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## **NCLA Launches Video of Former Chief Financial Officer of Xerox Silenced for Life by SEC’s Gag Rule**

*U.S. Securities and Exchange Commission v. Barry D. Romeril*

**Washington, DC (October 1, 2020)** – Imagine being charged by a federal government agency and then silenced for life and unable to tell your side of the story. For nearly 50 years, the Securities and Exchange Commission (SEC) has imposed a Gag Rule on defendants that silences them for life when they settle with the agency. The gag forbids even truthful speech if it contradicts anything in the SEC’s original, unproven complaint.

A [video](#) released today by the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, brings this abuse of power by the SEC to light. Former Xerox Chief Financial Officer Barry D. Romeril settled with the SEC over 17 years ago—and he deeply regrets that SEC compelled his silence all these years as a condition of settlement. The video release is part of NCLA’s “End Gag Rules” campaign asking the public to sign a [petition](#) calling for an end to this unlawful SEC practice.

Mr. Romeril is challenging the constitutionality of such a gag imposed on him by the SEC in a 2003 settlement and consent order. The video reveals numerous aspects of the unconstitutional Gag Rule, which interferes with the general public’s right to receive full information about cases, prevents the public from keeping tabs on enforcement practices at the agency, and precludes Mr. Romeril from exercising his right to free speech and petition.

NCLA [petitioned](#) the SEC in October 2018 to repeal the unlawfully enacted Gag Rule. But two years later, the agency has yet to respond or take any action on the matter, despite tough questioning on the constitutionality of this practice in a [Senate Banking Committee hearing](#) in December of 2018.

**Read full case summary [here](#).**

### **Excerpts from the video:**

“Not being able to speak feels like you’re literally muzzled. I settled because I wanted to move on. The alternative was a long, potentially costly, and very indeterminate process. It takes a toll not only on myself, but my family and friends.”

— **Defendant, Barry D. Romeril**

“Congress itself could not enact a law that required Americans settling their cases with the government to remain silent about them. Surely, the SEC cannot do by rule what even Congress cannot do by statute.”

— **Peggy Little, Senior Litigation Counsel, NCLA**

“Seventeen years of enforced silence is too much. No American should be prohibited from speaking about the facts of their case no matter what they’ve been charged with. It’s time for courts to put an end to this unlawful practice.”

— **Mark Chenoweth, Executive Director and General Counsel, NCLA**

## **ABOUT NCLA**

NCLA is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar Philip Hamburger to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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