

No. 22-555

IN THE
Supreme Court of the United States

NETCHOICE, LLC, DBA NETCHOICE, *et al.*,

Petitioners,

v.

KEN PAXTON, ATTORNEY GENERAL OF TEXAS,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

**BRIEF OF *AMICUS CURIAE* DAVID MAMET
IN SUPPORT OF RESPONDENT**

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INTEREST OF *AMICUS CURIAE*¹

Amicus David Mamet aspires to enjoy freedom of speech without government-enabled censorship. Mr. Mamet worries about how Americans can navigate their world when firms that control information conduits, and are privileged and subsidized by the government, serve curated “information” to users and the public which no longer maps onto the world that Americans personally observe.

David Mamet is the author of various plays. His films include *The Postman Always Rings Twice*, *Wag the Dog*, *The Verdict*, *Hoffa*, *Ronin*, *The Untouchables*, *House of Games* (writer/director), *Oleanna* (writer/director), *Homicide* (writer/director), *The Spanish Prisoner* (writer/director), *State and Main* (writer/director), *Heist* (writer/director), *Spartan* (writer/director), and *Redbelt* (writer/director). His most recent books are *True and False*, *Three Uses of the Knife*, *The Wicked Son*, *Bambi vs. Godzilla*, *The Secret Knowledge*, *Chicago*, *The Diary of a Porn Star*, and the just-released *Recessional: On the Death of Free Speech and the Cost of a Free Lunch*. He directed the world premiers of his most recent plays, *Bitter Wheat*, starring John Malkovich, on the West End in 2019, and *The Christopher Boy’s Communion* at the Odyssey Theatre in Los Angeles in February, 2020.

He has a direct interest in the outcome of this case as a citizen of the United States who hopes for a free society

1. No counsel for a party authored this brief in whole or in part, and no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amicus curiae*, its members, or its counsel made a monetary contribution to its preparation or submission. *See* SUP. CT. R. 37.6.

governed by well-informed, thinking fellow citizens and as an author whose work explores the full range of human emotion and intellect.

SUMMARY OF ARGUMENT

Amicus Curiae, a Pulitzer Prize winning playwright, author and filmmaker, has prepared a metaphorical short story that will provide the Court with needed perspective on the issues in this case.

ARGUMENT

I. Lessons from Aerial Navigation

The pilot wants to orient himself. He knows approximately where he is, for he knows the direction in which he's been flying, the speed of the plane, and the time of flight. And he has a chart. Given a 100 mph airspeed, flying west for one hour, he should be at this point on the chart. He should, thus, see, to his right a camel-backed double hill, and, off to his left, a small lima bean shaped lake.

He now looks out, but he can't find the objects the chart informed him he'd see. He concludes that he is lost.

How can he determine his location? He has a map, but he's just misused it.

How?

The Map is not the territory. The territory is the territory. The pilot's answer to the question "where am I?"

lies not on the map, but out the windscreen. That's where he is. It doesn't matter where he calculated he should be, the territory below him is where he is.

What are its features? He looks below and sees: a river, a railroad line, a small town. Now he finds these on the chart. And he knows his location. From this he can recalculate, if he likes, his airspeed and direction of flight. This will help him plan his next leg more accurately.

Modern "connected" humankind is trying to determine its position backwards. We are deluged with constant information (the map), and if, looking out, if we don't see a corresponding situation we may disregard our senses, prefer the information to the reality, and, shun, deride or oppose any who don't share our beliefs – which we, being human, call Reality.

I report as an outdoorsman, that Panic is real. It is the loss of the mind and will to Pan, God of the Woods. The affected loses his reason, and runs about unable to recognize those actual signs (a road, his own footprints), which might bring him back to safety.

Navigating requires using tools correctly. The confused citizen has a map. But, if he worked from his observations back to it, he might discover that he can't find his position pictured there.

Looking out he might, for example, see a free, prosperous, and good country, in which there was little actual poverty, scant racism, and no "systemic" racism, where minorities and women, rather than being discriminated against were treated preferentially. (This

belief might be correct or incorrect, but unless we prefer a Ministry of Truth, the belief is his own and surely he's entitled to it.)

Referring back, then, to his "information," the citizen might not be able to correlate it with his observations. He knew where he was, as he'd just looked around. But he found no corresponding position on his map.

A pilot in this situation might conclude he'd simply picked up the wrong map.

But what if the government and its privileged conduits prohibited him from choosing another?

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CONCLUSION

For the above reasons, the Court should affirm the decision of the Fifth Circuit.

Respectfully submitted,

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