

## Alex Jones Must Die

Not literally, of course. As unpleasant and repulsive as Alex Jones may be, I've never stood within a hundred miles of the man, and I certainly don't know him. He *could* have redeeming qualities the rest of us can't really see, and in any case, capital punishment is *not* a rational or wise response to a crime, no matter how heinous. But Mr. Jones has made it awfully difficult to forgive him for his many sins. I think his only path to redemption, at this late stage of the game, is to first divest himself of his ill-gotten gains, and then to agree that *he just needs to stop*.



To remove himself, for some period of time, from our public airwaves and our internet feeds to rebuild himself as a caring human first, and then, perhaps, as a public figure who can first agree to do no harm *before* he opens his mouth or steps in front of a camera.

We cannot, of course, just *cancel* Mr. Jones. It's a specious turn of phrase: he is *not* a character in a television program, and there is no one person in charge of the network he abuses to commit his crimes. If Mr. Jones is to retire from his current position, he must choose that path for himself. No one can force it on him. If Mr. Jones continues to inflict harm on others, however, we can safely predict that he will spend more time in courtrooms, and it will not end well for him, or for his victims, or for the rest of us. In the end, we all must live with the consequences of his actions in one way or another, and so we all have a vested interest in helping Mr. Jones to leave that very public stage he has built for himself.

Alex Jones, like Donald Trump, Rush Limbaugh, Joseph McCarthy and the ancient Sophists before *them*, employs logical and rhetorical fallacies to turn other people's pain into profit, and into a form of social power. He is playing from an old bag of tricks, but on a much larger scale, and it seems to pay pretty well. Far too well, as we all should know by now. Mr. Limbaugh, in his decades, had to share whatever money he pulled in with the owners of the networks that carried him. Mr. Jones, on the other hand, had the chance to build his own network, and he has decided to keep *all* of the money for himself. At least until the jurists have a chance to hang a price tag on his many trespasses.

And those juries will be seriously challenged to find any number that makes sense. A civil reckoning is a poor substitute for a criminal conviction when someone inflicts as much pain as Mr. Jones has. It is not really possible for any of us, I think, to relate to the experience of receiving death threats from strangers who are convinced that a deranged individual did *not* just end their young child's life. To pick up the phone, turn on the radio, open your email, and have that form of *grand mal denial* and vitriol delivered to your doorstep as you try to process the pain of losing a child is a nightmare that defies classification or comprehension. How the parents of Sandy Hook manage to trudge their way through it all is just as big a mystery as that presented by the concentration camp survivors, those heroic people who chose to confront the holocaust deniers with their personal testimony for as long as they could.

While it is tempting to write off the lies of Alex Jones as a private delusion, too many other people have acted on it for it to just pass with a small hit to his over-sized bank account. Make no mistake: when Mr. Jones advanced his lies, he did not just defame those parents or share an opinion: he committed an act

of *verbal assault* that should be considered a felony. Mr. Jones did not just act with *reckless disregard* for the truth, and then try to hide his intent behind a mask of *willful ignorance*, he decided to create a torture chamber worthy of de Sade for those families, who must now spend the rest of *their* lives reassuring people that the tragedy of Sandy Hook was, in fact, *real*. Now, we all must find enough respect for ourselves to admit *that it actually happened*, just as we owe that duty to the concentration camp survivors, and to the people who liberated them, and to the next set of families who will confront the horror and the pain. If we are to survive as a species, we must find a better way to learn from the inhumanity we endure.

Attacking the truth, attempting to fracture the reality we all must share, in order to line one's pockets is now a blood sport, and we cannot let it go unchecked. In a more, or perhaps less *just* world, Mr. Jones would be forced to describe the content of the crime scene photographs from Sandy Hook. A set of life-sized, full color, high resolution reproductions that he must narrate for an unseen crowd of his listeners. It would create an event that not even a Bosch, or a Dante, could have imagined, let alone captured.

In a more productive direction, however, it may be time to revisit the legal foundation we act on. It seems obvious that Mr. Jones was not really attempting to defame the parents of Sandy Hook so much as he was attacking the legitimacy of all forms of communication, including his own. It's an effective way of provoking a fight-or-flight response in his audience that, in turn, makes them pretty easy marks for his low end survivalist gear and dietary supplements. He argues that he is in the entertainment business, or that he is simply voicing an opinion, and so he may broadcast any lie, no matter how detached it is from any objective reality we may confirm. He also has claimed that he has a "right to be wrong." The murder of 27 people in a modern American city cannot possibly be faked. That is the truth. There are too many people involved, in too many different roles, to maintain any kind of large-scale deception; we are far too interconnected to allow for that much cover. *Hell, my children will rat me out for eating a doughnut within ten minutes. With full motion video, immediately transmissible around the globe.*

Mr. Jones exposes the fact that the cost of entry to a mass communication channel has dropped to the point where a shrill huckster can now inflict damage on both a new scale and at a much greater depth than ever before. We can ignore a lunatic yelling in his front yard; we cannot so easily contain the damage when that lunatic can reach millions of people without any filter, or any limits. The libel laws that constrain our traditional media companies will not protect us from the likes of Mr. Jones. He can move too fast, and in too many directions all at once. There is no governing board, no legal entity of record with assets and a physical presence that we can find and hold accountable. This fact gives him room to create as much collateral damage as he wants with little fear of repercussion. The Sandy Hook families have spent four long years attempting to haul Mr. Jones in front of a judge and a jury, and they are still waiting. Clearly, something needs to change.

Defamation, of course, still has a place in the U.S. Legal code. People and publications will, on occasion, ruin someone's personal or professional reputation and cause real damage. Where we need to change the code is at the point where the damage is more than financial. When the consequences of public speech reach an audience of more than a thousand, for example, and produce an egregious level of suffering for those targeted (i.e., receipt of death threats and abusive behavior from strangers, a total

disruption of lives and loss of privacy), we can fairly convict the offender of **Negligent Verbal Assault**.

This new class of crime would rest on three specific conditions:

1. The offender did, with willful ignorance, or actual malice, and without normal prudence, use a communication channel to spread demonstrably false, misleading or damaging content about another person or persons without any evidentiary basis.
2. The offender did, without basis, persist in spreading demonstrably false, misleading or damaging content with full knowledge of the damage it was causing, and
3. The offender did, without care for the consequences, avoid admitting to any motive and refuses to accept culpability for their actions in the public sphere.

Just as with other forms of assault, we should identify different classes of Negligent Verbal Assault.

- At the lowest end of the scale, a Class C offense would rise above the level of simple defamation and include at least some component of harassment or hostile actions from third parties.
- A Class A offense would include, in addition to the components of a Class C offense, a public refutation of injury incurred by the victim: i.e., a public questioning of a painful event endured by the victim, for which there is ample evidence.
- A 3<sup>rd</sup> Degree Felony Negligent Verbal Assault will be charged when the offender incites a response sufficient to deprive the victim of their privacy and isolate them from normal social interaction, i.e., to make the victim an unwilling public figure who must defend the reality of a crime against them, and have reason to fear normal activity in public places.
- A 2<sup>nd</sup> Degree Felony Negligent Verbal Assault will be charged when the offender incites a response sufficient to deprive the victim of any chance to resume their normal life: i.e., when they are burdened with a level of infamy sufficient to end their professional career, force them from their place of residence, break their ties to family and friends, or otherwise deprive them of life, liberty or the pursuit of their happiness.
- A 1<sup>st</sup> Degree Felony Negligent Verbal Assault will be charged when the offender incites a response that results in a loss of life that can be attributed, at least in part, to the response incited by the offender's communication. This charge may be combined with other charges related to physical assault or homicide.

A 1<sup>st</sup> Degree offense may also be charged in a case where public confidence in the baseline reality we all must share is threatened: i.e., if the communication event is clearly intended to erode our confidence in facts entered into official proceedings, the integrity of the institutions we all rely on, or the validity of evidence reviewed in public trials or the media. Attempts to question historical events that are well established would also fall under this category: e.g., continued attempts to deny the reality of the Holocaust, or other events that are extensively documented.

This schema is offered as a starting point for a long overdue cultural conversation. If we are all to inherit the power of a press once reserved for a handful of companies, we must accept the responsibility that comes with that privilege, or risk allowing it to end our civilization as we know it.

The first concern we must address, of course, is the right to free speech, which is not absolute. We can begin by conceding that a kick to the crotch is *not* a form of *political expression* – it is an act of physical assault. The form of speech we are concerned with here is also a form of assault; the scars are just not quite as visible. Until they are: the *big lie* first promoted by Joseph Goebbels and his German friends offers a lesson in the potential for dishonest communication to tear the world asunder. We can, of course, find a way to allow for the free exchange of ideas in our republic to carry on without allowing evil to take free reign.

But how? Where can we draw a line in the verbal sand? No individual can solve this riddle on their own, but we can at least make an effort. First, we have to acknowledge that verbal or written constructs take the form of reports, inferences and judgments (also known as opinions).

- Reports convey facts – that is, descriptions of observable phenomena that we can all perceive and confirm using our senses and our science.
- Inferences are conclusions reached by assembling reports using the tools of logic and reason.
- Judgments offer statements that interpret or provoke action on reports and inferences.

With no apology to Kellyanne, there is no such thing as an *alternative fact* – there are, however, false statements about our world that cannot be supported by shared observation or confirmed by any credible science or accurate measure. This offers a foundation we can build on: those who misrepresent judgments as reports, substitute logical fallacies for sound reasoning, and *flood the zone* with false reporting are no longer exercising their right to free speech, they are attacking the body politic as well as any individuals who get in their way.

As with obscenity or hate speech, there is no way to set a national standard for what specific forms of speech should be prohibited or what may constitute a form of negligent verbal assault. In the end, it is not a matter of specific terms, or claims, or types of logical fallacy: we must assess the impact of the communication act and the harm it has done. Will holding people accountable for their communication acts serve to cool free speech? At first, it probably will, and given our experience over the past 25 years, we may be due for a little less chatter. Our founding fathers sought to protect the right to share reports, draw inferences and post our opinions in a marketplace of ideas; I think it's safe to say that they were not interested in protecting a right to inflict as much damage as possible for the sole purpose of gaining money and power.

The verdict in the Alex Jones defamation case brought by the Sandy Hook families should force us to ask a few questions: Can an act of speech, amplified and repeated enough times, become a crime against our basic humanity? Can we hold an individual, and those who control the infrastructure (or “platform”) used to deliver a knowingly false, inflammatory and even deadly message, responsible for their actions? Is it really that hard to determine where an act of speech has crossed the line from an uninformed, or

willfully blind “opinion” to a cold, calculated attempt to subvert or destroy our shared definition of reality? We cannot allow Alex Jones, or his ilk, to dump poison into the minds of millions for profit. If we are to hold the establishment press and other broadcasters accountable for their actions with existing libel and defamation laws, then those who would gaslight the world must be held to a similar standard. Given the social stakes, the potential for demolished lives, and the risk it creates for the future of our republic, we must reconsider our current laws and use our legal system to wield some measure of control. We do not allow our neighbors to construct open sewage pits in their backyards, and we cannot allow them to use our neotechnic devices to build them in everyone’s virtual backyard as well.

-- Steven Peterson, 2022

### **Postscript**

While the matter is far from settled, the juries have returned a verdict in a few of the Alex Jones defamation trials, and the amount is staggering: \$1.6 billion U.S. dollars and counting. In Texas, \$45 million; in Connecticut \$965 million in compensatory damages with another \$473 million in punitive damages. Of course, he lost these cases in summary judgments because he failed to respond to discovery requests that might shine a light on parts of his sordid life that he would prefer to keep in the dark. Another trial in Texas is expected before the end of the year.

Mr. Jones, has, of course, appealed the verdicts and has not paid the families any part of the monies owed. In his usual ham-fisted manner, he has placed his assets in a few [shell companies](#) run by members of his immediate family and is claiming [bankruptcy](#). The new school strategy is to refuse to mount any kind of defense, and accept the summary judgment as the basis for filing an appeal after the awards are announced.

Until we put a stop to this, the clown car will continue to fill:

A recent case involving Ammon Bundy, our cherished local idiot, is following the same [playbook](#) set forth by Alex Jones almost to the letter. The costs that St. Luke's hospital incurred as a result of his actions won't simply disappear. The entire community (including yours truly) gets to split that tab. Backed into a corner, Mr. Bundy [turned tail and fled](#) the great state of Idaho.

Then we have Rupert Murdoch, who decided that it was easier to pull out his checkbook than face any sort of music in a court of law. While [Dominion Voting Systems](#) doesn't generate quite as much sympathy as the Sandy Hook families, or St. Luke's Children's Hospital, they can only take his \$787 million check and try to start a new business. Perhaps Smartlink will fare better - they would like to get Tucker on the stand, just to see how much he is willing to perjure himself. We know that one will bite off the entire head of the chicken with that trademarked constipated look on his face.

And, of course, there are all the small potatoes cases involving Mr. Trump, who managed to lose two defamation cases in the same week, one on each side of the table. As the plaintiff, he tried to hold the New York Times liable for exposing the scale of his [fraudulent empire](#). The Pulitzer committee doesn't make a lot of mistakes, and the Times know how to [fact check](#) an article before they publish it. The other case that week had him in the defendant's seat, trying to stare down [Ms. E. Jean Carroll](#), one of

his many victims. In a stunning display, Trump then repeated his defamatory statements the day after the original judgment, on live TV, in front of an audience of millions. Jean may get [another \\$5 million scoop](#) of the campaign sherbert he collects from America's retirees. Just another day for him. The scorecard keeps filling: [losing again](#) with a counter-claim against Ms. Carroll and, why not, against [CNN](#) itself. All of this offers as a nearly perfect example of the [futility of trying to hold the wealthy accountable](#) for their actions using civil means. I doubt Ms. Carroll planned to spend her golden years wrestling with that pig.

And ... we shouldn't forget about Rudy. The former mayor and current sycophant is staring at a [\\$148 million tab](#) for destroying the lives of those decent poll workers down in Georgia. The money won't erase the damage done to their lives, but it may help them to recover some part of their liberty, albeit in a gated community where they will have to pretend it isn't really the poshest cell in the country. Mr. Giuliani offers the best support for the argument presented above, and will, no doubt, help build my case as he exhausts the appeals process, looking for an assist from the grim reaper.

The scope of the problem is daunting. As with any significant challenge, we have to take the first step and acknowledge no civil judgment will bring any real justice. And unless we purge our information ecosystem of this unending stream of sewage, we may all drown. The negligent won't care about us, or anyone other than themselves, unless and until they have no choice.