

9th Circuit: Feds Free to Censor ‘Anti-Vaccine’ ‘Misinformation’ Via Pressure on Social Media Companies

By [Ben Bartee](#)

Global Research, August 12, 2024

Region: [USA](#)

Theme: [Law and Justice](#), [Media Disinformation](#), [Police State & Civil Rights](#)

What a wild coincidence: one branch of government (judiciary) doesn't mind another branch of government (executive) doing whatever it likes extraconstitutionally.

That's called Democracy™, boys and girls, and it's sacred.

Via [Reuters](#) (emphasis added):

“Meta Platforms defeated an appeal by Children’s Health Defense, an anti-vaccine group founded by Robert F. Kennedy Jr., challenging its censorship of Facebook posts that spread misinformation about vaccines’ efficacy and safety.

In a decision on Friday, **the 9th U.S. Circuit Court of Appeals** in Pasadena, California, **said the nonprofit did not show that Meta worked with or was coerced by federal officials to suppress views challenging “government orthodoxy” on vaccines.**

Children’s Health Defense sued in 2020, saying that Meta had violated its constitutional rights by flagging “vaccine misinformation” as false, and taking away its right to advertise on Facebook.”

Not being a legal scholar, I’m sure there’s a good answer to this, but I’m not clear: **why would CHD sue Meta and not the government for violating its First Amendment rights, when it was at the government’s behest that Meta acted?**

Via [Children’s Health Defense](#) (emphasis added):

“CHD’s suit accused the Centers for Disease Control and Prevention (CDC) and other federal agencies of “privatizing” the First Amendment by teaming up with Facebook to censor speech which, “under the Bill of Rights, the Government cannot censor.”

According to the lawsuit, filed in August 2020 — and amended in December 2020 — **the CDC and the World Health Organization “collaborated closely with Facebook to suppress vaccine safety speech by using a ‘warning label’ and other similar types of notices** which, while purporting to flag misinformation, in reality censor valid

and truthful speech, including content posted by plaintiff on its Facebook page regarding vaccines.”

This collaboration amounted to “state action” and was in violation of the First Amendment, CHD said...

The court... ruled that CHD failed to allege any facts that would suggest an agreement between the government and Meta that “required Meta to take a particular action in response to misinformation about vaccines or that the government coerced Meta into implementing a specific policy.””

I must have skipped the day in Constitution Law at Valdosta State University when we learned that the Constitution carves out special powers for the government to interfere in a private company’s affairs in order to cajole them into suppressing speech it finds distasteful. My mistaken impression was that the First Amendment covered that whole issue pretty decisively.

Maybe it’s the ambiguous “promoting the general welfare” clause, which has been invoked in all manner of absurd government social engineering over the years.

These are not two people “talking to each other.” This is one entity — the government — with immense power to regulate, tax, and even shut down the other entity — Meta — if it doesn’t go with the program a la TikTok.

And Meta is massively exposed in multiple ways: it turns over private user data to shady third parties for cash; it breaches anti-trust laws; it colludes with hostile foreign governments, to name a few. Were the government so inclined, it could flush Meta down the memory hole into oblivion in a heartbeat.

But, this being anarcho-tyranny, it doesn’t, because Meta heels when it’s commanded to heel. **Mark Zuckerberg** is a good boy who behaves himself for his masters.

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Ben Bartee, author of [Broken English Teacher: Notes From Exile](#), is an independent Bangkok-based American journalist with opposable thumbs. He is a regular contributor to Global Research. Follow his stuff via [Substack](#). Also, keep tabs via [Twitter](#).

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