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**NCLA Clients Join Missouri and Louisiana Suit Challenging Gov't-Directed Social Media Censorship**

*State of Missouri ex rel. Eric S. Schmitt, State of Louisiana ex rel. Jeffrey M. Landry, Dr. Jayanta Bhattacharya, Jill Hines, Jim Hoft, Dr. Aaron Kheriaty, and Dr. Martin Kulldorff v. Joseph R. Biden, Jr., Karine Jean-Pierre, Vivek H. Murthy, Xavier Becerra, Department of Health and Human Services, Dr. Anthony Fauci, National Institute of Allergy and Infectious Diseases, Centers for Disease Control and Prevention, Carol Y. Crawford, United States Census Bureau, Jennifer Shopkorn, Department of Commerce, Alejandro Mayorkas, Robert Silvers, Samantha Vinograd, Department of Homeland Security, Jen Easterly, Cybersecurity and Infrastructure Security Agency, Gina McCarthy, and Nina Jankowicz (individual defendants sued in their official capacities)*

**Washington, DC (August 2, 2022)** – Public statements, emails, and recent publicly released documents establish that the President of the United States and other senior officials in the Biden Administration violated the First Amendment by directing social-media companies to censor viewpoints that conflict with the government's messaging on Covid-19. Today, the New Civil Liberties Alliance joined the lawsuit, *State of Missouri ex rel. Schmitt, et al. v. Joseph R. Biden, Jr., et al.*, representing renowned epidemiologists and co-authors of the Great Barrington Declaration, Drs. Jayanta Bhattacharya and Martin Kulldorff, as well as Dr. Aaron Kheriaty and Jill Hines. Social media platforms, acting at the federal government's behest, repeatedly censored NCLA's clients for articulating views on those platforms in opposition to government-approved views on Covid-19 restrictions.

This insidious censorship was the direct result of the federal government's ongoing campaign to silence those who voice perspectives that deviate from those of the Biden Administration. Government officials' public threats to punish social media companies that did not do their bidding demonstrate this linkage, as do emails from the Centers for Disease Control and Prevention (CDC) and the Department of Homeland Security (DHS) to social media companies that only recently were made public.

Government-induced censorship is achieved through a wide variety of mechanisms, ranging from complete bans, temporary bans, "shadow bans" (where often neither the user nor his audience is notified of the suppression of speech), deboosting, de-platforming, de-monetizing, restricting access to content, requiring users to take down content, and imposing warning labels that require click-through to access content, among others. These methods also include temporary and permanent suspensions of disfavored speakers.

This sort of censorship, which strikes at the heart of what the First Amendment to the U.S. Constitution was designed to protect—free speech, especially political speech—constitutes unlawful government action. The federal government is deciding whose voices and ideas may be heard, and whose voices and ideas must be silenced. Moreover, this state action deprives Americans of their right to hear the views of those who are being silenced, a First Amendment corollary of the right to free speech. The government's policy of coercing social-media companies to censor Plaintiffs' viewpoints should be declared unlawful and halted immediately.

**NCLA released the following statements:**

"The Biden Administration's involvement in silencing the voices of those who have critiqued its responses to Covid-19, through pressure exerted on social media companies, is unprecedented in nature and degree. Two of the plaintiffs, Drs. Bhattacharya and Kulldorff, are among the world's most renowned epidemiologists, and had crucial insights to share on the flawed reasoning and science underlying lockdowns and mask and vaccine mandates. Dr. Kheriaty, a professor of medical ethics, and Ms. Hines, a consumer and human rights advocate, also offered thoughtful, reasoned opposition to government-imposed Covid-19 restrictions. The government's sweeping campaign to suppress the perspectives of the plaintiffs, and others like them, represents the most severe abrogation of the First Amendment in modern times, and we look forward to seeing this constitutional atrocity rectified in a court of law."
— **Jenin Younes, Litigation Counsel, NCLA**

"The government may not work through private entities to accomplish censorship that the First Amendment forbids the government from doing directly. Yet that is precisely what these federal defendants have been up to. NCLA is delighted to join forces with these state attorneys-general to reverse this constitutional outrage and restore free speech to the social media platforms that are today's public square."
— **Mark Chenoweth, President and General Counsel, NCLA**

**For more information visit the case page** here**.**

**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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