



Politics > Trump

Not tired of winning: MSM v Trump

President Trump is once again at the tip of the spear in a strategic defense of originalist constitutional principles.

Marly Hornik | September 24, 2026



In what seemed like a fundraising giveaway opportunity for the ACLU and DNC, President Trump “on a whim” decided to kick MSNOW, CNN, and Politico out of the White House Press Corps. As usual with our originalist President, there is a *lot* more to the story.

At the surface level, it is farcical to see the same outlets that took orders from the Biden WH to censor Americans about COVID, J6, and the 2020 election suddenly screaming about free speech. Apparently, Fir\$ Amendment rights are valuable after all.

Looking deeper, we have been searching for the red line between a free press and a seditious one for most of our 250-year history. Viewed through this lens, Trump's action may have deliberately triggered a lawsuit with all the requirements to overturn 60-year-old case law. [*New York Times v Sullivan*](#) has exponentialized the licentiousness of the press since Trump first declared for the presidency in 2015.

At the time of the founding, a free press was not equivalent to an unconstrained one. "[Persistent attempts to separate Americans from their Government](#)" by various actors led to the passage in 1798 of the Alien & Sedition Acts. The most controversial section of the Sedition Act read as follows:

[I]f any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and wittingly assist or aid in writing, printing, uttering, or publishing, any false, scandalous and malicious writing or writings against the Government of the United States, or either House of Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them or either of them, into contempt or disrepute; or to excite against them, or either of them, the hatred of the good people of the United States, or to stir up sedition within the United States... then such persons, being thereof convicted, before any Court of the United States, having jurisdiction thereof, shall be punished.

As with all grants of power to central government, the Sedition Act raised serious issues about which appointee's "official" opinion would drive the conclusion of falsity or malice by the press. It was widely viewed as unconstitutional, contributing to Jefferson's successful bid to replace John Adams in 1800, and expired in 1801.

This change removed criminal prosecution for sedition but left open libel claims against the press. The burden of integrity in reporting was removed from the government and returned to journalists -- not erased. In the words of [Justice Joseph Story](#), “liberty of speech, or of the press, has nothing to do with” libel and this liberty is therefore “not endangered by the punishment of libelous publications.”

Just as modern reporting has tried to blur the difference between lawful assembly and violent rioting, it is in the media’s legal interest to argue that the U.S. Constitution grants an absolute right to lie. Of course, this is inane, dangerous, and causes the exact separation of Americans from their government that Congress attempted to resolve in 1798.

The thorn in the side of journalistic accountability has been the *Sullivan* decision, which reduced a general duty of press honor to the nebulous standard of proving “actual malice” in the publication of falsehoods. Lies are now subject to judicial interpretation as to whether it can be proven that an outlet acted with reckless disregard for the truth, not mere negligence in the misrepresentation of facts.

In plain language, this has granted the license to lie to Americans that CNN, MSNOW, and Politico argue exists. Now the President has negotiated himself into being the defendant in a lawsuit certain to reach the Supreme Court. Plaintiffs will have to prove that they did not invite their own exclusion through a decade of well-documented false reporting, that they received no warning despite years of being labeled “fake news” for their harmful choices, and that *Sullivan* should not be overturned.

President Trump is once again at the tip of the spear in a strategic defense of originalist constitutional principles. Americans who value liberty would be wise to observe that, while it is not on the 2026 ballot, the Constitution is.

Marly Hornik is the CEO of RealAmericaVote, and a Fellow of The Meyers Report. She is a frequent commentator on Newsmax, News Nation, NTD News, and Fox DC. Follow her on X @MarlyHornik1

Related Topics: [Trump](#), [Media](#), [NYT V Sullivan](#)

