

Disinformation and the State: The Aptly Named RESTRICT Act

[Disinformation and the State: The Aptly Named RESTRICT Act](#)

by [Ryan Turnipseed](#), *Mises Institute*

April 21, 2023

The RESTRICT Act (Restricting the Emergence of Security Threats that Risk Information and Communications Technology Act) has recently been making the rounds in the media, and rightfully so. The act is truly terrifying, but more than the open tyranny that it would further, the act illustrates a very clear problem from the perspective of the state.

In previous eras, either formally or informally, the state exercised a great deal of control over the information available to the wider population. This is no longer the case in the present day. With the advent of the internet and the resulting decentralization of media and other channels of information, the state has had increasingly fewer options at its disposal to control information. It is very obviously afraid of losing its position as the controller of information, and the RESTRICT Act is a desperate attempt to reassert itself as such.

What's in the Act?

At this point, most people who have been paying attention should recoil upon seeing a large acronym under the consideration of Congress. After the USA PATRIOT Act, normal people recognized that these bills of massive overreach were, to put it lightly, misnamed. But in a move of honesty, the RESTRICT Act does exactly what it says it will do should it be

enacted and enforced. The Senate's [website](#) is remarkably up-front, saying:

Vendors from the U.S. and allied countries have supplied the world's information communications and technology (ICT) for decades. In recent years, the global ICT supply chain has changed dramatically; a number of prominent foreign vendors—many subject to the control of autocratic and illiberal governments—have gained significant market share in a variety of internet infrastructure, online communications, and networked software markets. . . . The RESTRICT Act comprehensively addresses the ongoing threat posed by technology from foreign adversaries by better empowering the Department of Commerce to review, prevent, and mitigate ICT transactions that pose undue risk, protecting the US supply chain now and into the future.

Thankfully, the state is going to defend us from information and communications technology from “autocratic and illiberal governments,” as if our own states, which locked us in our own homes, were democratic and liberal. What specifically is being targeted in the broad category of information and communications technology?

As the act has been publicly marketed, this is a move against the popular social media platform [TikTok](#). The US government's reasoning is simple: TikTok, and similar platforms, are owned by foreign states, and these foreign states can distribute or facilitate information that is contrary to the narratives pushed by our state.

This is an existential threat to the US government. Seeing as the goal of a state is to maintain control, as articulated by Murray Rothbard in his [book](#) *Anatomy of the State*, having rival states present alternative narratives to the population harms your legitimacy. This legitimacy is necessary for the state to exist. As Rothbard says of people supporting the state:

This support, it must be noted, need not be active enthusiasm; it may well be passive resignation as if to an inevitable law of nature. But support in the sense of acceptance of some sort it must be; else the minority of state rulers would eventually be outweighed by the active resistance of the majority of the public.

The state, therefore, must maintain its legitimacy to survive, and the US government is attempting just that by trying to retake control over the country's media. As mentioned earlier, the internet rendered most of the state's old methods of control obsolete, which is why for the last few years the US government has been on the defensive, using covert means to influence channels of information (as can be seen with the Twitter Files).

The fact that the state has had to openly announce its direct censorship and control signals the state's weakness. If it were stronger and bolder, as it was in most of the last century, it would have just acted already and passed the action off as a mundane matter of governance. If it were on surer footing, it would have just continued its policy of covert influence. The state is threatened. It's afraid!

In the media and wider US society, a false debate has arisen. One side is in support, and the other side rejects the RESTRICT Act as terrifyingly evil because it is consolidating power in parts of the executive branch. [According](#) to the act, the executive branch will now have the authority to

address any risk arising from any covered transaction arising from any covered transaction by any person, or with respect to any property, subject to the jurisdiction of the United States that the Secretary determines . . . poses an undue or unacceptable risk to the national security of the United States.

The popular opposition is [claiming](#) that this is tyrannical because the secretary of commerce is appointed only by the president and reports only to the president, making the secretary unelected and subject to no congressional oversight. This objection is approaching the truth, but it's not quite there. This act is not bad because the person who gets to determine what is an "undue or unacceptable risk" is unaccountable and undemocratic.

The act is far worse because the state should not be deciding what is an "undue or unacceptable risk." Should this go through, the United States will have its [own censor](#) under whom no ray of light, from wherever it may come, shall in future go unnoticed and unrecognized by the state or be divested of its possible useful effect, and it will be called the secretary of commerce.

Implications of the Act

As with everything pushed by the state, what will actually happen goes far beyond the written intentions. Just as the act nominally passed to defend our freedoms from terrorism is used to spy on millions of normal Americans, this act will control and censor far more than TikTok (which is obviously not the only foreign-owned media in this country). And this is written into the act itself, which [provides](#), "The Secretary may undertake any other action as necessary to carry out the responsibilities under this Act that is not otherwise prohibited by law."

Worse than just the focus on "[foreign adversaries](#)," how long until this is applied to *any* media deemed adversarial? How long until this act, after being passed, is amended to crack down on "domestic adversaries" like conspiracy theorists and spreaders of "disinformation," all of which, of course, will be determined by the state? We have every reason to believe the state will grab this power, being as these categories, deemed so by the state, threaten its legitimacy. As

Rothbard [wrote](#), “A ‘conspiracy theory’ can unsettle the system by causing the public to doubt the state’s ideological propaganda.”

Even though the advances of tyranny are now commonplace, and the continual infringement of our liberties is the norm, this blatant aggression in the form of the RESTRICT Act should not go unnoticed. Moreover, this fight should not happen on the state’s terms. The rhetoric surrounding the act focuses on TikTok and “foreign adversaries,” two subjects that are unpopular and, frankly, difficult to defend. However, defending them, or focusing on them at all, is missing the point. The state was not content with merely spying on you, restricting your commerce and production, drafting you, and forcing your children into state schools and subjecting them to who knows what.

No, the state also *needs* to control your information, for if the information is free, and people can research and discuss freely, the state’s legitimacy, and therefore its very existence, is threatened. As it has shown us by so openly and disgustingly lashing out, anyone who engages in the spreading of ideas outside the purview of the state, especially of ideas that correctly dismantle the legitimacy of the state, is contributing to the state’s peril. As the US government has just proven by its ugly reaction, the spreading of ideas is how we are to proceed ever more boldly against this evil.

Ryan Turnipseed is an undergraduate in economics and entrepreneurship at Oklahoma State University.

[Connect with Mises Institute](#)

Cover image credit: [TheDigitalArtist](#)