



Written by [John and Nisha Whitehead](#) on April 26, 2023

The War on Free Speech Is Really a War on the Right to Criticize the Government

[“Since when have we Americans been expected to bow submissively to authority and speak with awe and reverence to those who represent us?”](#)

The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents. We who have the final word can speak softly or angrily. We can seek to challenge and annoy, as *we need not stay docile and quiet.*—

Justice William O. Douglas



John Whitehead

Absolutely, there is a war on free speech.

To be more accurate, however, the war on free speech is really a war on the right to criticize the government.

Although the right to speak out against government wrongdoing is the quintessential freedom, every day in this country, those who dare to speak their truth to the powers-that-be find themselves censored, silenced or fired.

Indeed, those who run the government don't take kindly to individuals who speak truth to power.

In fact, the government has become increasingly intolerant of speech that challenges its power, reveals its corruption, exposes its lies, and encourages the citizenry to push back against the government's many injustices.

This is nothing new, nor is it unique to any particular presidential administration.

For instance, as part of its campaign to eradicate so-called “disinformation,” the Biden Administration likened those who share [“false or misleading narratives and conspiracy theories, and other forms of mis- dis- and mal-information”](#) to terrorists. This government salvo against consumers and spreaders of “mis- dis- and mal-information” widens the net to potentially include anyone who is exposed to ideas that run counter to the official government narrative.

In his first few years in office, President Trump declared the media to be [“the enemy of the people,”](#) and suggested that [protesting should be illegal](#) and that NFL players who kneel in protest during the national anthem [“shouldn't be in the country.”](#)

Then again, Trump was not alone in his presidential disregard for the rights of the citizenry, especially as it pertains to the right of the people to criticize those in power.

President Obama [signed into law anti-protest legislation that makes it easier for the government to criminalize protest activities](#) (10 years in prison for protesting anywhere in the vicinity of a Secret Service agent). The Obama Administration also waged a war on whistleblowers, which *The Washington*



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Post described as “[the most aggressive I’ve seen since the Nixon administration](#),” and “[spied on reporters by monitoring their phone records](#).”

Part of the Patriot Act signed into law by President George W. Bush made it [a crime for an American citizen to engage in peaceful, lawful activity on behalf of any group designated by the government as a terrorist organization](#). Under this provision, even filing an amicus brief on behalf of an organization the government has labeled as terrorist would constitute breaking the law.

President Franklin D. Roosevelt authorized the FBI to censor all news and control communications in and out of the country in the wake of the attack on Pearl Harbor. Roosevelt also signed into law the Smith Act, which made it a crime to advocate by way of speech for the overthrow of the U.S. government by force or violence.

President Woodrow Wilson signed into law the Espionage and Sedition Acts, which [made it illegal to criticize the government’s war efforts](#).

President Abraham Lincoln [seized telegraph lines, censored mail and newspaper dispatches, and shut down members of the press](#) who criticized his administration.

In 1798, during the presidency of John Adams, Congress passed the Alien and Sedition Acts, which made it a crime to “write, print, utter or publish ... any false, scandalous, and malicious” statements against the government, Congress or president of the United States.

Clearly, the government has been undermining our free speech rights for quite a while now.

Good, bad or ugly, it’s all free speech unless as defined by the government it falls into one of the following categories: obscenity, fighting words, defamation (including libel and slander), child pornography, perjury, blackmail, incitement to imminent lawless action, true threats, and solicitations to commit crimes.

This idea of “dangerous” speech, on the other hand, is peculiarly authoritarian in nature. What it amounts to is speech that the government fears could challenge its chokehold on power.

The kinds of speech the government considers dangerous enough to red flag and subject to censorship, surveillance, investigation, prosecution and outright elimination include: hate speech, bullying speech, intolerant speech, conspiratorial speech, treasonous speech, threatening speech, incendiary speech, inflammatory speech, radical speech, anti-government speech, right-wing speech, left-wing speech, extremist speech, politically incorrect speech, etc.

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 recite some of the rhetoric used by the likes of Thomas Jefferson, Patrick Henry, John Adams and Thomas Paine without referencing them as the authors.

For that matter, just try reciting the [Declaration of Independence](#), which rejects tyranny, establishes Americans as sovereign beings, recognizes God (not the government) as the Supreme power, portrays the government as evil, and provides a detailed laundry list of abuses that are as relevant today as they were 240-plus years ago.

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 conspiratorialist or an



extremist.

Try suggesting, as Thomas Jefferson and Benjamin Franklin did, that Americans should not only take up arms but be prepared to shed blood in order to protect their liberties, and you might find yourself placed on a terrorist watch list and vulnerable to being rounded up by government agents.

"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!"

Better yet, try suggesting as Thomas Paine, Marquis De Lafayette, John Adams and Patrick Henry did that Americans should, if necessary, defend themselves against the government if it violates their rights, and you will be labeled a domestic extremist.

"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!"

Then again, perhaps you don't need to test the limits of free speech for yourself.

One such test is playing out before our very eyes on the national stage led by those who seem to believe that only individuals who agree with the government are entitled to the protections of the First Amendment.

To the contrary, James Madison, the father of the Constitution, was very clear about the fact that the First Amendment was established [to protect the minority against the majority](#).

I'll take that one step further: the First Amendment was intended to protect the citizenry from the government's tendency to censor, silence and control what people say and think.

Having lost our tolerance for free speech in its most provocative, irritating and offensive forms, the American people have become easy prey for a police state where only government speech is allowed.

You see, the powers-that-be understand that if the government can control speech, it controls thought and, in turn, it can control the minds of the citizenry.

This is how freedom rises or falls.

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.

Never forget: what the architects of the police state want are submissive, compliant, cooperative, obedient, meek citizens who don't talk back, don't challenge government authority, don't speak out against government misconduct, and don't step out of line.



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What the First Amendment protects—and a healthy constitutional republic requires—are citizens who routinely exercise their right to speak truth to power.

Tolerance for dissent is vital if we are to survive as a free nation.

While there are all kinds of labels being put on so-called “unacceptable” speech today, the real message being conveyed by those in power is that Americans don’t have a right to express themselves if what they are saying is unpopular, controversial or at odds with what the government determines to be acceptable.

By suppressing free speech, the government is contributing to a growing underclass of Americans who are being told that they can’t take part in American public life unless they “fit in.”

Mind you, it won’t be long before anyone who believes in holding the government accountable to respecting our rights and abiding by the rule of law is [labeled an “extremist,”](#) is relegated to an underclass that doesn’t fit in, must be [watched all the time](#), and is rounded up when the government deems it necessary.

It doesn’t matter how much money you make, what politics you subscribe to, or what God you worship: as I make clear in my book [Battlefield America: The War on the American People](#) and in its fictional counterpart [The Erik Blair Diaries](#), we are all potential suspects, terrorists and lawbreakers in the eyes of the government.

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