

Unequal treatment

By Mike Gonzalez

Reaction to the disturbing attack on the Capitol on Jan. 6 has been deeply asymmetrical – and that has conservatives rightly worried. Big Tech has defenestrated only conservative individuals or social networks, while a media that consistently called last year’s riots “marches for social justice” refuses even to call what happened at the Capitol a riot. “Insurrection” seems the only term of art.

Apple, for example, has joined Alphabet (owners of Google) in ejecting Parler, the social media platform preferred by many conservatives, from its app store. And Amazon stopped hosting the platform on its servers.

The stated reason is that Parler broke terms of service by allowing a small number of its users to plan the mayhem. But Facebook was also used by the marchers to organize, and did not suffer the same fate.

Another example of an evident double-standard is the way challenges to the November election are being treated this year, versus other years.

Calls for electoral college electors not to follow the dictates of their voters, or for politicians not to certify state results, were all the rage in 2016, when Donald Trump won and in other years when Republicans have won. Today, however, they are considered acts of treason, of having abetted said “insurrection.”

Thus, the six senators and 121 House members who voted to sustain the objection against Arizona’s electoral votes may face some form of censure in both chambers. But when Sen. Barbara Boxer of California and Rep. Stephanie Tubbs Jones of Ohio did likewise in January 2005, after the electoral victory of George W. Bush, they were heroes to the left. Sen. Durbin and Speaker Nancy Pelosi congratulated Boxer.

Also, the many instance of politicians using social media to accuse Trump of colluding with Russia’s dictator Vladimir Putin to steal the 2016 elections never led to social media’s version of “secret double detention.” Pelosi’s 2017 tweet saying the 2016 election had been “hijacked” did not, for example, result in any disciplinary action by Twitter. In fact, as you can see, it was retweeted more than 20 thousand times.



It was also seen as downright “cool” when Martin Sheen, Debra Messing and other Hollywood glitterati nearly begged Republican electors not to cast a vote for Donald Trump then they met on Dec. 19, 2016.

“You have the position, the authority, and the opportunity to go down in the books as an American hero who changed the course of history,” the celebrities said speaking in turn in the [video](#) produced by the outfit Unite For America. Remember that? No, you probably don’t, as few paid it any mind.

A reasonable person may argue that in those instances there were no riots, no mob raiding the Capitol, as was the case on Jan. 6. But obviously what this shows is that the mere act of questioning an election result is not an insurrectionary act or an incitement to violence.

There is probably a consensus in America about the undesirability of inflammatory speech, that incitement to violence or calls to trample on the Constitution are not covered by First Amendment protections of freedom of speech. Public officials are asked, after all, to take an oath to protect the Constitution against enemies “foreign and domestic.”

There is, too, however, also strong reservations about using these caveats to drive out forms of speech that must be afforded First Amendment protection. In this context, talk from the left in the past few years that speech constitutes violence, even when it obviously does not involve a call to violence but an expression of positions that the left disagrees with, such as, say, pro-life or anti-affirmative action opinions.

And there is an expectation of fair play. The same rules should apply equally to conservatives and liberals.

That is why the insistence on the use of the term “insurrection” gives so many people pause. A thwarted insurrection may be used as an excuse for further unequal treatment.