New Civil Liberties Alliance

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NCLA Challenges Government's Censorship of Support Groups for Victims of Covid Vaccine Injuries

Brianne Dressen, et al. v. Rob Flaherty, in his official capacity as White House Director of Digital Media, et al.[1]

Washington, DC (May 22, 2023) – Today, the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, filed a lawsuit challenging the federal government's ongoing efforts to work in concert with social media companies and the Stanford Internet Observatory's Virality Project to monitor and censor online support groups catering to those injured by Covid vaccines. This sprawling censorship enterprise has combined the efforts of numerous federal agencies and government actors—including within the White House—to coerce and induce social media platforms to censor, suppress, and label as "misinformation" speech expressed by those who have suffered vaccine-related injuries. In *Brianne Dressen, et al. v. Rob Flaherty, et al.*, NCLA urges the U.S. District Court for the Southern District of Texas to enjoin this government-sponsored censorship and declare this state action unlawful to prevent these Defendants from further censoring such free speech and free association.

NCLA represents Brianne Dressen, Shaun Barcavage, Kristi Dobbs, Nikki Holland, Suzanna Newell, and Ernest Ramirez. All but Mr. Ramirez have suffered vaccine-related injuries. To be clear, these Plaintiffs are *not* anti-vaxxers. Ms. Dressen, for example, was injured by the AstraZeneca vaccine after she volunteered to participate in vaccine trials for that vaccine. Mr. Ramirez received a Moderna vaccine himself without incident but then lost his 16-year-old son to vaccine-induced cardiac arrest five days after Ernest, Jr. received the Pfizer vaccine. While such vaccine injuries may be rare, further research is necessary to establish the incidence of serious, even fatal, side effects for these still-new vaccines. Meanwhile, the First Amendment forbids Defendants from suppressing the speech and association rights of innocent victims who are just seeking to commiserate with other sufferers.

The Plaintiffs have all been heavily censored on social media for sharing their personal experiences, exchanging advice, medical research, and support with others who were medically harmed after taking the vaccine. For posting about their personal experiences and trying to connect with others in the vaccine-injured community, Plaintiffs' speech has repeatedly been flagged as misinformation or removed entirely. Their social media accounts are at constant risk of being frozen or disabled just for engaging with other users in private support groups open only to vaccine-injured individuals and sharing perspectives the government deems misinformation.

Even if they were spreading false information, under the First Amendment the federal government plays no role in policing these Plaintiffs' private speech or picking winners and losers in the marketplace of ideas. Nor may the

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[1] In addition to Rob Flaherty, the other defendants are Joseph R. Biden, Jr., President of the United States, in his official capacity; Karine Jean-Pierre, White House Press Secretary, in her official capacity; Courtney Rowe, White House Covid-19 Director of Strategic Communications and Engagement, in her official capacity; Clarke Humphrey, White House Digital Director for the Covid-19 Response Team, in her official capacity; Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services, in his official capacity; Vivek Murthy, United States Surgeon General, in his official capacity; Eric Waldo, Chief Engagement Officer for the Surgeon General, in his official capacity; Centers for Disease Control and Prevention; Carol Y. Crawford, Chief of the Digital Media Branch of the Division of Public Affairs at the CDC, in her official capacity; Department of Homeland Security; Alejandro Mayorkas, Secretary of the Department of Homeland Security, in his official capacity; Cybersecurity and Infrastructure Security Agency; Jen Easterly, Director of CISA, in her official capacity; The Stanford Internet Observatory; Alex Stamos, Director of the Stanford Internet Observatory; Renee DiResta, Research Manager of the Stanford Internet Observatory.

government induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish—that is, censor truthful speech about vaccine injuries. But that is just what the federal government has been doing as it chips away at the First Amendment's guarantee of free speech and replaces it with government-induced censorship.

NCLA released the following statements:

"The government claims that it suppresses so-called misinformation for the sake of public safety and welfare. It is the government's view that Americans cannot be trusted with their own minds and must be shielded at all costs from mis-, dis-, and malinformation—which is whatever the government deems it to be. Fortunately, the First Amendment says otherwise: the government may neither censor our clients nor induce others to do so."
— **Casey Norman, Litigation Counsel, NCLA**

"Americans injured by experimentally approved Covid vaccines are being deplatformed, silenced, suppressed, defamed and cancelled by their own government for reaching out to others simply to share and receive information critical to their physical and mental well-being. Government actors have bullied, threatened and coerced social media companies to strip these plaintiffs of their First Amendment rights of association and speech. Suppression of speech critical of the government by the very government actors mandating the vaccine is frightening. NCLA's lawsuit seeks to restore these plaintiffs' civil liberties and the free flow of information guaranteed by the First Amendment for all Americans. We must never again lose our constitutional bearings in a pandemic."
— **Peggy Little, Senior Litigation 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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