

The Honest Ads Act: “Fundamental Rights,” Real and Imagined

Wikipedia defines “moral panic” as “a feeling of fear spread among a large number of people that some evil threatens the well-being of society” and notes that *A Dictionary of Sociology* attributes the cultivation of moral panics to “moral entrepreneurs and the mass media.”

We’re well into the second year of a moral panic drummed up by Democrats and “Never Trump” Republicans for the purpose of nullifying the outcome of the 2016 presidential election — removing US president Donald Trump from office, or making him a four-year *de facto* lame duck — by blaming his upset victory on “Russian meddling.”

But moral panics have multiple uses. As former Obama White House Chief of Staff Rahm Emanuel once said, “[y]ou never let a serious crisis go to waste. ... it’s an opportunity to do things you think you could not do before.” This is as true of an artificial crisis as of a real one. Perhaps even more so, since real crises need to be dealt with, not just manufactured and hyped.

Karen Hobert Flynn of *The Daily Beast* reports that US Senators John McCain (R-AZ), Amy Klobuchar (D-MN), and Mark Warner (D-VA) are pushing something called “The Honest Ads Act.” The prospective law would burden web sites and social media networks with unconstitutional identity disclosure and disclaimer requirements like those currently covering political ads on radio and television.

Their excuse? Moral panic. “The Russians” pushed some cheesy political memes over social media last year. Obviously, “Hillary vs. Jesus” is what swung the election. And, Hobert asserts, Americans have a “fundamental right to know who is trying to influence our votes and our views on public policy.”

Well, no. Americans — and Russians — have a fundamental right to say what they want to say, with or without their names attached to it.

“Who the Author of this Production is,” reads an old political pamphlet, “is wholly unnecessary to the Public, as the Object for Attention is the Doctrine itself, not the Man.”

That old pamphlet is *Common Sense*, the manifesto of the American Revolution. We know its author’s name — Thomas Paine — now, but its first readers didn’t. From Cato’s Letters to *The Federalist Papers*, anonymous and pseudonymous political speech defined early American *free speech* in ideology and in practice.

There’s a right to speak. There’s a right to listen or not listen to what someone says.

There's a right to ask who's saying it, and to condition one's belief or non-belief on the answer. But that answer may be "none of your business," and there's no right to forcibly dictate otherwise.

Don't let demagogues like McCain, Klobuchar, and Warner exploit the current moral panic to manufacture fake new rights at the expense of old real ones.