

Legislators, judges, media aren't honest. Why should a web designer be?



Lori Smith

by Lev Tsitrin

As someone who repeatedly tried and failed to put the square peg of America's promise of "liberty for all" into the round hole of government-sponsored censorship and crony capitalism, by putting the square peg of America's promise of "justice for all" into the round hole of America's "corrupt and malicious" federal judicial procedure (acknowledged to be such in *Pierson v Ray*), I always read about attempts to make the courts embrace others' free speech rights with sympathy and interest. This time around, the *New York Times* [obliged by publishing](#) not only the running updates on the oral argument before Supreme Court in a case brought by "A web designer in Colorado, Lorie

Smith, [who] said she was happy to create graphics and websites for anyone, including L.G.B.T.Q. people. But her Christian faith, she said, did not allow her to create messages celebrating same-sex marriages [while] A state law forbids this kind of discrimination,” but also a “[guest essay](#)” about this lawsuit by one David Cole, “the national legal director of the A.C.L.U.” (who argues that Ms Smith’s business has to either serve all, or none.)

I won’t try here to pit one set of argument against the other, but simply to point out to the fundamental hypocrisy of the situation, and to suggest to Ms. Smith that as a result, she has a way forward that, while not as glamorous as suing, may be highly effective in practice, and completely fool-proof.

The advice is: lie. And, if you are caught, resort to “whataboutism.”

Here is how you do it, Ms. Smith. You get an order from a same-sex couple? Reply that you are too busy to do it. If such couples compare notes and gang up on you, suing you in court for dishonesty, “whataboutism” will be an excellent defense.

Just consider the actors in the *New York Times*’ coverage: the legislative branch of the government; justices of the Supreme Court; an A.C.L.U. bigwig; and finally, the *New York Times* itself – and use my experience to show that they all practice lies. Being a Christian, quote to them Jesus’ “Let him who is without sin cast the first stone.”

Legislators, judges, A.C.L.U., the *New York Times* – now, who among them is “without sin?”

They all are, and here is how I know. I filed a lawsuit that was, in essence, a mirror image of the well-known, but much later case “*Citizens United*” – the case that is much reviled for giving corporations speech rights of individuals. In “*Overview Books v US*” I demanded the opposite – that individuals be given speech rights of corporations. (The

Library of Congress denies to book authors its services that are key for disseminating books in the “marketplace of ideas” that are nation’s libraries and bookstores, reserving those services for corporate publishers, thus handing to corporations libraries’ acquisition funds, and dollars spent in bookstores – while, at the same time, engaging in obvious and brazen censorship). To my astonishment, instead of evaluating my lawyer’s argument against that of the government, judges invariably concocted their own argument in their decisions so as to decide the case for the government – counter to any notion of due process which forbids judges from being parties to the case argued before them (judges have to recuse themselves when they become parties). When I sued judges for fraud (since their tactic was obvious fraud, pure and simple), to my further astonishment judges defended themselves by citing their self-given, in *Pierson v Ray*, right to act from the bench “maliciously and corruptly.” My astonishment rose exponentially when I discovered that the likes of the *New York Times* were not interested in covering the fact that the full third of US government – the judiciary – is officially and proudly “corrupt and malicious.” Nor did A.C.L.U.

Which gets me right to “whataboutism.” If anyone tries to accuse Ms. Smith of being disingenuous in pretending to be too busy to work on a same-sex marriage site, she’d simply ask, “what about it? everyone does it!”

She’d point to the legislative branch that is forbidden by the First amendment to legislate “abridgement” of Americans’ speech rights. And yet, the speech being a two-end communication, between a speaker and the audience, abridgement of speech via abridgement of the audience is practiced. day in and day out, by the Library of Congress. Legislators lie – so “what about it?”

She’d point out to the federal judges, justices of the Supreme Court including. Who is more honest and upright in America

than them? And yet, when push comes to shove and they have to give victory to a party which they want to lose, judges resort to dirty tricks. Suddenly, their honesty is nowhere to be found; they turn out to be self-admittedly “corrupt and malicious.” So, Ms. Smith can say, “by lying and being disingenuous, I merely imitate the most upright people in the land – the judges. What about it?”

Or how about the *New York Times*, with its pledge to publish “all the news that’s fit to print”? In 1930es, Soviet collectivization famine in which several million died of starvation in Kazakhstan and Ukraine went unreported, as did the Holocaust as it was happening in 1940es; nor is today’s judicial fraud getting coverage (I emailed, I called, I picketed – but the *New York Times*, like the rest of MSM, stays mum when it comes to judges. They’ll bash Trump any time of the day – but judges? Heaven forbid! The *New York Times* deceives not by commission, but by omission – by what is called “misinformation.” Hence, “I do exactly what the *New York Times* does,” Ms. Smith can say. “What about it?”

Ditto for A.C.L.U. which, when I contacted it, was not troubled by judicial fraud in the least, despite claiming to be in the forefront of protection of our civil rights. No “due process” in judicial decision-making process? We don’t care, says A.C.L.U. disingenuously; hence, “I only do what A.C. L. U. does,” Ms. Smith should reply. “What about it?”

Not every discussion about a legal situation should be limited to legalisms, and Ms. Smith’s is certainly one of those. We all swim (and at times drown) in the ocean of lies perpetuated by the legislature, judges, press, “rights” organizations – yet somehow, we feel that we have no right to lie – while this right is practiced all around us, under this pretext or that. I think that, if Ms. Smith’s lawsuit fails, she should follow her betters – the press, government, judges, A.C. L. U. – and practice their disingenuousness herself – and challenge them to look in the mirror – and throw a stone at her afterwards,

if they dare.

*Lev Tsitrin is the founder of the Coalition Against Judicial
Fraud, cajfr.org*