

Substantial Disruption



Binding Our Tongues

By Mike Tully

Whoever controls the media, controls the mind.
— Jim Morrison

Imagine ESPN is televising the Arizona-Arizona State football game. A camera zooms in on an ASU fan wearing a Sun Devil mask and, since the game is in Tucson, the announcer says, “That mask won’t make any friends in that crowd!” Suddenly, a policeman pounces on the peaceful Sun Devil fan and arrests him as ESPN cuts to commercial. The cop declares the Sun Devil mask was “unacceptable attire” in Arizona Stadium and the fan is charged with a felony. Could this actually happen? Yes, if Republican State Representative Jay Lawrence has his way.

Lawrence is behind [HB2007](#), which would make the behavior described above a felony. It would be “unlawful for a person to wear a disguise ... while participating in” four specific situations: commission of a public offense; or during a “civil protest,” “political event,” or “public event.” The crime would be a class six felony unless the disguise is for a “business related purpose” or “may generally be viewed as part of acceptable attire.” The Sun Devil mask is unacceptable attire in Arizona Stadium, so take it off, or go to jail. Wear a disguise at any public event and, if someone deems it “unacceptable,” you’re busted. Lawrence, by the way, told [Capitol Media Services](#) it would be okay “if someone protesting his views or his legislation shows up at a rally wearing a chicken suit.” The fact he had to say that suggests we have gone over the rainbow.

If the bill was limited to using a disguise while committing a crime and the disguise facilitated the crime, that would be one thing – except that’s not what it says. Loiter in a store and refuse to leave when ordered and you commit a misdemeanor – but leave the fake nose and glasses behind, because a disguise makes you a felon. The law applies to public gatherings and would make it a potential felony any time you went out in public wearing an unacceptable disguise, whether defined by a cop or somebody making a [citizen’s arrest](#). Halloween is going to be very, very interesting.

Arizona’s not the only state treating the First Amendment like a chew toy. Florida has discovered the thrill of censorship. A [new state law](#) permits anybody to demand removal of books from school libraries, whether or not they have kids in the district, or even live there. Y’all coming to the bonfire?

Meanwhile, storm clouds presage a threat to speech unprecedented in American history and an ill wind blows from the White House. Justice Brandeis wrote that the Nation’s founders “believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that, without free speech and assembly, discussion would be futile.” First Amendment protections have grown as speech opportunities have grown,

embracing movies, broadcasting, cable TV and the Internet. Our current era, as confusing and shambolic as it is, will be fondly remembered as the Golden Age of speech, a final frontier to be fenced in and corralled by one recent and one pending decision by President Trump's Federal Communications Commission.

The recent decision continues a trend toward media consolidation begun during the Reagan Administration. The radio landscape changed when Clear Channel and others were permitted to own dozens of media outlets, and the change was not pretty. Broadcast stations, especially radio, lost their local identities as national corporations replaced on-air talent with remotely placed announcers or even fully automated formats. Music lists no longer reflected local tastes, and radio news departments became extinct. The new rules allow common ownership of broadcast affiliates and newspapers in the same market, common ownership of two of the top four stations, elimination of the requirement that broadcasters maintain a local studio, and two other rules changes that empower a single owner to dominate a local media market. The changes were made to [accommodate](#) Sinclair Broadcast Group, a [Trump-friendly conglomerate](#) that includes commentary from former Trump aide and long-time advocate Boris Epshteyn as mandatory programming for its affiliates. The rule's immediate impact is to ensure more pro-Trump propaganda finds its way into local programming.

The pending decision will redefine broadband Internet as an "information service" rather than a utility. That reverses an Obama administration decision to regard the Internet as a common carrier that must provide sites equal access, regardless of size or content. That is known as "net neutrality," a concept that gave us the robust, rambunctious, pluralistic Internet. The new Internet rules will permit Internet Service Providers like Verizon to favor haves over have-nots. The FCC Chairman, Ajit Pai, was Verizon's lawyer, and the retainer is paying dividends. The haves will access the fast lanes with higher download speeds. ISPs will be able to bundle channels like they do on cable. If you like being able to log onto whatever website you fancy, too bad. The rule will create new gate-keepers, and Internet users will be the losers with fewer options and higher fees. Most dangerously, there is nothing to prevent ISPs from favoring websites based on content.

Arizona's proposed "disguise" law and Florida's book ban are bad enough, but neither threatens a future in which "discussion would be futile." However, confining media outlets and Internet providers to a handful of wealthy and influential corporations and propagandists is a dangerous development that all Americans should protest – but leave behind your ["Guy Fawkes" mask](#) if you're in Arizona, just in case.