

**Episode 2,363: Another Blow Struck Against Censorship**

**Guest: Tracy Beanz**

**WOODS:**  Before we get into this particular topic, can I just ask you, how do you account for – I mean, there are so many people who would love to be in the position that you're in, having so many people listening to you, having such a big audience.

What do you attribute your acquiring that audience to?

**BEANZ:** It's been a storied time, actually. I was banned for two years and was just recently let back on Twitter in the November time frame when Elon took over. But it's just the truth. It's the information.

I don't think there's anything real special about me other than I tell it like it is, and I'm pretty detailed when I do. But you actually did have me on when I was covering the Wikileaks emails.

**WOODS:** Oh, no, I distinctly remember that. But I didn't, at that time I think, comment on just the incredible nature of your success. So, I did want to make note of it now.

**BEANZ:** Oh, thank you. That's really kind. It's just the information, truly. I'm pretty unbiased and I don't really care what side you're on. If you're doing something wrong, I'm going to call you on it.

So, people tend to like that occasionally. I guess that's what it is. I don't know.

**WOODS:** Yeah, I hear you. Well, so let's talk about – and forgive me, but as you know, have a bit of an addled brain this morning. The case is called *Missouri versus Biden*?

**BEANZ:** Correct, yes.

**WOODS:** Okay. So, I want to talk about that. I've written a little bit about it in my newsletter because I know a couple of the people who are actually involved in the case in the sense that they are alleging that their voices were suppressed at the behest of the White House.

So, the basic background has to do with the question of, I guess everybody would more or less admit that the government cannot suppress your speech. In principle, more or less, they would admit that. But now the question is, but what if they outsource that dirty work to a big company and say, "You suppress that person!"

That does not seem a million miles removed from them doing the suppressing. Is that the core of what this case is about?

**BEANZ:** Pretty much. Missouri, Louisiana, several individual plaintiffs, some of whom, you know, Jill Hines, Jim Hoft, Dr. Kheriaty, Dr. Bhattacharya, all of these guys are on this lawsuit because they claim that the government coerced or threatened social media to take down and censor their viewpoints at some point over the past few years.

And they did so directly. And it wasn't just the White House, Tom. It was the White House, the FBI, CISA, the State Department, the Census Bureau, a ton of government departments, the Surgeon general's office, the Department of Homeland Security, you know, the entire government writ large here.

And they did that working directly with the social media companies. And when they felt it was getting a little bit too much for them, they outsourced that stuff to non-governmental organizations funded by the government and had those agencies fielding requests to do censorship as well.

So, the states of Missouri and Louisiana hopped on board this because their citizens are directly impacted by it. One of the plaintiffs lives in Louisiana in the district where Judge Doughty, the judge in charge of this case, rules – or practices.

And they filed it and they asked for a temporary injunction. Now, they filed this case a year ago, a little more than a year ago now. And when it first hit the docket, I covered it immediately because I could see the potential.

The judge in this case is fantastic. A constitutional judge granted them expedited discovery and deposition to be able to prove out that they needed a temporary injunction. And just the other day, that temporary injunction was granted by the judge on the 4th of July.

**WOODS:** How about that? So, a couple things I want to get to the bottom of here. When the case got started, the only way that they could bring this case is if they had more than just mere suspicion that the government was involved in this.

So, they must have seen, I don't know, some freedom of information emails or something that told them, yes, you were actually named by name in correspondence from the White House.

So, that's what I'm a little bit fuzzy on. What was it that they initially grabbed onto to say, wait a minute, now we have a smoking gun and we're going to court?

**BEANZ:** Well, one of the biggest smoking guns is actually the hubris of the government because Jen Psaki, Surgeon General, Vivek Murthy and others openly and publicly threatened to hold social media companies accountable.

Even the president did this. President Biden openly threatened: *If they don't start to play ball with our demands to censor content, we will then consider what the technicalities of Section 230 protection that they have. We'll take a look at that*.

They had committee hearings where the heads of these social media companies were in there and they were being threatened. And then they had their individual plaintiffs. And their individual plaintiffs had examples of what had happened to them.

And there was also the case of Alex Berenson that had been ongoing for quite a while. And there were some other material that was publicly available. That was enough for them to write their first complaint. It's been amended twice since.

So, since the first complaint and the Twitter files came out and a whole bunch of other information, that that complaint has been updated and amended.

And then, of course, they started getting discovery from the government, which was a long and storied tale and a lot of wrangling back and forth between them and the Fifth Circuit because the government had filed a mandamus petition at the Fifth Circuit to try and stop this judge from allowing some of the things he's allowed.

And the Fifth Circuit basically shot them down every time. So, the initial thing was their hubris, them publicly stating multiple times that they would take action if the social media companies didn't do as they were asking.

**WOODS:** Well, now, I'm not anybody who wants to defend pre-Elon Twitter. But it is interesting to note that in some of the correspondence between Twitter and the federal government, when some official would say: *Look, we want you to take a look at this account or this tweet or whatever*.

It was interesting to see in the documents that we have how many times even the stupid old Twitter would say: *Look, it doesn't seem like this tweet or this account violates our terms of service, so sorry, there's nothing we can do*.

That actually surprised me. But in a way, I'm very, very pleased to hear that, because then that means that when they did start going after these accounts, it's obviously not because they had it out for these people necessarily. Obviously, pressure was put on them because they were initially resisting.

**BEANZ:** You have it 100% correct. I was pretty stunned to see it too. Even Facebook and Meta were very hesitant to do some of what the government was demanding that they do. And it's interesting because the social media companies are in a very interesting spot in this lawsuit.

They can either play ball and say: *Oh, no, we wanted to do all this stuff.* If they do that, then their Section 230 protection truly is in jeopardy because it doesn't allow for them to be moderating people's speech on their platforms because it takes their liability away from people's speech. So, they're acting as publishers at that point.

So, they can't cover for the government. And discovery is proving, like you just said, they pushed back significantly against a lot of this, particularly on Facebook, with vaccine hesitancy and things of that nature.

And there's a myriad of posts they never would have taken down had it not been for the government stepping in and saying: *I need you to remove this now*. The White House was egregious. Rob Flaherty. He was the digital communications manager – who's now no longer there anymore, by the way.

And he was belligerent towards Facebook and the other social companies. He would literally curse them out in emails, yell at them when they didn't provide the reports that he wanted in a timely fashion.

He was basically working as the head of the social giant's trust and safety team, for lack of better words, and working as a part of their team, as the CEO of trust and safety for these companies demanding information that makes your head spin. It's truly, truly abhorrent.

And the government the whole time has been saying: *They're just reading all of this wrong, judge. They're gaslit. Like, they're lying about the content here. This isn't what we meant. We were trying to protect people.* Whatever.

And the judge asked – because I was at the hearing. The judge said: *Is any of this stuff false? Is any of this evidence that's been produced counterfeit? Is it all real?*

And they were forced to admit it is. They're just trying to gaslight everybody into thinking they're some noble reason for them to be working with these companies in this way.

**WOODS:** Give us examples of the kinds of things that the government wanted either taken down or voices they wanted suppressed. What would be an example?

**BEANZ:** Oh, gosh. So, there were vaccine injury groups where people injured by the Covid-19 vaccine would get together to talk about what's happened to them. And Rob Flaherty at the White House really didn't like that because he thought that it bred vaccine hesitancy.

And none of these posts in these groups or these posts these people were making were against the terms of service at Facebook, and they demanded that those posts be removed or demoted.

And Facebook came back and said: *We're not going to remove them because we've talked to our experts and our experts have told us it would be really terrible to remove these, but we're just going to make it so that nobody sees them*.

So, they would completely shadow ban those posts so nobody else could see them. The person could say it, but nobody would see it. And they closed down multiple groups that were formed to build community amongst these people who had been suffering from these ailments.

They took down parody accounts mocking the first lady. That was one in particular that I really thought was ridiculous, videos that were just parody videos that made light of the Biden administration in any way.

A real true news report that Tucker Carlson had done when the Johnson and Johnson vaccine was shown to be causing blood clots in individuals. He reported on that, and they forced them to demote that video as well.

Then they would come back and yell at them when they didn't do it fast enough. And in an interesting turn of fate, Instagram got to the point where they just started writing an algorithm to remove any content that said the word "vaccine" or "shot" or anything like that, and downgrade that content and basically put that account off in a corner somewhere.

And there's emails from Rob Flaherty to Instagram saying: *Hey, the POTUS account is not picking up any new subscribers or followers over the past X amount of days. Can you guys take a look, please, and see what's going on?*

And it turned out that the government was advertising vaccines via the POTUS's account so often that the new algorithm they created to censor everyone else picked up the POTUS account and censored it, which I call pretty serendipitous if you ask me.

But it was really from the most mundane to some of the more I guess, out there, if not true posts. None of it was dangerous or criminal. It was all just information that people wanted others to know.

Especially respected doctors, the Great Barrington Declaration, a lot around Covid, Anything about the Hunter Biden laptop story, anything about the 2020 election, They were fervent in their quest to get that stuff removed.

**WOODS:** What's the nature of the government's case here? How are they trying to argue their way out of this?

**BEANZ:** They really aren't. Like, when I was sitting in that hearing – I went to Louisiana and I sat in the courtroom. I was the only one there from the media. And I was listening to this eight-hour long hearing.

And the judge had come to the government and said: *I need to ask your opinion on a series of statements. I'm going to read a statement, and please tell me whether or not you think this is protected free speech under the First Amendment*.

And some of the statements he read were, "The Covid-19 vaccine doesn't work." "The 2020 election was stolen." "Joe Biden is the reason that gas prices are high." And there were several others.

And the government could not admit in open federal court that those statements were protected free speech under the First Amendment. And when they were cornered about this, Tom, they said something absolutely insane. "It depends on who's saying them." was their response.

If an American is saying them, we don't know whether or not that American is being paid by a foreign government and could be guilty of FARA violations.

Like, grandma in her living room talking about the 2020 election is somehow working for Russia and being paid by Russia and they need to be able to censor that just in case. Could be a crime.

My mouth was hanging open. I could not believe what I was hearing.

**WOODS:** Explain to me exactly where is the case right now? At what stage of the case are – the judge has issued what?

**BEANZ:** The judge has issued a temporary injunction that bars the government from communicating with social media companies for the purpose of censoring, suppressing, banning, or any of the other things that are listed in there (a lot of terms) any speech on social media platforms that are First Amendment protected free speech.

Which, we know to be basically anything outside of something that's criminal. They are also banned from working with these private NGOs or any organization like that to do the same.

So, the order allows them to communicate with social media companies about anything that has to do with national security, anything that has to do with criminality, anything that has to do with election criminality.

If somebody is out there telling people that they should be voting on November 15th instead of November 8th, or if they're saying, "text your vote to this number", that's allowed. They can talk to them about those things.

The only thing they're not allowed to do as per this injunction is discuss with social media companies having to do with First Amendment protected free speech.

And the government is now fighting this injunction, which is telling in and of itself because technically this injunction should be business as usual for the government.

And I'm watching legacy media and I'm watching *CNN*, and they're trotting out all these legal experts about how dangerous this is. And the government is defending the fact that it needs to continue to censor Americans to get its agenda across.

And if you needed anything more chilling, CISA has considered your thoughts part of its critical infrastructure. They've named it "cognitive infrastructure", Tom. And they're saying that in order for them to protect that infrastructure, they need to be able to do what they're doing with these social platforms right now.

Because if someone goes out and says: *Oh, we should go and grab our money out of the bank, the banking system is volatile.* They consider that a threat to national security. They also consider it a threat to national security if you think differently than they want you to.

This is where we are.

**WOODS:** Are they asking anybody from Twitter or Facebook to testify in this?

**BEANZ:** The social media companies have been subpoenaed and have provided discovery materials. And the interesting thing about that is there were several depositions done. So, there was an FBI agent, Anthony Fauci was deposed.

Somebody from CISA was deposed at a very high level. The gentleman who used to work for Vivek Murthy, right under him, was deposed. They didn't get to depose Jen Psaki, which is another story which is great we could get into.

But the reason why they knew which FBI agent was in charge of all of this wasn't because the government provided it in discovery. It was because Facebook did. So, Facebook and Twitter and Instagram and YouTube and Google are all providing information in this case.

They'll likely be made to testify as we move on. But we were in a very, very limited discovery window here where you were only allowed a certain little subset of people. And the amount of evidence that has come from just that small subset is mind blowing.

So, eventually when we get to trial, yes, they will testify.

**WOODS:**  What was Dr. Fauci's deposition like?

**BEANZ:** It was 110 lies. He lied 110 times.

**WOODS:** But was he not mostly saying that he couldn't remember? And I mean, you can't strictly prove whether he can remember.

**BEANZ:** Yes, He was saying he didn't remember for nearly every single question. However, you can prove that he remembered when there are several dozen emails surrounding a topic that are of the utmost importance, marked so, in an inbox with your top advisers in the middle of the biggest crisis we've ever had.

So, it's pretty clear. And they actually outlined all of those instances in a statement of facts that the plaintiffs submitted. And they said he lied. They said it outright that he lied. So, yeah, his deposition was basically useless, but it was telling.

**WOODS:**  I'm pretty sure he claimed that he had no recollection of the email with Francis Collins where they decided that somebody needs to get on these great Barrington Declaration scientists and smash them good and hard or whatever the wording was. I think he claimed he had no recollection of that.

**BEANZ:** Correct. Yes.

**WOODS:** And that's the whole thing. That that kind of was the whole thing.

And the thing is, if you were Dr. Fauci and you were in that situation, and you want 100% compliance and you want everybody on board, and you have several scholars from top universities openly contradicting you in a document that's attracting hundreds of thousands of signatures in a matter of days, I'm sorry, I don't think that's something you forget.

**BEANZ:** No, it's impossible. Unless we have a literal – we have a Biden running the NIH, it's impossible.

**WOODS:** By the way, in parentheses, if may in the middle of this, what do you think about Elon Musk and Twitter? What's your impression? Because I have a lot of people who think he's great for what he's done on Twitter.

I think so, too. I think he has a lot of interesting, provocative things to say. I think he has an open mind. I don't agree with him on everything, but I don't care. That doesn't bother me. But get other people saying he's a wolf in sheep's clothing and this, that, and the other thing.

And my attitude is: *But yeah, when he starts to act like a wolf, then I'll be upset and I'll fight against him. But when he's doing good things, I'm going to congratulate him.*

**BEANZ:** I'm agnostic on Elon. I tend to lean towards the fact that I like him only because – you know, I had my voice stolen from me after the 2020 election and wasn't able to use that platform for obnoxious reasons that didn't hold any water.

And I was let back on, but I'll tell you something, when I first got back on until April, I was really reaching millions and millions of people. I am maybe reaching half a percent of my followers with my work at this point.

So, I think he's great. I'm glad I'm back on there. There's still a lot of work he needs to do. I'm very patient. He's been very accommodating to creators and journalists like myself, allowing the subscriptions and stuff, but he's also very click-like.

He tends to favor a certain core subset of accounts that he kind of tools around with on the platform. So, it is what it is. I mean, I'm not complaining, we'll put it that way.

**WOODS:** So, what is the story about the Jen Psaki deposition?

**BEANZ:** [laughing] This was great. So, Jen Psaki is really the guilty one behind all of the blatant threats. And when discovery came, she was already gone.

And so, they couldn't depose her because they're not suing individuals. They're suing offices, and then individuals in their professional capacities.

So, the press office, they went to them for discovery about who was telling Jen Psaki to say those things and why.

And the press office came back and said: *We've got absolutely nothing. There's nothing here. We don't know why she said it. Nobody in our office has any clue why she said it, and so we're going to have to say we have nothing responsive.*

So, the plaintiff attorney said: *Okay, well, then we're going to have to petition the court to depose her as a non-party witness because she's the only one who knows why she said the things she said.* *And clearly, she needs to tell us why she said them, because we need to know to continue our case*.

So, they went to depose Psaki. And the judge in the case granted the deposition. And man, did the government freak out. They filed a mandamus petition at the higher court. They went to Virginia and filed a petition in Virginia to stop the judge from allowing the deposition.

And you figure – you go into, like, basically, a DC court, and the court is going to be very amenable to Jen Psaki because it's DC. That didn't happen.

The judge in that case had attorney Jeannie Rhee – and if anybody's been following things over the past several years, they'll know that that's a very scandal-tinged name, who was representing her.

And the government was also there in support of Jen Psaki as well. And none of the arguments that any of these attorneys made for Jen Psaki made a difference to this judge.

This judge was like: *First of all, this is not my jurisdiction. You're out of line bringing this case here to me, asking me to make a ruling when I don't have a fact set in front of me and I would need to read thousands of pages to get there.*

*But not only that, if Jen Psaki says she has nothing to provide, why is a deposition bad? Let her sit down and tell everybody she has nothing to provide and then everyone call it a day.*

And the arguing went back and forth and he schooled these government attorneys and basically told them to sit down and said: *I'm not ruling on this. I'm going to remand it back to the judge in Louisiana because you don't want me to tell you what I think you should do. You don't want me to rule on this case, so I'm sending it back to him*, and sent it back.

And then there was about a month and a half worth of legal wrangling between the government and the plaintiffs. And finally there was some discovery provided, responsive to her threats to the plaintiffs, which we have not seen yet.

But they were forced to provide documents they claimed they didn't have. And they've done that a bunch of times. They claim they didn't have something, but then Facebook provided something that proved that they did.

So, there's a very big check and balance on the government's ability to lie in this case because there are interested outside parties in the social media companies who aren't going to be stuck with their pants down on behalf of the government.

**WOODS:** I have to say, this case really pleased me because I felt like probably what would happen was that our side of things would just kind of lie down and take it (as we always do), and not actually fight back.

We would write a lot, we'd get angry, but they would win. But they filed this. And then even filing a case like this, there's always a chance it just gets thrown out and there's some reason that they're not going to listen to it.

But they did it, and it stuck. And as you say, it sounds like there's a sympathetic judge. So, maybe the good guys are going to win one at this point.

And at the very least, it means that future historians (any of them who want to be honest, which will be a very small sliver of them) will have at their disposal the entire proceedings of this case. So that they'll know that what went on during these several years of Covid was highly, highly unusual.

And that the full story of it was not simply there were wonderful people like Anthony Fauci who just wanted to tell people the truth and a bunch of stupid rubes wearing backwards baseball caps refused to listen because they wanted to go out for dinner, and that's why it lasted so long.

I mean, this shows that there were genuine heroes and villains. If you ask me.

**BEANZ:** You're 100% correct. And the worst part of it is it doesn't stop with just Covid. And the government has admitted this in open court, that they're going to be doing this again for 2024 for the election.

They've added whatever topics that they find to be non-progressive, I'll just say, for a lack of a better term. For example, the abortion debate, gender ideology, the withdrawal from Afghanistan, our involvement in the Ukraine war.

Any of these topics are fair game as per CISA, the government, etcetera, for censorship, which is truly Orwellian. And the judge has used that term several times throughout. In the hearing he used that term a couple times.

In his filing, he used it. And the case will go on whether or not this injunction is stayed or not. It would be disappointing if it was overturned. However, there is still a case here and it's still going to move forward.

And they're right now claiming Article Three standing, meaning that the states don't have rights to sue the government under these grounds. That has failed for them three times, but they're still pounding on it.

There's nobody who can look at the record of this case and think anything other than the government is literally fighting the judicial branch right now. The executive is fighting the judicial branch for the ability to censor Americans speech in the town square.

And any honest historian would write it that way.

**WOODS:** And incidentally, this kind of case reminds us of the importance – and I know this sounds like a cliche because people have said it for so many years – but the importance of judges, the importance of the selection of judges and who is choosing judges.

And the thing is, that was the kind of argument that would be trotted out when you were very unhappy having to cast a vote for George W Bush. Because this guy is a dope and a blockhead and a warmonger, and I can't vote for him.

And people would say: *Ah, but you don't want the other side appointing the judges.* Well, okay. Well, half the time when the George W Bush's of the world would appoint the judges, they weren't so good either.

But that argument has been raised for years and years and years. But I think now we really are seeing the significance of and the importance of that argument. It does mean something. Because at this point, we have a country that is so divided, some of the country thinks it's okay to censor people.

Gender ideology has radically divided the country. We've got a sorority that is suing over the admission of a transgender applicant, saying that this is obviously a man coming into our sorority. Well, you can only decide that one way or the other.

Either the person can come in or the person can't come in. And that's going to depend on who was appointed to be the judge in that case.

**BEANZ:** Yes, you're 100% correct. And given what the Department of Justice has pulled, given the politicization of especially the DC Federal Circuit and elsewhere, the things that have happened over the past week or two have been massive wins for the Constitution.

And I am really starting to see in a lot of the cases I'm following, judges are starting to realize, like: Okay, we're at a point now where if we don't start doing what we're constitutionally mandated to do, we're not going to have a country anymore, and this needs to stop.

And a prime example – because I know we're getting short on time now. The Fifth Circuit is where the appellate court will hear this case. And one of the justices there went to speak to Stanford months ago and he was going to speak on Covid-19 and the Second Amendment and some other things, Stanford Law School.

And he went there to speak. He's a conservative justice, and they assaulted him, not physically, but with such inappropriate behavior for senior law students, that he was unable to complete his lecture or even begin it and he had to leave.

It was a big controversy. You can look it up. It was covered extensively.

**WOODS:** Oh yeah, I covered it in my newsletter. It was an outrage.

**BEANZ:** Yeah. So, now what's happened is these judges and justices are now saying: *You want to clerk for me? Well, you can't if you're from Stanford, Duke, or Yale, or any of these other radical left law schools that are churning out lawyers that are not beholden to the Constitution and are practicing with some radical leftist ideology of what the Constitution is or isn't.*

And so, it is rippling down. It's just hard to see in the noise of everything else that we have going on.

**WOODS:** Well – and here I think I'm sounding like a broken record because I've said this so much. But I remember years and years ago, like, back when I was in school.

And you would see that there were a lot of crazy professors, and you'd say: *Well, the good news is all their crazy ideas stay confined to the university and they never really seep out into the rest of society.*

But now they've reached a critical mass to the point where they are seeping out. To the point where you are seeing huge numbers of people graduating law school thinking that the role of a lawyer is advocacy, is to promote your political point of view and ram it down the throats of everybody else.

Well, now that we know those are the rules, I guess we have to prepare accordingly.

**BEANZ:** Oh, agreed. It is. And I wish back then we had the foresight to try and stop that from happening because that was when it started. They used to call Ron Paul "crazy Uncle Ron". But look at him now. His ideas have also permeated and are pretty much at the forefront at our time right now.

So, we need the right ones to rise to the top. And with censorship, that's why it's so important to them. Because the ideas of freedom and liberty, Tom, will not rise to the top if they're squelched because nobody sees them.

But if people get to see them and understand them, they do rise to the top, always. So, that's why the censorship is so important to a regime like we have in power right now.

**WOODS:** Well, one last thing. Just because you and I date back to the Ron Paul days.

When the Covid lockdowns got going and then all the propaganda that followed about masking and all that, it was interesting to note that in public life, at least for a good long time, I would say, the best person in the House of Representatives on this subject was Thomas Massie.

And the best person in the Senate, at least for a good long time (and maybe the whole time) was Rand Paul. Now what do Rand Paul and Thomas Massie have in common? They both come out of the Ron Paul Revolution.

There's no way Mitt Romney, if he'd been president, wouldn't have done exactly the same thing. He would have done whatever Fauci told him. And did not follow Mitt Romney during Covid, but I'm quite sure he had very safe, predictable opinions about it.

So, our little wing, who at the time we were criticized for being crazy and we're not responsible people like – fill in the blanks of all the other stuffed shirts who were running for president.

But when push came to shove, these people have got to realize that the guy they shunned all those years ago because he was a kook, because he didn't support the military, whatever it was.

Well, you know what? When push came to shove and your liberties were at stake, the people standing up for them all came out of the Ron Paul Revolution.

**BEANZ:** 1,000%. And that's why it pains me to see people that call themselves conservatives attacking Thomas Massie sometimes for his positions that he takes.

**WOODS:** So stupid. Yeah, I agree.

**BEANZ:** Yeah, I can't stand it. He's one of the most principled men in Congress right now. And you're right, Rand Paul was on top of it from the beginning as well. So, we had some good. We did some good. We planted some seeds.

**WOODS:** Yeah, we did indeed plant some seeds. Well, Tracy, let me urge people to check you out, first of all, on Twitter @TracyBeanz. I'll have that linked on the show notes page, TomWoods.com/2360. But also UncoverCd.com, a couple of places where they can find out what you're up to.

So, thanks so much for this briefing. I appreciate it.

**BEANZ:** Oh, I appreciate you having me, Tom. It's great to be with you again.