

The Crisis of Free Speech

By John Mauldin | October 5, 2024



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"Freedom of speech" is a beautiful phrase, strong, optimistic. It has a ring to it. But it's being replaced in the discourse by "disinformation" and "misinformation," words that aren't beautiful but full of the small, pettifogging, bureaucratic anxiety of a familiar American villain: the busybody, the prohibitionist, the Nosey Parker, the snoop.

"...The end game is not controlling speech. They're already doing that. The endgame is getting us to forget we ever had anything to say."

—Matt Taibbi

It's my birthday week and I have guests and family gathering in the next room, so this will hopefully be a quick letter as well as ending with what will likely be controversial food for thought.

This week, we take a last, too-short look at Martin Gurri's important book, *Revolt of the Public*. We then turn to the free speech crisis. I will offer an optimistic view of how we might move forward from here, "here" being not just polarization but a deep distrust of the "other" in societies all over the world. We are fragmented into ever-smaller identity groups and assured that "others" are against "our" success. It's not hard to see a crisis developing, even though we all might see a different potential crisis.

Yet, in the midst of this, if we are to believe our cycle forecasters, a period of growth and stability always follows the crisis. It is hard to see in the news today but I see green shoots of cooperation developing among very diverse groups.

Let's summarize where we are. As we have seen, Gurri's central thesis is that the digital revolution has fundamentally disintermediated traditional media and other institutions which essentially controlled the information we had to inform our worldviews. With the internet and then bloggers and social media, a multifaceted view of the world developed.

Shawn Klein did [a good review at Goodreads](#). Quoting:

“The thumbnail sketch is that the authoritative institutions of elites have long governed our world by controlling information. The government, media, academia, corporations, religious institutions enjoyed a near monopoly on the creation and dissemination of information. This gave these institutions legitimacy and authority. But much like the printing press destabilized the creation and control of information in the 15th and 16th centuries, new digital and network technologies have empowered the public to upend the established order.

“The digital revolution lowered the barriers of entry for anyone wanting to create or distribute information. Information was being created by everyone and could be shared by anyone. Experts didn't need a Ph.D. and bloggers didn't have to be Walter Cronkite. The 'guild' of information creation and control was broken open and anyone could enter: and almost everyone has. With this, however, all the conceits, errors, and mistakes of the established order get exposed. And elite and institution failure is everywhere. From scandals and corruption to the false promises of utopian ideologies; every mistake, every failure has its proverbial 15 minutes of fame.

“This all leads, argues Gurri, to the erosion of the authority and legitimacy of these institutions and the elites running them. The public is angry, dissatisfied, and disillusioned. It wants change. But the public, as a public, doesn't have a positive alternative to propose. The public is a many, not a one. It is endlessly fractured and dispersed. While it can come together, it seems to be able only to do so to repudiate. It is, as Gurri says, always against. We see this in Cancel Culture: the Twittersphere just calls for people's heads, for trivial and grotesquely awful behavior alike. It offers no chance of redemption, no hope for forgiveness and rebuilding. Just rejection.”

That was written pre-COVID. It got worse. And may get even worse, but the message from our cycle forecasters is that it will get better. They don't say how, just that it always does. Gurri does suggest possible paths forward from what seems currently like a descent into nihilism. The most important seems to be focusing on the personal sphere.

“The most effective alternative to the steep pyramid of industrialized democracy isn't direct democracy on the Athenian model or [even] cyber-democracy... It's the personal sphere: the place where information and decisions move along the shortest causal links...

“...Drill down into the networks that have enabled the public to confound authority, and you soon arrive at what I would call the personal sphere. This is the circle of everyday life, experienced directly, in all its local specificity. Here the choices meaningful to an individual get generated: spouse, children, friends, career, faith. Government and high politics fill in the background. To imagine they can ordain or legislate happiness at this level is a modern illusion.”

For Gurri, part of the solution is to push power to local governments. There was a point in our history when local governments were far more important not just in terms of personal impact but also in terms of size. This has all changed since World War II. Now the budget of the federal government overwhelms all state and local spending by almost double. Whereas state and local governments are required to balance their budgets, the US government will borrow almost 30% of its budget this year. The true debt-to-GDP ratio is 120% when you ignore the simplistic economic claptrap that some of the debt is “we owe it to ourselves” and therefore doesn’t count. Tell someone on pensions or Social Security that debt doesn’t count. I thought so...

One Man’s Disinformation Is Another Man’s Free Speech

Various polls show that 50% of young people think that socialism would be preferable to capitalism. A political poll taken after the 2020 elections showed that 70% of Republicans thought the election was fraudulent. There are any number of ways to show how fragmented we are. Quoting from [Sean Illing’s article on Vox](#):

“That’s what a ‘crisis of authority’ looks like in the real world.

“And it’s crucial to distinguish this crisis from what’s often called the ‘epistemic crisis’ or the ‘post-truth’ problem. If Gurri’s right, the issue isn’t just that truth suddenly became less important; it’s that people stopped believing in the institutions charged with communicating the truth. To put it a little differently, the gatekeeping institutions lost their power to decide what passes as truth in the mind of the public.”

Government and institutions have pushed back. It is now beyond dispute that the US government made significant efforts to suppress what they consider to be misinformation on a variety of fronts, starting with COVID.

The following may seem partisan but that is not my intent.

Frankly, I no longer recognize much of what passes for economic policy in the Republican Party. I have been writing against tariffs and protectionism almost from the beginning of this letter. By now everyone knows that I am quite serious about the national debt, which neither party is addressing. I am confused about what passes for foreign policy these days. In conversations with many readers and friends, there is a feeling that the tribe we once thought we were in is no longer there. This is not a Republican/Democrat issue. It is across-the-board. That said, I want to highlight what is becoming a serious divide around the concept of free speech that transcends partisan politics. The old left/right, liberal/conservative divides are eroding and something new is developing. First, let me note that there have been efforts by federal and state agencies to censor what can be said in media under both party administrations. I get that. But I am highlighting the direct assault on the concept of what is covered by the First Amendment.

We now have candidates for president and vice-president arguing that misinformation is not protected by the First Amendment, as well as many members of Congress, government agencies, large institutions, companies, and universities.

Tim Walz argues that the Supreme Court standard is yelling fire in a crowded theater is not protected speech—even though that was a side comment by Justice Oliver Wendell Holmes arguing *for* suppression of what we now deem as free speech in a case where two socialists were given jail time for passing out a pamphlet against conscription (the draft), clearly not advocating violence but just opposing government policy. Holmes made the comment in essentially upholding the Espionage Act of 1917 and the equally disturbing Sedition Act of 1918—the opposite of free speech. That ruling has fortunately since been overturned on more than one occasion. (Those Acts were not the finest moments of our democratic Republic.)

Segue: I have followed Matt Taibbi for 25+ years starting when I came across his work in *Rolling Stone* magazine. I didn't (and don't) particularly like his leftwing philosophy, but I read him because he's a brilliant journalist, writer, and wordsmith. He clearly understands the craft of writing. He reached national prominence as one of the main authors of "the Twitter files."

It turns out that he is a fairly radical free speech advocate. I began to read more of his essays and then he began to post on Substack and then Racket. I subscribed (and suggest that you do). To set the stage, he is clearly quite liberal. Let me then quote from his [recent letter](#):

"Misinformation is mostly protected, but there are exceptions like libel and fraud and disinformation about where to vote, so he could have been referring to that. However, hate speech is clearly protected, as the Court reaffirmed in 2017. Walz's insistence to the contrary has attracted significant criticism since he became a Vice Presidential candidate. It seems unlikely someone hasn't briefed him on the error. What gives?"

"The list of Democratic politicians either claiming ignorance of the First Amendment or openly calling for curbing it grows by the day. Walz at least didn't go to law school. Justice Ketanji Brown Jackson during the *Murthy v. Missouri* digital censorship case complained the First Amendment is 'hamstringing the government,' even though that's its express purpose.

“John Kerry’s comments last week at the World Economic Forum about how ‘our First Amendment stands as a major block’ to ‘hammering [disinformation] out of existence’ was another example. Alexandria Ocasio-Cortez (‘We’re going to have to figure out how we rein in media’) and Hillary Clinton (who said people who ‘engage in propaganda’ might need to be ‘civilly or... criminally charged’) also expressed similar ideas of late.

“Then there’s Kamala Harris, who in 2019 gave an interview to CNN’s Jake Tapper. This is California’s former Attorney General opining on what should be done about Donald Trump and people like him online:

*“[Trump] has lost his privileges, and it should be taken down... There has to be a **responsibility that is placed** on these social media sites to understand their power. They are directly speaking to millions and millions of people **without any level of oversight or regulation, and that has to stop.**”*

“Democrats actually having these beliefs would be bad. But a propaganda trick also could explain the suspiciously high number of ‘mistakes’ in riffs about these issues from blue-Party officials.

“Speech issues are always a proxy for larger questions about who has power over whom. James Madison said, ‘The censorial power is in the people over the government, and not in the government over the people.’ The only true authority to ‘remove’ in America belongs to voters, who can throw the bums out at the ballot.

“Politicians know this and constantly try to flip the script, usually by spinning public discussion away from the perspective of voters, back in their direction. To keep civil liberties on the defensive, politicians ask over and over where ‘the line’ should be drawn. Mustn’t there be *some* limits? Similar to ‘ticking time bomb’ rhetoric and torture, hypotheticals abound. What about anti-vaxxers, Russians, people who shout ‘Fire!’ in crowded theaters? After enough repetition, people internalize the fears of government. They ask, ‘How do we stop misinformation?’

“What we do they mean? Do they mean themselves, or the White House, the FBI, the Department of Homeland Security? There should be a distinction. To riff on Walter Kirn’s terrific Pete Seeger-themed address from Sunday, it’s ‘This Land Is Your Land,’ not ‘This Land Is *Their* Land.’ Watch how quickly the equation changes once someone acquires a sliver of authority to stop speech.”

The Green Shoots of Cooperation

And that brings me to a place where I see green shoots of cooperation. You may have noticed it to, but there is more and more pushback from and cooperation among free speech advocates who would normally not associate with each other. Matt Taibbi going on Megan Kelly's show? Tulsi Gabbard and RFK Jr. on the same platform? Elon Musk, he of electric cars and space exploration, is now the villain for not suppressing what others think of as misinformation. (When European officials vilify you for not believing as they do, I think it is a badge of honor.) Even Mark Zuckerberg is actually semi-pushing back, admitting that he gave into government pressure in the past.

Last week there was an outdoor "festival" called Rescue the Republic where a variety of speakers from across the political spectrum (and a few outside any spectrum I am familiar with) gathered together to talk about the virtues of free speech.

Okay, I can hear you saying, "John, a few people, mostly radical in one form or another and not part of normal polite society, get together. What does that really mean to us?" (Note that "normal" means different things to different people.)

This is how, over time, a new cooperating consensus is built. People who would normally not run in the same circles find themselves on the same side of a particular issue. They talk about the issue and find agreement. Wow, if they are right on *this*, what else are they right on? Further discussions evolve, and they find more common ground. Relationships are built around one or two common ideas.

And then, when a crisis develops, and compromise is needed, it is not a far reach to connect people on different sides of the issue. Even though there may still be significant differences on a number of topics, a relationship exists that can get past the normal divide.

Think of Ronald Reagan and Tip O'Neill. In the midst of a financial crisis a Republican administration had enough of a relationship with the Democrat-controlled Congress that solutions could be found.

We are going to have a debt crisis. To me that almost goes without saying. I think it will peak just about the end of the decade, when all the other pressure points are also revealed.

I see relationships being built now around the topic of free speech. My bet is that we will find other similar issues as we move towards the final crisis that will develop more coalitions. Not the same coalitions but a network will develop. Not unlike the created Revolutionary war era. Like our sandpile illustration, although these networks will be *fingers of stability*.

It is going to take extraordinary efforts to bring the budget under enough control that the bond market vigilantes will settle down. Yes, I know they are supposedly dead, but it is way too early to write their obituary. Overstretched markets function just fine until they don't.

We need to start building those relationships and networks now, actually making plans in advance, so that when the crisis hits, there is a group ready with the plan in the midst of the panic to move forward. And to that end...

The Rational Optimist Society

As I mentioned last week, while writing about crisis and cycles and societal conflict isn't terribly optimistic, I'm still quite positive about life in general and our future in particular. So many good things are happening, obviously in technology, especially biotechnology, along with many individual initiatives to foster a more cohesive, cooperative world.

Matt Ridley wrote a book over a decade ago called *The Rational Optimist*. It strengthened my core belief that conscious, rational optimism is the only way to move forward in the world, and perhaps the only way to have a happy and content life.

Rational optimists are the true winners. My partners and I have been actively discussing how to gather those of a similar mindset and help us all get through what could be a bumpy period. A way to stay clear and focused on a positive future—together!

After almost a year of preparation, we have launched the [Rational Optimist Society](#). Already, dozens of groups are joining with us to share their positive outlooks, exciting new programs designed to affect local communities, and ways to meet people who share that optimistic view in your community and area. If you are part of a group, reach out!

If you join us in the [Rational Optimist Society](#), you will get a weekly letter talking about exciting new breakthroughs and movements. You will learn how others are making their communities better, and maybe get ideas about what you can do.

Ultimately, we hope to get members together for fellowship with like-minded optimists who also have a clear idea of what problems need to be dealt with.

It has long been apparent to me that we can better face instability by finding our own tribe, people who will walk with us through it, sharing ideas and encouragement.

It starts with you. And then you find a tribe and become part of a movement.

You are going to hear me talk about the Rational Optimist Society a lot over the coming years. Today, I am asking you to join me by becoming a founding member, one of the first of the band who joined together to create our future.

I just talked about the problems with mainstream media. They are focused on getting clicks, and the easiest way to do that is with sensationalist negative headlines. [The Rational Optimist Society](#) will be a counter to that constant negativism. It will help you show your children and friends how the world is actually improving, and what we can all do to make it even better.

Join me. Join the rest of us, [click on this link and join the Rational Optimist Society](#).

Birthdays and Business

Before I go further, there was just no place above to mention Matt Taibbi's speech at the Rescue the Republic festival. It is irreverent and somewhat profane, but it sets the tone and is worth reading. Buckle up and then [click here](#).

All 8 of my children (and significant others) are gathered, except Henry who missed his plane and will be here tomorrow, plus 7 of my grandchildren and many friends from far and wide. We are taking advantage of having so many gathered in one place by doing a series of video interviews. Staff and partners from our new (soon to be announced) longevity business are also here. All this will make for a busy three days. I am really looking forward to it.

Shane has been doing the planning, and the decorations seem a little over the top. We are cooking multiple cakes tonight, so the house smells awesome. Just like my youth. Like most young people, I never mentioned being 75. And now I'm here. And trying to imagine and plan for 150. And whatever I imagine, it doesn't involve retirement. Thanks for being with me these last 25 years. I am not certain what will pass for newsletters and information 15 years from now, let alone 25, but I hope you will be there with me.

[I can see clearly now the rain is gone](#)

[I can see all obstacles in my way](#)

Gone are the dark clouds that had me blind

It's gonna be a bright, bright sun shiny day.

And with that I will hit the send button. You have a great week. I hope you will get to spend it like I do with friends and family and great conversation.

Your not feeling what I thought 75 was analyst,



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