

The conservative assault on civil liberties

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April 22, 2021

These complaints were always palpably ridiculous. But now we see conservatives' true colors on civil liberties. Private companies have criticized Republican efforts to set up one-party rule, while individuals have protested police brutality en masse. In response, conservatives are rushing to use state power to suppress their opponents' constitutional rights.

One target has been the corporations and corporate executives who have issued statements condemning the new Republican vote suppression law in Georgia. Sens. Cruz, Hawley, Marco Rubio (R-Fl.), Marsh Blackburn (R-Tenn.) and Mike Lee (R-Utah) introduced a bill to revoke Major League Baseball's antitrust exemption as an explicit punishment for moving its All-Star game from Georgia to Colorado over the Georgia law. Georgia Republicans attempted to repeal a fuel tax break for Delta for the same reason. In a recent Fox News op-ed, Sen. Rick Scott (R-Fl.) darkly threatened MLB and Delta that they would pay after the upcoming midterms. "There is a massive backlash coming. You will rue the day when it hits you. That day is November 8, 2022," he wrote.

Now, the idea of a corporation having the same constitutional rights as a real person is rather bizarre. But that is how conservatives on the Supreme Court have interpreted the Constitution, because they perceived a partisan advantage in allowing corporations to meddle in politics — in particular, they rightly assumed the bulk of corporate donations would flow to to Republicans. Now that a few corporations are (largely ineffectually) interfering with conservatives' schemes to overturn democracy, Republicans did an instant about-face on corporate power — not trying to genuinely reduce that power by raising the corporate tax rate, but by trying to bully big business back into the GOP corner.

Even if Republicans did suddenly agree that corporations should not have unlimited "free speech" rights to spend money in politics, companies certainly still have the right under the First Amendment to issue press releases on political issues, or to move business activities on political grounds. Attacking MLB with the *explicit* justification of punishing it over a political disagreement is a flagrant violation of First Amendment jurisprudence.

Much more troubling is the recent slew of anti-protest laws at the state level. The New York Times reports: "Republicans responded to a summer of protests by proposing a raft of punitive new measures governing the right to lawfully assemble. G.O.P. lawmakers in 34 states have introduced 81 anti-protest bills during the 2021 legislative session."

This includes several laws limiting legal liability for people who run over protesters with their car, as well as stiff penalties for protesters who violate these laws, which have absurdly narrow qualifications. In Florida, a "riot" is now when just *three* or more people "commit a

breach of the peace," and people can face a third-degree felony, five years in prison, and permanent disenfranchisement for merely being *present* at a protest if someone else commits violence there.

It would be hard to think of a more obvious example of why the First Amendment protects "the right of the people peaceably to assemble, and to petition the government for a redress of grievances" than the George Floyd protests. They represented entirely justifiable outrage over a cold-blooded murder, committed by an agent of the state in broad daylight, all captured on video. The protests were overwhelmingly peaceful, and a great deal of the violence that did occur was instigated by the police themselves. There are already laws against riot, property damage, assault, and all the other things Republicans are supposedly concerned about. These anti-protest laws are a blatantly unconstitutional attack on the speech and assembly rights of people Republicans don't like, because conservatives get steaming mad when the rabble tries to obtain any accountability for police brutality.

All this is an interesting lesson in group psychology and the role of rhetoric in public discourse. The behavior of the Republican Party is explained by utterly unscrupulous will-to-power. The party will lie, cheat, steal, and violate both the law and fundamental principles of the Constitution in its pursuit of total control over national institutions.

But that is not a popular way to behave in a country where the legitimacy of the state is based on the consent of the governed. So conservatives have to invent pretexts to make themselves angry enough to not notice what they are doing, or at least to be able to pretend in public. (In private they tend to be more honest.) The howling meltdown over Dr. Seuss helped lay the groundwork for this attempt to suppress the speech of private companies, by painting conservative elites as valorous free speech defenders and thus immunizing them in the conservative mind against accusations of the same thing. Completely fabricated complaints about voter fraud paved the way for the attempt to overthrow the government by force on January 6 and the Georgia vote suppression law. Hysterical exaggeration about rioting last summer did the same for this latest effort to blast a hole in the First Amendment by criminalizing dissent.

Words like "woke" and "cancel culture" in particular have become completely detached from their original uses as ironic jokes among Black Americans, appropriated into a free-floating slur to describe anything conservatives don't like. It's part of a siege mentality that creates a bottomless sense of victimhood and persecution on the right. Every day, right-wing media produces a stream of new, largely-invented outrages to stoke the conservative victim complex, keeping the fury boiling.

It can be amusing to point out conservatives screaming about censorship one minute and then trying to suppress speech they don't like the next. But all these efforts are deadly serious, and a preview of what will happen if the developing plot to steal the 2024 election does succeed. Under permanent Republican rule, critics of conservatives can expect to face ruthless state repression.

