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GAG THE INTERNET!

AN OBAMA OFFICIAL'S FRIGHTENING BOOK ABOUT CURBING FREE SPEECH ONLINE

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KYLE SMITH

Last updated: 12:09 pm
July 11, 2009
Posted: 12:05 pm
July 11, 2009

When it comes to the First Amendment, Team Obama believes in Global Chilling.

Cass Sunstein, a Harvard Law professor who has been appointed to a shadowy post that will grant him powers that are merely mind-boggling, explicitly supports using the courts to impose a "chilling effect" on speech that might hurt someone's feelings. He thinks that the bloggers have been rampaging out of control and that new laws need to be written to corral them.

Advance copies of Sunstein's new book, "On Rumors: How Falsehoods Spread, Why We Believe Them, What Can Be



Cass Sunstein, a Harvard Law professor who has been appointed to a shadowy post that will grant him powers.

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Done," have gone out to reviewers ahead of its September publication date, but considering the prominence with which Sunstein is about to be endowed, his worrying views are fair game now. Sunstein is President Obama's choice to head the White House Office of Information and Regulatory Affairs. It's the bland titles that should scare you the most.

"Although obscure," reported the [Wall Street Journal](#), "the post wields outsize power. It oversees regulations throughout the government, from the

[Environmental Protection Agency](#) to the Occupational Safety and Health Administration. Obama aides have said the job will be crucial as the new administration overhauls financial-services regulations, attempts to pass universal health care and tries to forge a new approach to controlling emissions of greenhouse gases."

Sunstein was appointed, no doubt, off the success of "Nudge," his previous book, which suggests that government ought to gently force people to be better human beings.

Czar is too mild a world for what Sunstein is about to become. How about "regulator in chief"? How about "lawgiver"? He is Obama's Obama.

In "On Rumors," Sunstein reviews how views get cemented in one camp even when people are presented with persuasive evidence to the contrary. He worries that we are headed for a future in which "people's beliefs are a product of social networks working as echo chambers in which false rumors spread like wildfire." That future, though, is already here, according to Sunstein. "We hardly need to imagine a world, however, in which people and institutions are being harmed by the rapid spread of damaging falsehoods via the Internet," he writes. "We live in that world. What might be done to reduce the harm?"

Sunstein questions the current libel standard - which requires proving "actual malice" against those who write about public figures, including celebrities. Mere "negligence" isn't libelous, but Sunstein wonders, "Is it so important to provide breathing space for damaging falsehoods about entertainers?" Celeb rags, get ready to hire more lawyers.

Sunstein also believes that - whether you're a blogger, The New York Times or a Web hosting service - you should be held responsible even for *what your commenters say*. Currently you're immune under section 230 of the Communications Decency Act. "Reasonable people," he says, "might object that this is not the right rule," though he admits that imposing liability for commenters on service providers would be "a considerable burden."

But who cares about a burden when insults are being bandied about? "A 'chilling effect' on those who would spread destructive falsehoods can be an excellent idea," he says.

"As we have seen," Sunstein writes, having shown us no such thing, "falsehoods can undermine democracy itself." What Sunstein means by that sentence is pretty clear: He doesn't like so-called false rumors about his longtime University of Chicago friend and colleague, [Barack Obama](#).

He alludes on page 3 (and on page 13, and 14, and 45, and 54 - the book is only 87 pages) to the supposedly insidious lie that "Barack Obama pals around with terrorists." Since Sunstein intends to impose his Big Chill on such talk, I'd better get this in while I can. The "rumor," i.e., "fact," about the palsy-walsiness of Obama and unrepentant terrorist Bill Ayers (Ayers referred to Obama as a "family friend" in a memoir) did not "undermine democracy," i.e., prevent Obama's election. The facts got out, voters weighed them and ruled that they weren't disqualifying.

Sunstein calls for a "notice and take down" law that would require bloggers and service providers to "take down falsehoods upon notice," even those made by commenters - but without apparent penalty.

Consider how well this nudge would work. You blog about Obama-Ayers. You get a letter claiming that your facts are wrong so you should remove your post. You refuse. If, after a court proceeding proves simply that you are wrong (but not that you committed libel, which when a public figure is the target is almost impossible), you lose, the penalty is . . . you must take down your post.

How long would it take for a court to sort out the truth? Sasha and Malia will be running for president by then. Nobody will care anymore. But it will give politicians the ability to tie up their online critics in court.

Sunstein, trying to fair, argues that libel awards should be capped at \$15,000, or at least limited for anyone demonstrating financial hardship. But \$15K is the limit you'd pay to your opponent. The legal bill is the scary part, and the reason bloggers already have plenty of reason to be careful about what they say, even if they don't much fear a libel conviction.

Sunstein dreams of an impossibly virtuous America: "We could also imagine a future in which those who spread false rumors are categorized as such, discounted and marginalized . . . people would approach rumors skeptically even they provide comfort and fit their own biases." But if his chilling wind doesn't work, Sunstein may try to make good on the implicit threat that runs through his book: that he would redefine libel as the spread of false information and hold everyone up the ladder responsible.

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If this happened, the blogosphere would turn into Pluto overnight. Comments sections would slam shut. Every writer would work on a leash shorter than a shoelace.

Sunstein is an enemy to every news organization and blogger. We should return the favor and declare war on him.

Kyle.Smith@nypost.com

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COMMENTS

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swimkin wrote:

Got Hope has become Got Tyranny

7/18/2009 11:29 AM EDT

[Recommend \(2\)](#)

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iraqis911#2 wrote:

and who determines what is true and what is a falsehood? this tool? the government? we will stand up for our constitutional right of free speech even if it is unsavory because it's essential for a healthy democracy. oh and 9/11 WAS an inside job!

7/17/2009 4:11 PM EDT

[Recommend \(3\)](#)

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therockofgibraltar wrote:

Obama hurts my feelings every time he gives another pontificating speech. Does that mean we can call up Donald Trump and tell him 'he's fired'? It seems only fair; of course this Administration only believes in one way 'just us'. His way or the highway. It is going to really get interesting here pretty soon. As a Vietnam veteran, it is pretty pathetic to watch someone dictate rules and regulations that clearly violate the United States Constitution and basic human rights; basic freedoms that Obama himself panders to other countries. "Experience hath shewn, that even under the best forms [of government] those entrusted with power have, in time, and by slow operations, perverted it into tyranny".-Thomas Jefferson (ever hear of him?)

7/15/2009 11:12 PM EDT

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joedakota wrote:

When will America wake up, Obama is surrounding himself with henchmen and lackeys just as Hitler did. He is trying to stifle any criticism of him the same as all dictators have. He is an egomaniac that will stop at no lengths to have total and absolute control. If he is not voted out in four years we will wind up with a dictator for life.

If America lets him get away with this power grab, we deserve what ever fate befalls us.

Since mainstream media has become co-conspirators to destroy America, the INTERNET is the only source to find out what is actually going on. The Obamonites didn't have any problem destroying Palin with lies and half truths.

Every body needs to pray hard for Divine intervention to save us from destruction.

7/15/2009 10:04 PM EDT

[Recommend \(24\)](#)

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C.R. wrote:

Now Mr. K. Smith (enjoyed your article) if you could forward my comment onto the ever popular Professor Cass Sunstein perhaps he could go smoochy-smoochy with that self appointed messiah who still can't walk on water and give him swimming lessons instead of being so hell-bent on stifling the voices of Americans on the internet!

Here's one for your calculator:

545 (+ -) bodies in the political arena (to run heard on the people of a Nation?

300,000,000 (plus) Bodies (many seemingly BRAIN - DEAD) to just kneel down on their shinny new throw rug with their rear-ends stuck up in the air giving praise to this wanna-be and his allah. INSTEAD of learning how to read and then find a way to retain what they have read before it is too late. . .

You're messiah is a looong was from being a Christian.

7/15/2009 4:51 PM EDT

[Recommend \(16\)](#)

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C.R. wrote:

If you read something about this "New messiah (who can't even walk on water) you'd best copy it w/link because it'll turn up missing REAL QUICK-"POOF". Just as hundreds have since I started to get reeducated (bho,late 2007) about the GREED, CORRUPTION, 2 FACED LIES FROM A POLITICIAN. Then along comes a wanna-be black person to save humanity and a Nation. BHO could not give a RAT's Rear-End about the middle class & lower class people in America. You believe other wise - - You believe in the "Tooth Fairy."

"A vote for obama is like a chicken voting for Colonel Sanders" (C.R. Eastes) "He who laughs last laughs longest". If the American people don't wake up to what the flock members in his heard is doing there won't be anything left to laugh about. You think it's bad now. . . . Wait til he get's re-elected in 2012. Sure hope Sylvia Brown is right-!!!

7/15/2009 4:21 PM EDT

[Recommend \(15\)](#)

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LIBERTY4ALL wrote:

And they bitched about Bush's New World Order! U can't make this stuff up.

7/15/2009 3:07 PM EDT

[Recommend \(17\)](#)

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nyerintx wrote:

Hey The Life..How's this for a cleaner world...F*&K YOU?????

7/14/2009 7:38 PM EDT

[Recommend \(4\)](#)

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gunner221 wrote:

I knew that Obama was going to do things that would hurt this country but this is beyond anything I could imagine. I am glad the N.Y.Post is reporting this and I hope other media will to. This needs to be stopped now. Obama is looking more like a fascist each day. This country is founded on free speech and must be protected. I hope we can get the Obama regime out of office before irreversible damage is done.

7/14/2009 4:39 PM EDT

[Recommend \(26\)](#)

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US Constitution wrote:




I live in the United States of America - not some 3rd world country - which the Obama Administration and Obama wants to make the USA into!


OBAMA AND GANGSTERS - YOU DONT LIKE THE USA - THEN LEAVE IT!

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