released on bond, then put out on the street. He had to get home on his own, twenty miles away, in the middle of a big city. He didn't have his wallet or his phone. He'd been told, crazily, "You won't need those."

As the case worked its way through the courts, he assumed he'd be found innocent, but in March this year he was convicted of

– are you sitting down? – [“Conspiracy Against Rights stemming from a scheme to deprive individuals of their constitutional right to vote.”](#)

So-called “fact checkers” insist that this case isn’t about Mackey’s right to free speech, about his use of the meme itself, but rather about his purposefully putting out inaccurate voting information that crossed the legal line.

While contending that some 4,900 texts had gone to that number (59925), the court couldn’t find anyone able to testify to actual harm, of having been deprived of their right to vote.

A jury thus found him guilty on the basis of ... nothing!

There was no harm done, nor malicious intent.

Leftists don’t require themselves to produce substantive *evidence*, of course. Ruling elites don’t base their authority on evidence. They do what they do *because they can*.

And they assume they can get inside the heads of those they accuse, psychoanalyze them, divine their motives. I’ve seen this over and over. This is the basis of the claim that all white men who criticize affirmative action are closet racists and misogynists.

Only conservatives are told that their claims about, say, a stolen election, are “baseless” and “without evidence.” And then called *election deniers*.

The legal eagles in Brooklyn had found twelve people who would convict based on a fabrication: that Mackey had conspired with other “Twitter influencers” to deceive Hillary voters and thus interfered with the election.

He was at risk of going to prison for a maximum ten years!

In October he was sentenced to seven months.

Leftists are celebrating his conviction and prospective imprisonment!

Another “defeat” for a Trump supporter!

Mackey has appealed, obviously. Unsurprisingly, he’s short on cash and having to [crowdfund](#).* The entire episode, beginning with his doxing by HuffPo, has been extremely stressful on him and on his family.

In his Tucker Carlson interview, he was remarkably stoic. “No use for self-pity,” he says near the end. His dry sense of humor has doubtless helped him immensely.

But this is the New Normal we’ve all having to navigate in various ways. Someone who had supported Trump by poking fun of one of the left’s heroes, Hillary Clinton (or her voters), is threatened with immanent jail time for spreading “election misinformation.”

Do Americans even still *have* a meaningful First Amendment?

Trump’s criticisms of the 2020 election, as well as those that came from his legal orbit back then, are being held against him in the Democrat-controlled (i.e., ruling class controlled) courts – in the Asylum on the Potomac and its branches in New York and down in Atlanta.

Even a former President of the United States isn’t afforded First Amendment protections.

Controlled corporate media outlets (*The New York Times*, the *Washington Post*, CNN, ABC, NBC, NPR, HuffPo, Salon, *Time*, *The Atlantic Monthly*, *The Los Angeles Times*, *The Atlanta Journal-Constitution*, the *Miami Herald*, and countless others) have spilled gallons of ink and used equivalent bandwidth space trying to foment abject terror of a Trump 2.0 administration that would begin on Monday, January 20, 2025.

It will be authoritarian, autocratic, proto-fascist, or full-

on fascist, etc., etc., they shriek. It will “end our country as we know it,” Hillary recently [warned hysterically](#).

You’re not supposed to notice that if you’re in the U.S. you’re living under an authoritarian regime *now*, under political-economic ruling elites that have largely gutted the right to free speech both online and offline. The ruling class has similarly gutted freedom of assembly (as when parents are arrested at school board meetings and threatened with domestic terrorism charges for protesting their kids being “educated” about transgenderism); the right of those accused to be informed of the accusations against them and allowed to confront their accusers without being railroaded; the right to privacy and security in their homes; and many more.

The Bill of Rights, a correspondent angrily told me a couple of weeks ago, is dead! America is a *de facto* police state!

But we *do* have a 14th Amendment! Attempts to have Trump’s name removed from state ballots are failing, one by one. They’ve failed (so far!) in both [Minnesota](#) and [Michigan](#). Last Friday, a Colorado judge [refused to remove Trump’s candidacy, but still endorsed the official narrative that Trump fomented an insurrection](#). That leaves the door open for [appeals by leftist groups](#) trying to block the one person who poses an existential threat to their cultural dominance and ruling elitism generally.

No one in his right mind thinks this battle is over.

It’s a cliché that those who play with fire sometimes get burned. I’ll only say that if any such effort succeeds, anywhere, it could lead to a social explosion. I sometimes think that’s what the left wants. Especially when the candidate the left wants to block is leading the field for the opposition party.

Oh, I missed something earlier.

[This](#), posted to Twitter on Election Morning, November 8, 2016, from someone going by the name Kristina Wong. She is posing as a Trump supporter, wearing a MAGA hat. “Hey Trump supporters!” the text portion of the tweet reads. “Skip poll lines at #Election2016 and TEXT in your vote! Text votes are legit. Or vote tomorrow on Super Wednesday!” In a video she says to vote for Trump that day (not Tuesday!).

I thought the case against Mackey was based on text votes *not* being “legit.”

Wong – or whatever her real name is – not only has *not* been arrested and charged for trying to “mislead” Trump voters or on some other “election subversion” charge, she has not even been ordered to remove the tweet, which remains online for all the world to see!

The cynicism and hypocrisy of leftists never ceases to stagger me. You’d think I’d get used to it.

*Warning: on attempting to access Mackey’s crowdfunding page the antivirus software on my laptop responded with a garish RISKY SITE warning. That’s the sort of thing that will discourage most would-be visitors from accessing the site. I wonder if even antivirus software firms are now owned subsidiaries of the ruling class. Who knows?

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Decline of the America Republic (2011) is available [here](#).

While admittedly the real world can be scary enough, my novel of cosmic horror *The Shadow Over Sarnath* [has just been published](#). To learn more, or to read a few fragments, feel free to shoot me an email.