



Written by [Bob Adelman](#) on March 22, 2021

Federal Judge Challenges Supreme Court's "Infallibility"

Federal Appeals Court Judge Laurence Silberman, in a dissent in an obscure case on Friday, [challenged](#) the "infallibility" of the Supreme Court. Because of a ruling the high court made in 1964, politicians or those running for any political office in the land cannot win a defamation lawsuit. This has consequently allowed media giants to become promoters of a party line without worrying over negative repercussions. They have instead become a transmission belt of leftist propaganda.



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According to Silberman, that ruling — *New York Times v. Sullivan* — has unleashed the media's bias against Republicans and the Republican Party, and has turned them into propaganda mouthpieces for the Left:

Although the bias against the Republican Party ... is rather shocking today, this is not new; it is a long-term, secular trend going back to at least the '70s....

Two of the three most influential papers ... *The New York Times* and *The Washington Post* ... are virtually Democratic Party broadsheets.

And the news section of *The Wall Street Journal* leans in the same direction.

The orientation of these three papers is followed by The Associated Press and most large newspapers across the country (such as the *Los Angeles Times*, *Miami Herald*, and *Boston Globe*.)

Nearly all television — network and cable — is a Democratic Party trumpet. Even the government-supported National Public Radio [NPR] follows along.

Silicon Valley is just as guilty, wrote the judge:

As has become apparent, Silicon Valley also has an enormous influence over the distribution of news. And it similarly filters news delivery in ways favorable to the Democratic Party.

This has enormous political ramifications:

There can be little question that the overwhelming uniformity of news bias in the United States has an enormous political impact.... The press and media do not even pretend to be neutral news services.

Such control of the flow of news has totalitarian implications as well:

It should be borne in mind that the first step taken by any potential authoritarian or



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dictatorial regime is to gain control of communications, particularly the delivery of news.

All of which flows not just from a flawed decision by the Supreme Court, but the flow of other extra-constitutional decisions since then that have all but shut down reasonable and rational discussion of political issues.

In that 1964 decision — *New York Times Co. v. Sullivan* — the high court ruled:

The constitutional guarantees require, we think, a Federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with “actual malice” — that is, with knowledge that it was false or with reckless disregard of whether it was false or not.

That artificial barrier erected unconstitutionally by the Supreme Court has made it virtually impossible for politicians or those running for political office to sue successfully in a defamation lawsuit. So, the media has run free of any restraints imposed by the courts and engages regularly in character attacks on prominent individuals with whom they disagree with impunity.

The Supreme Court ruling in 1964 was not the first time the court made up rules out of whole cloth. In its unanimous ruling 10 years earlier, in *Brown v. Board of Education of Topeka*, the court simply declared, without constitutional justification, that state laws establishing racial segregation in public schools are unconstitutional. As abhorrent as those state laws were, there is nothing in the federal constitution that addresses the issue. It was a state matter, to be decided at the state level.

But once that door was opened, once that bridge was crossed, the court found it ever easier to make up rights and rules and announce decisions with little if any attention to what the Constitution said or didn't say.

Here's why Silberman's ruling is so important. In *Roe v. Wade*, the high court created a constitutional right for a pregnant woman to kill her child while still in the womb. Instead of the womb being the safest place in the world for an infant to reside prior to birth, it has become the most dangerous. The womb is now the killing field in America, with more than 60 million souls having been murdered since that ruling in 1973.

As Andrea Widburg wrote in *American Thinker*: “The Supreme Court ... is not God's representative on earth.... It's a collection of lawyers, with those from the left being highly politicized. These lawyers ... pretend that they are ... infallible, making their decisions indistinguishable from the Constitution itself — and as unassailable.”

Silberman's challenge reminds one of a parables by Hans Christian Andersen, namely, “The Emperor's New Clothes”:

So off went the Emperor in procession under his splendid canopy. Everyone in the streets and the windows said, “Oh, how fine are the Emperor's new clothes! Don't they fit him to perfection? And see his long train!” Nobody would confess that he couldn't see anything, for that would prove him either unfit for his position, or a fool. No costume the Emperor had worn before was ever such a complete success.

“But he hasn't got anything on,” a little child said.



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“Did you ever hear such innocent prattle?” said its father. And one person whispered to another what the child had said, “He hasn’t anything on. A child says he hasn’t anything on.”

It took just one voice to awaken the crowd:

“But he hasn’t got anything on!” the whole town cried out at last.

Silberman’s dissent in an obscure case has gotten massive public attention and coverage. Perhaps his voice isn’t the only one challenging the black-robed lawyers sitting on the high court pretending that they are infallible. One can dream of the time in the very near future when the ruling in *Roe v. Wade* is overturned and the nation can repent of its sins of murdering 60 million of its own based on that unholy and grievously flawed ruling nearly 50 years ago.



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