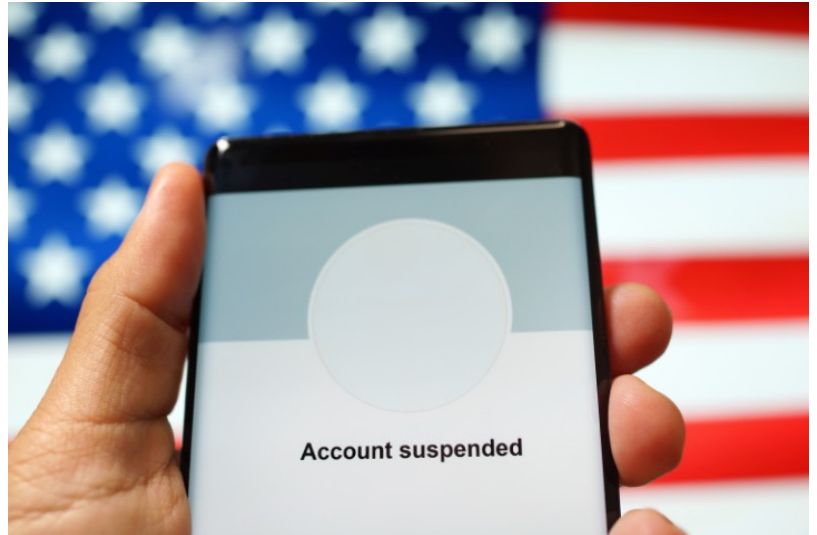




Written by [Joe Wolverton, II, J.D.](#) on November 8, 2023

Biden and Big Tech Unconstitutionally Collude to Censor Conservative Speech Online

Should ye set an oligarchy of twenty engrossers [censors] over us, to bring a famine upon our minds again, when we shall know nothing but what is measured to us by their bushel? Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties. — John Milton, *Areopagitica* (1644)



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On November 6, House Judiciary Committee Chairman Jim Jordan (R-Ohio) exposed on X (formerly Twitter) how Big Tech and the federal government conspired to censor conservative content online, revealing how the Election Integrity Partnership (EIP), initiated by the Cybersecurity and Infrastructure Security Agency (CISA), targeted prominent Republicans and conservative figures for censorship. This selective silencing by the Biden Administration and Big Tech, as Jordan highlighted, undermines the freedom of speech safeguarded by the First Amendment.

“The federal government, disinformation ‘experts’ at universities, Big Tech, and others worked together through the Election Integrity Partnership to monitor & censor Americans’ speech,” Jordan revealed.

Although not surprising, it’s worth reporting that Republican and conservative accounts singled out by the Biden administration and Big Tech for censorship greatly outnumbered those of Democratic and liberal accounts whose posts were censored by EIP.

The particulars of this disturbing conspiracy of government and tech giants will be covered by other writers; I’ll examine the story through a constitutional lens.

If the president and his administration are colluding with private companies to impose prior restraint on posts they disagree with or to otherwise censor posts promoting people or policies contrary to the White House’s agenda, there is little doubt that the administration is involved in limiting free speech, a right essential to liberty and expressly protected from federal interference by the First Amendment.

The First Amendment reads, in relevant part: “Congress shall make no law... abridging the freedom of speech, or of the press....”



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When the federal government — whose sole purpose is the protection of liberty — works to destroy liberty, then genuine questions of legitimacy arise, as was explained in the Declaration of Independence:

That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Later, during the first Congress, James Madison, when proposing the amendment that would become the First Amendment, pretty clearly expressed the primacy of freedom of speech and of the press in the United States. On June 8, 1789, Madison declared:

The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.

Inviolable. Not inviolable unless it might expose the president to criticism or weaken his chances of re-election or promote better ideas put forward by political rivals of the regime.

For the federal government to violate the rights to a free press and free speech — liberties described as the “choicest privileges of the people” — is to place government — the servants of the people and protector of their life, liberty, and property — in enmity to the people and to the republican form of government guaranteed by Article IV of the Constitution.

The truth has nothing to fear from attack. In fact, the truth is strengthened by attack, as such attacks provide opportunities to draw the attention of doubters to the truth, some of whom could be converted simply through the added exposure to it.

That is precisely why, historically speaking, government has sought to gag its opponents: to keep the latter from exposing the lies being told by the former.

In a speech to the Virginia General Assembly delivered in 1799, James Madison warned what would happen should we simply excuse or ignore that the president and agencies in his administration have colluded with technology companies to censor the speech of certain Americans:

Remember that precedents once established are so much positive power; and that the nation which reposes on the pillow of political confidence, will sooner or later end its political existence in a deadly lethargy. Remember, also, that it is to the press mankind are indebted for having dispelled the clouds which long encompassed religion, for disclosing her genuine luster, and disseminating her salutary doctrines.

Historically, when politicians violate the constitutional limits of their authority without any accountability, they will carry on exercising that usurped power and privilege until successfully challenged by the people. In contrast, a free society demonstrates its freedom through the ability to speak openly and hold leaders accountable for their harmful and deceitful acts.

We live in a time where social media platforms such as Facebook are many people’s source of news and



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information — reliable or unreliable — and to seek to control the content posted on those platforms unquestionably has a constitutionally forbidden chilling effect on others who might otherwise post or publish their own opposition to government policies.

Nowhere is the value of a free press (of which, obviously, social media forms a significant part) expressed more clearly or more convincingly than in these words written by David Hume in his essay “Of the Liberty of the Press,” published in 1741 and again in 1777:

It is seldom that liberty of any kind is lost all at once. Slavery has so frightful an aspect to men accustomed to freedom that it must steal in upon them by degrees and must disguise itself in a thousand shapes in order to be received. But if the liberty of the press ever be lost, it must be lost at once. Nothing can impose a further restraint but either the clapping an imprimatur upon the press or the giving very large discretionary powers to the court to punish whatever displeases them. But these concessions would be such a barefaced violation of liberty that they will probably be the last efforts of a despotic government.

The censorship efforts revealed by Representative Jordan confirm a troubling pattern by the Biden administration to silence opposition, a clear breach of their constitutional obligations. This trajectory towards tyranny must be checked by public vigilance and accountability to preserve the foundational principles of the Constitution and the freedoms it upholds.



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