

Federal Prosecutors Take Aim At Free Speech

By Norm Pattis, for Your Content



Jumpin' Jiminy, Holy Moly, and WTF: Federal prosecutors in the Eastern District of New York have either lost their minds, or never had minds to being with. They are prosecuting

a social media influencer for the snake oil he tweeted in the 2016 election.

It goes something like this:

In 2016, Douglass Mackey, a.k.a. Ricky Vaughn, of West Palm Beach, Florida, ran a social media site that encouraged voters to cast their ballot via text message.

The post included the following language: "Avoid the Line. Vote from Home. Text ["Candidate's name"] to 59925. ... be part of history." At the bottom of the post: "Must be 18 or older to vote. One vote per person. Must be a legal citizen of the United States. Voting by text not available in Guam, Puerto Rico, Alaska or Hawaii. Paid for by [Candidate] for President 2016."

According to federal prosecutors, some 4,900 unique telephone numbers responded to this text. It is unknown just who these people are, or whether they voted via text and in person. (In the latter case, wouldn't they be guilty of a crime?)

Who was the candidate? The charging documents don't say. But the fact that the social media post featured African-American voters suggests that Mackey wasn't supporting Hillary Clinton. Add another log to the fire on which Donald Trump is to be roasted.

But seriously, folks, just how stupid does a person have to be to think that a federal ballot for president of the United States is to be cast by text message? Has the state of civic education declined to such an extent that we must use the criminal sanction to protect the most gullible among us from their own ignorance? In our worship of the lowest common denominator must we sacrifice everything that takes more than

a syllable to utter?

Political farce, satire and humor are a mainstay of American politics. So, too, is incendiary rhetoric. It was common at a time in our country to burn politicians in effigy. Think Woodrow Wilson after he secretly signed the Treaty of Versailles. Historians recount that images of him were burned from coast to coast. We'd likely call that terrorism, or incitement to violence, now. That's how tender-minded we've become.

Federal prosecutors are in high moral dudgeon just now, promising to protect we the people from fraudsters, intoning on how we must protect the right to vote. "Protecting every American citizen's right to cast a legitimate vote is a key to the success of our republic,... What Mackey allegedly did by soliciting voters to cast their ballots via text – amounted to nothing short of vote theft," a senior prosecutor claims.

Seriously, fellows?

Mackey was arrested in Florida and is now en route to New York City, where he will face trial on these, dare I say it? – trumped up charges.

We've just endured a bruising 2020 election. We're ready to engage in a constitutionally dubious impeachment trial of a civilian and former president, Donald Trump. Millions of Americans harbor a suspicion

that all was not right in 2020. So what do New York prosecutors do? They create a crime out of whole cloth, and seek to relitigate 2016.

What's up with this misdirection?

This prosecution is a farce. If the new legal standard for sending out a text, an advertisement, a tweet, or a blog post is what effect the communication may have on the listener, then farewell humor, farewell satire, farewell impassioned speech. This prosecution is of a kind with the new spirit of censorship strangling communications of social media.

God save us from the predations of virtuous fools like those wasting taxpayer dollars in the Eastern District of New York. I envy the defense lawyer who lands this case. Kicking the stuffing out of these hapless, virtue-signaling prosecutors is high patriotism in dangerous times. ■